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Will Red Hat and SuSE Be Drawn Into the Fracas?
SCO-Caldera v IBM:

SCO Clears Linux Kernel but Implicates Red Hat and SuSE

Linux and the SCO-Caldera v IBM Lawsuit

By Mike Angelo -- 28 April 2003 (C) -- Page 2

SCO's Chris Sontag Discusses the Details

MozillaQuest Magazine: *In an interview Darl McBride did with **CRN's** Paula Rooney, that was published yesterday, he said "There will be a day of reckoning for Red Hat and SuSE when this is done." Just what did Darl mean by that?* (Link to ***CRN*** article in the ***Resources*** section at the end of this article.)

Chris Sontag: *What he meant was that if SCO prevails in their lawsuit with IBM, companies like Red Hat and SuSE may need to revisit their distributions and remove any UNIX system code from their distributions and compensate SCO in some way for the software code that they benefited from by using our UNIX code.*

***-MozillaQuest* Magazine**: *I take it that when you say UNIX you specifically mean SCO UNIX?*

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SCO-Caldera v IBM:

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-Chris Sontag: *We specifically mean the UNIX source code which is the basis for all other UNIX distributions including IBM AIX, SUN Solaris, HP UX, etc.*

***MozillaQuest* Magazine**: *Have Red Hat and/or SuSE done or are they doing something inappropriate?*

Chris Sontag: *SCO is coming across things all the time that these companies will need to address at some point. We haven't decided what course of action we plan to take yet.*

***MozillaQuest* Magazine**: *Have they violated any SCO-Caldera copyrights, patents, and/or trademarks?*

Chris Sontag: *That will be determined as SCO's case proceeds.*

***MozillaQuest* Magazine**: *If so, could you please explain what Red Hat and/or SuSE have done or are what they doing for which there "will be a day of reckoning"?*

Chris Sontag: *We are using objective third parties to do comparisons of our UNIX System V* [SCO-owned Unix] *source code and Red Hat as an example. We are coming across many instances where* ***our proprietary software has simply been copied and pasted or changed in order to hide the origin of our System V code in Red Hat. This is the kind of thing that we will need to address with many Linux distribution companies at some point.*** (Emphasis added.)

***-MozillaQuest* Magazine**: *Would stuff like perhaps FreeBSD code look as though it were SCO-owned code?*

SCO-Caldera v. IBM:

SCO-Caldera Sues IBM in Intellectual Property Dispute

UNIX-Linux Dispute, a PR Nightmare for Caldera

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IBM Moves Lawsuit from State to Federal Court -- IP Attorney John Ferrell and MozillaQuest Magazine's Mike Angelo Discuss the Lawsuit

SCO-Caldera & the GNU/Linux Community:

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Intellectual property Note

In this article we use the somewhat vague term *intellectual property*, in part because that term is the one

John Ferrell and MozillaQuest's Mike Angelo Discuss the Lawsuit
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Mozilla 1.3 Browser-Suite Released

SCO-Caldera Sues IBM in Intellectual Property Dispute

SCO-Caldera & the GNU/Linux

-Chris Sontag: *I think that is highly unlikely.*

***-MozillaQuest* Magazine**: *Also, to the extent that this is SCO-owned code, is this stuff that IBM gave to Red Hat or did Red Hat somehow grab it from some other source(s)?*

-Chris Sontag: *That is a good question that we would need to ask the Linux vendors when the time is right.*

***MozillaQuest** Magazine: In that **CRN** interview, Darl also said there is "substantial System V code showing up in Linux." How many lines of code are involved?*

Chris Sontag: *I'm not going to get into specifics right now, but we are coming across several instances that make this more than a minor infraction.*

***MozillaQuest* Magazine**: *When Darl said "substantial System V code showing up in Linux", did he mean the Linux kernel, the GNU/Linux operating system, a Linux distribution(s), or Linux applications? If it is in the kernel, which kernel version(s)?*

Chris Sontag: *We're not talking about the Linux kernel that Linus and others have helped develop. We're talking about what's on the periphery of the Linux kernel.* (Emphasis added.)

***-MozillaQuest** Magazine: It's likely lots of people in the Linux community will be relieved to know the allegedly tainted code is not in the kernel.*

***-MozillaQuest** Magazine: The periphery of the Linux kernel is a pretty big space. Outside of the kernel is the GNU/Linux operating system. Thus in my way of picturing this, it is the GNU/Linux operating system that lies on the periphery of the Linux kernel. Then on the outside of that ring around the kernel is a Linux distribution and all sorts of*

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 i in the ***Resources*** section at the end of this article on page 3.

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, o a copyright, patent, or trademar

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 on page 3.)

Community: Part 2, Under the Iceberg's Tip

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applications.

-So, as I understand what you say here, the System V code is showin up in the GNU/Linux operating system ring around the kernel rather than at the Linux distribution level or the applications level, is this correct?

-Chris Sontag: *I really can't go any further from what I've already commented on.*

{Please make sure you read the ***Summary and Conclusions*** section of th article for an explanatory graphic and more discussion about this thread of the interview.]

***MozillaQuest* Magazine**: *The Linux kernel and GNU/Linux people with whom I have discussed the Caldera v IBM matter say that:*

(a) As far as they know there is no proprietary SCO-owned code in the Linux kernel or in the GNU/Linux operating system, is this correct?

Chris Sontag: *We're not commenting on this yet at this point.*

(b) If you and/or SCO would let them know what code in the Linux kernel and/or the GNU/Linux operating system is proprietary SCO-owned code, n in the public domain, they would remove that code immediately from the Linux kernel and/or the GNU/Linux operating system. If there is proprietary SCO-owned code in either the Linux kernel and/or GNU/Linux, are you and/or SCO willing to say what that code is so that the Linux kernel and/or GNU/Linux operating system people can remove that code from the Linux Kernel and/or the GNU/Linux distribution?

Chris Sontag: *We're not commenting on this yet.*

***MozillaQuest* Magazine**: *The Red Hat and SuSE people with whom I hav discussed the Caldera v IBM matter say that:*

(a) As far as they know there is no proprietary SCO-owned code in their Linux distributions and products, is this correct?

Chris Sontag: *No, this is not correct.* ***We are finding SCO-owned code i their distributions.*** (Emphasis added.)

(b) Are Red Hat and/or SuSE violating any SCO copyrights? Patents? Trademarks?

Computer Suggestions 2002: Overview

Netscape 7.01 Browser-Suite Released

Mozilla 1.2.1 Browser-Suite Released

Buggy 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

Linux for Windows Users:

Using LinNeighborhood to Create a Network Neighborhood for Linux

SuSE 8.1 LSB Certified

SuSE Linux 8.1 Release Today

Zero Tolerance for Privacy and Security Bugs

Mozilla and Netscape JavaScript Bugs Compromise

Chris Sontag: *We're not commenting on this yet.*

***-MozillaQuest* Magazine**: *This is somewhat confusing to me. If y'all are finding SCO-owned code in the Red Hat and SuSE distributions, and, as if you said/implied at the beginning of this discussion that the do not have SCO's permission to include that SCO-owned code in the distributions, does that not constitute copyright infringement?*

-Chris Sontag: *I'm not a lawyer, so I can't comment on what that constitutes.*

***MozillaQuest* Magazine**: *Do not HP, IBM, Sun, and Apple have one-time, perpetual licenses for their use of SCO Unix?*

Chris Sontag: *Some have perpetual licenses, others do not. They are perpetual as long as they honor the terms of their contract. When they bre their contract, they are no longer perpetual. Some companies have been very honorable in their strict adherence to the terms of our contract. Others as our complaint against IBM alleges, have not.*

***MozillaQuest* Magazine**: *Do HP, IBM, Sun, and/or Apple pay annual license fees for SCO Unix or did they pay one-time license fees?*

Chris Sontag: *There are confidentiality agreements in place with these vendors for their license of UNIX which we cannot break that don't permit u to disclose terms of their license fees.*

***MozillaQuest* Magazine**: *If HP, IBM, Sun, and Apple paid one-time licens fees for SCO Unix, then how does SCO lose money by their moving from Unix to Linux?*

Chris Sontag: *It's probably not about money. It's about value. The intrinsi value of our IP diminishes when any company tries to misappropriate it elsewhere in an illegal way.*

***-MozillaQuest* Magazine**: *Does not value translate to money and vic verse?*

-Chris Sontag: *When SCO loses value from its OS, you could also translate that into money, yes.*

***MozillaQuest* Magazine**: *What are SCO's recurring, annual revenues for SCO Unix licensing from (a) HP, (b) IBM, (c) Sun, and (d) Apple?*

Chris Sontag: *Again, please see answer above. All good questions, but n*

Privacy and Security

Red Hat Linux 8.0 Is LSB Certified

Red Hat Linux 8.0 Distribution Released

Mandrake 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 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

one that we can answer if we want to honor the confidentiality of our agreements.

***MozillaQuest* Magazine**: *In the **CRN** interview, Darl said "System V is the basis for all operating systems outside of Redmond, AIX, HP UX, Solaris, Apple and Linux." That does not make sense to me. Isn't System V supposed to be the base code for AIX, HP UX, Solaris, and Apple (OS-X)?*

Chris Sontag: *You will notice that the article has changed after we requested a correction. It now reads "all operating systems outside of Redmond--AIX, HP UX, Solaris, Apple, and Linux."*

We would add to that, that these are the major operating systems outside Redmond.

MozillaQuest* Magazine**: *Darl also said in the **CRN** interview that "Linux comes from Unix and we own the Unix operating system." All the Linux kernel and GNU/Linux operating system people we have talked to say this not true. They say that the Linux kernel and GNU/Linux were developed independently. They say that the Linux kernel and GNU/Linux operating system are not derived from Unix. **Are you disputing what the Linux kernel and GNU/Linux people are saying about this? (Emphasis added

Chris Sontag: *Yes we are*. This will all be brought out in court. (Emphasis added.)

For what the Linux kernel people say that Chris Sontag is disputing here, please see our article ***Linux Kernel Gurus Reject SCO-Caldera v IBM Lawsuit Claims***.

This is a very informative interview despite some inconsistencies in Chris Sontag's statements. Of course not answering questions that go to matters involved in confidential agreements between SCO-Caldera and its Unix licensees is to be expected. Even so, those questions remain unanswered and leave parts of the puzzle missing. And Chris Sontag does sidestep answering some questions that ought to be answered -- more missing puzzle pieces.

Nevertheless, to Chris Sontag's and SCO-Caldera's credit, he does state there is no

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

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Netscape 7.0 Browser-Suite Coming, But Not Here Yet

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

Netscape Communicator 4.8 Browser-Suite Released

Red Hat Calls on Linux Comunity 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

complaint from SCO-Caldera as to SCO-owned Unix code in kernel.org's Linux kernel. He also specifically alleges there is SCO-owned Unix code in Red Hat Linux and SuSE Linux. This clears up many questions about what are the SCO IP issues and what are some of the specifics in SCO's Caldera v IBM *Complaint*.

Anatomy
- The Innocent and the Guilty
- IBM's Options and SCO's Fishing Expedition
- Is It a Wrap?

- Resources

Thus, today's interview provides heretofore-missing puzzle pieces. Moreover, if you have been following our SCO IP and Caldera v IBM coverage and if you are good at reading between the lines, you will find even more heretofore missing puzzle pieces in today's discussion with Chris Sontag.

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

<---- Back to Page 1 **Continued on Page 3 ----->**

Please see the first two parts of our series about SCO-Caldera's IP claims plus its intentions to enforce and license its intellectual property rights.

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

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

Part I: The SCOsource IP Matter	***Part 2, Under the Iceberg's Tip***
Article Index	**Article Index**
• Are the SCO libraries free software or otherwise public domain software? • Are the SCO libraries in any Linux Distributions? • Libraries included in the SCO intellectual property claims? • What applications require the SCO IP libraries? • Impact and effect of the SCO	• SCO-Caldera's IP Claims in a Nutshell • The Community's Response to SCO-Caldera's IP Claims, in a Nutshell • What's Behind SCO-Caldera's IP Licensing and Enforcement Initiative

- IP on the Linux community
- What else is in this iceberg?
- Conclusions
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- SCO-Caldera's UNIX Library IP Issues
- 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 Libraries
  - SCO-Caldera looks for Its IP in Linux Source Code
  - SCO-Caldera Claims Linux Is a Derivative of Its UNIX IP
  - C++ Issues
- The Community Responds to SCO-Caldera's IP Claims
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September

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Netscape 7.0-PR1 Browser-Suite Released

Netscape 6.2.3 Browser-Suite Released

Mozilla 1.0-RC2 Browser-Suite Milestone Released

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