Jacobsen Declaration
Exhibit N
> We don't even require the clients to ship source with there product, 
> nor 
> do we restrict third party developers from incorporating KAM source 
> code 
> samples into their commercial product.

> If this is a comparison with JMRI, it's a spurious one, as you 
> already know from our previous conversations. Neither the 
> "requirement" nor "restriction" you mention is present; the evidence 
> is the JMRI-based commercial products who are shipping without doing 
> either.

What you also need to do is add some more info to your comments.

1. JMRI license agreement requires them to ship source, and dictates 
what can be charge.

2. Who ever ships the JMRI product is liable, unless all the JMRI 
developers agree to indemnify any persons (or person) who is 
   distributing the JMRI under their companies label.

So in essence JMRI, while containing some good ideas from an educational 
perspective, is not a commercial product, because (1) you restrict how 
the product is distributed and package, and (2) you do not indemnify 
persons (or person who distribute the JMRI code.

Since we managed to get in this issue of "what is open or what is not 
open", you really need to bring all of the issues on the table. JMRI is 
no more open then anything else on the net. Patent infringement is no 
different then stealing.

I am not saying JMRI does infringe or doesn't infringe -- I really do 
not know.

Maybe I know too much, or I am very risk aware, but I would not bet my 
company on shipping something that no one takes legal responsibility 
for.

So before you call JMRI open, you need to really understand what opens 
means and legally stand behind the "product" and what commercial really 
means.

With KAM's software, we use our own technology or we have license 
agreements with rights of distributions. Those are the things you need 
to make a commercial product.

Matt k.
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