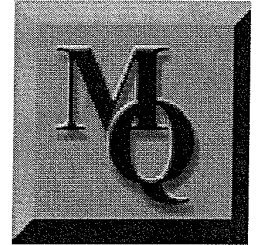


EXHIBIT 3H



Getting Started with Wireless Network Technology



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The On-Line Computer Magazine

February 5, 2003

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SCO's Blake Stowell, MozillaQuest Magazine's Mike Angelo, and Others Discuss SCO Intellectual Property Issues

SCO-Caldera & the GNU/Linux Community: The SCOsource IP Matter

By Mike Angelo -- 5 February 2003 (C)

Stories have been floating around the news media and forums regarding licensing of certain Linux libraries (libs). At issue now are some libs owned by the SCO Group (formerly Caldera International) that allow UNIX applications to run on Intel x86 (Ix86) machines -- that translates to running UNIX applications on Linux.

The first of these stories appears to be one by Maureen O'Gara posted 10 January 2003 on *LinuxGram*, *SCO Threatens to Press IP Claims on Linux*. On 13 January *NewsForge* posted Tina Gasperson's story, *SCO says it has made no decision on Unix "IP"*. *CNET News.com's* Stephen Shankland followed on 14 January with his story *SCO fees may hit some Linux users*. Links to these articles are provided in the **Resources** section on page 3 at the end of this article.

SCO-Caldera issued a press release on 22 January 2003 at the LinuxWorld Expo in New York City, formally addressing these issues. The title of the press release is **SCO Establishes SCOsource to License Unix Intellectual Property**. We discussed this matter with some SCO-Caldera people plus people from Linux distribution packagers,

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

000001

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software developers/publishers, and members of the GNU/Linux, free software, and open source communities in attendance at the January 2003 LinuxWorld Expo. We also have discussed the SCO IP issues with some of these people and others by e-mail since the January 2003 LinuxWorld Expo.

know 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.

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.

On the surface and at this time it appears that the SCOSource announcement and issues do 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. Also, the SCO UnixWare/Linux libraries could be just the tip of an iceberg.

Today, let's look at several issues that are encompassed by the SCOSource announcement:

- (1) Are the subject SCO libraries GNU, GPL, Open Source, free software, or otherwise public domain software?
- (2) Are the subject SCO-Caldera libraries included in any current, major Linux Distributions?
- (3) What libraries are included in the SCO intellectual property (IP) claims?
- (4) What applications require the SCO-Caldera IP libraries?
- (5) What are the impact and effect of the SCO IP licensing and enforcement on the Linux community?
- (6) What else is in this iceberg?

(1) Are the subject SCO libraries GNU, GPL, Open Source, free software, or otherwise public domain software?

The original UNIX was that developed by American Telephone and Telegraph's (AT&T) Bell Laboratories in 1969. One of the UNIX flavors developed subsequently was that developed by the Santa Cruz Operation (SCO) and known initially as SCO XENIX and later as SCO UNIX. SCO

000002

Released

XENIX/UNIX was designed to run on Ix86 platforms.

Mozilla 1.2.1
Browser-Suite
Released

Novell bought AT&T's UNIX in 1993 and then sold it to SCO in 1995. That made SCO the owner of both the original AT&T UNIX and its own SCO UNIX variant. While owned by Novell, the AT&T UNIX was renamed *UnixWare*. Novell designed its UnixWare to run on Ix86 platforms.

Buggy Mozilla 1.2
Recalled

In 2001 Caldera bought SCO thus giving Caldera ownership of both the AT&T and SCO UNIX operating systems and accompanying intellectual property (IP). Then in 2002, Caldera International changed its business name to the SCO Group.

Mozilla 1.2
Browser-Suite
Released

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

Currently SCO develops and sells two UNIX flavors, SCO UnixWare and SCO OpenServer. Both are based on UNIX System V, developed by AT&T's UNIX Systems Laboratory (USL). Novell purchased USL in 1993. SCO's latest Linux product is SCO Linux Server 4.0.

Mandrake Linux
9.0 Retail Boxes
Ship

At the January 2003 LinuxWorld Expo, Director of Corporate Communications for the SCO Group, Blake Stowell, told ***MozillaQuest Magazine*** that the SCO-Caldera libraries that allow UNIX applications to run on Ix86 platforms are part of the originally AT&T UNIX intellectual property. These libraries were never GNU, GPL, Open Source, or otherwise public domain software.

Linux for Windows
Users:

Using
LinNeighborhood
to Create a
Network
Neighborhood for
Linux

The subject libraries are now the intellectual property of the SCO Group via a chain of title from AT&T to Novell to SCO to Caldera now the SCO Group, which in effect is SCO-Caldera.

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. 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

SuSE 8.1 LSB
Certified

(2) Are the subject SCO-Caldera libraries included in any current major Linux Distributions?

SuSE Linux 8.1
Release Today

During a LinuxWorld Expo discussion, SCO-Caldera's Blake Stowell told ***MozillaQuest Magazine*** that he was not aware of any current Linux distributions that contain the SCO-Caldera IP libraries.

Zero Tolerance for
Privacy and
Security Bugs

Mozilla and
Netscape
JavaScript Bugs
Compromise
Privacy and
Security

Also during a LinuxWorld Expo discussion, Red Hat Marketing Vice-President Mark Devisser told ***MozillaQuest Magazine*** that he was not aware of any SCO-Caldera intellectual property (IP) included with Red Hat Linux. He also told ***MozillaQuest Magazine*** that the SCO-Caldera IP libraries

Red Hat Linux 8.0
Is LSB Certified

000003

[Red Hat Linux 8.0 Distribution Released](#)

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[SCO's Darl McBride and MozillaQuest Magazine's Mike Angelo Discuss Caldera Linux and LSB](#)

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[UnitedLinux, a Divisive Weapon for Caldera's Darl](#)

have no effect upon Red Hat Linux.

In an e-mail discussion SuSE's Vice-President for Corporate Communication Joseph Eckert told **MozillaQuest Magazine**: *We do not believe that SuSE Linux contains any of the SCO Libraries.*

Conectiva spokesperson Gordon Ho, CFA, in an e-mail discussion told **MozillaQuest Magazine**: *Conectiva Linux does not contain any of the SCO UNIX shared libraries.*

Scott McNeil is the Executive Director of the Free Standards Group (FSG), which is responsible for the Linux Standard Base (LSB) and other standards initiatives. In an e-mail discussion about the SCO intellectual property issues, Scott told **MozillaQuest Magazine**: *The Free Standards Group only builds standards based on open source software. None of our standards (LSB, Open18N, OpenPrinting) include or reference the SCO libraries in question.*

Both our corporate members and free software developer members require us to keep all software with legal dependencies out of our work. This way everyone can rely upon open source standards to be as free as open source software.

Scott McNeil went on to clarify this in a follow-up e-mail discussion by adding *LSB Certified Linux distributions are free to contain elements above and beyond the standard. It is their right to determine what value-add they wish to include above the commonality layer that LSB Certification requires . . . Linux Distribution Value-Add includes things like operating system installation tools system administration tools, documentation, screen savers with distribution company logo, etc.*

(3) What libraries are included in the SCO intellectual property (IP) claims?

One of the questions we asked SCO-Caldera's Blake Stowell is what SCO libraries are involved. Here is Blake's complete e-mail reply to that question.

On a Linux system, these OpenServer Libraries will be installed in either /shlib or /emul/osr5/shlib

The specific library files in the directory will be:

libX11R5_s

libXtXm1.2c_s

libkrb5stand_s

intellectual property here, we operationally define the term intellectual property to include property whether it be in the nature of 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 **Resources** section at the end of this article.)

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McBride -- Part I

libX11R5a_s

libXtXm114_s

libnsl_s

Netscape 7.0
Browser-Suite
Released

libX11R5b_s

libXtXm_s

libnsl_s.att

libXR4sco_s

libc_s

libsc_s

Netscape 7.0
Browser-Suite
Coming, But Not
Here Yet

libXtWXm1.0a_s

libcma_s

protlib_s

libXtXm1.2_s

libdce_s

Mozilla 1.1
Browser-Suite
Released

In order for the OpenServer libraries to work, the Linux kernel must have the appropriate Linux-abi module loaded. If you run the command "lsmod" on a Linux system, you will see a list of active kernel modules. The ones that enable OpenServer emulation are:

Mozilla 1.0.1-RC2
Netscape 7.0-
beta Browser-
Suite Released

binfmt_coff

Netscape
Communicator 4.8
Browser-Suite
Released

abi-util

lcall7

abi-svr4

Red Hat Calls on
Linux Community
for Beta Feedback

abi-sco

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

UnixWare libraries are less likely to be in use. They also consist of a much larger list of files (85 files). Because the file structure of Linux is so similar to UnixWare, it is likely that the UnixWare libraries would all be under a director, with a name like /emul/uw7. Under this directory you would see directories called /usr/lib and /usr/X that held most of the 85 UnixWare dynamic shared library files.

MandrakeSoft
Calls on Linux
Community for
Beta Testers

MozillaQuest Magazine asked some follow-up questions via e-mail.

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

MozillaQuest Magazine: *Are not libX11R5_s, libX11R5a_s, libX11R5b_s, libXR4sco_s X Window files? How does this affect and impact upon X Window in Linux distributions?*

Mozilla 1.0.1-RC1
Browser-Suite
Released

Blake Stowell: *These are OpenServer versions of X Windows libraries. However they get installed on the Linux system in a directory (/emul/osr5/shlib) where they are only seen and used by OpenServer applications so they have no impact on Linux applications.*

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

MozillaQuest Magazine: *Regarding binfmt_coff, abi-util, lcall7, abi-svr4, abi-sco; are any of these modules SCO IP?*

Blake Stowell: *No, none of the code in the Linux ABI modules contains SCC*

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[LSB 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 November](#)

[SuSE Says Yes to LSB and UnitedLinux](#)

[New Mozilla Roadmap Sets 1.1 for 9 August 2002 and Effectively Kills Mozilla 1.0.x](#)

[Mandrake Linux 9.0 Beta 1 Available Now -- 9.0 in September](#)

[MandrakeSoft Says Yes to LSB but No to Netscape and UnitedLinux](#)

[Red Hat Linux 7.4/8.0 in the Works -- Beta 2 \(Limbo\) Released](#)

[Red Hat Drops Netscape](#)

[Mozilla 1.0 Browser-Suite's E-Mail & News Quick Look](#)

*IP. This code is under the GPL and it re-implements publicly documented interfaces. We do not have an issue with the Linux ABI modules. The IP that we are licensing is all in the shared libraries - these libraries are needed by many OpenServer applications *in addition* to the Linux ABI.*

- See [What applications require the SCO IP libraries? on Page 2 ----->](#)

[Continued on Page 2 ----->](#)

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[Caldera OpenLinux 3.1.1 Available](#)

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MozillaQuest

The On-Line Computer Magazine

February 5, 2003

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SCO's Blake Stowell and MozillaQuest Magazine's Mike Angelo Discuss SCO Intellectual Property Issues

SCO-Caldera & the GNU/Linux Community: The SCOsource IP Matter

By Mike Angelo -- 5 February 2003 (C) -- Page2

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(4) What applications require the SCO-Caldera IP libraries?

SCO's Blake Stowell told *MozillaQuest Magazine* there are about 4,000 UNIX applications that require the SCO libraries to run on Linux. *The applications used are usually known as COFF applications and ELF applications.*

ELF (Executable and Linking Format) is a Unix System V binary format. COFF (Common Object File Format) is a System V executable and object file format. System V is one of the UNIX Systems Labs products that now belong to SCO.

In our e-mail discussions, Blake Stowell told *MozillaQuest Magazine*: *Nearly all of these applications are from third-party software developers that were developed to run on SCO OpenServer and SCO UnixWare. Using our UNIX libraries, they can also be run on Linux . . . A complete listing of third-party applications that work with SCO OpenServer and SCO UnixWare are listed at the following URL:* http://web.archive.org/web/20030414012409/http://wdb1.caldera.com/sdir_we

MozillaQuest Magazine: *So the applications involved in this SCO libraries IP matter are applications developed to run on SCO operating systems. Does this mean then that applications developed to run on other UNIX flavors are not affected by the SCO libraries IP?*

Blake Stowell: *Precisely. This does not affect applications meant to run on*

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other flavors of UNIX or on RISC-based UNIX systems.

(5) What are the impact and effect of the SCO-Caldera IP licensing and enforcement on the Linux community?

So far, the SCOsource announcements and issues appear to be more in the nature of saber-rattling and market posturing -- but with little real impact on the Linux, GNU, free software, and open source communities at this time -- sort of. The impact of the SCOsource announcements and issues falls on users of SCO UnixWare or OpenServer applications.

SCO-Caldera is a member of the UnitedLinux consortium. Conectiva and SuSE also are members of the UnitedLinux consortium.

Paula Hunter is the UnitedLinux General Manager. In an e-mail discussion she told *MozillaQuest Magazine*: *The SCOsource program falls outside of the UnitedLinux activity with The SCO Group. This announcement does not affect our plans with SCO as a UnitedLinux member or the ongoing development and distribution of UnitedLinux offerings. No impact there.*

In an e-mail discussion, SuSE Vice-President Joseph Eckert told *MozillaQuest Magazine*: *all we can comment on is what we know. We believe SCO certainly has a right to protect their intellectual property rights and the library announcement they made makes perfect sense. We also trust our fellow United Linux partners and are confident that they would not do anything to damage or impede the Linux community. No impact there.*

Conectiva's Gordon Ho in an e-mail discussion told *MozillaQuest Magazine*: *At this time, we do not believe that there is any impact to Conectiva from the recent SCOsource announcement. Conectiva Linux does not contain any of the SCO UNIX shared libraries. We remain alert to further developments coming from SCO's new business unit and will examine impact as we receive new information. No impact there.*

Red Hat Linux is not a member of the United Linux Consortium. Please remember that Red Hat Marketing Vice-President Mark Devisser told *MozillaQuest Magazine* that he was not aware of any SCO-Caldera intellectual property (IP) included with Red Hat Linux. He also told *MozillaQuest Magazine* that the SCO-Caldera IP libraries have no effect upon Red Hat Linux. No impact there.

Also please recall Scott McNeil's statement: *The Free Standards Group only builds standards based on open source software. None of our standards (LSB, Open18N, OpenPrinting) include or reference the SCO libraries in question. No impact there either.*

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Released

That being said, the SCOsource UNIX and Linux libraries licensing and enforcement could be designed to keep SCO customers from switching to non-SCO Linuxes. The key to that is stated in the 22 January 2003 SCOsource press release:

Mozilla 1.2.1
Browser-Suite
Released

The SCO System V for Linux license will provide access to SCO's UNIX System Shared Libraries for use with Linux. Customers frequently use SCO's shared libraries to allow UNIX applications to run on Linux. In the past, SCO's UnixWare and OpenServer license agreements did not allow these UNIX libraries to be used outside of SCO's operating systems. With this announcement, customers can now license these libraries from SCO for use with Linux without having to license the entire SCO operating system. This will enable customers to now run thousands of UNIX applications on Linux.

Buggy Mozilla 1.2
Recalled

Mozilla 1.2
Browser-Suite
Released

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

While SCO's UnixWare and OpenServer license agreements did not allow these UNIX libraries to be used outside of SCO's operating systems, it has been a simple matter to pull these libraries out of UnixWare or OpenServer. Although an intellectual property right infringement, all a SCO UnixWare or OpenServer user needs do to migrate to Linux and port the user's UnixWare or OpenServer applications over to Linux is to pull the SCO shared libraries from UnixWare or OpenServer to their Linux installation.

Mandrake Linux
9.0 Retail Boxes
Ship

Linux for Windows
Users:

The **SCOsource Q&A** document addresses this noting that one way to import the SCO shared libraries is to: *Copy the shared libraries from a disk or through the Internet. In this case someone has unbundled the shared libraries from the SCO offering and opened them up for copying. This is illegal. It is this behavior that we will stop through the creation of SCOsource and today's announcement.*

Using
LinNeighborhood
to Create a
Network
Neighborhood for
Linux

SuSE 8.1 LSB
Certified

Simply put, that means that a SCO UnixWare or OpenServer user that desires to switch to Linux must either switch to SCO Linux or pay SCO \$149 per CPU in order to run SCO UnixWare or OpenServer applications on a non-SCO Linux installation.

SuSE Linux 8.1
Release Today

Zero Tolerance for
Privacy and
Security Bugs

Thus it appears that the SCOsource announcements and issues have little real impact on the Linux, GNU, free software, and open source communities at this time. The impact will be on SCO UnixWare and OpenServer users that desire to switch to Linux. Either they can switch to SCO Linux and continue to use their UnixWare or OpenServer applications or they can switch to a non-SCO Linux and pay SCO \$149 per CPU to license the SCO shared libraries for use on the non-SCO Linux.

Mozilla and
Netscape
JavaScript Bugs
Compromise
Privacy and
Security

Please keep in mind that this article and the comments made by our sources are made on the basis of what is known now. 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.

Red Hat Linux 8.0
Is LSB Certified

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[Red Hat Linux 8.0 Distribution Released](#)

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(6) What else is in this iceberg?

Often the devil is in the details. One detail here is the statement in the *SCOsource Q&A* document: ***The first deliverable from SCOsource will be SCO System V for Linux, which includes a license to SCO's UNIX shared libraries.*** (Emphases added.) ***First deliverable*** -- is there more to come?

Another detail is on the SCOsource Web page: *Changing market conditions are leading SCO to both expand its licensing programs, and to take a more careful look at possible unlicensed use of its intellectual property.* Sure sounds as though there is more to come. Are the SCO shared libraries just the tip of an iceberg? Links to the *SCOsource Q&A* document and the SCOsource Web page are in the **Resources** section on page 3 at the end of this article.

The SCO Group now owns the entire bundle of products that were the property of the AT&T UNIX Systems Laboratory when Novell purchased USL. The SCO Group also owns all the products and property that belonged to SCO when Caldera purchased SCO (including the stuff SCO bought from Novell). It owns all the Caldera products and property. All in all, the SCO Group has a nice collection of products and properties.

For example, a February 1993 press release issued by Novell states: *USL develops and markets the UNIX System V operating system, the TUXEDO* Enterprise Transaction Processing System, the C++ Programming Language System and other standards-based system software products to the worldwide computer industry.*

We asked the SCO folks some questions about C++ and if C++ licensing and enforcement would be added to SCOsource's licensing and enforcement program. SCO did not reply to the C++ questions.

What else is hidden within the SCOsource iceberg? A clue to that question might lie in SCO-Caldera's Novell background and connections.

Caldera International was originally formed in 1994 by Ray Noorda, Bryan Sparks, and Ransom Love -- all at one time affiliated with Novell. It appears that all of Caldera's top-level people have been, at one time, affiliated with Novell.

That appears to have carried through with the current SCO Group, which is the former Caldera International. SCO President and CEO Darl McBride is a Novell alumnus, SCO Senior Vice-President Chris Sontag, who also heads up the SCOsource endeavor, is a Novell alumnus. So is SCO's Director of Corporate Communications, Blake Stowell, a Novell alumnus. Novell is well-known for vigorous enforcement of its intellectual property rights -- often

000010

McBride -- Part I

taking infringers of its IP rights to court and litigation.

Netscape 7.0
Browser-Suite
Released

We asked the SCO folks: *to what extent is the SCOsource endeavor modeled or based upon Novell's IP licensing and enforcement endeavors, policies, and practices?* SCO did not reply to this question.

Netscape 7.0
Browser-Suite
Coming, But Not
Here Yet

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 SCO intellectual properties that SCO plans to license and enforce under its new SCOsource program.

Mozilla 1.1
Browser-Suite
Released

We asked the SCO folks: *what other SCO properties will be added to this licensing and enforcement program?* SCO did not reply to this question either.

Mozilla 1.0.1-RC2
and Netscape 7.0-
1.1a Browser-
Suite Released

Another question-set that the SCO folks did not answer is: *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?* SCO did not reply to these questions either.

Netscape
Communicator 4.8
Browser-Suite
Released

MozillaQuest Magazine has a policy that unanswered questions directed to a source are deemed to indicate the source is hiding something. Moreover, that policy constrains us to deem the answers to such unanswered questions to be the possible answers that are least favorable to the source.

Red Hat Calls on
Linux Community
for Beta Feedback

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

Employing that policy here, the answers to the unanswered questions are deemed to be that SCO (1) plans to add C++ licensing and enforcement to SCOsource's licensing and enforcement program, (2) the SCOsource endeavor is modeled or based upon Novell's IP licensing and enforcement endeavors, policies, and practices -- including vigorous enforcement of intellectual property rights and often taking infringers of its IP rights to court and litigation, (3) more SCO properties will be added to this licensing and enforcement program, and (4) there is other SCO intellectual property that is applicable to Linux and/or GNU/Linux.

MandrakeSoft
Calls on Linux
Community for
Beta Testers

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

We also asked the SCO people whether Microsoft is using any SCO C++ or other SCO intellectual property, if Microsoft now is licensing intellectual property from SCO, and would SCO seek to enforce its intellectual property rights against Microsoft? No answers from SCO there either. Is SCO contemplating engaging Microsoft in an intellectual property battle?

Mozilla 1.0.1-RC1
Browser-Suite
Released

See **Conclusions on Page 3 ----->**

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

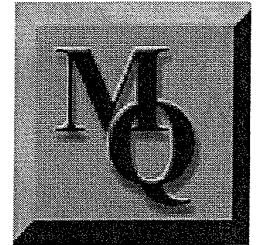
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SCO's Blake Stowell and MozillaQuest Magazine's Mike Angelo Discuss SCO Intellectual Property Issues

SCO-Caldera & the GNU/Linux Community: The SCOsource IP Matter

By Mike Angelo -- 5 February 2003 (C) -- Page 3

Conclusions

On the surface it appears that at this time:

(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 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 licensing and enforcement endeavor iceberg. The comments made by our sources are made on the basis of what is known to them now. 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.

SuSE Vice-President Joseph Eckert put it well: *all we can comment on is what we know. We believe SCO certainly has a right to protect its intellectual*

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property rights and the library announcement they made makes perfect sense.

We agree with Joseph Eckert's observation that SCO-Caldera *has a right to protect its intellectual property rights*. The licensing of the SCO shared libraries that allow UnixWare and OpenServer applications to run on Linux makes sense and is reasonable from a business/commercial/proprietary software point of view.

However, SCO has gone through the hoops of forming a special group, SCOsource, to license and enforce its intellectual properties. Moreover SCOsource appears to be a major SCO undertaking. SCOsource is under the direction of SCO Senior Vice-President Chris Sontag and SCO engaged a high profile lawyer, David Boies, to ramrod the IP licensing and enforcement legal activities. One cannot help but wonder if SCO-Caldera has much more in mind than simply protecting its shared libraries that allow UnixWare and OpenServer applications to run on Linux.

It is not surprising that many people in the GNU/Linux, free software, and open source communities are somewhat apprehensive about SCO-Caldera's newly announced intellectual property licensing and enforcement plans. First there has been an ongoing and understandable state of tension between many people in the GNU/Linux, free software, and open source communities and the commercial Linux distribution packagers for years.

One thing that has kept that state of tension minimal is that typically commercial Linux distribution packagers make their basic GNU/Linux distributions available for downloading at no charge. Another is that typically commercial Linux distribution packagers do not seek per seat licensing for their commercial Linux distributions.

SCO-Caldera has a history of ruffling feathers in the GNU/Linux, free software, and open source communities. When Caldera International released its OpenLinux 3.0 products in 2001 with a per-seat licensing requirement, it deviated from the traditional commercial Linux distribution practice of allowing unlimited use of commercial Linux distributions. That ruffled some feathers in the GNU/Linux, free software, and open source communities.

In mid-August 2002 at the LinuxWorld Expo in San Francisco, Caldera's then new CEO Darl McBride made some very divisive statements. He fired full salvos at Red Hat Linux and ignored Mandrake Linux. That ruffled some feathers in the GNU/Linux communities. However, please also see our article SCO's Darl McBride and MozillaQuest Magazine's Mike Angelo Discuss Caldera Linux and LSB.

With its SCOsource announcements, SCO-Caldera again has raised some

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Released

eyebrows in the GNU/Linux, free software, and open source communities. Just how high those eyebrows will be raised depends upon just how SCO-Caldera goes about its IP enforcement activities.

Mozilla 1.2.1
Browser-Suite
Released

If SCO's licensing and enforcement activities do not affect the GNU/Linux, free software, and open source communities more than what they appear to do so at this time, then likely SCO will not encounter any serious public relations problems with the GNU/Linux, Linux, free software, and open source communities.

Buggy Mozilla 1.2
Recalled

Mozilla 1.2
Browser-Suite
Released

However, if SCO's licensing and enforcement activities do affect the GNU/Linux, Linux, free software, and open source communities more than what they appear to do so at this time, SCO could find itself in serious public relations problems with those GNU/Linux, free software, and open source communities.

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

Amy D. Wohl is the Editor of *Amy D. Wohl's Opinions*. She stated things very well in some e-mail discussions about the SCOsource announcements.

Mandrake Linux
9.0 Retail Boxes
Ship

I think knowing just what SCO has IP rights to and what they plan to do about them needs to be the first step here.

Linux for Windows
Users:

I'm speculating. Given that, I think if SCO-Caldera has IP rights and chose to enforce them against the Linux community it would (1) unleash a storm of bad publicity and ill-will and (2) force the Linux community to look for a way around whatever it is that SCO wants to be paid for. I don't think there is a mechanism for Linux to pay SCO for the use of intellectual property, given that so much of the code is given away at no charge.

Using
LinNeighborhood
to Create a
Network
Neighborhood for
Linux

SuSE 8.1 LSB
Certified

The C++ issue would be especially damaging, but would probably simply lead to the abandonment of C++ by many Linux developers.

Red Hat Linux 8.1
Release Today

I suspect that after getting drawn and quartered in public, SCO would end up giving its IP, with some limits, to the OS community.

Zero Tolerance for
Privacy and
Security Bugs

The SCOsource intellectual property licensing and enforcement is far from a wrap. This article is just the beginning of the story. Nevertheless, hopefully this beginning puts to rest the rumor, concerns, and whatever that would have SCO interfering with the current Linux distributions regarding the UNIX/Linux libraries.

Mozilla and
Netscape
JavaScript Bugs
Compromise
Privacy and
Security

Moreover today's article is only part of that first step that Amy Wohl mentions. Today's article lists and discusses the SCO intellectual property and SCO licensing plans that are above the waterline of the SCOsource IP iceberg.

Red Hat Linux 8.0
Is LSB Certified

The remaining, unanswered questions are below that waterline. Could SCO's IP licensing and enforcement endeavors find SCO locking horns with the GNU/Linux, Linux, free software, and open source communities? Could SCO

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[Red Hat Linux 8.0 Distribution Released](#)

[Mandrake 9.0 is LSB Certified](#)

[Mandrake Linux 9.0 Released for Downloading](#)

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[Caldera/SCO 3.1.1 OpenLinux Distribution Gains LSB Certification](#)

[Mozilla 1.2-alpha Browser-Suite Released](#)

[Mozilla 1.0.1 Browser-Suite Released](#)

[UnitedLinux: A Standard or a Distribution?](#)

[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](#)

[UnitedLinux, a Divisive Weapon for Caldera's Darl](#)

get into intellectual property battles with Apple, Microsoft, or other UNIX providers such as HP, IBM, or Sun? Those are unknowns until SCO makes full and complete disclosure of its intellectual property licensing and enforcement plans.

There likely is lots more to come Stay tuned.

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Resources

SCO and UNIX documents

[SCOsource Web site](#)

[SCO Establishes SCOsource to License Unix Intellectual Property](#)

[SCOsource Q&A document](#)

[SCOsource's UNIX Intellectual Property presentation](#)

[Novell signs definitive agreement to buy AT&T's UNIX System Labs](#)

[Linux A.B.I.](#)

Articles, Periodicals, Etc.

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[Linux and the GNU Project](#) Richard Stallman

[SCO casts wider net for infringers](#) Stephen Shankland, CNET, January 22, 2003

[SCO fees may hit some Linux users](#) Stephen Shankland, CNET, January 14, 2003

[SCO says it has made no decision on Unix "IP"](#) Tina Gasperson, NewsForge, January 13, 2003

[SCO Threatens to Press IP Claims on Linux](#) Maureen O'Gara, LimuxGram, January 10, 2003

[Some Confusing or Loaded Words and Phrases that are Worth Avoiding](#) Richard Stallman

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