ABA OSS March 6th, 2017 Committee Call Summary:

Thanks to all who were able to join our March 6th call, which took place as scheduled today at 10AM PAC. Here is a call summary; our next call is scheduled for May 22, 2017.

03/06 Agenda:

1. Introductions: Pharon and Michael Neuren introduced themselves, and Brad indicated that he was on the call.
2. Update on active cases and recent legal issues:
   - Our Cochair Joanne has updated the committee on the ongoing Oracle v Google litigation- “which we have been following for years.” Our cochair summarized the matter’s litigation history; In May of 2016 a jury verdict cleared Google of liability (8.8 Billion USD) pursuant to fair use. Oracle has filed an appeal and our cochair explained that this means the case will go back to the Federal Circuit, where the issue is “Whether there was sufficient evidence for jurors to find fair use.” Following Joanne’s request for questions or comments I asked a procedural legal question “What is the standard of review” for this matter?
   
   For the benefit of our members, here is a link to the Plaintiff-Appellant’s most recent appellate filing: https://patentlyo.com/media/2017/02/02-10-17_Oracle-opening-brief-second-appeal.pdf

   - Brad gave a very brief update/overview on an SPDX project, which concerns open source license compliance, about which he has previously briefed us.
3. New projects:
   - Brad is interested in Hellwig litigation in Germany.
   - Joanne indicated interest in a future speaker to address blockchain, and I seconded such interest. Brad has indicated that he may speak, or seek a speaker, on a future call on open source distributed ledgers, perhaps with a focus on provenance of source code.
4. Opportunities to share ideas and information: We had a question from one of the call attendees on: Tort issues/liability; known issues, with regard to code repositories; How do we address/control for known issues? My comment: we may limit liability via contract, also we look forward to hearing more viewpoints from a potential future speaker on the subject.

Thank you,

Martha C. Chemas, Esq.