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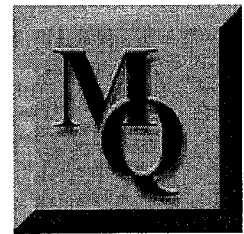
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March 4, 2003

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SCO's Blake Stowell, MozillaQuest Magazine's Mike Angelo, plus Allen Brown, Richard Gooch, and Richard Stallman Discuss SCO Intellectual Property Issues

SCO-Caldera & the GNU/Linux Community:

Part 2, Under the Iceberg's Tip

Nearly One-Half of SCO-Caldera Income from IP Licensing and Enforcement

Are Linux or C++ on SCO-Caldera's IP Hit List?

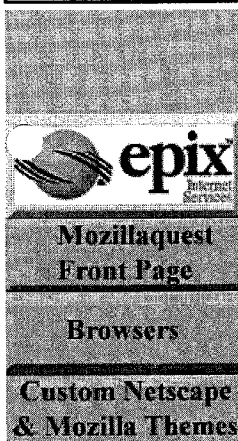
By Mike Angelo -- 4 March 2003 (C)

Editor's Note: this story is too darn long -- but it needs to be. It discusses some very serious and complex issues. We considered splitting it into a series of three parts to be published on three consecutive days. However, we felt that so piecemealing this article could lead some readers to jump to unsupported conclusions before they would have an opportunity to read the full story. We hope that you will take the time to read this story in its entirety -- particularly if you might post opinions about the SCO IP issues to forums, newsgroups, or mailing lists. If you do not read the entire story, you should in the very least read pages 1 and 2 and the entire *Summary and Conclusions* on page 5.

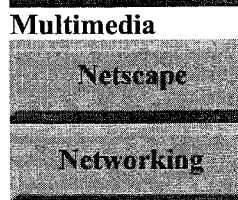
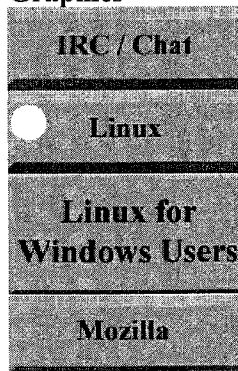
SCO (NASDAQ: SCOX), the company formerly known as Caldera (NASDAQ: CALD), now owns a good chunk of what at one time was the intellectual property (IP) of AT&T's UNIX Systems Laboratory (USL). On 22 January 2003, SCO-Caldera announced the formation of SCOSource, a SCO-Caldera endeavor to enforce its intellectual property rights and to license its intellectual property.

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In our 5 February 2003 article, **SCO-Caldera & the GNU/Linux Community: The SCOsource IP Matter**, we noted: *The worst-case scenario for the Linux community could be that everyone running Linux would have to pay licensing fees to Caldera. There also has been some concern that SCO-Caldera is planning to charge license fees for GNU, GPL, open source, free or otherwise public domain software.*

The main focus of our 5 February article was some SCO-Caldera libraries that allow SCO UnixWare and SCO OpenServer applications to run on Intel x86 Linux platforms. We also noted then that the SCO-Caldera UnixWare/Linux libraries are only the tip of an IP iceberg and that many questions remained unanswered.

Today, we look at some of the issues that were hidden under the tip of the SCOsource announcement, what they are, and how they might impact on the Linux, GNU/Linux, free software, and open source software communities. Generally, but not always, in today's article **Linux** refers to the Linux kernel and **GNU/Linux** refers to the GNU/Linux operating system, which includes the Linux kernel and all the GNU software packaged with the Linux kernel to make a complete operating system.

SCO-Caldera's IP Claims in a Nutshell

The gist of our discussions with SCO spokesperson Blake Stowell, SCO's Director of Marketing Communications, and various SCO-Caldera documents is that (a) SCO-Caldera has a portfolio of intellectual property that SCO-Caldera now licenses; (b) In order to increase revenues, SCO-Caldera will open additional IP to licensing in the

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Part I: The SCOsource IP Matter

Note: Until 2001, the Santa Cruz Operation (SCO), a UNIX company, and Caldera International (CALD), a Linux company, were two different companies. In 2001, Caldera acquired SCO. Then in 2002 Caldera changed its business name to the SCO Group. However, the corporate name remains Caldera International.

Many people still think of the SCO Group's Linux operations as Caldera. In order to make sure that readers would know

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future; and (c) that SCO intends to enforce its intellectual property rights.

Moreover, Blake Stowell states SCO-Caldera owns the UNIX and C++ intellectual property -- and the Linux code is a subset of and a derivative of the UNIX code, which SCO now owns.

If the Linux code is a subset derived from what now is SCO's UNIX code, that could mean that Linux and GNU/Linux use SCO-Caldera intellectual property. Does Linux include SCO IP? Unfortunately, SCO spokesperson Blake Stowell will not answer that question directly with a yes or no. But reading between the lines, it sure does appear that the SCO people believe that Linux does include SCO IP. More about that further on in this article.

The Community's Response to SCO-Caldera's IP Claims, in a Nutshell

We also had an in-depth discussion about SCO-Caldera's intellectual property claims with Richard Gooch, Ph.D., currently doing post-doctoral research on Astronomical Visualization at the University of Calgary (Canada). He also is maintainer of **The linux-kernel mailing list FAQ**. Simply put, Richard Gooch told **MozillaQuest Magazine** that SCO-Caldera's claims that the Linux code is a subset of and a derivative of the UNIX code are not correct. More about that further on in this article. There is a link to **The linux-kernel mailing list FAQ** in the **Resources** section at the end of this article on [page 5](#).

Allen Brown is President and Chief Executive Officer of The Open Group and Richard Stallman founded the GNU project

and realize throughout the article that what is now the SCO Group is also the company once called Caldera, the SCO Group is often referred to as SCO-Caldera in this article.

Intellectual property Note

In this article we use the somewhat vague term *intellectual property*, in part because that term is the one SCO chooses to use in its SCOSource documents. Free software advocate Richard Stallman believes that the term *intellectual property* is inappropriate. To see why he believes the term *intellectual property* is inappropriate, please see his essay *Some Confusing or Loaded Words and Phrases that are Worth Avoiding*. A link is in the **Resources** section at the end of this article on [page 5](#).

However, the focus of this article is on the SCO property whether it be in the nature of copyright, patent, or trademark. In order to avoid the off-focus issue of the appropriateness of the term *intellectual property* here, we operationally define the term *intellectual property* to include property whether it be in the nature of copyrightable property such as software source code, or a copyright, patent, or trademark.

Richard Stallman also is concerned about the somewhat loose use of the terms *GNU/Linux* and *Linux*. To see why Richard Stallman is concerned about the use of the terms *GNU/Linux* and *Linux*, please see his essay *Linux and the GNU Project*. A link is in the

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and is an author of the GNU C Compiler. They also take issue with SCO's claims. More about that further on in this article.

Resources section at the end of this article on page 5.)

The bottom line is that if SCO-Caldera wants to lay claim to Linux kernel or GNU/Linux operating system source code, the burden falls upon SCO-Caldera to prove that there is code in the Linux kernel or GNU/Linux OS that is identical to code in its UNIX source code. So far, SCO-Caldera has offered no such proof.

As you might already know, there is a public domain C++, GNU C++. It's part of the GNU Compiler Collection (GCC). The operative question here is does GNU C++ contain SCO C++ intellectual property? SCO spokesperson Blake Stowell will not answer that question directly with a yes or *no* either. We will take a closer look at the C++ IP issues in an upcoming article in our **SCO-Caldera & the GNU/Linux Community** series.

What's Behind SCO-Caldera's IP Licensing and Enforcement Initiative

According to the ***Annual Report Pursuant To Section 13 Or 15(d) The Securities Exchange Act Of 1934*** filed by Caldera International, Inc., for the fiscal year ended October 31, 2002 (also known as a Form 10-K statement), less than five-percent of SCO-Caldera's revenues comes from Linux products and services. Some 95-percent of SCO-Caldera's revenues come from UNIX products and services. Effectively, that pretty much makes SCO-Caldera a UNIX company rather than a Linux company.

Also, the Caldera 10-K filing shows that SCO-Caldera experienced a 27-percent drop in revenues from its fiscal year ending 30 October 2001 to its fiscal year ending 30 October 2002. Moreover, it appears that SCO-Caldera needs to protect and to generate revenues through licensing and enforcement of its intellectual properties:

Our success depends in part on our ability to protect our trademarks, trade secrets, and certain proprietary technology. To accomplish this, we rely primarily on a combination of trademark and copyright laws and trade secrets . . . We also enjoy a broad and deep set of intellectual property rights relating to the UNIX operating system. We have recently initiated efforts to garner value from these intellectual property assets and believe it will provide us with additional licensing and partnering revenue opportunities. (Caldera 10-K filing at page 9)

Additionally, it appears that SCO-Caldera seeks to use intellectual property

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OpenLinux
Distribution Gains
LSB Certification

(IP) licensing and enforcement as a tool to protect its UNIX and Linux product revenues. Under the **Risk Factors** section of its 10-K filing, SCO-Caldera notes:

Mozilla 1.2-alpha
Browser-Suite
Released

We have not been profitable. If our revenue continues to decline or we are unable to efficiently further reduce operating expenses, we may not achieve profitability or generate positive cash flow. (Caldera 10-K filing at page 12)

Mozilla 1.0.1
Browser-Suite
Released

We operate in a highly competitive market and face significant competition from a variety of current and potential sources, including Red Hat and Sun Microsystems. (Caldera 10-K filing at page 12)

UnitedLinux: A
Standard or a
Distribution?

Our principal competitors in the Linux market include Red Hat, Sun and SuSe. In addition, due to the open source nature of Linux, anyone can freely download Linux and many Linux applications and modify and re-distribute them with few restrictions. For example, solution providers upon whom we depend for the distribution of our products could instead create their own Linux solutions to provide to their customers. Also, established companies and other institutions could produce competing versions of Linux software. (Caldera 10-K filing at page 12)

UnitedLinux, a
Divisive Weapon
for Caldera's Darl
McBride -- Part II

Holger Dyroff,
Gaël Duval, Mark
de Visser and Mike
Angelo Discuss
LSB, UnitedLinux,
and the Linux
Market

If SCO-Caldera can establish a bone-fide intellectual property right in the Linux kernel and/or the GNU/Linux operating system it could block competition and/or obtain revenue from competitor distribution and sale of the Linux kernel, the GNU/Linux operating system, and Linux distributions.

UnitedLinux, a
Divisive Weapon
for Caldera's Darl
McBride -- Part I

Intellectual property (IP) licensing and enforcement is an acceptable practice and merely business as usual in the world of commercial, proprietary software. However, software IP licensing and enforcement in the Linux, GNU/Linux, free software, and open source software community is an entirely different matter. It can lead to anything from a minor annoyance and ill-will to being taken as a declaration of war on the Linux, GNU/Linux, free software, and open source software community.

Netscape 7.0
Browser-Suite
Released

Netscape 7.0
Browser-Suite
Coming, But Not
Here Yet

SCO-Caldera's UNIX Library IP Issues

In our 5 February 2003 article, **SCO-Caldera & the GNU/Linux Community: The SCOsource IP Matter**, we concluded:

Mozilla 1.1
Browser-Suite
Released

On the surface it appears that at this time:

Mozilla 1.0.1-RC2
aka Netscape 7.0-
beta Browser-

(a) the subject SCO libraries are not GNU, GPL, open source, free software, or otherwise public domain software,

(b) the subject SCO-Caldera libraries are not included in any current major

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Suite Released

Netscape Communicator 4.8 Browser-Suite Released

Red Hat Calls on Linux Community for Beta Feedback

Red Hat Linux 7.4/8.0 Moves Closer -- Beta 3 (Null Nee Limbo) Released

MandrakeSoft Calls on Linux Community for Beta Testers

Mandrake Linux 9.0 Beta 3 Available Now -- 9.0 in September

Mozilla 1.0.1-RC1 Browser-Suite Released

Mandrake 8.2, Red Hat 7.3, & SuSE ^ ? Linuxes now LSB Certified

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Linux Distributions -- other than perhaps SCO-Caldera Linux,

(c) there is no significant impact and effect of the SCO IP licensing and enforcement effort on the Linux community, and

(d) the UNIX applications that require the subject SCO-Caldera libraries are applications designed to run on SCO OpenServer or SCO UnixWare.

However, the SCO shared libraries that allow UnixWare and OpenServer applications to run on Linux could be just the tip of a SCO-Caldera intellectual property licensing and enforcement endeavor iceberg . . . Things easily could change as SCO's intellectual property licensing and enforcement endeavors progress -- or as more information about SCO's intellectual properties comes to light.

- See Under the Iceberg's Tip: SCO's Expanding IP Licensing and Enforcement Will It Target Linux or C++ ? [on Page 2 ----->](#)

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Darl McBride -- Part I*

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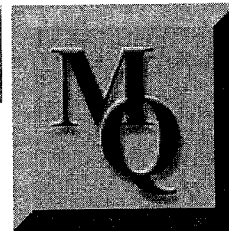
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Are Linux or C++ on SCO-Caldera's IP Hit List?

By Mike Angelo -- 4 March 2003 (C) -- Page 2



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Under the Iceberg's Tip:

SCO's Expanding IP Licensing and Enforcement, Will It Target Linux or C++ ?

Since our discussions with SCO's Blake Stowell as part of the legwork for our 5 February SCO IP article, we have had additional, extensive, e-mail discussions with him about SCO IP matters -- too much to include in an article. However, we here will present to you excerpts from much of these discussions -- thus letting you in on the meat of these discussions.

You will see what SCO, through its spokesperson Blake Stowell, has to say about the SCO IP issues in its own words, in context, and uncensored. You also will see excerpts of our discussions with Allen Brown, Richard Gooch, and Richard Stallman about SCO-Caldera's intellectual property claims.

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• **Why Is SCO-Caldera Expanding IP Licensing and Enforcement?**

We asked SCO to explain in its own words why it implemented the SCOsource project -- SCO-Caldera's IP licensing and enforcement arm. Blake Stowell, SCO's Director of Marketing Communications, answered for SCO-Caldera.

MozillaQuest Magazine: *In your own words and thoughts, why has SCO started its SCOsource initiative/project and what does SCO expect to achieve from its SCOsource endeavors?*

Blake Stowell: *SCO created SCOsource because the company has a large library of intellectual property that customers frequently wish to license from us. Up until this point, we frequently had to turn customers away because we didn't have a mechanism in place to license this intellectual property. Now we do. We now expect to gain a higher level of revenue from our intellectual property than we ever could have before.* (Emphasis added.)

MozillaQuest Magazine: *How much new revenue do you expect SCOsource to develop for SCO?*

Blake Stowell: *SCO is a public company and we report on our revenue projections on a quarterly basis, so it would be improper for me to comment on exactly how much revenue we expect to gain from SCOsource.*

MozillaQuest Magazine: *In that case, what is SCO's current revenue from IP licensing? (Last fiscal quarter and last fiscal year data is fine.) What percent of SCO's total revenue is from IP licensing? (Last fiscal quarter and last fiscal year data is fine.)*

Blake Stowell: *This isn't something that the company has actively tracked over previous quarters. We're just starting to formalize this now.*

Interestingly, SCO-Caldera's January 2003 SEC 10-K filing discusses SCO's IP licensing endeavors -- but it does not provide any SCO IP licensing revenue figures.

However, truth is that SCO-Caldera expects an anticipated \$10-million in revenues from intellectual property licensing and enforcement for the fiscal quarter ending 30 April 2003. That means that SCO intellectual property

looks for its IP in Linux Source Code

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Part I: The SCOsource IP Matter

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licensing and enforcement will contribute nearly one-half (43.4-percent actually) of its anticipated \$23-million in revenues for the fiscal quarter ending 30 April 2003.

• The SCO-Caldera UNIX Libraries

Regarding the SCO-Caldera libraries that allow SCO UnixWare and SCO OpenServer applications to run on Intel x86 Linux platforms:

MozillaQuest Magazine: *On the surface and at this time it appears that this does not affect current Linux distributions in that the current Linux distributions do not seem to include the SCO-Caldera libraries. However, it could affect Linux installations where the SCO-Caldera libs have been added outside of the libraries loaded as part of a Linux distribution installation. What is your response to this?*

Blake Stowell: *SCO has never stated that we felt that Linux distributions were shipping our UNIX libraries. We've only stated that many Linux users had illegally copied SCO's UNIX libraries and were using these with Linux so they could run UNIX applications on top of Linux. Some Linux users have obviously been wanting to gain the benefits of UNIX (by using SCO's UNIX libraries) while paying the cost of Linux (which in some cases has been nothing if they downloaded it for free). **SCO's stand on this is pretty simple If you are using our proprietary UNIX libraries, then you should pay for them.** Most people that we explain that to don't argue with that. (Emphasis added.)*

MozillaQuest Magazine: *It appears that the inclusion of the SCO UnixWare/Linux libraries in SCO's Linux products would be an incentive for people and organizations to buy SCO's Linux products rather than other Linux distributions. Is this part of what's behind the SCOSource endeavor?*

Blake Stowell: *You are absolutely right. Most Linux vendors today try to differentiate their product offerings by layering support and services on top of their product. One of the differentiators that SCO is providing to SCO Linux Server 4.0 customers is these UNIX libraries at no extra cost to the customer. If a customer is intending to run UNIX applications on top of Linux, then it wouldn't make sense to go anywhere else but SCO for your Linux distribution. Going to a different Linux vendor could potentially mean hundreds or thousands of dollars more in licensing costs for these UNIX libraries.*

MozillaQuest Magazine: *Will SCO allow its UnitedLinux partners to use the SCO UnixWare/Linux libraries in their renditions of UnitedLinux?*

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SCO's Darl McBride and MozillaQuest Magazine's Mike Angelo Discuss Caldera Linux and LSB

Caldera/SCO 3.1.1

Blake Stowell: *SCO has publicly said that we will be willing to license these UNIX libraries to any Linux vendor who wants to license them from us. That includes any Linux vendor, not just UnitedLinux partners.*

So far a reasonable, albeit strong, implementation of IP licensing and enforcement in order to generate revenues and protect sales of a company's own products.

- **SCO-Caldera looks for Its IP in Linux Source Code**

However, what if there is SCO IP in the Linux kernel, the GNU/Linux operating system, and GNU C++ -- and what if SCO-Caldera decides it wants to make some money from the SCO IP that might be contained in the Linux kernel, the GNU/Linux operating system, and GNU C++?

MozillaQuest Magazine: *At this point, it appears that SCO's licensing and enforcement of its UNIX shared libraries that allow Linux users to run UnixWare applications on Linux are pretty much limited to the running of UnixWare applications on Linux platforms. Is that correct? If so, that appears to be a reasonable protection of SCO's IP rights and attempt to generate revenues from its intellectual properties -- nothing for the GNU/Linux, free software, or open source communities to get upset about.*

On the other hand, if SCO's licensing and enforcement of its intellectual properties goes beyond running UnixWare applications on the Linux platform that could generate lots of bad will from the GNU/Linux, free software, or open source communities. What are your thoughts about that?

Blake Stowell: *First of all, SCO's libraries help to run UNIX applications on both SCO OpenServer and SCO UnixWare. In fact, the majority of the UNIX applications are run on SCO OpenServer. So many customers are taking UNIX applications that were intended to run on OpenServer and UnixWare and running them on Linux using SCO's UNIX libraries.*

SCO's enforcement of its intellectual property WILL go beyond these UNIX libraries. *If people have bad feelings about SCO's enforcement then they probably need to re-examine the reasons why they use proprietary software without paying for it. It's sort of like someone who drives up to a gas station, fills up their gas tank, and then drives off without paying. Should the gas station be worried that the person who drove off without paying might be mad at them if the gas station called the cops and had them arrested for not paying? Software piracy can't be condoned and **SCO is taking the necessary steps to make sure that their intellectual property isn't being pirated.** Anyone who runs a business can certainly agree with that. (All caps in original reply. Other emphases added.)*

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MozillaQuest Magazine: Comment: On the one hand, what you say here makes lots of sense and is reasonable. On the other hand, a major idea of GNU/Linux and the free software movement is to provide software that is in the public domain. All GNU software must be free software . . .

While your example works for gasoline and the SCO UnixWare libraries, it might not work for, let's say water or a public roadway -- or for GNU/GPL and free software. Picture the classic Western/Cowboy movie where some upstream land baron decides to block or redirect the natural flow of water in some way and then charge the downstream people for water. Or a somewhat parallel scenario where a land baron decides to charge tolls to people traveling over a trail/roadway that cuts across his lands -- but for years there has been no charge to people traveling that trail/roadway.

These sorts of scenarios usually create a major fracas with John Wayne or some other cowboy hero whipping-up on the bad dudes and restoring the free use of water or trail.

Looking over our previous discussions, the SCOsource public announcement and documents, and your answers to my questions here, it appears quite possible that GNU/Linux, Linux, GPL software, and/or free software might contain SCO IP and that SCO might seek to enforce and/or license its IP contained within GNU/Linux, Linux, GPL software, and/or free software. To the extent that SCO might have a legal right to do that, there is a question of moral right here -- and of being a good citizen of the Linux/free-software community.

It seems to me that if SCO should ever attempt to enforce and /or license its IP contained within GNU/Linux, Linux, GPL software, and/or free software, it is going to come off as the greedy land-baron rather than the gas station victimized by a fuel thief. I believe Amy Wohl's comments in my [previous] SCO IP article go to this too.

MozillaQuest Magazine: The worst-case scenario for the Linux community could be that everyone running Linux would have to pay licensing fees to SCO. There also has been some concern that SCO is planning to charge license fees for GNU, GPL, Open Source, or otherwise public domain or free software. What is your response to this?

Blake Stowell: In all of our announcements and communications around SCOsource, SCO has given no indications that we intend to charge licensing fees to every user of Linux. Whoever is speculating about that worst-case scenario is misinformed.

MozillaQuest Magazine: Stating that "SCO has given no indications that we

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intend to charge licensing fees to every user of Linux" is not the same as saying that SCO would never do that. If there is some SCO IP somewhere in GNU/Linux and or Linux, other than the SCO UnixWare/UNIX/Linux libraries that allow SCO UnixWare and SCO OpenServer applications to run on Linux that we have been discussing, will SCO put such IP in the public domain and allow free use of such SCO IP? Will SCO open source, GPL, and/or GNU such IP? Or, will SCO seek to charge license fees for it?

Blake Stowell: *You can't ask a company to say that they will never do something. Can you say that if anyone ever gets in a traffic accident with you that you will never take legal action against them? Of course not, and SCO can't say that either. If we did say such a thing, then the Open Source community could simply say, "Well, they said they'll never take legal action against us, so let's just rob and pillage all of SCO's IP."*

MozillaQuest Magazine: *Blake, with all due respect, that sort of position likely plays very well to the SCO choir. However, likely the GNU/Linux and free software people will look at it as though SCO is trying to hold something over their heads. SCO could take the position that it will not attempt to enforce IP rights that it might have as to the existing Linux kernel and/or existing GNU/Linux -- without opening the door for the Linux kernel and GNU/Linux people to 'rob and pillage all of SCO's IP'. :-)*

In the trail example, the land baron can say, "y'all can continue to travel over this trail through my lands that you have traveled over for years -- without charge or restriction. But you cannot graze your cattle on my ranch lands, which the trail goes through. You must stay on the trail or pay to graze your cattle."

MozillaQuest Magazine: *Looking over the 22 January 2003 SCOsource press release, SCO Establishes SCOsource to License Unix Intellectual Property and the SCOsource Q&A, it appears that SCO's UNIX shared libraries that allow Linux users to run UnixWare applications on Linux are just the first of SCO intellectual properties that SCO plans to license and enforce. What other SCO properties will be added to this licensing and enforcement program?*

*(Links to SCO Establishes SCOsource to License Unix Intellectual Property and the SCOsource Q&A, are in the **Resources** section at the end of this article on page 5.)*

Blake Stowell: *I can't comment on that at this time. When we are ready to license further parts of our intellectual property, we will announce that through a press release to disclose that publicly.*

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November

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The obvious implication here is that SCO does plan to license additional SCC IP.

- See SCO-Caldera Claims Linux Is a Derivative of Its UNIX IP [on Page 3 ----->](#)

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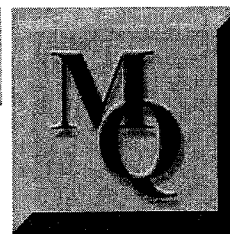
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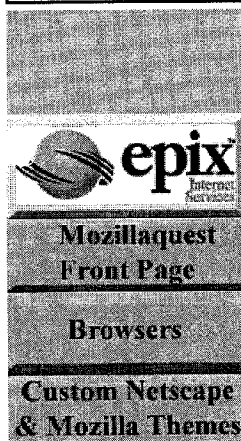
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Nearly One-Half of SCO-Caldera Income from IP Licensing and Enforcement

Are Linux or C++ on SCO-Caldera's IP Hit List?

By Mike Angelo -- 4 March 2003 (C) -- Page 3

Under the Iceberg's Tip:

- **SCO-Caldera Claims Linux Is a Derivative of Its UNIX IP**

MozillaQuest Magazine: The 22 January 2003 SCOsource press release, *SCO Establishes SCOsource to License Unix Intellectual Property*, specifically addresses the set of SCO intellectual property libraries that allow SCO UnixWare applications to run on Linux platforms. Is there any other SCO intellectual property that is applicable to Linux and/or GNU/Linux? If so what is it and how does it apply to Linux and/or GNU/Linux?

Blake Stowell: SCO owns the core UNIX code that was originally developed by AT&T. Everyone knows (and Linus has publicly stated) that Linux is a derivative of that UNIX source code. Whether or not parts of SCO's UNIX intellectual property resides in any parts of Linux is still being investigated. To

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http://web.archive.org/web/20060318183801/mozillaquest.com/Linux03/SCOsource-02_Story03.html

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comment further on that would be pre-mature until we come to a conclusion on any findings.

MozillaQuest Magazine: Can you please explain what you mean by "Linux is a derivative of that UNIX source code"?

Blake Stowell: Linus Torvalds has stated over and over that Linux was developed as a derivative of UNIX. I think Linus has been pretty clear on that. It's not a mystery.

MozillaQuest Magazine: Does "Linux is a derivative of that UNIX source code" mean that the Linux source code is a subset of the UNIX source code?

Blake Stowell: Yes.

MozillaQuest Magazine: It seems that this very investigation into whether "parts of SCO's UNIX intellectual property resides in any parts of Linux" is what has so many people in the GNU/Linux, Linux, open source software, and free software communities curious and irate about the SCOsource initiative. Why would SCO spend the time, money, and other resources to conduct such an investigation if there were not some thoughts about possibly licensing such SCO IP?

Blake Stowell: Lets go back to the gas service station comparison. If you were the service station owner, and you knew that people were taking your gasoline on purpose, would you turn a blind eye to it and say, "these people might be curious and irate with me if I tell them that **I need to start charging them** for the gasoline that they are stealing." Property is property, and **if there is the potential that SCO's intellectual property is being used without permission, then we need to investigate that.** We're not saying yet that it is, but we have to research areas where that might be happening. Anyone who runs a business can certainly understand that. (Emphases added.)

MozillaQuest Magazine: If there is some SCO IP somewhere in GNU/Linux and or Linux, other than the SCO UnixWare/UNIX/Linux libraries that allow SCO UnixWare and SCO OpenServer applications to run on Linux that we have been discussing, will SCO put such IP in the public domain and allow free use of such SCO IP? Will SCO open source, GPL, and/or GNU such IP?

Blake Stowell: SCO has contributed to the Open Source community in the

Libraries

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Part I: The SCOsource IP Matter

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January 2003

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Mandrake Linux
9.0, Desktop Magic
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9.0 Retail Boxes
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past, and I'm sure that SCO will contribute to the Open Source community in the future. **SCO isn't going to give away intellectual property that the company could be monetizing for the benefit of its shareholders.** (Emphasis Added.)

MozillaQuest Magazine: Do you have a URL where Linus Torvalds states that "Linux is a derivative of that UNIX source code" or someone says that Linus said that?

Blake Stowell: Go to www.google.com and type in the words *Linux derivative UNIX*. You'll see that 5,010 hits appear. Choose your favorite URL and read all about it.

MozillaQuest Magazine: Comment: I thought that Linux was pretty much built from the ground up rather than using the UNIX source code. If parts of SCO's UNIX intellectual property reside in any parts of Linux, then it looks as though SCO could enforce its UNIX IP against the Linux community and require licenses to use Linux.

We did check a few hits from a Google search to see if we could verify SCO's claim that *Linux has publicly stated . . . that Linux is a derivative of that UNIX source code*. We found nothing that indicated Linus Torvalds has ever made any such statement.

Our position is that if SCO wants to claim that Linus Torvalds *has publicly stated . . . that Linux is a derivative of that UNIX source code*, the burden is on SCO to cite a specific reference to such a statement. SCO has not met that burden!

We also spent considerable time attempting to verify SCO's claim *that Linux is a derivative of that UNIX source code*. Rather than verify SCO's claim *that Linux is a derivative of that UNIX source code*, the result was just the opposite. Here are examples of statements from two well-respected organizations that contradict SCO-Caldera's claim *that Linux is a derivative of that UNIX source code*. Links to the Web sites where these statements are made are in the **Resources** section at the end of this article on [page 5](#).

Developed by Linus Torvalds, Linux is a product that mimics the form and function of a UNIX system, but is not derived from licensed source code. Rather, it was developed independently; by a group of developers in an informal alliance on the net. A major benefit is that the source code is freely available (under the GNU copyleft), enabling the technically astute to alter and amend the system; it also means that there are many, freely available, utilities and specialist drivers available on the net. (What about Linux, The Open Group)

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http://web.archive.org/web/20060318183801/mozillaquest.com/Linux03/SCOsource-02_Story03.html

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SCO's Darl McBride and MozillaQuest Magazine's Mike Angelo Discuss Caldera Linux and LSB

Caldera/SCO 3.1.1

Linux is a clone of the operating system Unix, written from scratch by Linus Torvalds with assistance from a loosely-knit team of hackers across the Net. It aims towards POSIX and Single UNIX Specification compliance. (What is Linux?, Kernel.Org Organization.)

*However, on the other hand Roger Chang in his **TechTV** article **Is Linux Right for You?** states: Linux is a derivative of the Unix operating system. Using the Google search string that Blake Stowell suggested, we found other Web pages that make similar statements also. We did not look at all 5,010 URLs which that search string returns. For the most part, the URLs we did check either did not say that Linux is a UNIX derivative, were not authoritative sources, or did not seem to understand the meaning of the term derivative.*

***MozillaQuest Magazine:** What do you see as the impact and effect of the SCO IP licensing and enforcement on the Linux, GNU, open source, and free*

Clone

In biology, *clone* usually means an exact copy. However, computer people often use *clone* to mean something other than an exact copy where the clone is functionally similar to the original but not an underlying exact copy. In our discussions about the use of the word *clone*, Richard Gooch noted: *My understanding of current usage in the computing field is that "clone" means "functionally identical, but independently implemented". This is computing, not biology, so the definitions are different.*

Richard Stallman mentioned that: *"Clone" has a specific meaning in the software field. It means "a compatible replacement rewritten from scratch." A copy is not a clone. I guess programmers misused biological terminology. Another way of saying it is that GNU/Linux is a compatible replacement for Unix, written separately.*

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software communities?

Blake Stowell: *So far all that we have announced is that we are licensing our UNIX libraries for use with Linux. The Linux community should actually see that as a very positive thing because now customers have access to nearly 4,000 UNIX applications that they didn't have before. So when you think about it from that standpoint, SCO is actually helping to grow the application base for Linux overnight by 4,000 applications. **SCO is making Linux more useful.** (Emphasis added.)*

SCO is a Linux company and we're interested in seeing Linux succeed and in growing the Linux community. SCO believes that the open source and proprietary software models both have their strengths. **SCO has regularly contributed to the Open Source community** and at Linuxworld in 2002 we were even recognized by the Best of Show judges as having the best Open Source project. SCO doesn't believe that Linux has to lose in order for SCO to win and vice versa. We think both can succeed and **SCO intends to help Linux where possible.** (Emphases added.)

MozillaQuest Magazine: Comment: Wording such as "So far all that we have announced is that we are licensing our UNIX libraries for use with Linux" is troubling -- particularly the "so far" part. It's that tip of the iceberg thing mentioned in our 5 February 2003 SCOsource article. Looking over our previous discussion, the SCOsource public announcement and documents, and your answers to my questions here, it appears quite possible that GNU/Linux, Linux, GPL software, and/or free software might contain SCO IP and that SCO might seek to enforce and/or license its IP contained within GNU/Linux, Linux, GPL software, and/or free software.

• C++ Issues

MozillaQuest Magazine: C++ appears to be one of the properties that SCO acquired through Novell's acquisition of AT&T's UNIX Systems Laboratories and subsequent purchase of Novell's UNIX interests by SCO. At this time most Linux and/or GNU/Linux distributions include C++ compilers and editors. Is this something for which SCO currently charges? If so, just what are the current arrangements? If not, will C++ licensing and enforcement be added to SCO's licensing and enforcement program?

Blake Stowell: C++ is one of the properties that SCO owns today and we frequently are approached by customers who wish to license C++ from us and we do charge for that. Those arrangements are done on a case-by-case basis with each customer and are not disclosed publicly. C++ licensing is currently part of SCO's SCOsource licensing program.

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MozillaQuest Magazine: *How about GNU C++? Does GNU C++ use SCO IP? If so, could SCO license and/or charge for use of its IP in GNU C++?*

Blake Stowell: *I honestly don't know.*

MozillaQuest Magazine: *Does the C++ that currently is included in most if not all Linux distributions contain SCO IP?*

(a) *If so, is that being done with or without SCO permissions/licensing?*

(b) *If so, what impact/affect does this have on the ability of people to freely distribute and use copies of those Linux distributions? (Under GNU licensing, anyone may make as many copies of a GNU/Linux distribution as they please, freely distribute them for no charge and/or for a charge, and use a GNU/Linux on as many computes as they please -- at no charge. Etc.)*

Blake Stowell: *Again, I don't know. That's something we would have to research.*

- See Community Responds to SCO-Caldera's IP Claims [on Page 4 ----->](#)

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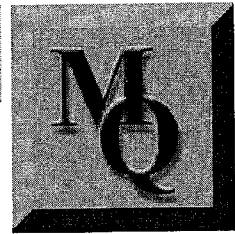
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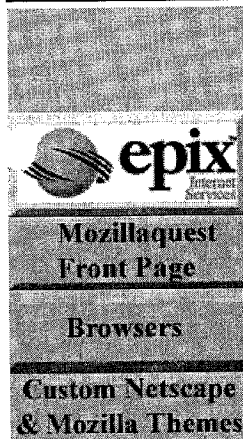
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Nearly One-Half of SCO-Caldera Income from IP Licensing and Enforcement

Are Linux or C++ on SCO-Caldera's IP Hit List?

By Mike Angelo -- 4 March 2003 (C) -- Page 4

The Community Responds to SCO-Caldera's IP Claims

We discussed the SCO intellectual property issues covered in today's article with three prominent and well-respected members of the Linux kernel, GNU/Linux, and UNIX communities -- Allen Brown, President and Chief Executive Officer of The Open Group, Richard Gooch, maintainer of *The linux-kernel mailing list FAQ*, and Richard Stallman, founder of the GNU project.

The discussions were separate and conducted by e-mail. However, for readability and context purposes, the answers to similar questions asked to Allen Brown, Richard Gooch, and Richard Stallman, are placed together below such similar questions.

Richard Stallman's comments tend to be complex and introduce issues about the use

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of terminology, particularly *intellectual property*, *Linux*, *Linux kernel*, and *GNU/Linux*. Generally Richard Stallman's comments refute SCO's claims and concur with Allen Brown's and Richard Gooch's comments. However, because the discussions with Richard Stallman are somewhat complex, for the most part they will be treated in a different section in a continuation of today's article.

MozillaQuest Magazine: *During my legwork for the SCO IP follow-up story, a SCO spokesperson stated, "SCO owns the core UNIX code that was originally developed by AT&T. Everyone knows (and Linus has publicly stated) that Linux is a derivative of that UNIX source code. Whether or not parts of SCO's UNIX intellectual property resides in any parts of Linux is still being investigated."*

Richard Gooch: *False. That looks like an ambit claim, part of the process of legal maneuvering. Looks like SCO is getting ready to con end-users (or a judge) into believing their claim. The fact is that "everybody" (i.e. anyone in the Linux community and many outside) knows that the Linux kernel is a 100% independent implementation of an Unix-like OS. I have never heard Linus (or anyone else in the community) state otherwise.*

Allen Brown: [regarding what AT&T property SCO acquired] *In 1994 Novell (who had acquired the UNIX systems business of AT&T/USL) decided to get out of that business. Rather than sell the business as a single entity, Novell transferred the rights to the UNIX trademark and the specification (that subsequently became the Single UNIX Specification) to The Open Group (at the time X/Open Company). Simultaneously, it sold the UNIX source code and the product implementation (UNIXWARE) to SCO. The Open Group also owns the trademark UNIXWARE.*

Allen Brown: [regarding what SCO-owned UNIX code might be present in Linux] *I just do not know the answer to that. Presumably if this is the case SCO can demonstrate some evidence, such as identical pieces of code, just as you observe in the next paragraph.*

As Allen Brown points out, the burden is on SCO-Caldera to show *identical pieces of code* in the Linux kernel or GNU/Linux and its UNIX code. In order to prevail in a copyright infringement court-action to enforce its UNIX-code copyrightable property rights (whatever they might be), SCO-Caldera would

- [SCO-Caldera looks for Its IP in Linux Source Code](#)
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Part I: The SCOsource IP Matter

000021

January 2003

Mozilla 1.0.2
Browser-Suite
Released

Mozilla 1.0
updated!

Don't Forget the
Books

Linux Makes a
Great Gift

Christmas Season
olidays &
Computer
Suggestions 2002:
Overview

Mozilla 1.3a
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Released

Netscape 7.01
Browser-Suite
Released

Mozilla 1.2.1
Browser-Suite
Released

Puggy Mozilla 1.2
Recalled

Mozilla 1.2
Browser-Suite
Released

Mandrake Linux
9.0, Desktop Magic
You Can Use: A
First Look

Mandrake Linux
9.0 Retail Boxes
Ship

have to prove there are *identical pieces of code* in the Linux kernel or GNU/Linux and its UNIX code to the court. So far, SCO-Caldera has made no showing, let alone proof, that there are *identical pieces of code* in the Linux kernel or GNU/Linux and its UNIX code

MozillaQuest Magazine: *In a follow-up question I asked the SCO spokesperson "Does 'Linux is a derivative of that UNIX source code' mean that the Linux source code is a subset of the UNIX source code?" The SCO spokesperson answered "Yes".*

Richard Gooch: *Either that person is knowingly lying, or is interpreting that question in the broadest possible way, such as "SCO Linux is a subset of UNIX source code", and therefore somehow this means that "Linux is a subset..."*

MozillaQuest Magazine: *To me, code which is subset of other code means that the code that is included in the subset is pretty much the same code as the other code -- simply just less of it. Meaning here, that the subset contains the IP of the set.*

Richard Gooch: *That would seem like a reasonable interpretation.*

Allen Brown: *A complication however, is that SCO (though its merger with Caldera) has both the UNIX source code and a Linux Distribution at its disposal, they could have chosen to incorporate any element of the UNIX source code into their Linux kernel distribution. **If SCO did this, it would fall under the terms of the GPL and, as I understand it, therefore be made available to all!** (Emphasis added.)*

So the question is, did Linux pirate UNIX code or did SCO provide it to the community?

MozillaQuest Magazine: *However, at <http://www.kernel.org/> under the topic "What is Linux?", Linux is described as being written from scratch: "Linux is a clone of the operating system Unix, written from scratch by Linus Torvalds with assistance from a loosely-knit team of hackers across the Net. It aims towards POSIX and Single UNIX Specification compliance."*

Richard Gooch: *Correct.*

Allen Brown: *This is my understanding of Linux and how it was developed. I just do not know whether the hackers developed the code they supplied or did as hackers do.*

(Please see the **Clone** side bar on page 3.)

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Linux for Windows Users:

Using LinNeighborhood to Create a Network Neighborhood for Linux

SuSE 8.1 LSB Certified

SuSE Linux 8.1 Release Today

...ro Tolerance for Privacy and Security Bugs

Mozilla and Netscape JavaScript Bugs Compromise Privacy and Security

Red Hat Linux 8.0 Is LSB Certified

Red Hat Linux 8.0 Distribution Released

...andrake 9.0 is LSB Certified

Mandrake Linux 9.0 Released for Downloading

SCO's Darl McBride and MozillaQuest Magazine's Mike Angelo Discuss Caldera Linux and LSB

Caldera/SCO 3.1.1

MozillaQuest Magazine: Also, under the topic "**What about Linux?**" at the "**What about all those 'Flavors'?**" page it is stated: "Developed by Linus Torvalds, Linux is a product that mimics the form and function of a UNIX system, but is not derived from licensed source code. Rather, it was developed independently; by a group of developers in an informal alliance on the net. A major benefit is that the source code is freely available (under the GNU copyleft), enabling the technically astute to alter and amend the system; it also means that there are many, freely available, utilities and specialist drivers available on the net." (Links in the **Resources** section on page 5.)

Richard Gooch: Correct.

Allen Brown: Again, this is my understanding. This is not dissimilar to the process used by the Open Software Foundation when they developed OSF/1. However, instead of an informal alliance of individuals, OSF was a consortium formed by IBM, HP, Digital and Hitachi. I would have to add that OSF/1 was a big and expensive undertaking at the time.

Richard Stallman: We made deliberate efforts to prevent copying of any Unix source code into the GNU system. We have had written recommendations for GNU developers since the 80s, telling them not to even look at Unix source code while writing GNU programs. I don't know whether the developers of Linux, the kernel, have stated such policies, but at least the GNU part of GNU/Linux should be safe.

MozillaQuest Magazine: I have looked for verification of SCO's claim that "Linux has publicly stated . . . that Linux is a derivative of that UNIX source code." but have not found any verification for that. Additionally the kernel.org and unix-systems.org statements appear to be inconsistent with SCO's claims that "Everyone knows (and Linus has publicly stated) that Linux is a derivative of that UNIX source code."

Richard Gooch: That's because SCO's claims are inconsistent with fact.

Allen Brown: I have never heard that claim before.

Richard Stallman: You could also press him [Blake Stowell] to provide a reference for this supposed statement by Linus. I am sure he won't be able to come across.

MozillaQuest Magazine: The only thing I found that would lend support to SCO's statements is a line in "Is Linux Right for You?" by Roger Chang stating: "Linux is a derivative of the Unix operating system." (Links in the **Resources** section on page 5.)

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[OpenLinux
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[Holger Dyroff,
Gaël Duval, Mark
de Visser and Mike
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[Netscape 7.0
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Browser-Suite
Released](#)

[Mozilla 1.0.1-RC2
aka Netscape 7.0-
beta Browser-](#)

Richard Gooch: *I assume he meant that Linux is a derivative of the *ideas* behind the UNIX OS, rather than a derivative of the source code, and was just being lazy. If he said what he meant, then he isn't aware of the facts.*

MozillaQuest Magazine: *So which is it? Was Linux developed from scratch and independently of UNIX source code? Was Linux derived from (AT&T, now SCO) UNIX source code? Does Linux contain any SCO intellectual property (IP)?*

Richard Gooch: *Linux was developed from scratch, and contains no SCO IP.*

MozillaQuest Magazine: *Did Linus Torvalds ever state "that Linux is a derivative of that UNIX source code."?*

Richard Gooch: *Not that I ever heard, and I wouldn't believe anyone who claims that he did state that, because it would be such big news in the community that it would be hard to miss it.*

MozillaQuest Magazine: *Do you have any other thoughts or comments about this?*

Richard Gooch: *Nothing fit for family reading ;-)*

- See Summary and Conclusions on Page 5 ----->

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[Continued on Page 5 ----->](#)

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[Caldera OpenLinux 3.1.1 Available](#)

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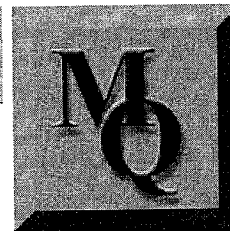
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- [What's Behind SCO-
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Getting Started with Wireless Network Technology



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MozillaQuest

The On-Line Computer Magazine

March 4, 2003

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SCO's Blake Stowell, MozillaQuest Magazine's Mike Angelo, plus Allen Brown, Richard Gooch, and Richard Stallman Discuss SCO Intellectual Property Issues

SCO-Caldera & the GNU/Linux Community: Part 2, Under the Iceberg's Tip

Nearly One-Half of SCO-Caldera Income from IP Licensing and Enforcement

Are Linux or C++ on SCO-Caldera's IP Hit List?

By Mike Angelo -- 4 March 2003 (C) -- Page 5

Summary and Conclusions

The Linux world (which here we mean to include the people and organizations involved with the Linux kernel, GNU/Linux, Linux distributions, Linux applications, and others) is a most interesting collection and *mish-mosh* of free software, open source software, proprietary software, and commercial software philosophies and interests existing together in a common environment and often working together. From time to time, the differences in this collection of philosophies and interests that comprise the Linux world result in conflicts and turmoil.

Nevertheless, up to now the Linux world has continued to grow, progress, and develop nicely despite conflict and turmoil flare-ups that arise every now and then on the Linux-world landscape. That is a great tribute to all the people and organizations that co-exist,

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- [Under the Iceberg's Tip: Will SCO's Expanding IP Licensing and Enforcement Target Linux or C++ ?](#)
- [Why Is SCO-Caldera Expanding IP Licensing and Enforcement](#)
- [The SCO-Caldera UNIX](#)

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http://web.archive.org/web/20060318183644/mozillaquest.com/Linux03/SCOsource-02_Story05.html

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contribute, and work in the Linux-world space. Please hold that thought.

As is the case with many computer and technology companies today, SCO-Caldera has money problems.

We have not been profitable. If our revenue continues to decline or we are unable to efficiently further reduce operating expenses, we may not achieve profitability or generate positive cash flow. (Caldera 10-K filing at page 12)

One approach to relieving money woes is to squeeze more revenue out of existing assets. That's an important approach because it does not require the often-tremendous expenses of developing new products or updating existing products -- pretty much pure profit.

Apparently someone at SCO-Caldera realized that SCO-Caldera has a broad collection of intellectual properties from which it could gain substantial revenues. SCO-Caldera already had been collecting some revenue from IP licensing before it created its SCOsource project.

However, a more vigorous licensing and enforcement management of its IP portfolio could significantly increase much needed revenues. Moreover, tighter SCO IP management could help to make SCO-Caldera products more competitive with respect to gaining new customers and preventing loss of existing customers.

Our success depends in part on our ability to protect our trademarks, trade secrets, and certain proprietary technology. To accomplish this, we rely primarily on a combination of trademark and copyright laws and trade secrets . . . We also enjoy a broad and deep set of intellectual property rights relating to the UNIX operating system. We have recently initiated efforts to garner value from these intellectual property assets and believe it will provide us with additional licensing and partnering revenue opportunities. (Caldera 10-K filing at page 9)

Blake Stowell: *SCO created SCOsource because . . . We now expect to gain a higher level of revenue from our intellectual property than we ever could have before.* (Emphasis added.)

Libraries

- [SCO-Caldera looks for Its IP in Linux Source Code](#)
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Part I: The SCOsource IP Matter

000026

January 2003

Mozilla 1.0.2
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Don't Forget the
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Released

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Mozilla 1.2
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Released

Mandrake Linux
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Mandrake Linux
9.0 Retail Boxes
Ship

SCO-Caldera noted in the **Risks** section its SEC 10-K filing its concerns about the free-to-download, free-to-distribute, and free-to-modify nature of the Linux kernel and the GNU/Linux operating system.

. . . due to the open source nature of Linux, anyone can freely download Linux and many Linux applications and modify and re-distribute them with few restrictions. For example, solution providers upon whom we depend for the distribution of our products could instead create their own Linux solutions to provide to their customers. Also, established companies and other institutions could produce competing versions of Linux software. (Caldera 10-K filing at page 12)

If SCO-Caldera can establish a bone-fide intellectual property right in the Linux kernel and/or the GNU/Linux operating system it could block competition and/or obtain revenue from competitor distribution and sale of the Linux kernel, the GNU/Linux operating system, and Linux distributions.

Blake Stowell: *We now expect to gain a higher level of revenue from our intellectual property than we ever could have before . . . SCO's enforcement of its intellectual property WILL go beyond these UNIX libraries . . . Software piracy can't be condoned and SCO is taking the necessary steps to make sure that their intellectual property isn't being pirated . . . if there is the potential that SCO's intellectual property is being used without permission, then we need to investigate that. We're not saying yet that it is, but we have to research areas where that might be happening.*

By stating that *Linux is a derivative of . . . UNIX source code* SCO-Caldera is in effect saying it believes it has an enforceable and justiciable intellectual property interest in the Linux source code.

Blake Stowell: *SCO owns the core UNIX code that was originally developed by AT&T. Everyone knows (and Linus has publicly stated) that Linux is a derivative of that UNIX source code. Whether or not parts of SCO's UNIX intellectual property resides in any parts of Linux is still being investigated. To comment further on that would be pre-mature until we come to a conclusion on any findings.*

However, prominent and well-respected members of the Linux world refute SCO-Caldera's claim that *Linux is a derivative of . . . UNIX source code*. Moreover, they refute the suggestion that Linux might contain SCO-owned source code.

Richard Gooch: *. . . The fact is that "everybody" (i.e. anyone in the Linux community and many outside) knows that the Linux kernel is a 100% independent implementation of an Unix-like OS. I have never heard Linus (or*

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Linux for Windows Users:

Using LinNeighborhood to Create a Network Neighborhood for Linux

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Mandrake Linux 9.0 Released for Downloading

SCO's Darl McBride and MozillaQuest Magazine's Mike Angelo Discuss Caldera Linux and LSB

Caldera/SCO 3.1.1

anyone else in the community) state otherwise.

Richard Stallman: *We made deliberate efforts to prevent copying of any Unix source code into the GNU system . . . at least the GNU part of GNU/Linux should be safe.*

Moreover, SCO-Caldera does not own the UNIX specification. (Please keep in mind that *specification* and *actual source code* are two different things

Allen Brown: . . . *Novell transferred the rights to the UNIX trademark and the specification (that subsequently became the Single UNIX Specification) to The Open Group (at the time X/Open Company).*

There is a caveat here however. Hundreds if not thousands of people have contributed code to the Linux kernel and the GNU/Linux operating system. There always is the chance that one or more of those people that contributed code to the Linux kernel or the GNU/Linux operating system might have copied some UNIX code.

Nevertheless, the burden is on SCO-Caldera to prove that the Linux kernel and/or the GNU/Linux operating system contain SCO-owned code. So far, SCO-Caldera has not met that burden.

Allen Brown raised an interesting issue, which could result in SCO-Caldera's Linux kernel and GNU/Linux IP fracas backfiring on SCO-Caldera.

Allen Brown: . . . *SCO (though its merger with Caldera) has both the UNIX source code and a Linux Distribution at its disposal, they could have chosen to incorporate any element of the UNIX source code into their Linux kernel distribution. If SCO did this, it would fall under the terms of the GPL and, as I understand it, therefore be made available to all!* (Emphasis added.)

SCO-Caldera has released several Linux distributions since Caldera acquired SCO. If Allen Brown's understanding is correct, and we have no reason to believe that it is not, then in effect SCO-Caldera has nicely donated any SCO-owned source code included in its Linux distributions to the GNU/Linux system. Isn't that special?

Would it not be interesting if SCO-Caldera not only has put some of its Unix source code in the public domain because it publishes both UNIX and Linux products, but also has put its UNIX libraries that allow UnixWare and OpenServer applications to run on x86 Linux platforms in the public domain also?

That could make some interesting legal questions and/or lawsuits. Sure

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OpenLinux
Distribution Gains
LSB Certification

looks like the lawyers could be the only people making money from this SCO IP mess.

Mozilla 1.2-alpha
Browser-Suite
Released

In the world of commercial, proprietary software IP licensing and enforcement is an acceptable practice and merely business as usual. However, software IP licensing and enforcement in the Linux, GNU/Linux, free software, and open source software community is an entirely different matter. It can lead to any thing from a minor annoyance and ill-will to being taken as a declaration of war on the Linux, GNU/Linux, free software, and open source software community.

Mozilla 1.0.1
Browser-Suite
Released

UnitedLinux: A
Standard or a
Distribution?

The intellectual property law regarding copyright, patent, and trademark protections clearly gives people and organizations the rights to license and to enforce their intellectual property rights. Moral right often is an entirely different matter.

UnitedLinux, a
Divisive Weapon
for Caldera's Darl
McBride -- Part II

As SCO's Blake Stowell points out: ***SCO is a Linux company and we're interested in seeing Linux succeed and in growing the Linux community.*** SCO believes that the open source and proprietary software models both have their strengths. ***SCO has regularly contributed to the Open Source community . . . SCO doesn't believe that Linux has to lose in order for SCO to win and vice versa. We think both can succeed and SCO intends to help Linux where possible.*** (Emphases added.)

Holger Dyroff,
Gaël Duval, Mark
de Visser and Mike
Angelo Discuss
LSB, UnitedLinux,
and the Linux
Market

The Caldera portion of what now is SCO-Caldera has made significant contribution to Desktop Linux. Please keep in mind its first product was Caldera Network Desktop.

UnitedLinux, a
Divisive Weapon
for Caldera's Darl
McBride -- Part I

Unfortunately, if SCO-Caldera should decide to license and/or enforce and/or charge for any IP in the Linux kernel and/or GNU/Linux to which it might be able to lay claim, it likely would hurt and anger the Linux community -- as well as stifle the growth and success of the Linux kernel and the GNU/Linux operating system.

Netscape 7.0
Browser-Suite
Released

On the other hand, any such stifling the growth and success of the Linux kernel and the GNU/Linux operating system could be short-lived:

Netscape 7.0
Browser-Suite
Coming, But Not
Here Yet

Richard Stallman: *If any AT&T-copyrighted code was copied into GNU, this occurred despite our continued efforts to prevent such copying. Our intention was to write code from scratch, and we have surely done so 99% of the time or more. If SCO can find code that was copied and is not fair use, they merely have to show it to us. We will take out the AT&T code and replace it.*

Mozilla 1.1
Browser-Suite
Released

Mozilla 1.0.1-RC2
aka Netscape 7.0-
beta Browser-

It would be nice to see the SCO-Caldera people solve their money problems without attempting to license and/or enforce and/or charge for any IP in the

000029

Suite Released

Netscape
Communicator 4.8
Browser-Suite
Released

Red Hat Calls on
Linux Community
for Beta Feedback

Red Hat Linux
7.4/8.0 Moves
Closer -- Beta 3
(Null Nee Limbo)
Released

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Calls on Linux
Community for
Beta Testers

Mandrake Linux
9.0 Beta 3
Available Now --
9.0 in September

Mozilla 1.0.1-RC1
Browser-Suite
Released

Mandrake 8.2, Red
Hat 7.3, & SuSE
8.0 Linuxes now
SB Certified

Scott McNeil and
MozillaQuest
Magazine Discuss
LSB

Are You Ready For
the Linux Standard
Base? LSB is
Ready for You!

SuSE Linux 8.1 in
October --
UnitedLinux
Server in

Linux kernel and/or GNU/Linux to which it might be able to lay claim. Moreover, to whatever extent SCO-Caldera might have IP in the Linux kernel and/or GNU/Linux to which it might be able to lay claim, it would be nice to see SCO-Caldera put such intellectual property in the public domain.

There's more to come. So please stay tuned.

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Resources

SCO documents

SCOsource Web site

*SCO Establishes SCOsource to License Unix
Intellectual Property*

SCOsource Q&A document

SCOsource's *UNIX Intellectual Property*
presentation

SCO Products

SCO Linux Server 4.0

SCO OpenServer

SCO UnixWare

UNIX documents

*Novell signs definitive agreement to buy AT&T's
UNIX System Labs*

Linux Community

The Open Group

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