

TUNING UP THE RATIO

Dear Linux Magazine Reader,

As is so often the case in this business, a big, earth-shaking news story hit the press just as we were sending our own issue to the printer. Of course, big stories happens all the time, and it seems like we are always printing something, so we take these collisions in stride. In this case, the news is that Google just bought Motorola Mobility for US\$ 12.5 billion – a pretty big expense for a company like Google that has always prided itself on being the quintessential web company, with no complicated manufacturing or other corporeal uncertainties gumming up the path to the customer. Google’s strategy has always been so pure – just programming, marketing, and managing data. Since when did they want to start making and distributing electronic devices? What’s next? TVs? Toothpaste?

It only took a few hours for the news sites to pick up on the real story. This tale is about patents. Unlike many more conventional companies, Google never really got into the patent game. Even when they started working on Android – a new frontier for which they seemed fully prepared technically – they really didn’t come to play legally. The game with patents is about attacking the weakest opponent. If I have patents and you don’t, I will sue you mercilessly. If you have patents and I have reason to fear you will sue me back, I leave you alone.

Despite their unprecedented investment in software engineers and other IT professionals over the past five years, Google didn’t really put much effort into paying patent fees and hiring patent lawyers, which most experts believe made them the weakling on the beach, despite their gargantuan revenue and hugely successful programming and marketing operations. Motorola’s Mobile division, which apparently split off from the rest of the Motorola empire earlier this year, offered exactly the kind of patent portfolio Google needs to countersue all the rivals who are or will be coming after them.

That’s the back story, which you probably all know anyway, since the news will have been out for weeks by the time you read this. And anyway, these patent-skeptic columns are so frequent by now that you might think this is anything but news.

But there are still a couple things to notice with this story that might not make it into all the headlines. The first thing to remember is, these aren’t just the software patents that tech journalists and Free Software evangelists are always railing

about. Many of the patents in the Motorola portfolio (as well as many of the Apple iPhone patents and many of Nokia’s patents) are associated with real-world devices that occupy space in the physical universe – more like the patents for Thomas Edison’s light bulb and less like the weird, vague verbal flow-charting characteristic of the software patent phenomenon.

The other thing to notice, which seems to have gotten lost in the discussion – at least at this early state – is how much this move puts an end to Google’s original, pristine vision of a company whose only real product is access to information. In the end, they had to change their mission. This change will have huge effects – not just on Google, but on the whole smartphone industry and even on the web itself – and these changes won’t have anything to do with efficiency, or design, or message, or customer service – it is all because they woke up to realize their ratio of lawyers to engineers has been running a bit low, and they found themselves with the unexpected need to compensate.

Joe

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