

LAWRENCE ROSEN

ROSEN LAW & EINSCHLAG
3001 KING RANCH ROAD
UKIAH, CALIFORNIA 95482

TELEPHONE: 707-485-1242
FAX: 707-485-1243
EMAIL: LROSEN@ROSEN.LAW.COM

PROFESSIONAL EXPERIENCE

Rosenlaw & Einschlag, a technology law firm, 1995-present

Firm name was Rosenlaw.com from 1995-2001.

- Founding partner.
- Represent technology clients around the world, specializing in open source software issues.
- Firm's services include advising on business strategy; developing and implementing intellectual property policies to support those strategies; drafting licenses and other business transactions; securing patents, copyrights and trademarks; negotiation; litigation.
- Clients include software, hardware and services companies; large and small corporations; startups; non-profit public benefit and mutual benefit corporations; and individuals.
- Serve on advisory board, SpikeSource, Inc., 2004-present.
- Serve on advisory board, JasperSoft Corp., 2005-present.
- Serve as senior advisor, Black Duck Software, Inc., 2004-present.
- Serve as counsel to Apache Software Foundation, 2005-present.
- Served as general counsel and corporate secretary of Open Source Initiative (OSI), 1998-2005. Served as executive director, 1999-2001.
- Served as general counsel of JBoss, Inc., 2000-2003.
- Served as assistant city attorney, City of Redwood City, 1998-2002.

Stanford Law School, Lecturer in Law, Spring 2006

- Law of Open Source.

Law Offices of Silver, Rosen & Taube, 1994-1995

- Partner.
- General litigation practice, primarily representing plaintiffs in civil actions.

ROLM Corporation (then IBM, then Siemens), 1984-1994

- Department and product manager, data base communications products for large PBX systems.
- Patent and trademark portfolio manager.
- Contracts negotiator.

Varian Corporation, 1981-1984

- Manager, end user computing. Created and managed a department of professional programmers and engineers to help company employees do their own computing.

Stanford University, 1972-1981

- Instructor, programming and data base design.
- Introduced data base technology to Stanford faculty and staff. Designed and implemented hundreds of data base applications in widespread use then throughout the university.
- Manager of consulting services, accounting, operations technical support and other functions at the university computing center.

- Project leader who introduced high-speed laser printing and high-capacity data storage systems to the university as well as coordinated many other important computer technology projects over those years.

RCA, 1969-1971

- Systems programmer in computer division.

EDUCATION

Santa Clara University School of Law, Santa Clara, CA

- J.D. 1994.
- Winner, 1994 Moot Court Competition, Best Team.
- Certificate of Excellence in Legal Analysis, Research & Writing.

University of North Carolina, Dept. of Computer and Information Science, Chapel Hill, NC

- PhD program, 1967-1969.

Dartmouth College, Hanover, NH

- B.A. 1967, English and Mathematics.

PROFESSIONAL ASSOCIATIONS AND COMMUNITY SERVICE

W3C Patent Policy Working Group, invited expert, 2001-2003; 2005.

Internet Engineering Task Force, IPR Working Group, 2003-present.

Apache Software Foundation, pro bono legal advisor, 2004-present.

Python Software Foundation, pro bono legal advisor, 2003-present.

Open Source Initiative, pro bono legal advisor, 1998-2005.

Bay Area Gardeners Association, pro bono legal advisor, 1996-2001.

Carlmont High School, mock trial team coach, 1997-2002.

San Mateo County Bar Association, education chairman for Law Technology Committee, 1995-1997.

Silicon Valley Federal Credit Union, member of the board of directors, 1981-1994, 2001; chairman 1984-1991.

United Way of Santa Clara County, committee member, Community Resources Needs Area Review Committee, 1994-1995

Aris Project, Santa Clara, CA, a United Way Agency, vice president and treasurer of the board of directors, 1987-1990.

Rainbow Chamber of Commerce, San Jose, CA, founding president, 1997-1998.

Licensing Executives Society, member 1996-2004.

American Civil Liberties Union, 1967-present.

California Bar Association, 1994-present.

PUBLICATIONS

My publications are primarily written for non-lawyers. Many of these publications are available at www.rosenlaw.com under the Academic Free License version 3.0.

Open Source Licensing: Software Freedom and Intellectual Property Law (Prentice Hall 2004).

Academic Free License (AFL) and **Open Software License (OSL)**. These two open source licenses are approved by Open Source Initiative and are in wide use around the world.

License Proliferation. Published by Open Source Development Labs on www.osdl.org in 2005.

Patents in an Open Source World. Published on Newsforge, 7/26/2005

Open Letter to ANSI, published 5/31/2005.

Q&A re: SCO vs. IBM. Published by Open Source Development Labs on www.osdl.org in 2003.

The Standards Edge, chapter titled "The Role of Standards in Open Source", Bolin Communications 2002.

The Standards Edge: Open Season, chapter titled "Patents in an Open Source World," Bolin Communications 2005.

Comments to Federal Trade Commission Email Authentication Summit, 9/29/2004.

Patents: An Expensive Tax on the CIO, CIO Magazine, August 1, 2003.

The Unreasonable Fear of Infection. An article written in 2001 for Open Magazine about the General Public License (GPL), to calm fears about the "infectivity" of that software license.

Copyright Issues for the "Bits of History" Project. This article was written in 1999 for several libraries and museums in San Mateo County to explain the application of copyright law to the display of historical photographs on the Internet. This was a project of the California State Libraries.

The following articles were written during 2001-2002 for **Linux Journal** magazine:

- **Do I need to put a copyright notice on my software?**
- **Can a software license restrict my ability to use software?**
- **Can I create open source version of a proprietary program?**

- **Do I need to put a copyright notice on my software?**
- **Can a software license restrict my ability to use software?**
- **Is there any advantage to registering my copyright in a program?**
- **Which open source license should I use for my software?**
- **Naming your open source software.**
- **License FUD.** (This article explains why Microsoft's shared source licenses are dangerous.)
- **Dealing with Patents in Software Licenses.** (An introduction to defensive suspension and patent retaliation.)
- **Online Privacy.** (Discusses the "Platform for Privacy Policy" standard adopted by W3C.)
- **Bad Law.** (This article describes why UCITA is not acceptable to the open source community.)
- **The Role of Standards in Open Source.**
- **License Defamation.** (Challenging some of Microsoft's false assertions about open source software licenses.)
- **Fair Use.** (Why fair use isn't always fair.)
- **Allocation of the Risk.** (A discussion of the warranty of provenance.)
- **Why the Public Domain Isn't a License.**
- **Why We Oppose UCITA.** (What's wrong with the Uniform Computer Information Transactions Act?)
- **The Ethical System Administrator.** (What should a system administrator do when his or her employer copies software without a license?)
- **Derivative Works.** (This is perhaps the most complicated and confusing topic in copyright law.)
- **Manifestation of Assent.** (What does it take to form a contract?)

Interviews of me and articles about my work are in CIO Magazine, eWeek, Businessweek, Information Week, Infoworld, Wall Street Journal, Wired News, Computerworld, San Francisco Chronicle, San Jose Mercury, CNET/ZDnet, Sitepoint, NewsForge, MACnews, Datamation, IT Managers Journal, GrokLaw, and many other online and printed magazines and journals. I frequently contribute to online discussion groups on legal topics of relevance to the open source community.

This list of publications obviously doesn't include the many hundreds of court briefs, transactions and other private documents I have written over the years for clients in the non-open source portion of my law practice.

PRESENTATIONS

- **Scheduled: National Institutes of Health**, Washington, DC 10/12-10/14/05
- **Scheduled: Law Seminars International**, Open Source Software Conference, Seattle, WA 10/20-10/21/05
- **Scheduled: Advanced Patent Law Institute**, Austin, TX 10/26-10/28/05
- **Scheduled: Open Source Business Conference East**, Boston, MA 11/1-11/2/05
- **Scheduled: Advanced Software Law and Practice Conference**, San Francisco, CA 11/3-11/4/05
- **Scheduled: OSS/ISV Seminar**, San Jose, CA 11/10-11/11/05
- **Scheduled: Advanced Patent Law Institute**, San Jose, CA 12/1-12/2/05
- **Scheduled: Standardization: Unifier or Divider**, Vancouver, BC 12/5-12/7/05

- **Department of the Navy**, Washington, DC 9/21/05
- **Health Level Seven**, San Diego, CA 9/13/05
- **Mendocino College**, Software Freedom Day, Ukiah, CA 9/10/05
- **Carnegie Melon Center for Open Source Innovation (COSI)**, Redwood Shores, CA 9/7/05
- **O'Reilly OSCON**, Portland, OR 8/1-8/5/05
- **International Intellectual Property Institute**, Beijing, China, 6/28-6/29/05
- **Open Source & Innovation Workshop**, Kuala Lumpur, Malaysia, 6/22-6/24/05
- **Law Seminars International**, Open Source Software Workshop, Reston, VA 5/11/05
- **Association for Competitive Technology**, Intellectual Property & Technology Summit, Baltimore, MD 4/22-4/24/05
- **CCH Computer Law Advisory Council**, Chicago, IL 4/18/05
- **Open Source Business Conference**, San Francisco, CA 4/5-4/6/05
- **OSDL Enterprise Linux Summit**, one-day course for attorneys and subsequent seminar for the public on open source licensing, San Francisco, CA 1/31-2/1/05
- **Trans-Pacific Open Source Software Conference**, Honolulu, HI 1/18-1/21/05
- **Law Seminars International**, Open Source Software Workshop, San Francisco, CA 1/14/05
- **SDForum**, Santa Clara, CA 11/16/04
- **University of Washington School of Law**, Seattle, WA 11/2/04
- **Webinar on Open Source Legal Issues**, online at www.jboss.org 10/27/04
- **Santa Clara University High Tech Law Institute**, Santa Clara, CA 10/28/04
- **Azure Partners Venture Conference**, Half Moon Bay, CA 10/21/04
- **SDForum**, Santa Clara, CA 9/22/04
- **Open Standards Alliance**, keynote address, Phoenix, AZ 9/12-9/14/04
- **American Bar Association Annual Meeting**, Atlanta, GA 8/8/04
- **Law Seminars International**, Developing, Protecting and Exploiting Software Workshop, San Francisco, CA 8/5/04
- **University of Washington School of Law**, 2004 CASRIP High Technology Protection Summit, Seattle, WA 7/16/04
- **Silicon Valley Linux Users Group**, San Jose, CA 4/7/04
- **Open Source Business Conference**, San Francisco, CA 3/16/04
- **Licensing Executives Society**, San Francisco, CA 2/13/04
- **Silicon Valley Association of Startup Entrepreneurs (SVASE)**, Santa Clara, CA 2/5/04
- **SDForum**, Santa Clara, CA 2/5/04
- **Software Information Center (SOFTIC) Symposium**, Tokyo, Japan 11/17/03
- **Silicon Valley World Internet Center**, Palo Alto, CA 10/15/03
- **License Executives Society**, San Diego, CA 9/25/03
- **OpenForum Europe**, presentation on open source licensing to European Commission staff, Brussels, Belgium 9/9-9/11/03
- **Linux World Conference**, San Francisco, CA 8/6/03
- **Software Association of Oregon**, Portland, OR 7/8/03
- **O'Reilly OSCON**, Portland, OR 7/9-7/11-03
- **The Open Group**, Minneapolis, MN 6/24-6/25/03
- **University of Maine School of Law**, Open Source Conference, Portland, ME 6/18-6/20/03
- **Harvard Law School**, OSCOM Conference, Cambridge, MA 5/27-5/30/03
- **IP Society**, Palo Alto, CA 4/23/04
- **O'Reilly OSCON**, Santa Clara, CA 4/22/03
- **Linux Users Group of Davis**, Davis, CA 1/20/03

- **The Open Group**, Cannes, France 10/14-10/15/02
- **Oregon State Bar Association**, Computer and Internet Law Section, Portland, OR 10/17/02
- **North Bay Linux Users Group**, Sebastopol, CA 9/10/02
- **Rice University**, Connexions Project, Houston, TX 8/26/02
- **O'Reilly OSCON**, San Diego, CA 7/25/02
- **Queensland University, Australia**, teleconference on open source 7/2/02
- **Lawrence Livermore Laboratories**, Livermore, CA 5/22/02
- **Santa Clara University School of Law**, intellectual property seminar, Santa Clara, CA 3/22/02
- **Summit on Free Software and Legal Issues**, San Francisco, CA 8/31-9/1/01
- **O'Reilly Open Source Summit**, San Diego, CA 7/24/01
- **O'Reilly OSCON**, San Diego, CA 7/25-7/29/01
- **Santa Clara University School of Law**, reverse engineering forum, Santa Clara, CA 3/23/01
- **MICO Conference**, Stanford, CA 3/5/01
- **Software Development Forum**, Santa Clara, CA 2/21/01
- **World Internet Center**, Palo Alto, CA 1/17/01