STANDARDS BLOG:

Looking Back at SCO:
What did it All Mean?

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"ORDERED that SCO's Renewed Motion for Judgment as a Matter of Law or, in the Alternative, for a New Trial is DENIED."

So ends the ruling of District Judge Ted Stewart. And so also, perhaps, ends the seemingly endless quest of SCO to tax or kill Linux.

Given SCO's well-demonstrated tenacity and unwillingness to face reality, it may seem unwise to assume we have indeed seen the end of the road. But, as with the Black Knight in *Monty Python and the Holy Grail*, once someone who has lost touch with reality loses their last limb, it's easy to just walk away and leave them alone with their delusions. Presumably, that's what SCO's trustee in bankruptcy will now do, forbidding any funds to be spent pursuing SCO's suit against IBM, or anyone else.

Assuming that's the case, this isn't a bad time to ask the question, "What did it all mean?"

Of course, it meant a lot of things, some of which may not be learned for years to come, either because history will have to show us what the impact of the suits had on the uptake of Linux, or because facts will become public that are not now known (e.g., who may have been supporting, or even directing, SCO's litigation decisions behind the scenes).

But today I think we can identify a number of things that, paradoxically, represent very positive impacts that were certainly never intended by SCO. Here are those that I would say top the list:

1. *Best practices for producing open source came of age.* Back in 2003, when SCO first started rattling its sabers, there weren't nearly as many open source software, or as many open source projects, as there are today. The SCO suit made everyone, from individual developers up to corporations, more aware of the fact that the creation of code needs to be properly documented in order to avoid future problems. There's nothing like litigation to focus the mind, and minds of all types were indeed focused by the SCO suits. Today, the process of open source projects. is much tighter and appropriate, providing a better legal foundation for developers and users alike.

2. *The commitment of major corporations to open source was conclusively proven.* In 2000, IBM announced that it would dedicate $1 billion in assets to the development of open source software. Open Source Development Labs (OSDL) was formed the same year by IBM and other major corporations. When the SCO suits arose, the litigation provided another visible way in which technology vendors could demonstrate their support for open source software in general, and Linux in particular. Members of OSDL created a legal defense fund within that organization to defend Linus Torvalds, the principal architect of Linux, and other kernel developers as necessary. That legal defense mission continues today through OSDL's successor, the Linux Foundation, which exists to protect, promote and standardize Linux. The result is that customers know that commercial Linux vendors are solidly committed to supporting not only the commercial development, but also the legal defense, of Linux.

3. *The SCO suits provided a rallying point for open source software (OSS) and free and open source software (FOSS) supporters alike to join together to support Linux.* It's easy to forget that in 2003 there was a much wider separation between corporations and developers than there is today. Developers worried that the suits would co-opt their code, and corporate managers worried that the independence of developers might make FOSS development unreliable or unstable. That gap could have easily widened. Instead, it has narrowed, as both camps have worked together against a common threat. In the process, each side has gotten to know the other better, and each has become more comfortable in that partnership. This was in no small measure facilitated by the great work performed by Pamela Jones and her contributors at Groklaw, which became the major legal resource for corporations and developers, customers and journalists. PJ made the law understandable and available to the developer community, and the culture of FOSS accessible and understandable to corporate types and journalists.

4. *The customer has been both educated and comforted.* Free and open source software is new enough that most potential users and commercial customers had little accurate knowledge about it when the SCO suits began. The SCO litigation gave incentives to corporate and law firm lawyers to learn what FOSS/OSS licenses are all about, and also to see the impressive level of effort that the commercial and developer communities will bring to defending them. The law suits also provided incentives to vendors such as Red Hat and Novell to provide the type of warranty protection that reassured customers. And with every loss suffered by SCO, the perceived risk level of using FOSS/OSS continued to fall.

Perversely, SCO's suicidal mission against Linux therefore ultimately served to strengthen the role of the Linux operating system kernel it tried to encumber rather than the opposite. Today, the reality of FOSS/OSS is far stronger than it likely would have been had not SCO destroyed itself in its vain quest.

While it would go too far to thank SCO for what it has done for FOSS/OSS, the saga that hopefully ended yesterday does serve to prove the wisdom once again of that old adage, "Something good comes of all."

Now it's time for FOSS/OSS to move onward and upward, battle-tested, confident and ready for anything.