

SCO & Darl McBride

This is our most prized possession. We're the source of AIX, HP UX, Solaris, Linux, Mac OSX. It all comes from us.

-- Darl McBride, 2003-04-24

<http://www.crn.com/sections/BreakingNews/breakingnews.asp?ArticleID=41480>

"In a nutshell, this litigation is essentially about the GNU General Public License and all it stands for. That license has not yet been challenged or tested in court, but it is now going to be. We are also firmly and aggressively challenging the notion that Linux is a free operating system," McBride said.

-- Darl McBride, 2003-08-18

http://www.eweek.com/print_article/0,3668,a=49197,00.asp

"SCO asserts that the GPL, under which Linux is distributed, violates the United States Constitution and the U.S. copyright and patent laws"

-- Darl McBride, 2003-12-04

<http://www.newsforge.com/trends/03/12/04/2024240.shtml>

"SCO has exchanged a series of e-mails with Linus Torvalds starting last December and continuing until early this month. SCO is perfectly willing to show the code to Linus. Linus says he will not sign an NDA. SCO cannot show the Unix code without the NDA, so it appears that they are at an impasse. SCO's offer stands--Linus can see the code under the NDA."

-- Darl McBride, 2003-06-10

<http://www.crn.com/sections/BreakingNews/dailyarchives.asp?ArticleID=42539>

Linus Torvalds & the FSF

I'm sure that they are confident that they own the collective work of Unix, but that's a separate thing entirely legally from being the actual copyright owner of any specific section of code.

-- Linus Torvalds, 2003-06-23

http://www.eweek.com/print_article/0,3668,a=43740,00.asp

As far as I can tell, SCO doesn't have any IP claims. Their lawsuit isn't about IP claims; it's about some contract dispute with IBM. The only IP issues they have brought up in a verifiable way has been the RCU [Read Copy Update, a way to access data structures that may be changing on multiple CPUs with less locking than normal] work that IBM did, and that SCO doesn't have any IP rights to that I can see: the patents are all IBM, and the code was written by (and thus copyrighted by) IBM too. Well, it was Sequent at the time, but they're all IBM now.

-- Linus Torvalds, 2003-06-23

http://www.eweek.com/print_article/0,3668,a=43740,00.asp

Despite the FUD, as a copyright license the GPL is absolutely solid. That's why I've been able to enforce it dozens of times over nearly ten years, without ever going to court.

Meanwhile, much murmuring has been going on in recent months to the supposed effect that the absence of judicial enforcement, in US or other courts, somehow demonstrates that there is something wrong with the GPL, that its unusual policy goal is implemented in a technically indefensible way, or that the Free Software Foundation, which authors the license, is afraid of testing it in court. **Precisely the reverse is true. We do not find ourselves taking the GPL to court because no one has yet been willing to risk contesting it with us there.**

-- Eben Moglen, Professor of law and legal history at Columbia University Law School. He serves without fee as General Counsel of the Free Software Foundation.

<http://www.gnu.org/philosophy/enforcing-gpl.html>

I don't generally sign NDAs even with friendly companies, because it can hinder my work. I'd be crazy to sign one with SCO. Especially as signing an NDA would make the act of then seeing their claims totally useless, since I couldn't then go out and search the public for the sources. However, now that SCO is starting to talk a bit more about what they seem to object to, I have less and less interest in seeing the code. As mentioned, the stuff they seem to be complaining about they have absolutely no IP rights to that I can tell.

-- Linus Torvalds, 2003-06-23

http://www.eweek.com/print_article/0,3668,a=43740,00.asp