

Index

- Accenture, 139
Accounting systems, 140, 167–169
Adobe, 11
Akers, John, 23
Allapat (court decision), 10
Allen, Paul, 131–132
Altair 8800, 131–132
American Bell Telephone Company, 156
American Society of Composers,
 Authors, and Publishers, 171
Antitrust cases, 4, 7, 17–18, 111. *See also*
 Patent infringement
Antitrust policy, 51
Apple, 61, 175
Arazi, Efraim “Efi,” 10–12
Arora, Ashish, 158
Aslett, Matt, 172
Attardo, Mike, 25–26
- Balance sheets, 140, 167–169
Baldwin, Matthias, 155
Ballmer, Steve:
 intellectual property leadership of,
 146–147
- on Linux, 106
 Novell negotiation involvement by,
 120–124
 on Project Summer, 97–98, 100–101
 Smith appointment by, 7
 XML speech by, 81–82
Barnard, Chester L., 150
BASIC programming language, 132
Berman, Bruce, 141
Black Duck Software, 173
Blucasa, 85
Brands, 137
Brazel, Pat, 87
BTG International, 138
- Carlson, Tim, 71
Cary, Frank, 17
Chesbrough, Henry, 44
Chief executive officers, 22, 137–142,
 147–148. *See also specific CEOs*
 by name
China, 86, 163–165
“Cloud” computing, 169
CNET (network), 64

INDEX

- Cohen, Stuart, 128, 129
- Collaboration:
benefits of, 59–63, 142
challenges of, 102–110
competition *vs.*, 5–6, 46, 49, 76, 143–144
corporate culture impacting, 41–44
with entrepreneurs, 73–77, 81–89, 93–94, 158
of government and industry, 21–22
with independent inventors, 158
intellectual property as bridge to, 5–6, 57, 144–146
internal resistance to, 49–51, 59–60
internal support for, 51–53
media on Microsoft's, 60–61, 63–65
need for, 4–6, 102–110
with Novell, 110–128
in online publishing, 176
with open source community, 98–110
patent cross-licensing deals as, 39, 44, 46, 67–73, 77–80, 90
patent licensing for, 27–28
patent portfolio development as tool of, 47
reasons for, 44–46
relationship building for, 6–9, 50–51
with venture capital community, 74–77, 81–89, 93–94
- Competition:
collaboration *vs.*, 5–6, 46, 49, 76, 143–144
Council on Competitiveness, 21–22
in online publishing, 176
- Computer Systems Policy Project, 22
- ComTech, 86
- Confidentiality, 98–99, 102, 106–107
- Copyrights, 135, 137, 170–171, 175–176
- Corbet, Jonathan, 104
- Corporate Counsel* (magazine), 60
- Corporate culture, 39–44, 49–53
- Council on Competitiveness, 21–22
- Courts, 9–10, 36, 157. *See also* Legal issues
- Covenant-not-to-sue, 119–120
- Cowen, Brian, 89
- Creative Commons initiative, 53
- Dam, Ken, 43
- Damage awards, 36
- Diamond v. Diehr*, 9
- DiDio, Laura, 64
- Disney, 62
- Dorr, Diana, 71
- DOS (Disk Operating System), 135
- .NET (dot-net) initiative, 52
- DoubleSpace, 12–13
- Eastman, George, 155
- Economist Intelligence Unit, 139
- Economy, 8–9, 153, 160, 162–166
- Edison, Thomas, 156
- Ellis, Frampton, 157
- Employees. *See also specific employees by name*
corporate culture of, 39–44, 49–53
forward invention/ideation sessions of, 48–49, 136
IP Venture interest by, 83
Microsoft-related, 8
patent licensing response from, 49–56, 59–60
- Enderle, Rob, 64
- Enterprise Ireland, 83–85, 87, 89
- Entrepreneurs, 73–77, 81–89, 93–94, 158. *See also* Independent inventors
- Eolas case, 36
- Eon Reality, 86
- Eppenauer, Bart, 42, 43, 47–48, 50
- Europe, 35, 83–85, 87–89, 160
- European Commission, 35
- eWeek* (trade journal), 6, 105–106
- Federal Circuit Court, 10
- Ferranti International Signal, 13
- Finnish National Fund for Research and Development (Sitra), 89
- Forbes* (magazine), 138, 139

Index

- Fortress mentality, 14, 49, 86. *See also* Insularity
Fortune (magazine), 63
Forward invention/ideation sessions, 48–49, 136
“Free content” model of publishing, 174–176
Free Software Foundation, 173
Fujitsu, 19–21
- Galli, Peter, 130
- Gates, Bill:
collaboration concerns of, 117
as independent inventor, 157
intellectual property leadership of, 58, 131–137, 147–148
Microsoft creation myth of, 51
NAP clause involvement by, 34, 38–39
on Novell negotiations, 117, 120
patent licensing policy support from, 58
Phelps’ hire by, 1–2
Smith appointment by, 7
- General Electric, 32
- General public license (GPL), 107, 118–119, 173
- Gerstner, Lou, 28–31
- Global economy, 8–9. *See also* Economy
- Google, 174, 175–176
- Government, 7, 10, 21–22, 35, 84, 89
- Greatbatch, Wilson, 157
- Gutierrez, Horacio:
on business value of intellectual property, 143, 144–145, 150–151
on Gates’ role in intellectual property, 135
on history of Microsoft, 14–15
on intellectual property leadership, 146
Novell negotiation involvement by, 114, 117, 122, 124
on “Open for Business” campaign, 62–63
on outsourced incubation, 74
on reform of patent system, 170–171
- Harnett, David, 73–77, 81–89, 93
- Hauser, Susan, 97–98, 100–102, 111, 123–124, 128
- Hewlett-Packard, 35
- Heystee, Susan, 124
- Hitachi, 19–20
- Hoftstadter, Richard, 99
- Hovsepian, Ron, 110–116, 120–121, 123
- Howe, Elias, 155
- IBM:
decline of, 23–24
Japanese patent infringement of, 19–21
open source software developed by, 104
operating system creation for, 135
patent licensing program at, 2, 24–31
Phelps’ positions with, 17–23
- Immersion case, 92–93
- Inclusivity value, 46, 49
- Income. *See* Revenue
- Independent inventors, 153–160. *See also* Entrepreneurs
- Innovation. *See also* Research and development
“cloud” computing impact on, 169–170
collaboration increasing, 4–6
forward invention sessions on, 48–49, 136
by independent inventors, 153–160
investment in, 160
open, 44
outsourced incubation of, 73–74, 85–89
patent system impact on, 154–157, 162–166
- Inrix, 59–60
- Institute of Electrical and Electronic Engineers, 47
- Insularity, 41–43. *See also* Fortress mentality

INDEX

- Intellectual Asset Management* (magazine), 139, 141
- Intellectual property. *See also all patent- and copyright-related entries*
- accounting for value of, 139–142, 167–169
 - advancing strategic business objectives using, 142–146
 - as bridge to collaboration, 5–6, 57, 144–147
 - as chief source of wealth, 137–138, 150–151
 - fortress mentality using, 14, 49, 86
 - future of, 173–177
 - Gates' leadership of, 58, 131–137, 146–148
 - investment strategies for, 91–93
 - management leadership on, 137–142, 146–151
 - Microsoft leadership on, 42–43
 - noncash value of, 90–95
 - revenue from (*see* Revenue)
 - value of, 90–95, 137–142, 149–150, 167–169
- Intellectual Ventures, 15
- Internet, 18, 81, 103, 158, 159, 167, 169, 174
- Interoperability:
- “cloud” computing and, 169
 - councils/alliances on, 61, 128
 - of Windows and Linux, 3, 98–100, 115, 123–128
 - XML advancing, 82
- Interoperability Executive Customer Council, 61, 128
- Interoperability Vendor Alliance, 61
- Intertrust, 36
- IP. *See* Intellectual property
- IP Ventures, 61, 73–77, 81–89
- Ireland, 83–85, 87–89
- iTunes, 175
- Jadallah, Sam, 58
- Jaffee, Jeff, 113, 115–116, 120–121
- Japan:
- ascension in technology industry, 20–21, 22–23
 - IBM office in, 18–19
 - intellectual property regimes in, 160
 - patent cross-license deals with firms in, 67–73, 77–80, 90
 - patent infringement by firms in, 19–21
 - U.S. relations with, 20–21, 22
 - view of NAP clause in, 35, 70–71, 78
- Japanese Fair Trade Commission, 35, 70–71
- Jefferson, Thomas, 155
- Jobs, Steve, 157
- Jobs (employment), 8
- Johannson, Frans, 149
- Kaefer, David, 42, 55–56, 57
- Kato, Taisuke, 72–73
- Katoh, Masanobu, 5, 139
- Katzenbach, Nicholas deB., 17
- Kelley, Anne, 67–73, 77–80, 114–115, 119
- Knight, George H., 166
- Kodak, 11
- Korea, 163
- Kossovsky, Nir, 137
- Lamoreaux, Naomi, 158
- LaSala, Joe, 113, 115–116, 120–122
- Leadership:
- of Gates on intellectual property, 58, 131–137, 147–148
 - of management on intellectual property, 137–142, 146–151
 - of Microsoft on intellectual property policy, 42–43
 - of United States in science and technology, 164–165
- Legal and corporate affairs, 52
- Legal issues:
- antitrust cases as, 4, 7, 17–18, 111
 - court decisions on, 9–10, 36, 157
 - covenant-not-to-sue as, 119–120

Index

- NAP clause as, 33–37
- patent infringement as, 10–14, 19–21, 25–27, 35–37, 92–93, 105, 119–120, 126–127, 161
- resolution of, 7
- Lehman, Bruce, 43
- Lerner, Josh, 159
- Lessig, Larry, 53
- Lewin, Dan'l, 75, 81–83, 93–94
- Lilly, Eli, 159
- Lincoln, Abraham, 156
- Linux software, 3, 98–100, 104, 106, 115, 123–128
- Lockwood, T. D., 156
- Lustig, Kenneth, 15, 91–93, 135
- Mann, Susan, 42
- Media:
 - on calculating value of intellectual property, 141
 - free content model of publishing in, 174–176
 - on intellectual property management, 139
 - on Linux software, 104
 - on Microsoft collaboration, 60–61, 63–65
 - on Microsoft/Red Hat relations, 105–106, 106–107
 - Novell/Microsoft announcement to, 121–122
 - on patent cross-licensing, 80
 - on Phelps' hire, 3, 6–7
- Meithel Award, 89
- Messman, Jack, 110
- Microsoft Research, 10, 73
- Mill, John Stuart, 165
- Mitsubishi, 19–20
- Mixed source software, 172–174
- Moglen, Eben, 99, 173
- Monopolies, 33, 165–166
- Moore, Tanya, 42, 50, 54–55, 59–60
- Moriarty, Michael, 84
- MS-DOS (Microsoft Disk Operating System), 135
- Muglia, Bob, 113, 115
- Mundie, Craig, 52
- Myhrvold, Nathan, 9–15, 132, 133–134, 138
- NAP (non-assertion of patents) clause:
 - abandonment of, 37–40
 - industry reaction to, 33–37
 - initiation of, 14, 34
 - Japanese view of, 35, 70–71, 78
 - patent cross-licensing replacing, 68, 70–71
- Napster, 175
- Naruto, Michio, 20–21
- National Venture Capital Association, 76, 81
- Newsweek* (magazine), 6–7
- New York Times*, 63
- Nikon, 90
- Nishida, Atsutoshi, 71
- Nokia, 61, 62
- Non-assertion of patents clause. *See* NAP (non-assertion of patents) clause
- Nortel, 90
- Novell, 98, 102, 104, 107, 108, 110–128
- Nowbar, Hossein, 115, 121
- NTP v. RIM*, 105, 126–127
- OEMs (original equipment manufacturers), 34–37
- O'Flynn, Gerard, 83–84
- Opal, John, 20
- “Open for Business” licensing campaign, 53–59, 62–63
- Open innovation, 44
- Open source community:
 - changes in, 129–130
 - collaboration with, 98–110
 - future of, 171–173
 - independent inventors in, 159
 - Microsoft/Novell collaboration and, 110–128
 - negotiations with, 105–122
 - Novell boycott by, 126
 - overtures to, 52–53

INDEX

- Open source community (*Continued*)
 - patent infringement by, 119–120
 - Phelps' hire impact on, 3
 - politics of, 108–109
- Open Source Development Labs, 127–128
- OpenSUSE.org, 120
- Original equipment manufacturers (OEMs), 34–37
- Osnos, Peter, 175–176
- Outsourced incubation, 73–74, 85–89

- Palo Alto Research Center, 147–148
- Parr, Russell, 3
- Patent Act, 161
- Patent Board, 47
- Patent cross-licensing deals (PCLs):
 - as collaboration, 44, 46
 - development of, 39
 - with Japanese firms, 67–73, 77–80, 90
 - noncash value of, 90
 - replacing NAP clause, 68, 70–71
 - with Toshiba, 67–73, 77–80
- Patent infringement:
 - of IBM patents, 19–21
 - identification of, 25–27
 - increase in lawsuits on, 161
 - Microsoft accused of, 10–14, 35–37, 92–93
 - NTP v. RIM* case on, 105, 126–127
 - by open source developers, 119–120
- Patent licensing. *See also* Patent cross-licensing deals (PCLs); Patents
 - benefits of, 59–63
 - “cloud” computing and, 169–170
 - collaboration through, 27–28
 - 5 Year Plan for, 43–46
 - “free content” model *vs.*, 174–176
 - future of, 173–177
 - at IBM, 2, 24–31
 - “Open for Business” campaign, 53–59, 62–63
 - with open source community, 107–122
 - purpose of, 31–32
 - resistance to, 49–51, 59–60
 - revenue from, 2–4, 25, 27, 30–31, 62, 141
 - support for, 51–53
- Patent portfolio, 40–41, 47, 70, 72
- Patents. *See other patent-related entries*
 - advancing strategic business objectives using, 142–146
 - awarded to independent inventors, 158
 - management of, 137–139
 - Microsoft history of, 9–16
 - monopolies *vs.*, 165–166
 - negotiations with Novell on, 113–115
 - non-assertion of patents clause, 14, 33–40, 68, 70–71, 78
 - opposition to, 107
 - quality of, 47, 160–161
 - royalties on, 55, 58, 115, 118–119, 141
 - on software, 9–16, 19–21, 107, 162
 - value of, 168
- Patent system:
 - history of U.S., 153–157, 159–160
 - impact on innovation, 154–157, 163–167
 - reform of U.S., 161–163, 170–171
- Pavlicek, Russell, 172
- PC-DOS, 135
- PCLs. *See* Patent cross-licensing deals (PCLs)
- Pfieffer, Ralph, 20
- Polaroid, 11
- Popolano, Mark, 127
- Press conferences, 121–122
- Professional associations, 43. *See also specific organizations by name*
- Project Blue, 111
- Project Bridge Builder, 107
- Project Summer, 98–110
- Publishing, 174–176. *See also* Media

- Q-DOS (Quick and Dirty Operating System), 135
- Quality of patents, 47, 161

Index

- Raymond, Eric, 103
Red Hat, 98, 102, 103, 105–110,
124–125, 129–130
Relationship building:
collaboration as, 6–9, 50–51
by intellectual property leaders, 150
negotiations impacted by, 112
with Toshiba, 71–72, 78
Rembrandts in the Attic (Kline), 32, 139
Research and development, 4–6, 73–74,
156–160, 164. *See also* Innovation
Revenue:
from intellectual property, 141–142
from Linux subscriptions, 115
from patent licensing, 2–4, 25, 27,
30–31, 62, 141
royalties as, 55, 58, 115, 118–119,
141, 170–171
Roman, Eugene, 127
Rosenbloom, Richard, 159
Royalties, 55, 58, 115, 118–119, 141,
170–171
Rubin, Tom, 42, 53, 61–62, 174–176
Ruggles, John, 161
Ryan, Frank, 89
- Samsung, 125
Sanford, Linda, 159
Saxenian, Anna, 158
Scientific American, 156
SCO Group, 105
Search engines, 174, 175–176
Sitra (Finnish National Fund for
Research and Development), 89
Skinkers, 85
Smith, Brad:
appointment of, 7
intellectual property leadership of, 147
on Japanese patent cross-licensing,
68–70, 79
on Microsoft strategy changes, 7
on NAP clause reform, 37–39
Novell negotiation involvement by,
111, 112–115, 120–122
on “Open for Business” campaign, 57
- Phelps’ hire by, 1
policy reform by, 51–52
on transformational power of
intellectual property, 64–65
Softedge Systems, 85
Software:
Linux, 3, 98–100, 104, 106, 115,
123–128
mixed source, 173
patent infringement of (*see* Patent
infringement)
patenting, 9–16, 19–21, 107, 162
value of, 132–134
Windows as, 3, 34–35, 78, 98–100,
115, 123–128
Sony, 35, 77, 93
Stac Electronics, 12–14
Stallman, Richard, 99, 109, 173
Start-up firms. *See* Entrepreneurs
Stewart, Nancy, 127
Sun Microsystems, 113
Supreme Court, 9
Swenson, Chris, 64
Symbian, 61
Szulik, Matthew, 106–107
- TalkWeb, 86
Tanzi, Lisa, 42, 54, 56
Tattersall, Scott, 87
Technology industry:
decentralization of, 4, 143, 157–158
government collaboration with, 21–22
history of patents in, 9–16
innovation in (*see* Innovation)
Japanese ascension in, 20–21, 22–23
leadership of United States in, 164–165
Microsoft image in, 93–94
Microsoft impact on, 8–9
mixed source software in, 173
open source community in (*see* Open
source community)
reaction to Microsoft NAP clause,
33–37
view on value of software, 131–134
virtualization in, 144

INDEX

- Torres, Jorge M., 137
Torvalds, Linus, 157, 173
Toshiba, 67–73, 77–80
Transparency, 167–170
Turner, Kevin, 110–111
- United States:
 IP Ventures partnerships in, 86
 Japanese relations with, 20–21, 22
 Justice Department, 7, 35
 leadership in science and technology,
 164–165
 Patent and Trademark Office, 10
 patent system in, 153–157, 159–167,
 170–171
U.S. National Intelligence Council,
 164
- Vaughan-Nichols, Steven J.,
 126
Venture capital community, 74–77,
 81–89, 93–94
Vigil, Hank, 113, 115
Vimio, 85
Virtualization, 144
- Wallop, 86
Ward, Mike, 42
Webbink, Mark, 106
Webster, Daniel, 154
Weresh, John, 15, 48, 50–51
Wild, Joff, 165
Windows, 3, 34–35, 78, 98–100, 115,
 123–128
Wolowski, Louis, 166
Wozniak, Steve, 157
- Xerox, 147–148
XML (Extensible Markup Language),
 81–82
- Yajima, Toshio, 71
Yamazaki, Shumpei, 157
Yoshida, Atushi “Yoshi,” 68, 79–80
- ZDNet* (magazine), 3
Zelle, David, 127
Signals, 87
Zinn, George, 149
Zuck, Jonathan, 127
Zumobi, 86