

Re: Linux in a binary world... a doomsday scenario

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- *From:* Chase Venters <chase.venters@xxxxxxxxxxxxx>
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On Tue, 6 Dec 2005, Jon Smirl wrote:

On 12/5/05, Arjan van de Ven <arjan@xxxxxxxxxxxxx> wrote:

Linux in a binary world

Why not start our own Linux doomsday? Give the closed source vendors exactly what they fear the most, a patent lawsuit. Whining will get us nowhere, hitting the vendor's revenue stream will get you anything you want.

I like this idea a lot.

US patent infringement provides the giant sledgehammer of having a court issue an injunction stopping the shipment of product that is in litigation over patent infringement. Note that it does not have to be proven that the the patents are valid. RIM is very close to having an injunction issued against it even though it is likely that the patents they are accused of violating will be found invalid.

The other thing to keep in mind in the specific case of ATI and NVIDIA is that their competition is feirce and expensive. They somewhat depend on consumers being willing to purchase a new graphics card every half year to two years. The fact that they have both 'held the throne' so to speak in terms of performance and might demonstrate that a costly patent lawsuit would be a good thing for them to avoid - because their competitor is literally breathing down their neck, they could very much do without the distraction or the loss of funds.

The game plan is simple. IBM and Intel hold enough hardware patents to take down any hardware company these choose. Donate one or two

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key patents to the FSF with a rule that they can't be used against the company that donated them. The FSF then moves for a patent infringement injunction against ATI, NVidia or other closed source vendor.

The target company gets a choice:

1) open source the drivers and hardware. As a sweetener contribute a patent to the pool and aim the FSF at the next domino. In exchange the suit will be dropped.

Perhaps the way to go about this is to put a lot of applicable patents in a pool. Join us and our patents will defend your newly opened drivers from your competition's lawsuits. Oppose us, and we will make things very bad for you, giving your competition an opportunity to take the lead again, and if they know what's good for them, beat you to the punch with open drivers.

The key then is target one company at a time, because the time and money they would waste defending themselves would likely do very bad things to allowing their competitor to take a *big* lead. Hell, wasn't 3dfx's fall from power partially related to IP suits? Or did I just hear that somewhere? I don't recall.

2) Endure the lawsuit and hope the FSF doesn't get a \$450M settlement like NTP is getting from RIM. Meanwhile watch your stock price tumble since the injunction prevents you from shipping product.

<http://www.latimes.com/news/opinion/editorials/la-ed-ebay4dec04,0,6943666.story?coll=la-ne>

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Please read the FAQ at <http://www.tux.org/lkml/>

Ah, what it's like to dream. :)

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