

February Mailing to League Members

Membership Expiration

League membership expires a year after you joined.

Since the League didn't get very organized until the beginning of 1990, we've decided to extend the memberships of people who joined in 1989 through the end of 1990.

So, **if you joined in 1989, or in early 1990, please renew now!** If you don't renew, we'll send you a reminder. But that takes work—and most of it is done by League members who volunteer their time. Please save us time by renewing without a reminder.

What is Your Email Address?

To save work, we are sending this mailing by email alone to the people whose email addresses we know.

If you receive this mailing on paper, and you have an email address with which you can receive mail from the Internet, please send mail to `league@prep.ai.mit.edu` to tell us what it is.

If you have an address on bitnet, then send the message via a suitable gateway, such as `mitvma`. An address on CompuServe or MCI Mail will also fill the bill; ask a wizard on those systems how to send mail to an address on the Internet. When `league@prep.ai.mit.edu` receives mail from you, the message header will automatically tell us your email address.

Election

We almost didn't get a quorum for the election, and it was necessary to put a lot of effort into phoning members in the final days to ask them to fax in their ballots. But we did ultimately succeed in having 313 proxies plus a few actual humans—just a little over two-thirds of our membership figure at the time.

Thus, Jack Larsen is now the president of the League. Richard Stallman will continue doing a lot of the day-to-day organizing work, but Jack Larsen will make the important decisions (except those made by the Board) and will represent the League to businesses, executives and attorneys.

Chris Hofstader, Steve Sisak, and Guy Steele were elected to the Board of Directors; Jack Larsen is also a board member *ex officio*, and so is Richard Stallman, the previous president.

The voting for president was 304 for Jack Larsen, 1 write-in vote for Richard Stallman, and 1 write-in for Mitch Kapor. (Many feel it would be great to have Kapor as the president, but he isn't a League member. He says that he is unwilling to oppose Lotus so directly.)

The voting for secretary and treasurer was unanimous, though some voters abstained.

The voting for directors was 266 for Guy Steele, 173 for Chris Hofstader, 146 for Steve Sisak, and 134 for Denis Filipetti.

The change in the bylaws was approved, 301 in favor, 4 against. This is a good thing, since it will probably save us from a quorum crunch next year.

Apology

I, Richard Stallman, would like to apologize personally for failing to include biographies of the four candidates for the board of directors in the election mailing.

I do have an excuse, though. This election was going to be uncontested until the fourth candidate was added at the last minute. When that happened, I was in such frantic haste to get the mail out that I failed to think of the consequences of the change.

This won't happen again.

Biographies of League Officers and Directors

Jack Larsen (president, and director ex officio) was the first employee of the telemetry project at Princeton University in 1943 as an offshoot of a student project in nuclear physics. Digital and analogue data processing was a large part of his fifteen-year engineering career in avionics. Interests in the public policy of science led to two law degrees, and a career in patent law. While representing MIT he began teaching patent and trade-mark law at Suffolk University Law school, and continued for fifteen years, became Professor and Director of the Center for the Law of New Technology at the new Lewis University College of Law, then returned to a practice which includes litigation, copyright and licensing of software products and other intellectual property. His firm is Otto and Blumenthal of Park Ridge, IL, near O'Hare Field.

Christian D. Hofstader (clerk and director) was one of the founding members of the LPF and has served as the League's clerk since the beginning. He has performed the following tasks for the League: getting stickers printed, opening mail, answering the voice mail, attending trade shows, organizing the SD 90 effort as well as many others. This year Chris will continue with many of those tasks as well as take on speaking engagements.

Chris is a former professional political activist and now works as a software engineer specializing in assembly language programming.

Stephen G. Sisak (treasurer and director) became the League's treasurer when Denis Filipetti resigned the position in August 1990. Before becoming treasurer Steve was one of the League's most active volunteers. He was instrumental in getting the supplies and labor necessary for us to be successful at AAAI as well as performing numerous smaller tasks.

Professionally Steve works as a software engineer specializing in Macintosh programming.

Guy L. Steele Jr. (director) is a Senior Scientist at Thinking Machines Corporation. He received his A.B. in applied mathematics from Harvard College (1975), and his S.M. and Ph.D. in computer science and artificial intelligence from MIT (1977 and 1980). He has been an assistant professor of computer science at Carnegie-Mellon University and a member of technical staff at Tartan Laboratories.

He is author or co-author of three books: *Common Lisp: The Language*; *C: A Reference Manual*; and *The Hacker's Dictionary*. He has served on the ANSI standards committee X3J11 (C language), and is currently vice-chairman of X3J13 (Common Lisp). The ACM awarded him the 1988 Grace Murray Hopper Award.

Richard M. Stallman (director ex officio) was the first president of the League. Before that, he organized the first protest rally at Lotus, and the initial production of the Fanged

Apple buttons. Professionally, he is best known for his work with the Free Software Foundation on the free operating system GNU. He received a MacArthur Foundation fellowship in 1990, and was recently awarded the ACM Grace Murray Hopper Award.

Ashton-Tate Loses Lawsuit

The lawsuit by Ashton-Tate against Fox Software was dismissed in December. The judge also ruled that Ashton-Tate had invalidated its copyright on dBase because the doctrine of “misuse of copyright”. It is settled law that a patent obtained by fraud or by misleading the Patent Office is invalid. Since the copyright law springs from the same constitutional basis, a bargain between the claimant and the public, it has been apparent that the same equitable principal would apply. Many claims of copyright have been registered wherein the public was short-changed in the bargain. Unlike the Patent Office, wherein the claims are administratively scrutinized, copyrights have been available on a sort of honor system, which over the centuries has worked well for books, and other writings. The author’s claimed monopoly was laid bare by publication for any to see; but who can read a computer program, particularly when a partial, or even an encrypted copy is all that the public may see in return for the monopoly?

The Court found that dBase was derived from a public-domain program developed at JPL, and that this fact was concealed from the Copyright Office, contrary to the law and its rules.

This decision (which Ashton-Tate says it will appeal) did not decide the fundamental issue of whether a language can be copyrighted. However, in a backwards fashion, it seems to open that possibility. The author of dBase states that he did not copy any code from the JPL database program, just the programming language. So, if neglecting to state that the language used was derived from an earlier work constituted deception of the Copyright office, it can only be because the language is deemed a substantial part of the work, and, therefore, potentially a copyrightable work standing alone.

So, we can’t really count this as a victory, even if it stands on appeal.

However, if misuse of copyright may be a violation of the anti-trust laws, then defendants can counterclaim with their own weapons including injunctions and treble damages.

Recent League Activities

The League had a booth at the SD90 conference in Boston in November. We distributed large amounts of literature which stimulated inquiries from quite a few software journalists and executives.

An unofficial presence at Comdex a week later had a similar result.

So far, however, this has not translated into a tremendous jump in membership. We need more members, and this means we need the members to put some effort into recruiting more members. A paper describing easy and efficient techniques for doing this is included in this mailing.

League Finances

As of January 1, the League had spent a total of \$8222 and had a total of \$10732 on hand. Here is a breakdown of expenses:

- Printing, \$2200
- Buttons, \$1900
- Legal, \$1250
- Trade shows, \$1120
- Postage, \$602
- Lotus protest, \$365
- Bank fees, \$162
- Mailbox and phone, \$175
- Misc (other items, invidually under \$100), \$466

We expect to spend \$4000 soon on printing and the SD 91 trade show.

We Get an Interesting Endorsement

ParcPlace Systems has issued a statement endorsing the League and its position. This company, a spin-off of Xerox PARC, develops Smalltalk systems. The latest issue of their newsletter for customers had a brief article on the back page, speaking about the League, endorsing our position, and urging their customers to contact us.

Publishing to Prevent Patents

One way to prevent a technique from being patented is to publish a description of it. The League would like to start publishing for this purpose.

All that is needed to bar a patent is that the invention shall have been (1) described in a (2) printed publication (3) more than one year prior to the patent application, or prior to the applicant's conception date, and that the publication gets into the Patent and Trademark Office Examiner's files. The publication need not be fancy, but it must be public. Even one copy in the MIT Engineering Library will do, as long as it is cataloged to show date of acquisition.

Ideally, whoever publishes for this purpose will consult the Patent Office Classification System to determine what class or classes the publication pertains to, so that copies can be sent directly to the appropriate examiner. The examiners scan their informal files constantly, and they create informal sub-classes, so that eventually the publication will get to the right place.

To do this, first of all, we need material to publish. We need articles describing techniques that might not appear in other literature. These articles do not have to be well written! We won't be publishing to interest a real audience, as real journals do. For an engineer or programmer with a patent problem, even a badly written article can be welcome indeed. But it does have to be clear enough that it unmistakably describes the invention well enough that a person "having ordinary skill in the art to which it pertains" might practice the technique or method, or make and use a machine.

Before you write an article, it would be a good idea to check a few text books to make sure someone hasn't already done the job. For example, check *The Art of Computer Programming* by Donald Knuth.

Send your articles to the League mailing address, or email them to the League at `league@prep.ai.mit.edu`. We'll take care of publishing them.

Institutional Members

One thing the League needs very much is additional institutional members. So far, we have just two: TGV, Inc., which makes networking software for VMS, and Snitily Graphics Consulting Services, a consulting company. Other companies whose executives support the League hesitate to join because there have not been enough others to make us seem respectable.

This means we need to try hard to bootstrap ourselves with a few more institutional members. If you are an executive, please consider having your company join the League. If you are an employee, please raise the possibility for your employer.

Here are the terms for institutional members.

The dues are \$100 for an institution with up to three employees, \$250 for an institution with four to nine employees, and \$500 for an institution with ten or more employees.

For \$5000, an institution can be a sponsor rather than a member.

Institutional members and sponsors do not have votes in the League.

Note that these dues have been reduced, in the hope of encouraging more institutions to join. We might establish lower dues for non-profit organizations, if such organizations want to join.

We strongly urge institutional members to mention their member status in all their publicity, as long as this is not done so as to imply League endorsement of the company's activities or products. This can help promote the member as well as the League, just as sponsoring a concert or another public interest organization would.

We also urge members to distribute the League's materials to their customers—the more, the better.

Regional Working Groups

In order to carry out more activities, the League needs local working groups in the areas where there are concentrations of programmers or students of computer science.

The first thing needed for a local group is a person who wants to organize it. These groups don't need an official existence, so it is not a lot of work to organize one. The main thing the organizer needs to do is to keep track of the members and sympathizers in his or her area (with help from headquarters), find out about events where something useful might be done, and inform the members about what work is needed.

Easy things a local group can do include handing out League literature at trade shows and conferences, and picketing events sponsored by the look and feel plaintiffs. Picketing requires only a few people, so it is not a big job like a protest rally. We can ship you some

picket signs we made for the last rally, if you need them. We also plan to make a large print run of our position papers, so that you won't have to scrounge for printing.

Another thing a group can do is promote speakers and find them opportunities to speak. It isn't hard to find opportunities if you don't limit your consideration to large and prestigious audiences. The League already gets more requests for speakers than it can easily fill.

So far we have people organizing local groups in Houston, New York City, Boulder, Columbus and the San Francisco area. The League's base serves as a local group in Boston. It would be useful to have working groups in the other centers of high-tech activity such as Berkeley, Los Angeles, San Diego, Washington DC, Austin, Raleigh-Durham, Pittsburgh, Eugene and Minneapolis, as well as Chicago, where Jack Larsen has his office.

If you would like to organize a group, let us know, and we can put you in touch with the other members in your area.