The Challenge of Commercialization Open Source

presented to Entrepreneurs' and Consultants Network

January 8, 2008

presented by

Edmund J. Walsh, Esq.

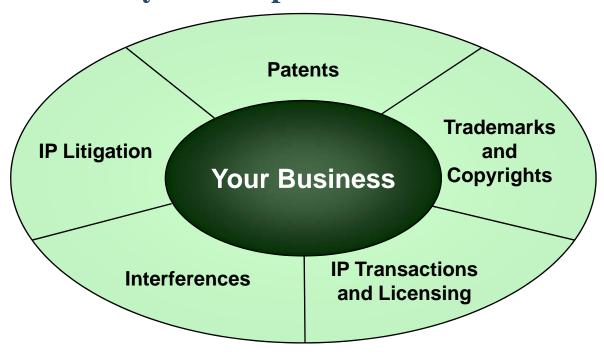
Wolf Greenfield

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We are focused on protecting, and enforcing your intellectual property rights and helping you navigate around those of your competitors



You Receive Full Service IP



Open Source and Free Software

- There are many types of FOSS licenses
 - (Out of scope: but, watch for differences)
- What is in common:
 - Broad rights
 - Source Code
 - Right to use and modify
 - No warranties
 - If you distribute, you must pass on the open source terms



The Business Proposition

 Passing on broad rights means you give up:

- IP rights that could sustain technical differentiation
- Ability to leverage your investment



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Example: The Value of IP and Leverage

- Microsoft
 - Needs no introduction
- Red Hat
 - Open source vendor
 - Revenue from:
 - Subscriptions
 - Services



The Value of IP

Red Hat

- Oracle
 - Will provide copies of Red Hat code
 - Will service Red Hat Installations
- CentOS
 - Makes Red Hat software available for free download



The Value of Leverage

Microsoft

- Revenue: \$13,762,000
- Cost of Revenue: \$2,675,000 (19%)
- Operating Expense: \$5,169,000 (38%)
- Total Expenses: 57%

Red Hat

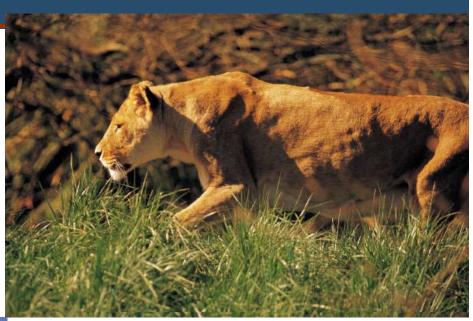
- Revenue: \$127,270
- Cost of Revenue: \$20,064 (16%)
- Operating Expense: \$89,410 (70%)
- Total Expenses: 86%

Note: Dollars are in \$1,000's. Red Hat – Quarter ended August 31, 2007 Microsoft – Quarter ended September 30, 2007



Profitability of Open Source...

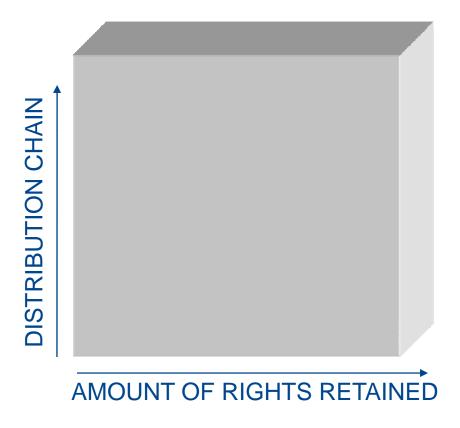
...may depend on where you are in the distribution chain.







Depends on How You Slice It





Make Sure Your Use of Open Source Supports Profit

APPLICATIONS ON AN OPEN SOURCE BASE

SERVICES

DEVELOP OPEN SOURCE

MODIFY OPEN SOURCE

ALL RIGHTS IN ANY PRODUCT

WITH OPEN SOURCE AND DEVELOPMENT

TOOLS

RIGHTS ONLY IN CODE RECEIVED AND MODIFIED



GIVE UP:

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