

Novell Defends Microsoft Deal

March 26 2007

Novell took the unusual step at its annual BrainShare conference here of holding a "fireside chat" between its own Chief Technology Officer Jeff Jaffee and Craig Mundie, chief research and strategy officer at Microsoft, as part of the opening keynote presentations.

That move underscored the awareness among Novell's top executives that the controversial interoperability and patent deal the company signed with Microsoft in November would take center stage at the March 18-23 conference and needed to be addressed early on.

Interest about the deal also seemed to eclipse the product news announced at the show, such as the public beta for Novell Open Enterprise Server 2 - which offers virtualized NetWare and domain services for Windows and full 64-bit application support - as well as the upcoming Service Pack 1 for SUSE Linux Enterprise 10 and the SUSE Linux Enterprise Thin Client.

But while the chat discussed the interoperability component of the agreement between the companies, it ignored the covenant not to sue one another's customers over patent infringements, which is the most controversial part of the deal for some in the open-source community.

Novell CEO Ron Hovsepian acknowledged that the deal was an ecosystem change for Novell but said it was accomplished for the customers. "This is all about driving customers to make their lives easier, and about interoperability," he said.

One such customer is Ben Goodyear, head of infrastructure for ITV, the largest commercial broadcaster in the United Kingdom. He welcomed the deal with Microsoft, saying the interoperability advances will be beneficial.

But with regard to the covenant not to sue, Goodyear said that while he is happy that it is in place, "I wasn't staying up at night worrying about being sued. Also, not having such a deal wouldn't have - stopped - , and didn't stop, us from adopting Linux."

Hovsepien was unapologetic about the Microsoft deal. In an interview with eWeek, he argued that it has been good for Linux adoption as well as for Novell, and pointed to several recent large deals that would not have happened had the agreement with Microsoft, of Redmond, Wash., not been in place. He also expects the longer-term financial fruits of the deal - such as improved market share and customer penetration - to show up within a year.

The pact not to sue was "an agreement that is squarely driven off of our desire to help our customers. We would not violate GPL2 - GNU General Public License, Version 2 - - we are very committed to that. We are very committed to Linux, and the bottom line is that we are building an extra layer on top of our public position already on patents," he said.

Hovsepien said he didn't regret that part of the deal. Part of Novell's maturation as a business and a member of the open-source community "means that it sits in a unique position, where it is balancing customer relationships with community relationships," he said. He also reiterated that Novell does not acknowledge any patent infringements with open source "in any way, shape or form. We would never do that, as we believe there aren't any." That despite the fact that Microsoft CEO Steve Ballmer has said publicly he believes the agreement acknowledges just that. "We have agreed to disagree on that," Hovsepien said.

Adding to the pressure on Novell, of Waltham, Mass., is Red Hat's refusal to strike a similar deal with Microsoft not to sue, and criticism of Novell for doing so, while community members such as open-source evangelist and developer Bruce Perens and Richard Stallman, executive director of the Free Software Foundation, also are criticizing the deal.

Perens held a press conference here March 19, and Stallman - who currently is rewriting the GPL - released a statement saying the GPL was designed to ensure that redistributors of the program respect the freedom of those further downstream.

"The GPL defends the freedom of all users by blocking the known methods of making free software proprietary," Stallman said in his statement, adding that Novell and Microsoft had tried, using Microsoft's patents, to give an advantage to Novell customers only. "If nothing resists such deals, they will spread and make a mockery of the freedom of free software."

Hovsepien declined to comment on that statement, but did say Novell is willing to work to strike the balance of what can be done to grow Linux in the market versus what it does from a licensing perspective.

On a positive note, Red Hat, of Raleigh, N.C., announced March 19 that it is planning a packaged Linux desktop solution it hopes will push its Linux desktop offering to a broader audience. Nat Friedman, Novell's vice president of Linux desktop engineering, welcomed the news, saying it validates Novell's existing product offering.

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