open invention network® 2.0

NAVIGATING PATENT RISK - OSS, AI & Beyond



FINOS

Raffi Gostanian
Chief Patent Officer

OIN: THE SHIELD FOR OPEN SOURCE

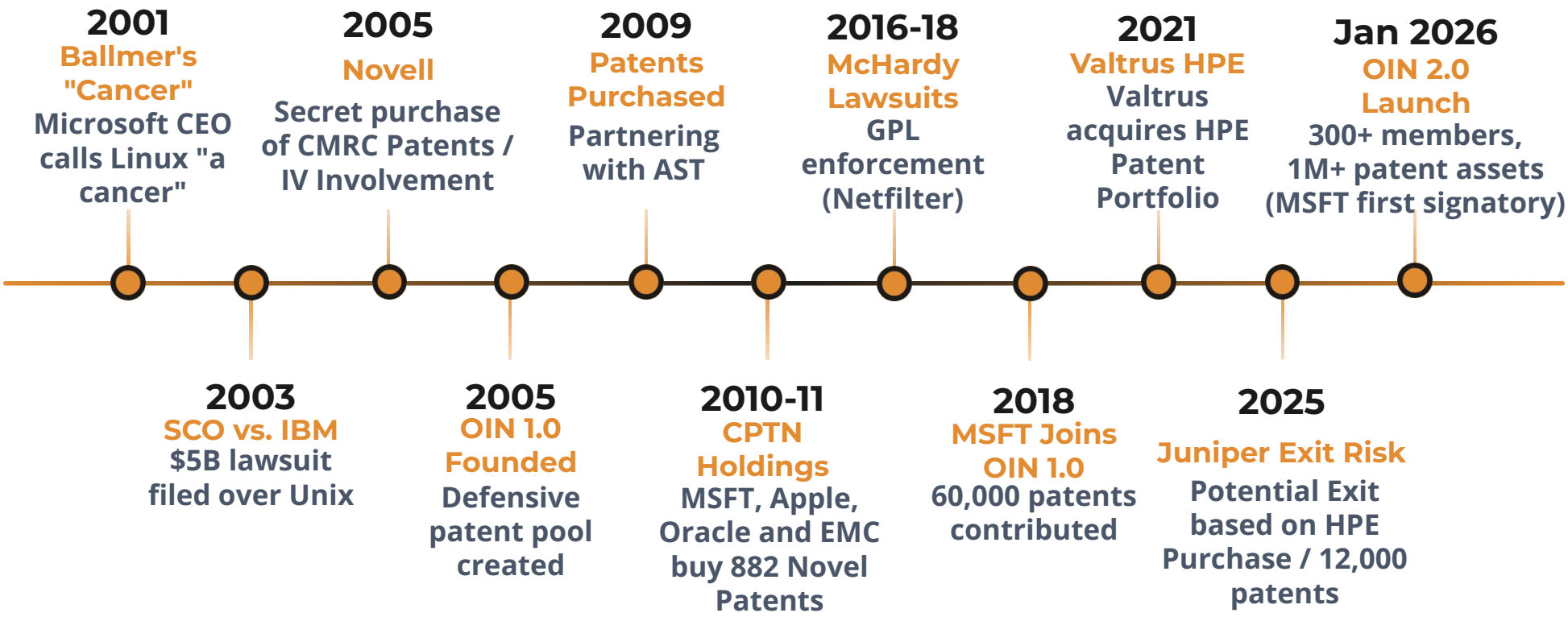
OIN 1.0 ACTIVE SINCE 2005

4000+	3M+	$100M+	1000+
GLOBAL MEMBERS	PATENT ASSETS PROTECTED	PATENT PORTFOLIOS PURCHASED	RISK CLEARANCE ACTIVITES

For the past 20 years, OIN 1.0 has operated the largest Open Source Defensive Patent Organization in history.

THE EVOLUTION OF OSS PATENT RISK

A QUARTER CENTURY OF PATENT TROLL ACTIVITY AND DEFENSE



OIN: THE SHIELD FOR OPEN SOURCE

OIN 2.0 ACTIVE SINCE 2026

300+



GLOBAL MEMBERS

1M+



PATENT ASSETS PROTECTED

AGGRESSIVE NPE DEFENSE



CUSTOM CROSS LICENSE



For the next 20 years, OIN 2.0 will provide aggressive patent defenses against the largest NPEs and corporations.

INTRODUCTING OIN 2.0

OIN has greatly expand its protection and advocacy of Open Source Software (OSS)

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- Non-Practicing Entity – Patent Litigation Defense
- Practicing Entity – Customized Patent Risk Clearance

An OIN 2.0 membership includes the ability to mitigate patent risks across all OSS technologies relevant to a member's operations.

OIN 2.0 NPE PATENT LITIGATION DEFENSE

Defensive

Defensive strategy assistance including:

- consultations with in-house attorneys related to demand letters from an NPE
- prior art identification
- invalidity analysis
- non-infringement analysis

Offensive

Offensive strategy assistance including:

- consultations with leading OSS attorneys
- re-exams
- third party preissuance submissions
- patent purchases.

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Non-Practicing Entity – Patent Litigation Defense

Additional Activities

- Financial services company full defense
- Government-focused initiatives
- Joint Defense Agreements

PATENT THREAT IN LANDSCAPE IN BFSI

Critical Alert

Increase in Patent Litigation

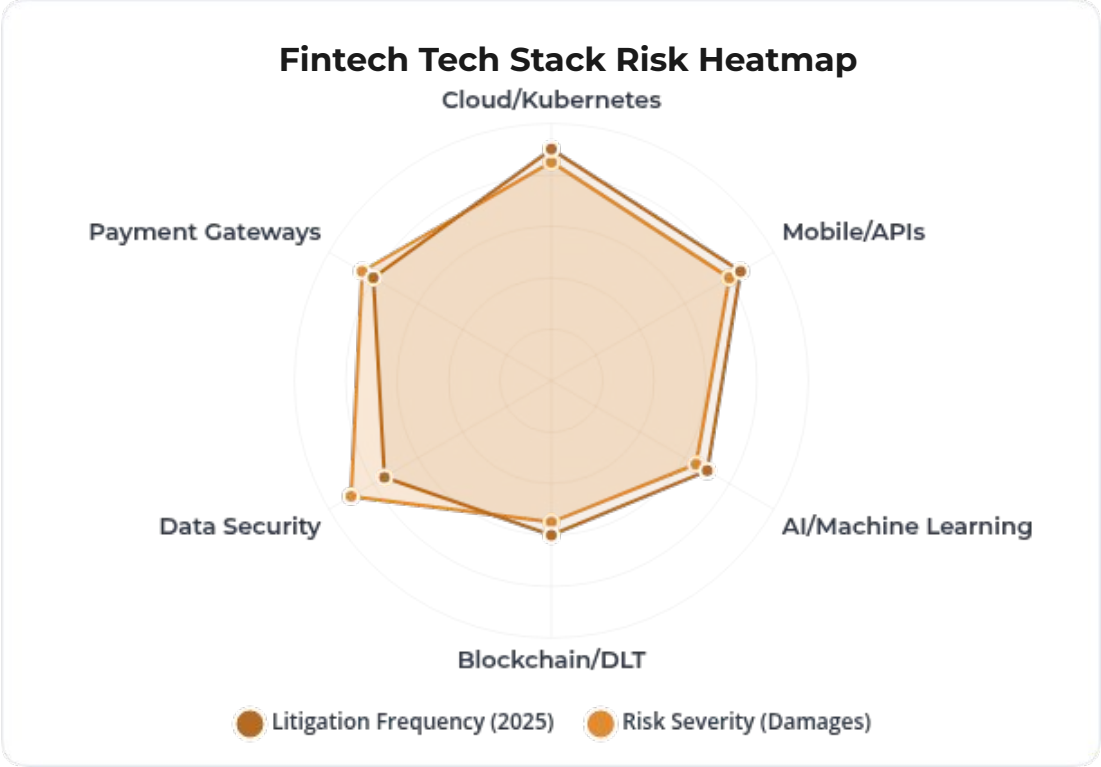
100%

From 2020-2021

22%

From 2024 to 2025

- Cloud-Native & Kubernetes Infrastructure
- Mobile Banking APIs & Interfaces
- AI/ML & Data Analytics



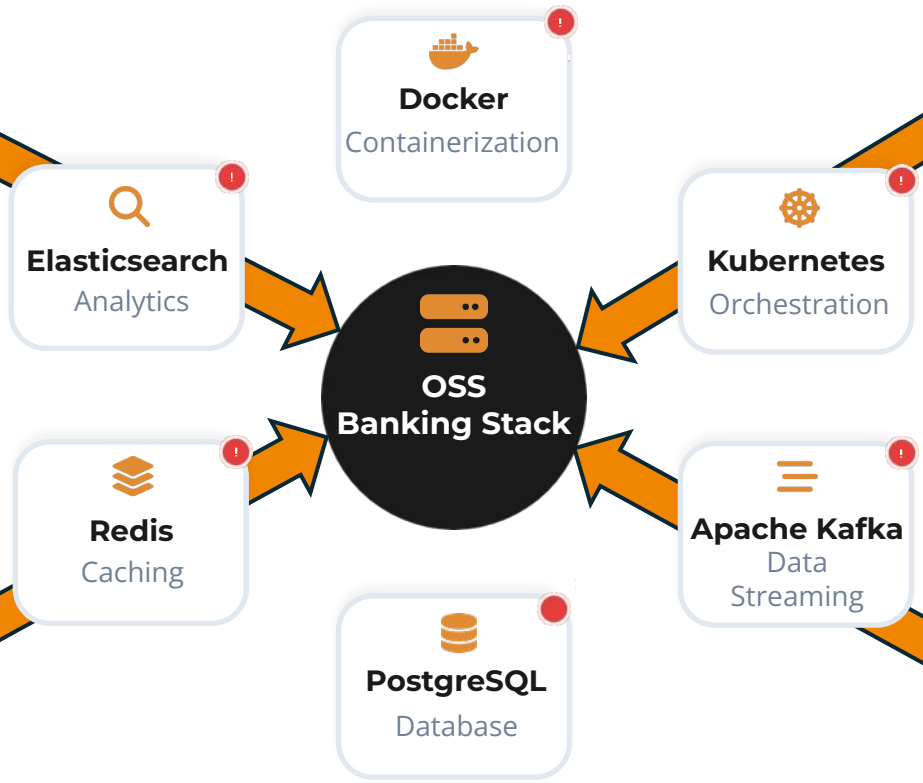
OSS VULNERABILITY IN FINANCIAL SERVICES

Broad Patent Claims

Generic OSS building blocks create massive, standardized targets where single claims implicate thousands.

Complex Supply Chain

Intricate dependencies and code forks make identifying patent risks buried in transient libraries difficult.



Legacy Patents

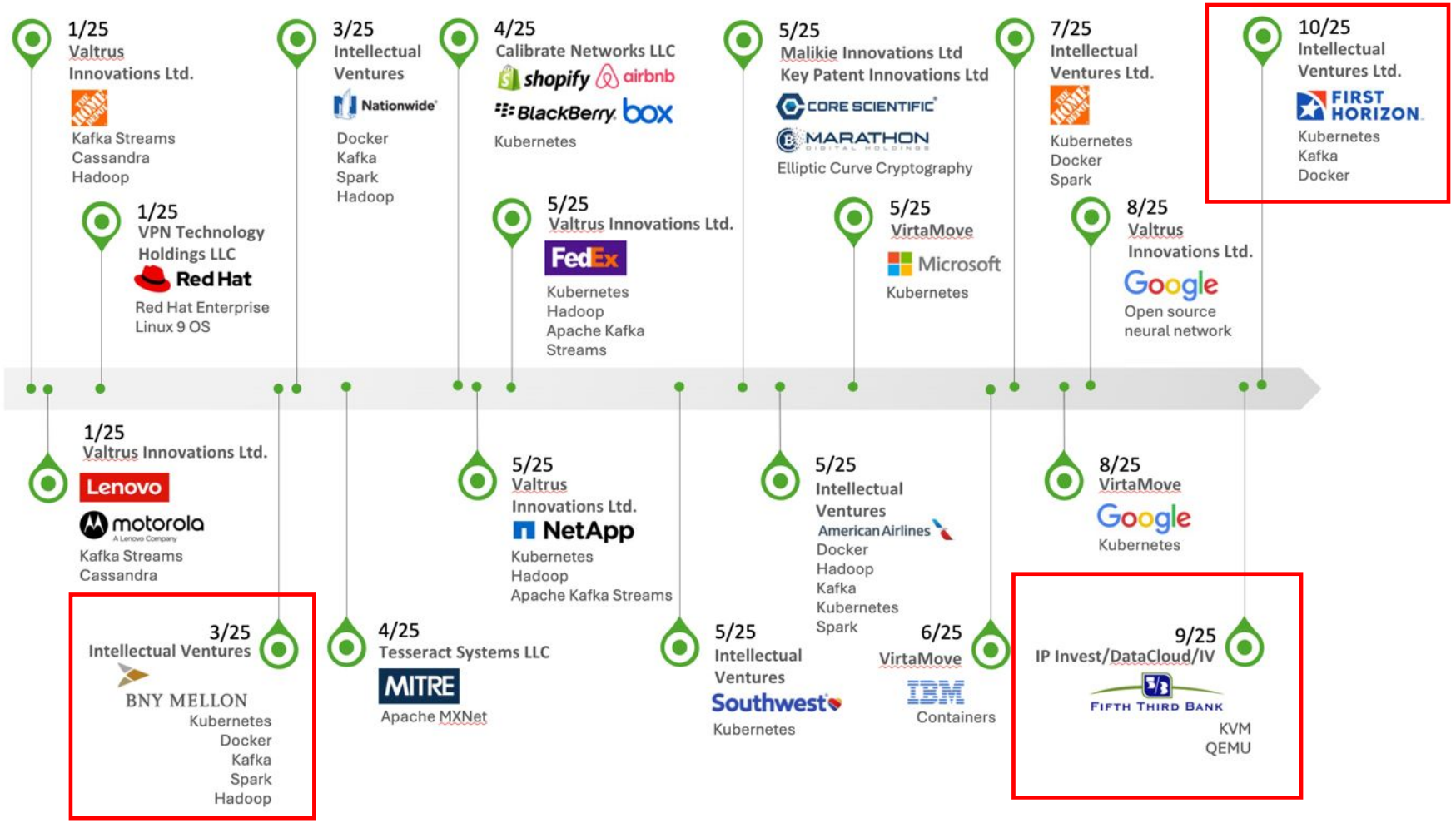
Old enterprise patents aggressively re-interpreted to weaponize modern cloud-native technologies.

Compliance Gaps

Rapid digital transformation outpaces IP governance; lack of provenance tracking at DevOps speed.

IPRs – LARGELY IMPOSSIBLE

EXAMPLE OPEN SOURCE PATENT LITIGATION IN 2025



OIN 2.0 protects important OSS projects, including Docker, Kafka, Kubernetes, Hadoop, Spark, Python, etc., many of which your organization is using.

OIN'S EXPANDABLE LINUX SYSTEM DEFINITION

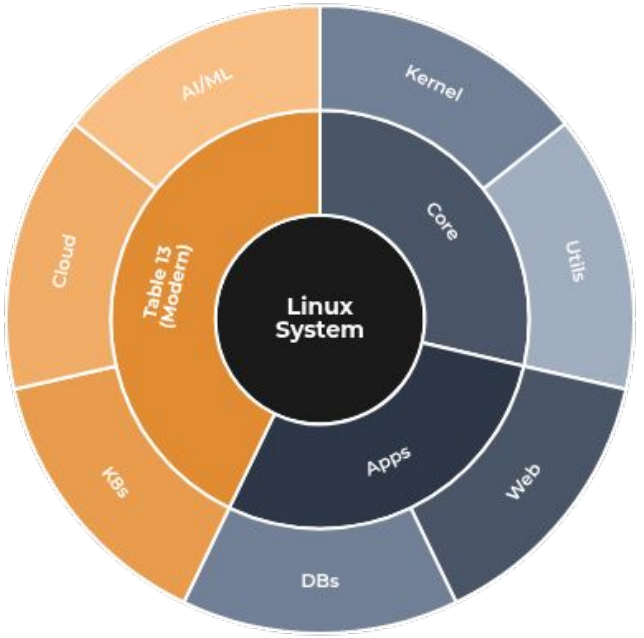
Defining Scope of Protection
The "Linux System" definition determines the specific software packages covered by the cross-license (OIN 1.0 = Tables 1-12 & OIN 2.0 = Tables 1-13+). It sets the boundaries for patent non-aggression, ensuring core OSS technologies remain free from litigation risk.

Table 13: A Major Step-Up
The latest update (Table 13) significantly expands coverage to include critical modern technologies. It adds over 650 new packages, encompassing key components for Cloud Computing, Kubernetes, and AI/ML frameworks.

Community-Driven Nominations
The definition is dynamic and evolves through member participation. The nomination process allows community members to propose new packages, ensuring the definition keeps pace with rapid technological innovation.

Real-World Alignment
This expandable definition aligns legal protection with actual software deployment realities. By covering libraries and tools most used in enterprise stacks, OIN provides practical, relevant risk mitigation for banking.

Expanding Protection Layers

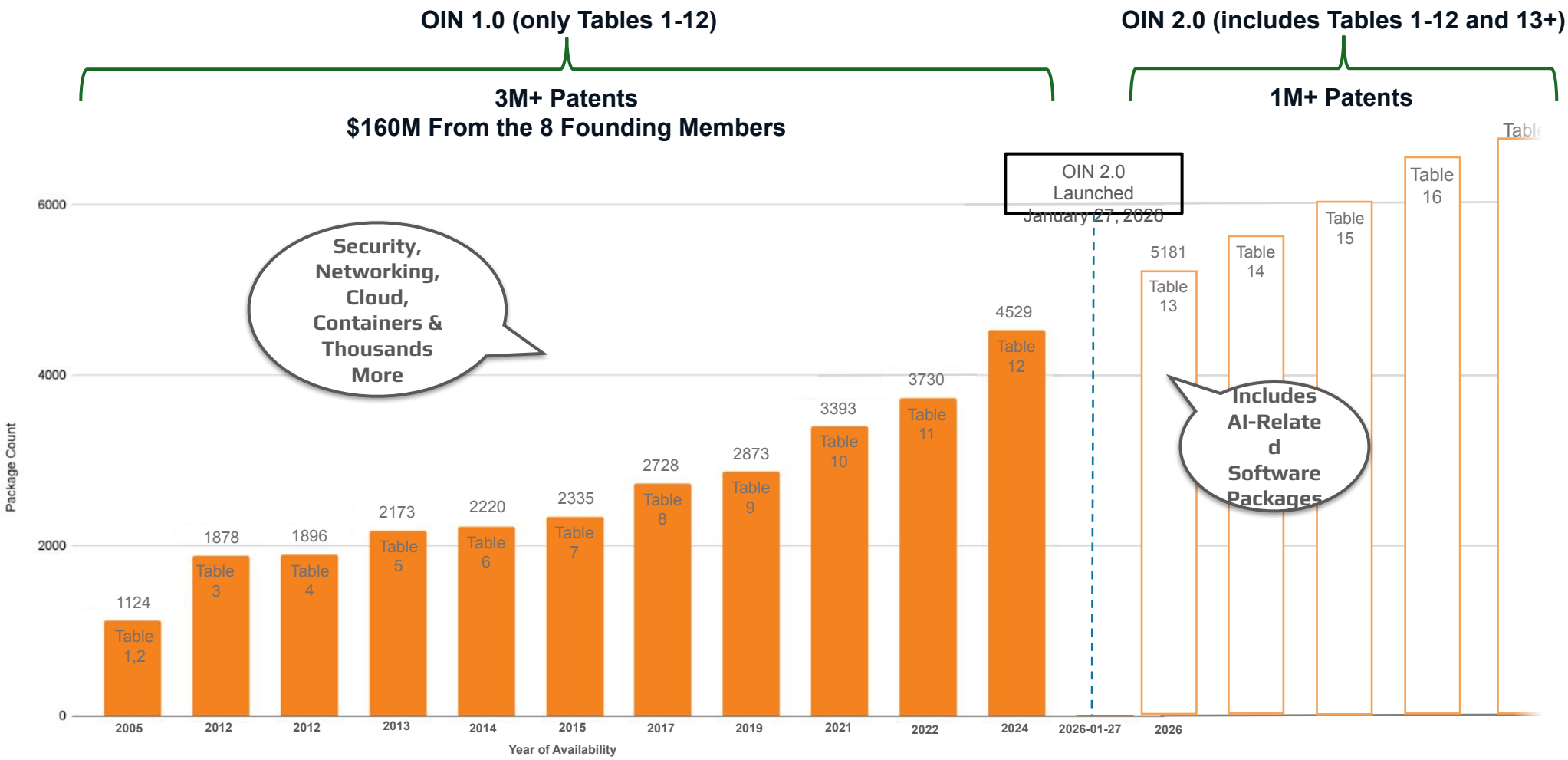


650+ New Packages in Table 13

OIN's CURRENT OPEN SOURCE PROTECTION

Practicing Entity – Customized Patent Risk Clearance

This is how OIN helps you protect the OSS that is important to your organization



Open-source software (OSS) utilization is nearly universal, with 96% of organizations maintaining or increasing their usage.

TABLE 13: EXPANDED PROTECTION

650+

New/Updated Packages Added

The latest Linux System definition update (Table 13) significantly broadens the patent non-aggression zone, incorporating critical modern enterprise technologies and languages essential for fintech infrastructure.

Cloud Native

Kubernetes Core
Container Orchestration
Service Mesh Components
CNCF Graduated Projects

Modern Languages

Go (Golang) Libraries
Python Data Stack
Rust Security Crates
Core Runtime Environments

AI/ML Frameworks

Data Processing Pipelines
Model Serving Infrastructure
Analytics Libraries

Enterprise Stack

Eclipse Foundation Projects
Distributed Databases
Middleware Components
Security Utilities

Source: OIN Linux System Definition Update (Jan 2026)

OIN 2.0 BENEFITS – CUSTOMIZED PATENT RISK CLEARANCE

Tailored OSS Coverage

Customize your patent risk strategy by identifying business-critical OSS components. We help align OIN's broad protection with your specific technology stack, ensuring maximum coverage for your most vulnerable assets.

Invalidity & Non-Infringement Analysis

Leverage deep technical and legal expertise to conduct thorough invalidity searches and non-infringement analyses. Our network helps uncover prior art that others miss, strengthening your defensive position against assertion.

Claim Charting & Re-examinations

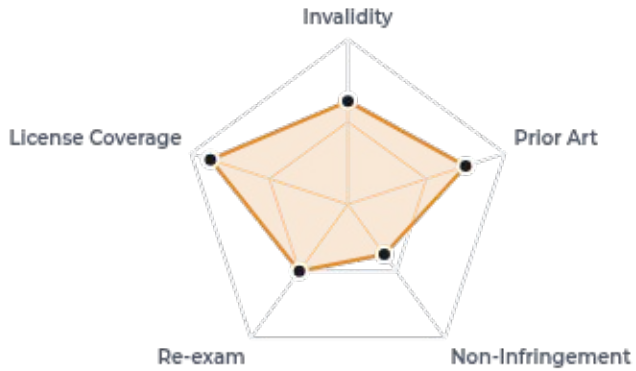
For high-risk patents, we support detailed claim charting to pinpoint weaknesses. When necessary, we facilitate targeted re-examinations to invalidate threats before they escalate to costly litigation.

Expert Counsel Access

Gain direct access to world-class patent counsel with deep experience in OSS litigation. Benefit from shared knowledge, strategic guidance, and opportunities for discounted licensing terms through collective bargaining.

Risk Clearance Dashboard

Core Banking API (OSS)	Priority Analysis
Kubernetes Orchestration	Claim Charting
Cloud Database Layer	Prior Art Search
Frontend UI Frameworks	Monitor Only



INDUSTRY PERSPECTIVE: BANKING LEADERSHIP

> We're pleased to see OIN build on its successful foundation and expand its OSS mandate to include new technologies, particularly AI. We need more efforts like this to support the accelerated pace of innovation.



Josh Death
VP, Intellectual Property & Ideation
TD Bank

Open Invention Network

Questions?

We're here to help you navigate OIN 2.0, understand Table 13 coverage, and implement active patent defense strategies for your organization.

Email My Team
rgostanian@openinventionnetwork.com

Learn More
www.openinventionnetwork.com

OIN: THE SHIELD FOR OPEN SOURCE

OIN 1.0 ACTIVE SINCE 2005

4000+	3M+	$100M+	1000+
GLOBAL MEMBERS	PATENT ASSETS PROTECTED	PATENT PORTFOLIOS PURCHASED	RISK CLEARANCE ACTIVITES

For the past 20 years, OIN 1.0 has operated the largest Open Source Defensive Patent Organization in history.

OIN 2.0 ACTIVE SINCE 2026

300+	1M+	AGGRESSIVE NPE DEFENSE	CUSTOM CROSS LICENSE
GLOBAL MEMBERS	PATENT ASSETS PROTECTED		

For the next 20 years, OIN 2.0 will provide aggressive patent defenses against the largest NPEs and corporations.

2001 – BALLMER'S "CANCER" COMMENT

WHAT HAPPENED

Microsoft's CEO publicly called Linux a cancer referencing the GPL's copyleft terms.

> *"Linux is a cancer that attaches itself in an intellectual property sense to everything it touches."*
>
> — Steve Ballmer, Microsoft CEO (2001)

WHY IT MATTERS TO OSS

- Galvanized the OS community against corporate aggression
- Highlighted the perceived patent/IP threat to Linux distributions and contributors
- Created urgent awareness of legal risks in enterprise adoption

RELEVANCE TO OIN

PRE-OIN ERA CATALYST

This statement set the stage for a defensive response that would later culminate in OIN's creation in 2005 to neutralize patent aggression against Linux.

KEY TAKEAWAY

Catalyst moment for organized OSS patent defense strategies.

2003 – SCO VS. IBM ($5B LAWSUIT)

WHAT HAPPENED

SCO Group sued IBM alleging that Linux contained proprietary UNIX intellectual property. This high-profile litigation demanded $5 billion in damages and threatened Linux users with liability.

MARKET IMPACT
Created massive FUD around enterprise Linux adoption, casting a legal cloud over the entire ecosystem.

WHY IT MATTERS TO OSS

- First major legal assault directly targeting the legitimacy of Linux IP
- Demonstrated how patent claims could be weaponized to stall innovation
- Forced enterprises to reconsider legal risks of open source software

LEGAL BATTLE DURATION

2003 FILED — **2021 SETTLED**

18 Years of Litigation Uncertainty

RELEVANCE TO OIN

PRIMARY DRIVER FOR CREATION

This lawsuit became the primary catalyst for structured, community-wide patent risk mitigation, directly informing OIN's mission to protect Linux developers and users from similar threats.

RISK PERCEPTION SPIKE
Shifted patent defense from "optional" to "mission-critical" for enterprise Linux.

2005 – NOVELL PATENTS (COMMERCE ONE)

WHAT HAPPENED

Novell's acquisition of Commerce One web services patents (from bankruptcy auction) helped keep key web standards from being weaponized against the industry.

WHY IT MATTERS TO OSS

- Prevented patent lock-up around web interoperability foundational to open systems
- Ensured that essential web service protocols remained accessible
- Demonstrated the power of strategic patent acquisition for defense

Strategic Acquisition

Securing critical IP assets

RELEVANCE TO OIN

EARLY DEFENSIVE AGGREGATION

This move was an early example of defensive aggregation aligned with OIN's emerging approach to keep core technology stacks safe from patent aggression.

DEFENSIVE STRATEGY

"Defensive buy to deter privateering."

Protecting open standards from being locked down.

2005 – OIN 1.0 FOUNDED

WHAT HAPPENED

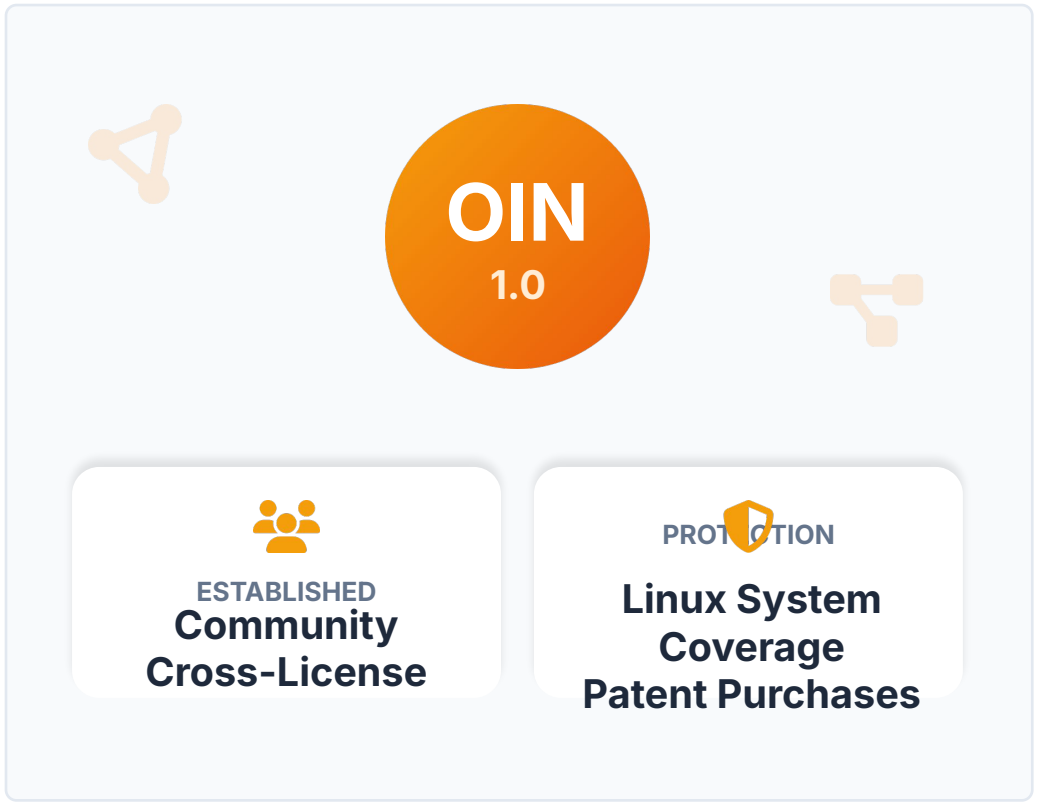
Open Invention Network launched to provide a royalty-free cross-license protecting the Linux System and related OSS. Founding members included IBM, NEC, Novell, Philips, Red Hat, and Sony.

WHY IT MATTERS TO OSS

- Created the world's largest patent non-aggression zone for Linux
- Reduced litigation risk for contributors and enterprise adopters

◎ RELEVANCE TO OIN

Core mission established: Building a community cross-license + implementing defensive strategies to protect the Linux ecosystem.



2010-11 – CPTN HOLDINGS

WHAT HAPPENED

A consortium (Microsoft, Apple, Oracle, EMC) sought to acquire 882 patents from Novell. Regulatory authorities (DOJ, Bundeskartellamt) intervened due to concerns over potential anti-competitive use against open source software.

WHY IT MATTERS TO OSS

- Risk that essential patents could be used to restrain Linux
- Conditions imposed preserved OSS freedoms and access

RELEVANCE TO OIN

Outcome ensured continued Linux System protections and mandated that transferred patents remain subject to GPL and OIN-compatible licensing terms.

REGULATORY INTERVENTION TIMELINE



STRATEGIC TAKEAWAY

Regulatory oversight can be a crucial backstop for OSS protection when large patent portfolios change hands. This precedent established that patent transfers cannot be used to circumvent existing open source obligations.

2016-18 – MCHARDY GPL ENFORCEMENT

WHAT HAPPENED

A series of lawsuits were filed in the EU enforcing GPL compliance (specifically not patent suits) around Netfilter and related Linux kernel components.

These actions targeted companies distributing Linux-based devices without providing source code as required by the General Public License (GPL).

WHY IT MATTERS TO OSS

- Reinforced the critical importance of license compliance in supply chains
- Reduced legal ambiguity for OSS distribution models
- Prompted companies to improve their open source governance policies

KEY TAKEAWAY

License clarity reduces downstream risk.

RELEVANCE TO OIN

COMPLEMENTARY RISK FOCUS

While OIN focuses on patent risk, these actions highlighted that a healthy compliance culture lowers overall legal exposure for OSS adopters.

Compliance Best Practices

- Track OSS components
- Fulfill license obligations
- Maintain Governance Policy

2018 – MICROSOFT JOINS OIN 1.0

WHAT HAPPENED

Microsoft joined Open Invention Network and contributed a massive portfolio (~60,000 patents) related to the Linux System Definition.

WHY IT MATTERS TO OSS

- Marked a historic shift toward OSS collaboration
- Expanded protection breadth for developers and enterprises

RELEVANCE TO OIN

Major expansion of the OIN cross-license network and significant increase in deterrence power against patent aggression.



60K+

PATENTS CONTRIBUTED

IMPACT

Broader Safe Zone

JAN 2021 – VALTRUS HPE PATENT TRANSFER

01

2013 Weaponized Exit

HP joined OIN in 2011 but exited in 2013. This rare move positioned their patent portfolio outside the OIN community's protective cross-license umbrella.

02

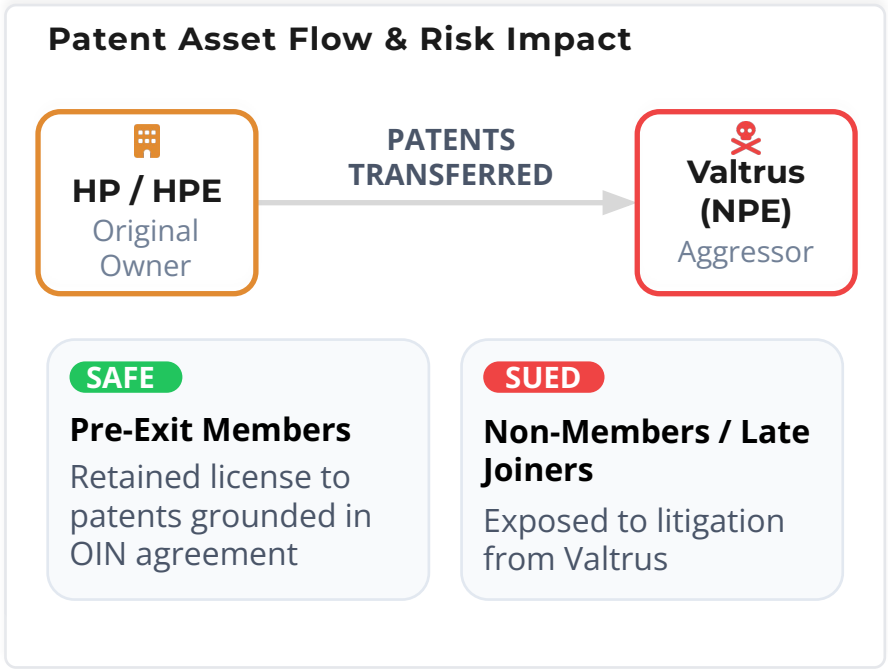
2021/22 The Transfer

HPE (created in 2015) transferred ~1,200 patents received from HP to Valtrus, a Non-Practicing Entity (NPE), effectively weaponizing the assets.

03

2023/24 The Litigation

Valtrus sued numerous companies for OSS use. Entities that were OIN members **before** the exit retained protection; others were exposed.



Strategic Takeaway: Join OIN 2.0 ASAP

Membership locks in protection against future transfers. Waiting until a threat emerges often leaves your organization exposed to "privateering" divestitures.

CASE STUDY: JUNIPER EXIT RISK: IMMEDIATE AND MATERIAL

July 2025: The Acquisition

HPE purchased **Juniper Networks**, which is a current member of OIN and LOT Network (a complementary patent defense organization).

September 2025: The Announcement

Juniper Networks stated they would be exiting LOT Network and thus, it is expected they will also exit OIN.

12,000 Patents at Risk

Juniper holds approximately **12,000 patents** that are subject to the OIN license.

Coverage Loss

If Juniper exits OIN, their patents may no longer be covered by the OIN license.

Zero Protection

Organizations not part of OIN at that point receive **zero licensed protection** under the Juniper portfolio.

IMMEDIATE RISK EXPOSURE

12,000+

Patents Potentially Weaponized

Strategic Takeaway: Waiting May Cost

Membership locks in protection against future transfers. Waiting until a threat emerges often leaves your organization exposed to "privateering" divestitures.

JAN 2026 – OIN 2.0 LAUNCH

WHAT HAPPENED

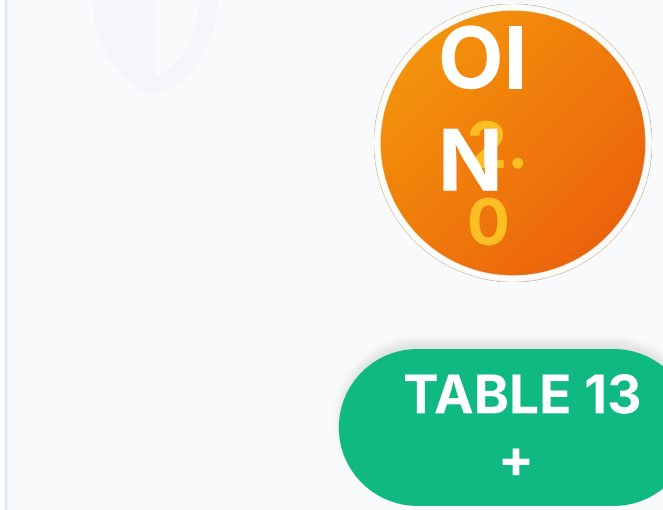
OIN introduced a next-gen model with shared-responsibility funding, greatly expanded Linux System (Table 13), and enhanced defense services.

WHY IT MATTERS TO OSS

- Scales protection to cloud, containers, modern languages, and AI/ML dependencies
- Ensures sustainability of the defensive patent network

◎ RELEVANCE TO OIN

Formalizes broader patent defense (NPE focus, re-exams, prior-art programs) and customizable cross-license for practicing entities.



PRIOR ART IDENTIFICATION VIA EXTERNAL RELATIONSHIPS

Leveraging community intelligence and specialized networks to uncover non-patent literature and source code that can invalidate broad claims targeting OSS technologies.

1 Source Identification

Scan OSS repo history (GitHub/GitLab), mailing lists, and standards documentation to find early code implementations.

2 Crowdsourced Analysis

Engage OIN's network and external experts to map claim elements to historical code commits and project timelines.

3 Prior Art Library

Curate a definitive "Art Library" dating specific features before patent priority dates.

4 Defense Action

Deploy findings in Ex Parte Reexams or pre-issuance submissions to invalidate or narrow claims.

The OIN Advantage

OIN provides members with access to key counsel and prior art search networks that specialize in "archaeology" of OSS projects—finding the "smoking gun" code snippet that predates the patent.

POST-GRANT INVALIDATION: EX PARTE REEXAMS - Complementing OIN **OSS Zone** Formation w/Unified Patent

A cost-effective mechanism to challenge existing patents that allege to read on open source technologies, utilizing prior art to invalidate asserted claims and shift litigation economics.

1

Target Asserted Claims

Identify patents asserted against core OSS components where claims are overly broad or lack novelty.

2

Leverage Prior Art

Source invalidating art from public repositories, mailing lists, technical standards, and OIN's Art Library to prove earlier existence.

3

File Reexam Request

Submit Ex Parte Reexamination request to USPTO, a cost-effective alternative to full litigation defense (significantly lower cost).

4

Coordinate Defense

Align efforts with your internal and/or external patent counsel.

Strategic Impact

Successfully instituting a reexam often stays pending litigation or forces settlement at favorable terms by clouding the patent's validity. It changes the leverage dynamic against NPEs targeting financial institutions.

PRE-ISSUANCE SUBMISSIONS: SHAPING CLAIM SCOPE

A proactive strategy to prevent broad patents from issuing by submitting relevant prior art to patent offices before examination concludes, effectively narrowing claim scope or triggering rejection.

1

Monitor Filings

Actively track new patent applications that attempt to read on core OSS technologies, cloud architecture, or banking APIs.

2

Submit Prior Art

Anonymously file targeted third-party pre-issuance submissions with material prior art to compel the examiner review.

3

Protect Roadmap

Prevent issuance of broad claims that could block future product features or create downstream assertion risk.

4

Institutionalize

Integrate this process with counsel and leverage OIN intelligence to scale monitoring across the organization.

Strategic Value

Pre-issuance submissions are a cost-effective alternative to litigation. By shaping the claim scope early, organizations can ensure freedom to operate for critical open source dependencies without expensive post-grant challenges.

ORGANIZED COMMUNITIES: FIRST LINE OF DEFENSE - Complimentary Elements to OIN

Primary Defense (OIN)

The only patent defense organization fully focused on open source. Provides a royalty-free patent cross-license for Linux/OSS. OIN 2.0 expands this shield to cloud-native and enterprise stacks, AI/ML frameworks, etc.

Deterrence (Unified)

Invalidating low-quality patents primarily used by smaller NPEs. The "Open Source Zone" was formed and funded by OIN to specifically protect OSS projects.

Anti-Privateering (LOT)

LOT immunizes members when patents are sold to NPEs. It is complementary to OIN's cross-license by addressing transfer risk.

Emerging Threats (SAIL)

A new framework modeled on OIN specifically for Foundation Models and AI/ML patent risks.

Aggregations (RPX)

RPX provides aggregated licensing opportunities and has worked very closely with OIN over the past 15 years.



Emerging Dynamics - Pose Greater IP Risk

