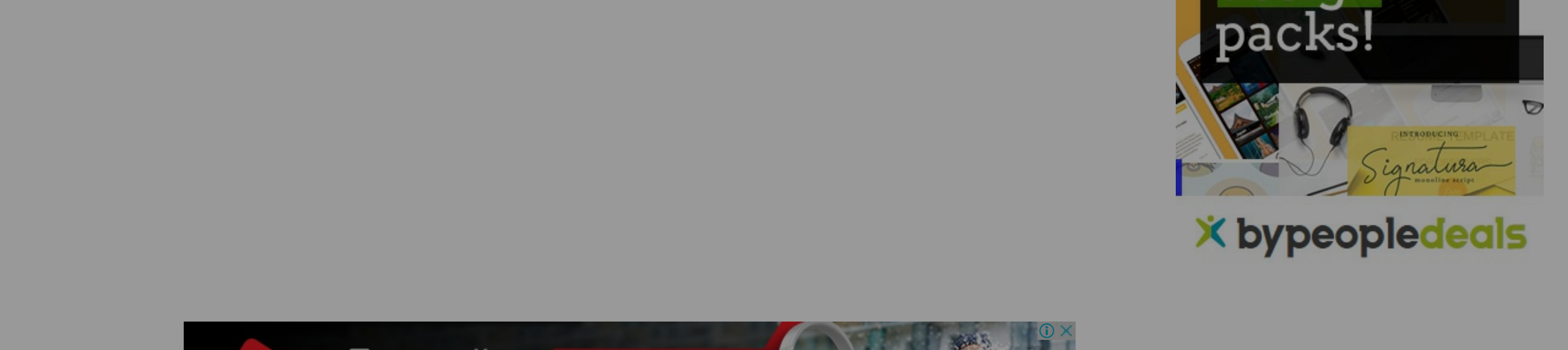


Yahoo Sues Mozilla For Breach of Contract -- So Mozilla Counter Sues Yahoo

Posted by msmash on Wednesday December 06, 2017 @09:40AM from the see-you-in-court dept.

Mark Wilson writes: Mozilla and Yahoo have started a legal spat about the deal that existed between the two companies regarding the use of the Yahoo search engine in the Firefox browser. On December 1, Yahoo fired the first shot filing a complaint that alleges Mozilla breached a contract that existed between the two companies by terminating the arrangement early. In a counter complaint, Mozilla says that it was not only justified in terminating the contract early, .

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Re: Pissing War (Score:4, Insightful)

by jellomizer (103300) on Wednesday December 06, 2017 @09:58AM (#55687485)

Is the CEO of Yahoo or the CEO of Mozilla trolling Slashdot? Lets face it both are the Distant 3rd place players in their respected areas. With Microsoft being #2, and Google being #1.

I have found 3rd place to be an interesting place. Where you are big enough so you can innovate new ideas because you are not tied to the old idea, because it didn't really work out that well. Or you just try to fight for what you had slowly dying.

We won't find the Next generation browser or search engine from Google or Microsoft. They have too much to loose if they change it to too much. But the #3 players have the ability to do something new.

Firefox Quantum is a good step, but I wouldn't call it next generation, and Yahoo is just declining.

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Re: Pissing War (Score:5, Informative)

by Anonymous Coward on Wednesday December 06, 2017 @10:28AM (#55687685)

Is the CEO of Yahoo or the CEO of Mozilla trolling Slashdot? The ghost of Marissa Mayer strikes again [recode.net]. When Mozilla signed their contract with Yahoo, she put in a clause that gives Mozilla the right to walk away from the deal at any time if they don't like whoever acquires Yahoo -

- AND -- Yahoo would still have to pay Mozilla \$375 Million a year till 2019. I'm guessing that Yahoo's new corporate overlords at Verizon aren't happy about this.

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Re: SCO lawyers (Score:5, Informative)

by DickBreath (207180) on Wednesday December 06, 2017 @10:35AM (#55687727) Homepage

Point by point.

SCO was wrong. In too many ways to count. The court ruled in September 2007 that the copyright on "SCO's" code actually belonged to Novell. Novell had already released SCO's copyright claims earlier against IBM. The "code that is in Linux" is actually IBM's own home grown code. IBM wrote a filesystem called JFS for AIX, an implementation of Unix. Later IBM ported the JFS filesystem to OS/2. Later, IBM ported the OS/2 version of JFS to Linux. SCO claims that the JFS for AIX becomes AT&T copyrighted code because AT&T owned Unix. AT&T publicly claimed this was not the case, that if IBM or others wrote their own code and linked with licensed Unix, that they continued to own their own copyright on their own code. Therefore SCO claim against IBM is barred by promissary estoppel. (eg, you can't claim something publicly, as AT&T did, let others take business actions based on that promise, and then go back on it -- as SCO which claims to be AT&T's successor in the copyright interest in Unix.)

The court ruled that SCO is NOT the successor in interest to the Unix copyright but Novell is. So SCO simply doesn't have standing to even bring the 2003 lawsuit. It took a separate trial (by Judge Alsup!) to positively confirm the ruling in Judge Kimball's court that ownership of the Unix copyrights belong to Novell, not SCO.

It is SCO that kept moving the goalposts, not open source community. SCO amended it's complaint. Then again. And again. It tried to morph it's case into "methods and concepts" instead of copyright. It was SCO claiming that "code doesn't count" but rather "methods and concepts". The "methods and concepts" was a huge laughingstock on Y! SCOX stock boards for several years.

It was not IBM that kept dragging the case out, it was SCO. Clear back in 2003, IBM demanded SCO to produce the evidence of what SCO was claiming. If copyrighted code was in Linux, then produce exactly what Files, Versions and Lines of code that identify exactly what code SCO is suing over. SCO wouldn't IBM kept moving the court about this, and the court had to ORDER, THREE TIMES for SCO to produce some actual evidence. The third and final order was for SCO to disclose all allegedly misused materials by the FINAL deadline of Dec 22, 2005. SCO reluctantly produced a huge pile of hand waving and obfuscation. The magistrate threw 2/3 of this out without the primary trial judge even seeing it. The magistrate judge commented about the remaining 1/3 along the lines of: well, technically this is allowed but really? Is this trivial nonsense what you are claiming? (parphrased)

IBM tried to speed up the case by dropping IBM's four patent counterclaims. I forget which year that was in, maybe about 2005. But it was clearly SCO that kept dragging this out. Meanwhile SCO kept claiming very loudly and publicly that SCO was anxious for it's day in court. Finally, after several devastating rulings from the court, SCO was due to get it's day in court on a Monday. In 2007. I think it was Sept 17. On the Friday afternoon before the court date, SCO abruptly declared bankruptcy. Even though SCO was not actually insolvent. (what? bankruptcy fraud?) Then by gaming the bankruptcy court, SCO kept this farce alive for over ten years to this very day. The zombie corpse of this farcical fraud is still alive to this very day, stuck in appeals. But it looks like the end is near. SCO trolls are obviously still haunting various online forums.

SCO has done nothing but abuse the legal system with this farce.

I am only pointing out the highlights above. The tip of the iceberg. There is much, MUCH more beneath the surface for anyone who spent years following this outrageous nonsense.

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Re: SCO lawyers (Score:4, Funny)

by deviatedprevort (1146403) on Wednesday December 06, 2017 @12:01PM (#55688413) Journal

SCO was right, though. Their copyrighted source code is in Linux. The problem is that the open source community kept moving the goalposts, claiming that the code doesn't count. Meanwhile, IBM's lawyers dragged the case out excessively to bankrupt SCO. It was quite an abuse of the legal system.

Comical revisionist history on slashdot. A wonderful take on what happened indeed! You should work to the POTUS he is very high on this kind of take on the facts. As was HITLER!! SCO DID FUCK ALL TO CONTRIBUTE TO THE LINUX KERNEL on the contrary they tried desperately to prove there was use of proprietary secret header files from their version of a Unix kernel, which in reality was under copyright with Novell. Anyone who codes knows what actually occurred is complete and utter bullshit, because a header is not the fucking code and given the c programming involved in making a construct work inevitably there will be code with the same syntax and even variable names. The linux kernel is not a cut and paste monster which was just quickly cloned from Unix source code it is a reverse engineered opensource masterpiece that has made diverse competition in the home audio, television, entertainment device, IOT device and cell phone market possible.

The price we now pay for the linux kernel's existence it is the fact that you can go out and by cheap electronic devices that work extremely well. This rapid development to a main stream mainstay of our daily life as consumers of Samsung, LG, Sony, and all the other brands that have come to rely upon the linux kernel in one form or another is the thing that gave Bill Gates and Steve Ballmer night sweats and they were right in fearing linux, the penguins they are everywhere!!!! MUWHAAHAHAHAA give me a fish or I will eat you sucker!

I am in an extremely good mood today and feel like burning some karma up on a useless anon coward who tries to engage in revisionist history.

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Re:SCO lawyers (Score:5, Funny)

by boudie2 (1134233) on Wednesday December 06, 2017 @10:09AM (#55687569)

Daughter: Mom, is it possible to get pregnant from anal sex? Mother: Of course you can. Where do you think lawyers come from?

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Yahoo should lose and lose hard (Score:3)

by DeploableCodeMonkey (4828467) on Wednesday December 06, 2017 @10:06AM (#55687545)

IANAL, but I think Mozilla was 100% justified in claiming a total lack of faith just on the way that Yahoo handled its data breaches. The fact that they were having their own problems with the search side and Yahoo dealt so poorly with its users in an equally important area of their business is a perfectly reasonable basis to conclude that Yahoo just doesn't care.

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Termination under the contract (Score:5, Informative)

by jbmartin6 (1232050) on Wednesday December 06, 2017 @10:10AM (#55687579)

A lot is redacted, and IANAL, but it seems like Yahoo et al don't believe Mozilla had the right to terminate the contract and Mozilla does. i.e. the contract itself included the option to terminate under certain conditions.

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Insanely bad contract for Yahoo (Score:4, Interesting)

by Dan East (318230) on Wednesday December 06, 2017 @11:38AM (#55688243) Journal

The contract contained a nearly insane provision that if Yahoo was sold (which Marissa Mayer did not think would happen), that Mozilla had the right to no longer use the Yahoo search engine AND Yahoo had to continue paying Mozilla \$375 million per year through 2019! So Yahoo is suing in hopes that they can at least no longer have to pay Mozilla since they aren't even using Yahoo anymore. Yet another testament to the brilliant business acumen of Marissa Mayer.

So essentially Mozilla is double-dipping here, and getting paid by both Yahoo and Google to use Google's search engine.

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