

IBM Patent Commitment to the OSGi Service Platform, Release 4 Specifications

Subject to the exception provided below, and with the intent that developers, users and distributors of Implementations of final OSGi Service Platform, Release 4 specifications rely on our promise, IBM hereby commits not to assert against any such Implementations any of its patents, U.S. or foreign, now owned or hereafter acquired, that cannot be avoided in any such Implementation.

In order to foster innovation and avoid the possibility that a party will take advantage of this pledge and then assert patents or other intellectual property rights of its own against Implementations of the above, thereby limiting the freedom of IBM or any other implementer to create innovative Implementations, or the freedom of others to distribute and use such Implementations, the commitment not to assert any of IBM's U.S. or foreign patents is irrevocable except that IBM reserves the right to terminate this patent pledge and commitment only with regard to any party who asserts (or is related to or joins such party in asserting) patents or other intellectual property rights in a lawsuit against an Implementation of a final OSGi Service Platform, Release 4 specification. For the purpose of this pledge, an "Implementation" of a final OSGi Service Platform, Release 4 specification includes only those portions of a computer program that are intended to accurately implement the normative portions of such specification (subject to normal, inadvertent programming errors) and that do not intentionally introduce incompatibilities that hinder interoperability.