TABBED DIALOG

Dear Linux Magazine Reader,

Joe Casad, Editor in Chief

I've always seen irony in the acronym "IP" for "Intellectual Property," a term that is difficult to escape if you spend any time in front of high-tech media. In the IT industry, everybody knows that IP stands for "Internet Protocol." Of course, I'm sure you've already noticed this confusion, and you've probably heard others mention it before now. This curious repetition could easily go in the category of eerie but irrelevant oddities, like the classic announcement that "*live* spelled backwards is *evil*." The significance, however, is not in the mere collision of two-letter acronyms. The thing that is funny (or sad, depending on your temperament) is that, more than likely, the reason this collision occurred is that the corporate attorneys and portfolio managers who visited the "Intellectual Property" buzzword on the IT industry didn't even know what the Internet Protocol is.

This simple observation can serve as a lens for viewing the whole patent fiasco. The life of a business manager or lawyer is so different from the experience of a software developer that it is not surprising the lawyers write so many bad patents. But ignorance is often empowering. I've often thought the attorneys involved with prosecuting software patents must deliberately disconnect themselves from any bonds of technical meaning because reality can only interfere with the game of wielding legal terms to locked down intellectual property.

Unfortunately, as if to mirror this divide, the patent problem itself passed from the conceptual to the concrete this month with the filing of a patent lawsuit against Linux. In case you're wondering, the accuser in this suit was not Microsoft or SCO but a company known as IP Innovation, LLC, a subsidiary of the Acacia Technologies Group, which refers to itself as a "leader in technology licensing." The suit was filed against Red Hat and Novell. These two leading Linux vendors, it seems, are accused of ravaging intellectual property by providing an operating system in which, according to the patent abstract posted online (stop reading right now if you are a software developer):

"Workspaces provided by an object-based user interface appear to share windows and other display objects. Each workspace's data structure includes, for each window in that workspace, a linking data structure called a placement which links to the display system object which provides that window, which may be a display system object in a preexisting window system. The placement also contains display characteristics in that workspace, such as position and size. Therefore, a display system object can be linked to several workspaces by a placement in each other workspaces' data structures, and the window it provides to each of those workspaces can have unique characteristics, yet appear to the user to be the same window or versions of the same window. As a result, the workspaces appear to be sharing a window. Workspaces can also appear to share a window if each workspace's data structure includes data linking to another workspace with a placement..."

The true meaning of this description remains remarkably unclear even after several readings. When IP Innovation requested (and reportedly received) payment from Apple on this patent earlier this year, the speculation was that the language had something to do with the company claiming ownership over the concept of a tabbed dialog box.

Pamela Jones of Groklaw and others have asked whether this new suit is related to the fact that two Microsoft execs recently went to work for Acacia, but I don't even think we need Microsoft to explain this one. The patent system is dysfunctional all by itself.