

Use More Free and Open Source Software at Work: How to Approach the Legal Department

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Why FOSS?

Lawyers \neq Coders

Patents & Copyrights

A ten cent tour of the future

Strategies and resources

**Why FOSS is good
for you and
your workplace**

Communal debugging!



Trust and Transparency



More capacity!



Freedom also means
a better world
and happier employees

Remember that
your employer is also
trying to run a business

Coders & Lawyers...



FREE





USE
EXTREME
CAUTION



Patents & Copyrights

Boldly going where many
have gone before



Understanding Copyright



Which license should you choose?



What is your business model?



A tale of two companies



Choose a license
with a patent
protection clause

Patents, How Do Those Work?





The Patent Bargain

Protect your assets



“Patent trolls cost defendant firms \$29B/ year in out of pocket costs.”

*Source: The Direct Costs from NPE Disputes.
James Bessen and Michael J. Meurer. Cornell Law Review. 2011*

R&D or
policing?

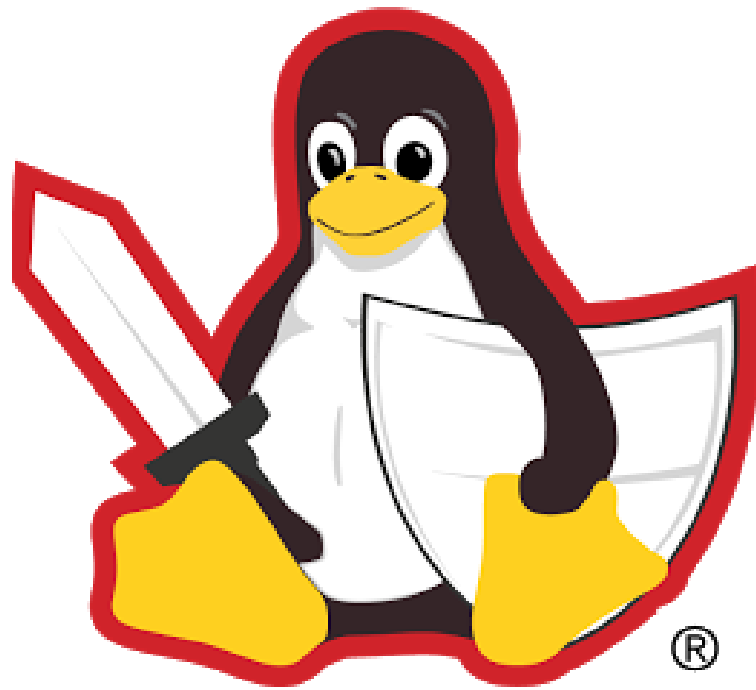


“When companies use the patent system strategically to include, rather than exclude, they boost both freedom to operate and the dissemination of their own ideas.”

Colleen Chien, *Why it's Time to Open Up Our Patent System*

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Defensive Publications



A large, antique wooden wheel with many spokes, leaning against a stone wall. The wheel is made of light-colored wood and has a central hub with a circular opening. The spokes are arranged in a radial pattern. The wheel is leaning against a rough, textured stone wall. The lighting is warm and golden, creating a sense of age and history. The word "Governance!" is written in white text in the upper right corner of the image.

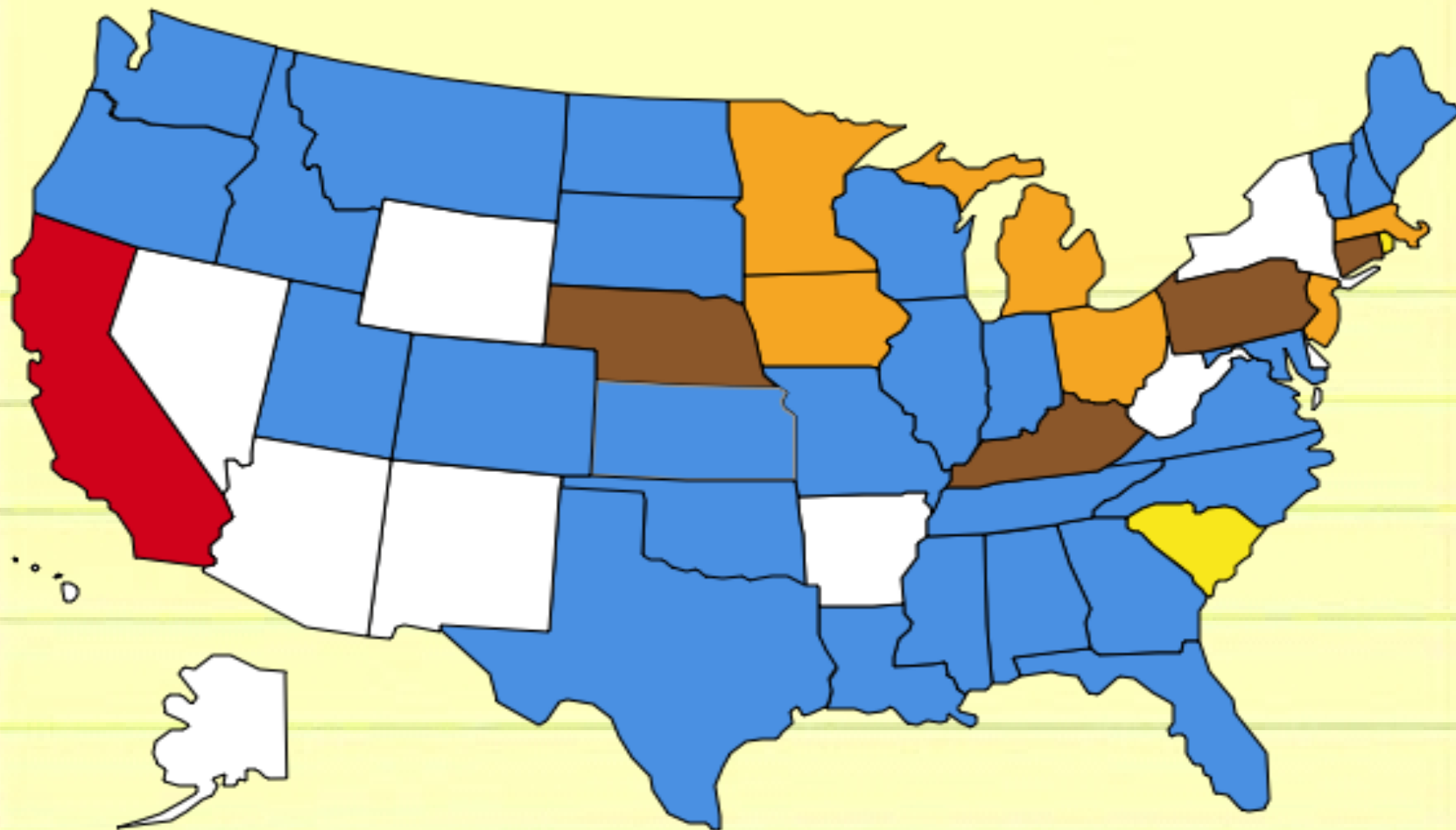
Governance!







“We were on the brink of changing the world before we got stuck in this legal muck.”

*Source: In Technology Wars, Using Patents as a Sword
New York Times, 2012*

Ten cent tour of the future

Federal patent reform?



-  Signed into law
-  Passed by legislature, waiting for governor
-  Passed by one house of legislature
-  Bill introduced
-  Bill stalled
-  Bill introduced previous session

Map courtesy of
patentprogress.org,
as of 01/04/2016

Inter partes review

Strategies and Resources

Communication



Timing is everything



Great listening
skills help you
seal the deal!



Organizations that want to help you FOSS

Free Software Foundation - www.fsf.org

Open Invention Network
www.openinventionnetwork.com

Software Freedom Conservancy
<https://sfconservancy.org/>

Open Source Initiative - www.opensource.org

Apache Software Foundation - www.apache.org



More Information:

CES Panel on Patents, <http://ur1.ca/og5bm>

How to Make Money from Open Source Platforms, four parts
By John Mark Walker, <http://ur1.ca/og5bk>

Patent Assertion and Startup Activity. Colleen v Chien.
September 2013.

Will 2015 Be Our Last Real Best Chance for Patent Reform?
Julie Samuels August 12, 2015

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Questions?



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