

The Jakarta EE Specification Committee has a number of questions for the IP Advisory board.

1. Timing of IP Patent Grants:

a. PROBLEM:

- i. Vendors intent on implementing Jakarta EE Specifications will need to start development before those specifications are complete. This is important so that proposals for the specification can be vetted before specification completion and so that vendors can deliver products in a timely fashion.
- ii. Members contributing IP to Specification Projects need to know when the IP has been granted and be able to challenge grants before the specification is complete. It's assumed that once a specification is complete the IP grants are also complete.

b. QUESTION

- i. How can a Specification Project allow vendors (both members of the Specification Project and non-members) to begin development of implementations before the Specification is complete, if full IP rights are not granted until the Specification is complete?
- ii. An inherent concern in this timing issue is to not be restricted to what contexts a vendor can show/test implementation code in order to validate the implementation. This is the nature of the innovation concern that Red Hat was raising. A vendor should not be restricted from distributing an implementation while validating development choices.

c. SCENARIO

- i. A Specification Project begins discussing and defining a new specification or an update to an existing specification. Company X, a member of the Specification Project, proposes a technical solution for the specification. Company Y and Open Source Project Z begin experimenting with the new feature. In the case of Company Y, the work is internal but there is a limited beta release which includes the new technical solution. In the case of Open Source Project Z, development of the new technical solution is done in the standard open source way with all the code covered under an open source license. Company A, also a member of the Specification Project, claims patent coverage of the technical solution and refuses to grant rights to its use. Company Y and Open Source Project Z are infringing on Company A's IP and so Company A takes legal action.

2. Java EE Specification References

a. PROBLEM

- i. Jakarta EE is intended to be a continuation of Java EE 8. Java EE 8 defines over three dozen specifications containing over seven thousand pages of documentation. Oracle is unable to donate all of the specifications directly to the EF or its projects. As a result the Jakarta EE

Specification Projects must somehow reference the Java EE Specifications or otherwise develop new specifications from scratch without plagiarizing existing Java EE specifications.

b. QUESTION-1

- i. Is it possible to reference the Java EE specifications directly from the Jakarta EE specifications without infringing on Oracle's IP rights in terms of IP defined in those Java EE specifications?

c. QUESTION-2

- i. Is it possible to even have a complete rewrite of a specification that relates to APIs in the javax.* namespace without a broad IP grant from Oracle?

d. QUESTION-3

- i. If there are not satisfactory answers to questions 1, 2, what are some options for moving Jakarta EE specs forward?