Developing a Thoughtful Patent Strategy to Ensure OpenStack's Future
• Agenda

- Realities that Shape the Context in which OpenStack and the Cloud Evolve
  » Patent Speculators/Trolls
  » Operating Companies

- Enabling an OpenStack Patent Policy by effectively leveraging Open Invention Network

- What OIN is Seeking from the OpenStack Board
Thousands of Patents Potentially Impact Elements of the OpenStack Cloud Operating System/Projects & More Will Be Developed Over Time
Overview of Patent Threat Landscape for the Cloud and Beyond: Direct and Indirect Patent Aggression

- Contract Manufacturers
- Partners
- Direct Litigation
- Direct Pre-Litigation Assertion
- NPEs
- Co-opted Entities
OpenStack Foundation and those individual companies participating in the evolution of the open cloud need to be proactive in:

• Addressing patent issues in areas where collaboration is possible i.e. among members, and

• Create disincentives to aggression for those direct and indirect sources of patent threat from Non-Member Operating Companies and Patent Trolls
OpenStack Foundation: Leveraging Open Invention Network to Ensure Patent Non-Aggression in the Cloud
OpenStack Foundation – Path to Patent Non-Aggression

**OIN Cross-License – Incorporation/Integration of Key OpenStack Software Packages**

- OIN Patent Cross License among OpenStack Members/Participants in Areas Related to OIN’s Linux System Inclusive of Technology Areas Related to Open Stack Projects – define what is “Core” for each OpenStack project and sub-project and agree to cross license all relevant ‘member owned’ patents AND refrain from patent infringement litigation in these areas – accomplished through incorporation of OpenStack Core into OIN License. Key elements include:

  - **elective license** for all members/project participants with OpenStack packages integrated into existing OIN License

  - **cross-license** on all member owned patents relevant to Linux System (inclusive of OpenStack)

  - **forbearance of litigation** on member owned patents relevant to Linux System (inclusive of OpenStack)

  - **non-fee based**

  - **OpenStack software package nominations presented to OIN by OpenStack technical committee on an annual basis**
Benefits

- **Efficiency** – single unified definition which defines the scope of patent non-aggression for all Linux-based projects

- **Efficacy** – OIN model works in fostering patent non-aggression in and around Linux

- **Zero Cost of Administration** – no need for parallel ‘franchise/cloned’ administrative resources

- **Traction** – provided by preexisting base of 550+ licensees already committed to patent non-aggression in OpenStack and the Cloud

- **Procompetitive Status** – affirmed by the DOJ at the time of the CPTN Transaction

- **Timing** - implementation actually already begun with OIN’s incorporation of OpenStack packages in LS Definition in Spring and Summer 2013

- **OpenStack Board Vote Not Required** – OpenStack Board’s open advocacy and OpenStack’s Technical Committee cooperation is important for nomination of key packages BUT not a formal program that OpenStack Board needs to vote to implement
What OIN is Seeking from the OpenStack Board & Time Frame

• Advocacy
  • Narrowcasting - Internal member/project participant support memo to facilitate OpenStack members signing on to OIN License
  • Broadcasting - Joint Press release with OIN announcing that OpenStack recognizes OIN’s role in specifically supporting OpenStack and, more broadly, patent non-aggression in the Cloud

• Engagement
  • Authorization/Direction to the OpenStack Technical Committee to Annually Nominate Key OpenStack Software packages to OIN for inclusion in the OIN Linux System Definition

Time Frame (Joint Press Release and Internal Advocacy Memo) – shortly after the OpenStack Board Meeting in November 2013
OIN Linux System Definition & OpenStack Coverage to Date
OpenStack specific packages (combined from the two OIN 2013 Linux System Definition updates):

- ceilometer
- cinder
- glance
- heat
- heat-cfntools
- horizon
- keystone
- nova
- openstack-tempo
- openstack-utils
- oslo-config
- packstack
- python-ceilometerclient
- python-cinderclient
- python-glanceclient
- python-heatclient
- python-keystoneclient
- python-novaclient
- python-quantumclient
- python-swiftclient
- quantum
- swift

Note: Certain smaller (mostly python) packages were added to support these, but are not OpenStack-specific.
- **Core** - a list of projects approved by the board, which may use the OpenStack trademark with their project
- **Integrated** - server projects included in the release
- **Oslo libraries** - libraries used by the server projects, included with the release
- **Client libraries** - libraries for talking to OpenStack APIs which are released async from the integrated release
- **Incubated** - incubating in preparation for being included in a future release
- **Gating/supporting** - used by the project (e.g. for CI) but not released
- **Related** - uses OpenStack's project infrastructure (called stackforge) but not part of OpenStack

**Note:** According to OIN Technical Committee’s Informal Coordination with the OpenStack Technical Committee the OpenStack packages OIN has already included in the Linux System Definition represent roughly 100% of the Core, Integrated, Oslo libraries, and Client libraries categories. The OIN covered OpenStack packages also include something from the 'Related' category (openstack-packstack), but do not provide exhaustive coverage of Related, Incubated, or Gating/supporting projects.