

Federal Supreme Court

Press Release

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WINDOWS – File management system is based on patentable invention

The 10th Civil Court of Appeal confirmed the validity of European patent No. 618 540 as granted in favor of Microsoft Corp., Redmond, Washington, USA. This patent pertains to a problem that is obviously still of relevance today and occurs when, due to low memory capacity or restricted processing power, programs that are enabled to work only with comparably short filenames are to be run on computer systems that permit filenames of almost infinite length. A well-known example where the length of filenames is limited to a number of characters is the operating system MS-DOS with its file management system FAT, which permits a maximum length of 8 characters for filenames (8.3-convention). The teaching of the patent made it possible for Microsoft to introduce the file management system VFAT (starting from WINDOWS 95). This system permits long filenames while still being compatible with the FAT file management system. The problem could be solved by making use of the possibility of setting the attribute field in the FAT file management system when storing long filenames so that the name entry is ignored when processing the data.

The Federal Patent Court (2 Ni 2/05 of October 26, 2006) had not considered the teaching as being inventive in that the ROCK RIDGE INTERCHANGE PROTOCOL had overcome the 8.3-restriction for the CD-ROM standard ISO 9660 prevailing at that time. The Federal Supreme Court was not willing to follow that ruling, since – advised by an expert – the Federal Supreme Court took a different subject matter from the patent claim than the Federal Patent Court. According to the Federal Supreme Court's ruling, the patent teaches the storing of two independent directory entries (one with a short filename, one with a long filename). The ROCK RIDGE INTERCHANGE PROTOCOL differs from this teaching in that according to this protocol both filenames are located in one and the same directory entry. The inventors of the patent were therefore faced with different problems when finding a solution to overcome the 8.3-restriction.

Decision of April 20, 201 - X ZR 27/07

Federal Patent Court - 2 Ni 2/05 (EU) of October 26, 2006

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