

I.B.M. WINS ROUND IN ANTITRUST CASE

First of 5 Complainants
Fails to Gain an Injunction

By WILLIAM D. SMITH

The International Business Machines Corporation won the first skirmish yesterday in its five-front antitrust battle.

In Federal Court for the Southern District of New York, Judge Edward C. McLean refused to grant Programmatic, Inc., a temporary injunction to prevent I.B.M.'s distributing a computer program without charge.

The ruling was the first in any of the five antitrust cases pending against I.B.M. The other complainants against I.B.M. are the Justice Department, the Control Data Corporation, Applied Data Research, Inc., and the Data Processing and Financial General Corporation.

Programmatic, a small West Coast concern, has agreed to be acquired by Applied Data Research, Inc.

Program Offered

Programmatic has developed and is attempting to market a program that directs sorting operations for I.B.M.-built computers. The suit charged that I.B.M. had developed and issued a new sorting program for use by I.B.M. customers without charge in order to drive Programmatic out of business.

Judge McLean ruled that Programmatic had not established a case entitling it to the temporary injunction pending full trial.

I.B.M. is expected to present a new pricing formula this month or early next month. The new pricing schedule is likely to include separate pricing for software such as the Programmatic program that was involved in today's decision.