



### **Chicago firm sues Microsoft for patent infringement**

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Chicago-based Eolas Technologies Inc. has filed a civil suit against Microsoft for infringement of Eolas's patent on technology that allows Web browsers to be interactive via plug-ins and applets.

The United States Patent 5,838,906 granted on Nov. 17, 1998, is for a "distributed hypermedia method for automatically invoking external application providing interaction and display of embedded objects within a hypermedia document."

The patent request was filed four years ago on Oct. 17, 1994. At the time, Mosaic was still the most popular browser, with Netscape just starting its presence and neither incorporating this technology.

Currently, both Netscape and Microsoft make use of interactive technology such as plug-ins, applets and ActiveX controls.

The lawsuit is against Microsoft for use of the technology within Internet Explorer as well as Windows 95 and 98. Eolas's legal representative, Martin Lueck, an attorney at Robins, Kaplan, Miller & Ciresi in Minneapolis, refused to comment on why the suit has targeted only Microsoft and not Netscape.

Lueck also refused to comment on the damages being sought, but Eolas's Web site bears a statement that the company is seeking unspecified damages plus "an injunction to force Microsoft to cease all future manufacturing, use and sale of infringing products."

In addition, Lueck would not comment on whether the suit covers use of the technology prior to the patent grant on Nov. 17, 1998.

Lueck's only comment was in response to how a patent could be given on technology already in use elsewhere.

"The inventors on the patent are the first inventors of that subject matter. They didn't patent something that already existed. It didn't exist until after they invented it," he said.

Eolas's Web site said the company's founder and CEO, Michael Doyle, and his team invented the technology in the early 1990s while working on software systems to provide the medical community with interactive access to high-resolution, three-dimensional medical images over the Internet.

The description in the patent documents describes the technology as "displaying, on the client workstation, a portion of a hypermedia document received over the network from the server, where the hypermedia document includes an embedded controllable application; and interactively controlling the embedded controllable application from the client workstation via communication sent over the distributed hypermedia environment."

Microsoft declined to make any comment on the litigation.