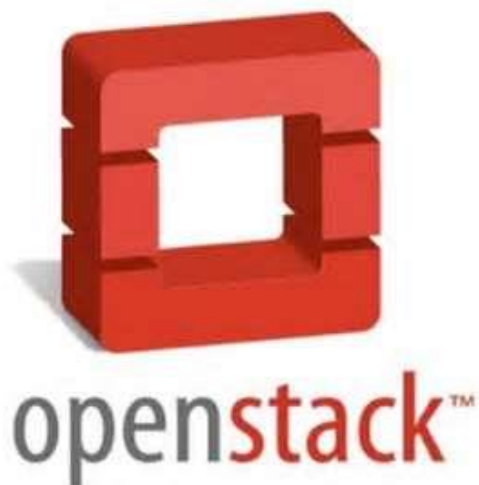
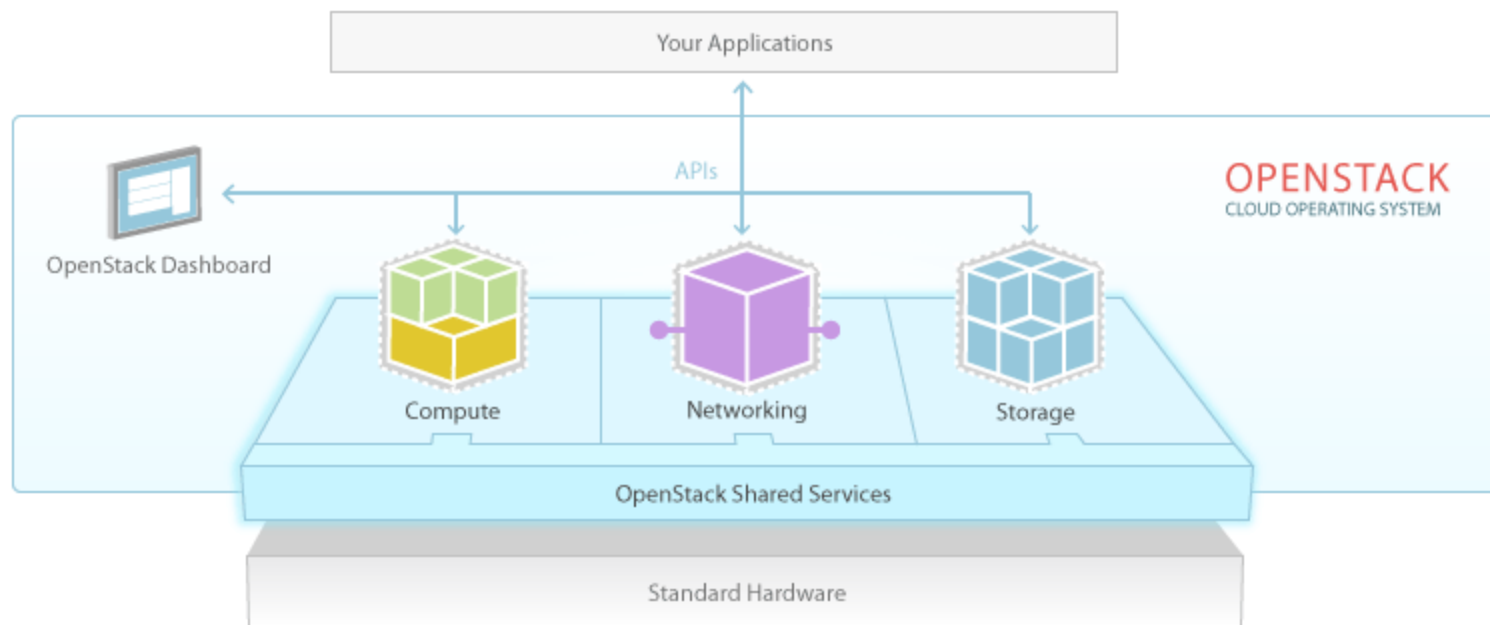


# Developing a Thoughtful Patent Strategy to Ensure OpenStack's Future

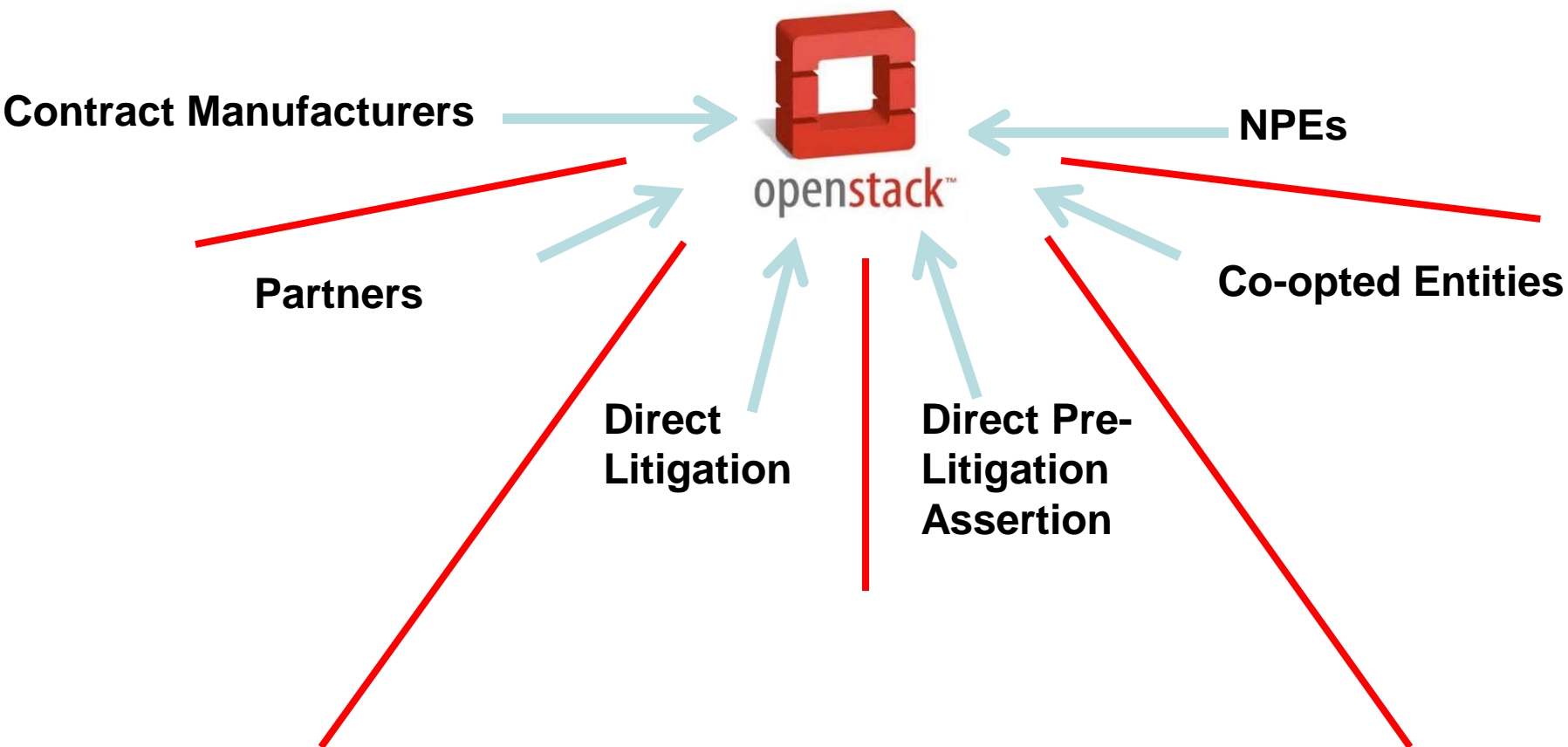


- Agenda
  - Realities that Shape the Context in which OpenStack and the Cloud Evolve
    - » *Patent Speculators/Trolls*
    - » *Operating Companies*
  - Enabling an OpenStack Patent Policy by effectively leveraging Open Invention Network
  - What OIN is Seeking from the OpenStack Board



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



**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**

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