

From: Nick Longo [nlongo@cesiumsound.com]
Sent: vendredi 20 octobre 2000 22:15
To: MARKT SOFTPAT
Subject: software patent consultation

Hello,

I'm a well-known music software developer and I recently received a U.S. patent. For more information about my activities see <http://www.cesiumsound.com/>

I am therefore in a unique position with regard to understanding the issues surrounding software patenting, although I can only speak to music software. I've been in music technology for 25 years, and the patent I received resulted from 15 years of research and development directed toward the solution of a particular problem. I am, however, currently threatened by the prospect of having to pursue infringers who believe that writing open source software is a noble enterprise that will somehow save the world, and who are intentionally devising ways by which they can infringe without paying penalties.

The reason that is happening is this. Music technology developed for decades in the analog electronics realm often using the patent system, sometimes not. However in recent years it has become increasingly easy and cost effective to implement models of analog systems in desktop computer software. This has created a bonanza for some software developers who have a free reign over almost all of audio technology, since almost all patents have already expired or will soon.

However, I personally chose not to pursue this route, but rather to use the power of personal computing combined with my own original research to develop new and previously un-discovered applications of digital technology. The simple fact is, without the incentive and protection offered by the prospect of obtaining a patent, I would never have undertaken an enterprise such as this, which has absorbed all of my personal and financial resources for the last seven years. The only other invention to date based on my discoveries is now part of a collection of algorithms called CSound that is not open source but is facing competition from open source developers who would not only like to implement those algorithms, but mine as well. Interestingly, two of my associates were involved in its development, so I have a reasonable belief that it grew out of my work and indeed, its developers are referencing my patent, and there is also a patent pending on it.

The open source developers have essentially come upon a roadblock. They have used up all the technology developed over several generations of patent holders and are now facing the fact that they have had a

free ride. Those of us who saw fit to invest our time and money on new ideas rather than digital implementations of old ones now face the prospect of losing our investments to these "strip mine" operations. I hope you understand that this issue is about investment in future research and development versus exploitation of the work done by others in the past.

Nick Longo

<http://www.cesiumsound.com/>