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Microsoft's New Open-Source War

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By Jim Rapoza

When news came out that Microsoft was claiming that open-source technologies violate 235 Microsoft patents, it sparked a predictable firestorm of responses.

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Most of these, both here at eWEEK and across the Web, have correctly identified this as a classic Microsoft campaign of FUD (Fear, Uncertainty and Doubt). Points have also been made about the likely inability of these claims to stand up in court, especially now that the Supreme Court has made it easier to invalidate a patent based on obviousness.

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However, there was one aspect of this whole circus that struck me immediately upon seeing the news. And that was that this whole effort of FUD on the part of Microsoft is a clear sign that they have given up. Microsoft has been fighting a war for the last several years, and this announcement about the 235 patents was as clear as a white flag that they have given up on ever winning that war.

Which war is it that I'm referring to? It's the war over you, the IT worker and administrator.

For the last several years, Microsoft has been fighting hard to create FUD about the effectiveness of open-source products and to keep IT workers from wanting to use them. They told you that open-source products don't have good support, and your business would be up the river if you used open-source products and problems occurred. Microsoft said that open-source products don't have the scalability or the capacity to run enterprise-class applications. They tried to convince you that you wouldn't be able to find skilled developers to create and manage systems built on open-source products.

But unfortunately for Microsoft, you kept on trying open-source products. And you found the products had support options every bit as good as commercial products. You also learned that open-source products were quite capable of handling the busiest and most resource-intensive enterprise demands. Then, you discovered whole vibrant communities of talented and eager open-source developers. In short, you discovered that Microsoft's claims about open-source technologies were just a bunch of FUD.

And now it's clear that Microsoft knows this too. They were hoping to scare you away from open-source options, but now that their campaign has failed, they've clearly thrown in the towel.

But Microsoft hasn't given up completely. This claim of 235 patents is basically the first salvo in a new war for the hearts and minds of another target audience.

The tactic that they are using in this salvo is what I like to refer to as the "little brother ploy." Maybe you had a sibling who, as you got older, became jealous that you were spending more time with your friends and less time playing with him. And maybe this brother started a campaign of FUD with your mom, trying to convince her that your friends were no good.

But as mom got to know your friends she realized what your little brother was doing, and the game was up. Then, the ratty little kid went to your dad, who didn't know your friends and would have little time to ever meet them, and tried a similar campaign of FUD.

Basically this is exactly what is happening now with Microsoft. In the role of mom are the IT workers, who have gotten to know and like their new friends in the open-source crowd.

And in the role of dad are your company's financial and nontechnical executives. And, unfortunately, since they are unlikely to ever try open-source products themselves, they are ripe to fall for little brother Microsoft's claims that these open-source kids are no good.

That's the sad part. Despite the fact that these 235 patent claims have essentially already been shot down, it's a guarantee that there are some IT administrators currently hearing from executives that read the headlines and think they need to stop using this open-source stuff out of patent fears.

So it's no time for open-source advocates to feel smug about the lacking validity of these patent claims. Those in the business world who want to continue to have open-source options in their infrastructure will need to stay vigilant and make sure their executives understand clearly that these patent claims are bogus.

And then maybe we can put that little brother back in his place.

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