

How Linux defenders attack bad software patents before they're approved

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Despite the rise in the number of patent trolls launching lawsuits affecting open source software, there are some glimmers of hope. The America Invents Act that was signed into law in September 2011 has provided new ways to prevent the issuance of over-broad software patents that could fuel future lawsuits.

In a session at LinuxCon today, Linux Defenders director Andrea Casillas explained how the group is using rights granted by the new law to fight patent applications. A project of the Open Invention Network, Software Freedom Law Center, and Linux Foundation, Linux Defenders examines the 6,000 new patent applications published each week, attempting to identify those that are potentially threatening to Linux and open source. Then, the group looks for prior art that would invalidate at least some of the claims in the patents.

The next step is working with Linux technologists to file defensive publications, which are not patents themselves but describe an invention and place it in the public record, preventing new patents from being granted that cover the same technology.

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