Subject: Peerless transformers, trademarks and intellectual property rights
Posted by Wayne Parham on Wed, 14 Sep 2005 11:18:06 GMT
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Manualblock started a thread on the Group Build forum about an amplifier design. But it used a Peerless transformer or a clone, I'm not exactly sure which yet. What I do know is that it prompted a discussion about intellectual property rights and what not.Peerless transformersI could see pretty early on that it was a sensitive issue, and probably might be better discussed here. It certainly didn't have anything to do with an amplifier build or circuit design. So I thought about responding here to start off with, and probably should have right from the start.I am sympathetic to Mike or anyone else that works hard to build a company, product or trade name. So I'm definitely interested in what he has to say, and I'm concerned about the IP issues we've been talking about. But I also know that Douglas has been pretty supportive of everyone on this website, and has offered some very valuable assistance and good designs. I think he probably has the right to call his transformers Peerless or Peerless clones, unless some legal arangement has been made that I'm not aware of. I guess I'm of two minds on this deal and hope everyone comes to good terms.

Subject: Re: Peerless transformers, trademarks and intellectual property rights
Posted by Wayne Parham on Wed, 14 Sep 2005 12:28:28 GMT
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I don't follow the John Atwood reference. Mike has made this reference a few times, but we were talking about other things too and I glazed over it. He said Altec had rights to the Peerless name, so I was busy looking for references to that. What is the relationship between Atwood, Altec, Magnequest and Peerless?

Subject: Here we go again...
Posted by Damir on Wed, 14 Sep 2005 12:51:39 GMT
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Just some of my thoughts about Mike`s tubes analogy - "New Sensor" company bought various old tube company names - Mullard, Tung-Sol, Svetlana Then started producing tubes under those names, more or less copies of the old designs, sometimes not even close to the original products. Some other companies also copied old designs. Common sense (and Law) says that some other company can`t name their tubes "Mullard" or so, but CAN says in description of the product/commercial: "based on the old Mullard design", "close copy of short plate `60s Mullard *** tube", "our, improved version of Mullard EL34 fX2 design", or so. But, it`s more question for (specialized) lawyers then for audio hobbists. We can only says what we think about those practices...

Subject: Re: Here we go again...
Posted by Wayne Parham on Wed, 14 Sep 2005 13:02:13 GMT
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Are you sure New Sensor bought the trademarks? I was under the impression they simply registered the trademarks in America, while negotiations were being made with the

them into stealing the name.I think this is kind of what Mike is worried about, a sort of end run around the real owner, an unethical way to beat the system. But I guess what I'm saying is that I'm not sure what Douglas is doing is anything like that. And I'm also not sure the legal claim to the name is nearly as clear, because Peerless was used for so long by DST.If Magnequest had been using the name since the 1970's and then DST came along and quietly registered it in 1990's, that would be one thing. But actually, DST was using it in the 1960's and Magnequest started using it in the 1980's. At that time, I think Peerless was very well known. I saw Peerless speakers in McGee catalogs, a company that was popular in the 70's and 80's sort of like Parts Express is now. So this one is pretty thorny.

Subject: Re: Peerless transformers, trademarks and intellectual property rights
Posted by MQracing on Wed, 14 Sep 2005 13:09:58 GMT
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Hi Wayne:just a few short notes. Altec Lansing was the owner and original registrant of the subject Peerless trademark which we have been discussing. It was assigned to my wife after we purchased Peerless by the President of the Altec Lansing Corp.my reference to John Atwood was and is... that if the test on the audioroundtable is that a namesake or brand name must be federally registered to accord it any protection on these forums...than many small audio companies are in danger of having their names misappropiated or mis-used since they have not (apparently) registered their marks or names as a with the federal trademark office.I have suggested that this would be a very unfortunate and poor standard to apply. And that all of us should accord small manufacturer's who have taken the time to develop products and build up their own reputations the protections that common ethics would accord them. One-Electron, in the case of JA, is his namesake and brand name... whether or not he has it registered. And it would be wrong for anyone to come along and appropiate that name for anyone's business but JA's business. That has been my stance.MSL

Subject: Re: Peerless transformers, trademarks and intellectual property rights
Posted by Wayne Parham on Wed, 14 Sep 2005 13:30:48 GMT
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I see. So John Atwood didn't really have anything to do with the transformers we're talking about here or with the Peerless name. You were just using him as an example. Is that right?As for

aknowledgement of trademark rights by AudioRoundTable.com or me personally (or anyone else in America for that matter), the litmus test is actually pretty clear. First use in commerce. That's what determines who owns trademarks, and that's what ART recognizes because that's what trademark law says.The complication is in trademark law itself. All the things that can damage a mark, dillution, becoming generic, misuse, etc. Since trademark law is really there to protect the public and not the trademark owner, it's kind of weird. The law is actually there to protect the public from being deceived, to keep people from buying one thing when they think they are buying another.

Subject: Re: Here we go again...
Posted by MQracing on Wed, 14 Sep 2005 13:35:11 GMT
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awe... but consider that the Peerless brand name (as relates to transformers) has been in constant use since 1934. That there was a trademark federally registered in 1956. And that my wife was assigned that same trademark by the President of the Altec Lansing Corp... the very same federal registrant of record as early as 1956 and showing use of the brand name in interstate commerce back to 1934.there is not much if any confusion at all. Everyone knows who Peerless transformers is and it sure would be interesting to see what basis Douglas could use to stake his claim of ownership on of the Peerless brand name. that he has advertised to sell reverse engineered copies at cheap prices of our products? Me thinks, that's not constructive establishment or use of a brand name but actually (as my attorney stated) points in exactly the opposite direction.and like I said earlier... even if Wayne's hypothesis was correct (and I don't accede that point) it would still pinpoint Doug's use of the brand name as infringing on the rights of yet another party. msl

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Subject: Re: Here we go again...
Posted by Wayne Parham on Wed, 14 Sep 2005 13:56:12 GMT
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We've spoken a lot about trademarks, what constitutes a mark, what damages it, etc. But I guess I'm still unclear as to what Douglas has done. Does he sell a copy of one of your transformers, and give it a similar part number?Here on ART, he has only designed some amplifiers and discussed circuits and what not. Sometimes he talks about having a custom transformer wound, but I don't recall him ever calling them Peerless transformers. I may be wrong, but I don't think they are patterned after another model either, otherwise there probably would be no need for a custom wind.

Subject: Re: Here we go again...
Posted by MQracing on Wed, 14 Sep 2005 16:40:50 GMT
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Hi Wayne:here is doug's original post...
**********Posted by Thrint [152.163.100.65] on September 10, 2005 at 14:07:56:Hey-Hey!!!,I and a few others are getting a group buy of custom Peerless S265. E-Linear taps at 20, 30, and 40%. Just to lay out the specs, in case there is some question: 10k a-a, 40Watt, 2, 4, 8, and 16R secondary conections.I am in for a pair, and the list is growing. I will post details of pricing, but figure on ~$140 each.cheers,DouglasPentode@netscape.com**********notice he refers to the products that he is offering to sell as "custom Peerless S-265".... but they are, of course, not made by Peerless at all. Both the brand name and model designation are each trademarks of ours. Each uniquely describes a product that only we can make and offer as a Peerless S-265.thanks,msl

Subject: TM 0622592
Posted by colinhester on Wed, 14 Sep 2005 19:18:39 GMT
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Mike, Please see link for your TM. Not sure why it was not finding it earlier. Cool symbol.....Colin
http://tess2.uspto.gov/bin/showfield?f=doc&state=ddtce4.6.3

Subject: good detective work Colin....
Posted by MQracing on Wed, 14 Sep 2005 19:30:13 GMT
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maybe it's because we were not putting the zero in front. Glad to see it could be retreived off of the database.MSL

Subject: Re: good detective work Colin....
Posted by colinhester on Wed, 14 Sep 2005 21:30:27 GMT
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Didn't go back and try it with the zero, but I'm sure you're right. It was easy to find after I searched under your last name.....Colin

Subject: Re: good detective work Colin....
Posted by Wayne Parham on Wed, 14 Sep 2005 22:18:00 GMT
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Yes, that's a groovy logo. Now we know!

Subject: I don't think that's it....
Posted by PakProtector on Thu, 15 Sep 2005 01:05:34 GMT
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Mike seems to have issue with somebody unwinding a TX and then offering it for sale if it happens to be one which he is also winding and selling. Once Mike said he tried unsuccessfully to divine the secrets of one of the Dynaco TX's by unwinding it. Upon later cmparison to his acquired drawings, there were mistakes made during the unwind. Therefore it was not possible to do(unwinding a TX) to the degree of accuracy he claimed to be required for such exacting craftsmanship of *HIS* output tx's. So he has the drawings, I know how to hire folks with NC winding machines and even more highly skilled craftsmen(craftsmen who can successfully and accurately unwind the moderately complex things we know as output tx's).I have a few more cool bits of vintage output Iron on my shelf in singles awaiting the perfect project. S230, S235, S240, S242, S250....and those are just part of the Peerless 20-20's. Some old WE, Langevin, RCA, Chicago and even Dynaco is also sitting on those shelves. The thing about selling these things is that all somebody has to do is take one apart and the coil wind is no longer an unknown. I have not taken apart any of the modern original designs from the current crop of winders. If I wanted what they wind, I can just buy it. If I want an old one, specially modified for E-Linear use I can just decide which one comes closest and start unwinding the poor thing.Even if it somehow turns out that Mike does own the rights to the Peerless name, he damn sure does not own the rights to the half-century old designs....even if he had to buy the drawings to figure out how to copy them for himself.There once was a time when I was willing to assist Mike in his pursuit of Ironic perfection. At least one is archived in AA, along with my measurements of the newly developed item. Also archived is his later denial that I had anything to do with its design and that out of the goodness and generousity of his golden soul he had given me details of the design as explanation of my knowlege of its construction details...along with an accusation of breaking my word to him never to share them with anybody(which I never gave surrounding that project). There is further detail posted in AA which proved fairly conclusively that he had no idea how the design did (or in his case did *NOT* work) work and why it needed work and improvement.And then he goes and publishes my private and emails on his MQ site(after editing them and making some other claims).I am still willing to forgive him and even if he is not willing to take part in the hatchet burying ceremony, I am...regards,Douglas

Subject: Re: I don't think that's it....
Posted by Wayne Parham on Thu, 15 Sep 2005 01:36:00 GMT

I'm sure there are technical issues and the potential matters of copyright and trade secrets I'm not aware of. But on the matter of the trademark, I think Mike has clearly shown he owns the registration for the stylized "P" logo. What's not so clear is his claim to the "Peerless" word mark.

Subject: root cause
Posted by Thrint on Thu, 15 Sep 2005 09:22:12 GMT

it goes a bit further than that. Good ole Mike called me up one Labor Day morning to argue about a post I made following up one of his. He got angry and hung up before I could demonstrate I was not mistaken. He posted a condescending post and out and out called me wrong.Several other folks jumped in with math and other examples and it was shown conclusively that Mike was indeed mistaken. In public. There was a little bit of name calling going on. Things like: I can't believe you're such an ignorant fool. and a bit worse. Most of it got deleted.The RAT wars were before my time. I am sure of one thing: it takes *TWO* lunatics to produce that sort of destruction. One of them is still around and goes by the name Mike LaFevre.It happened again over a different yet very similar topic and there were more people jumping in and learning like mad whilst they constructed their arguements to show Mike. It was not a pretty thing. Mike painted himself into a corner and then expected us to walk through the paint, carry him out and then go back and fix the painted surface. There is more of course, but it is speculative and I'm not putting it down in public.cheers,Douglas

Subject: Here we go again...
Posted by Thrint on Thu, 15 Sep 2005 09:54:33 GMT

Alright Mike, the wording was poor. It should have read something like a custome modification to the Peerless S-265. It is aside from the additional taps, electrically the same. Same wire, same lams, better insulator paper. Leads and endbells, instead of that cool looking potting case.Actually, when I measured my copy at school, it was in a few critical areas like capacitance better than the original.You brought up your model of the idea competitor. I find it curious that you think it shyster-ish to produce modern copies of older designs, seeing as you seem so successful at it. I suppose it is the methods by which the winding instructions are attained. And that must of course be from the original creator of said designs? Wait a minute! you have already done that....nice circular logic which allows you to label any competition with such nasty and insulting terms. I am not buying it. There are several other winders who advertise the ability to make all sorts of cool Iron. At least one posts a list...Acrosound, Dynaco, McIntosh, Chicago, Peerless....I would of course invite you to offer your bid for the design. It stands at 16 pcs now. Of course I expect similar terms to what the folks at Heyboer give me. Payment *AFTER* recieving product is

an important one. Speed is another. With a completed order delivered to you at the end of September, I'd like the Iron in my hand(and the rest of the customer's) by the end of October. Would you need more time than that?Just remember Mike, I am only a customer. Until Labor Day a few years back, I would have been one of yours.cheers,Douglas

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Subject: Re: root cause
Posted by Wayne Parham on Thu, 15 Sep 2005 11:19:09 GMT
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I defintely understand the technical disagreements. Even between two engineers that are fairly close in design styles, there can be serious differences in implementation strategies. So that's where you each can stand out.I would be really impressed to see you create a brand name, maybe Magnetone or something like that. Or maybe that's too close to Mike's name, just throwing something out there. Have custom winds made that are possibly compatible with early popular transformers, but superior. That part you already have down pat. Build brand recognition by using your iron in excellent amps and take 'em to shows. I think that would be excellent. People sure have responded favorably to your amp designs, and I think having your own transformers wound sets you apart and ahead. Sure could be coooool.

Subject: Re: Here we go again...
Posted by MQracing on Thu, 15 Sep 2005 12:53:13 GMT
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Hi Doug:You keep wanting to engage me in a dialogue and further interaction with you. Of which I have no interest due to your behaviour. I don't care to discuss this with you publicly... as my hunch is that you thrive on the attention and being in the limelight. And that your most fervent desire is to engage me in your little world.Many moons ago when you asked me to alter the original design of the S-265 to accomadate several intermittment taps on the primary... I carefully and fully explained to you why I would not do that on this particular design... again... to be clear... I am not stating this for further debate or to enjoin myself in a dialogue with you. As the owner of the design and the owner of Peerless... that's a decision I am entitled to make and it is of utmost import to me to retain the performance integrity of the original design. I actually consider it a duty.Further, I have no obligation to explain to you our "philosophy" on design, winding, or building of transformers. Hence, I will pass on the bait regarding tear downs, reverse engineering, original blueprints, etc.I will say this... you seem to have this viewpoint that if you acquire a product as a consumer that you have purchased the design rights to that design. And I could not disagree with you more.Purchasing a pair of Pi Speakers is not a licence for you to reverse egineer the products, tear it down for duplication or anything like this (in my opinion). If you were to pay for all the engineering and the rights to use that proprietary engineering I am certain the price would be much greater than the retail price for a single pair of speakers. To purchase a pair of speakers, again in my opinion, with the sole intent of copying them, reverse engineering them and then

wanting to compete with the designer\builder of that pair of speakers is nothing short of theft from my vantage point.The speaker designer may have invested hundreds if not thousands of hours in the development and engineering of that product. Your buying one pair as a shortcut to doing your own development and your own engineering is, again, in my view, highly unethical.Same goes for and applies even if (used only as an example) the owner of Pi Speakers had purchased the entire design from another company. Still, they are paying for the engineering and the development of the product and selling you a pair of speakers for you to use and enjoy... not for you to copy their work and then go into competition against them.end of my rant... again... your free to respond to my comments above and I am sure you will. But you can also be sure that try as you might... you will not drag me into a great debate about these issues with you. For the record... we do build the Peerless S-265 transformer with great fidelity to the original blueprints. So this is not a dusty old transformer design that had been "abandoned" or whose design has been put in the public domain. And we have no intentions of doing such at this time.I believe that I have addressed all the issues that I care to with you. msl

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Subject: yep....here we go again.
Posted by PakProtector on Thu, 15 Sep 2005 14:47:00 GMT
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Well Mike, I am sorry you don't feel comfortable discussing things with me. I will point out a few gaps in what you posted and what actually transpired:MSL:I carefully and fully explained to you why I would not do that on this particular designno such explanation was ever given, let alone one done carefully.MSL:As the owner of the design and the owner of PeerlessJust because you say it enough does not make it so. So far it looks like you own the special 'P'. I might at some point agree that you even own the whole name. That is a far different thing from owning the designs, and the rights to any control over their production. Besides, once I modified it in such a way as to be useful for a specific and original circuit, any possible or imagined protection would become a whole lot more open to interpretation.MSL:you seem to have this viewpoint that if you acquire a product as a consumer that you have purchased the design rights to that designNo, I said I would acquire the design itself. If said design was in some way protected, that protection would be the instrument for preventing me from doing as I please with said design. In this particular case, that being the winding details of the Peerless transformer line, no such protection exists. What may exist is protection from selling them from the Peerless Transformer store. I can copy what ever of them it pleases me to. If you can convince me otherwise, I invite your discussion. I will not discuss anything privately though due to your propensity to publish editorialized and edited versions of said communication on your corporate website.You claim your ignoring me is entirely due to my behaviour? what is behaviour is that? Telling you on a public forum that your analysis has holes in it? Discovering a way around your unimaginative production ideas? Offering said solution at a quarter of your wholesale price? All reasonable perhaps, but to accuse me of theft, and then retreat is not going to get me to see things your way, or leave you alone. I welcome your civil discussion, as it appears that there are many misunderstandings between us which are doing neither of us any good. If you wish to carry on a RAT-wars sort of feud, you may also do that...why this would be your choice given the disasterous outcome of the last one is quite beyond me.cheers,Douglas

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Subject: Re: root cause
Posted by MQracing on Thu, 15 Sep 2005 17:32:16 GMT
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Hi Wayne:you wrote:::::I would be really impressed to see you create a brand name, maybe Magnetone or something like that. Or maybe that's too close to Mike's name, just throwing something out there.::::yeah... it would be nice to see him ride on and create his own coattails than than freeriding on someone else's coattails.And maybe if he ever does go into biz or create something of value on his own he will begin to appreciate and cherish the notions of property and ownership and etc.Take an amp manufacturer who's whole line is the copying of, reverse engineering of circuits that were created and designed by another company and marketed as a complete finished product. How much rep would you build by simply copying other people's work and then selling on the basis of.... well... mine is a copy of a Audio Research amp but we have it made for less money...you'll get some sales but ultimately... not much stability in the marketplace is my guess.best to develop products that are truly and uniquely your own and take the long road... and build up a rep for yourself on YOUR merits not on the merits of another product who you pirated your product from.:::Have custom winds made that are possibly compatible with early popular transformers, but superior.::::And you don't need to pirate say an Electra Print trans, or a One Electron trans, or a Peerless trans to do this...as just one quick example... the original Williamson output transformer design is in the public domain. The complete blueprint had been published over fifty years ago... and the intent (as far as I can divine) was to put this design in the public domain.It was a 10K CT output trans complete with a materials list and all the winding information including wire sizes, number of turns, insulations, and even told ya (if I recall right) what size lead wires to use.From this blueprint (which is actually a pretty decent design) you could easily (with a bit of knowledge) scale this up or down impedance wise to create a 2500 ohm CT primary, a 5,000 ohm CT pri, a 6600 ohm CT pri, a 8000 ohm CT primary... with a bit more work and understanding of magnetics you could take this same design and use it as a pattern for output transformers at twice the power rating and half the power rating... and again figure out the turns needed and wire sizes needed and isulation spacing to produce your double and half powered designs properly.and...now... your not ripping off Electra Print, One Electron or Peerless or anyone else...but it takes a commitment to learning and to doing things well.I could get fifteen really nice tranneys out of that one public domain design.Mike That part you already have down pat. Build brand recognition by using your iron in excellent amps and take 'em to shows. I think that would be excellent. People sure have responded favorably to your amp designs, and I think having your own transformers wound sets you apart and ahead. Sure could be coooool.

Subject: Re: root cause
Posted by colinhester on Thu, 15 Sep 2005 19:25:44 GMT
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Mike, I can tell you the public domain of knowledge is HUGE. I honestly do not know the specifics of Tx winding and what makes one different from another. However, given the amount of time that has passed between first conception of the Tx and today, I bet someone has described it some technical reference. As soon as it is published (non-patent), it's pretty much fair

game for anyone to make. I was always amazed at how much knowledge has been forgotten when going through old research journals.This approach has been a big part of the drug companies for years. It cost so much to develope a marketable drug (billions of dollars when averaged over the failures)that the day after its patent expires there is a generic on the market.You wrote, "That part you already have down pat. Build brand recognition by using your iron in excellent amps and take 'em to shows. I think that would be excellent. People sure have responded favorably to your amp designs, and I think having your own transformers wound sets you apart and ahead. Sure could be coooool."Well said.....Colin

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Subject: Re: root cause
Posted by MQracing on Thu, 15 Sep 2005 19:45:15 GMT
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Hi Colin:actually wayne wrote the following passage which you quote;:::"That part you already have down pat. Build brand recognition by using your iron in excellent amps and take 'em to shows. I think that would be excellent. People sure have responded favorably to your amp designs, and I think having your own transformers wound sets you apart and ahead. Sure could be coooool.":::Doug has some talent in circuit design... done right doug could probably do well for himself...Pirating transformer designs say from the likes of a Lundahl, an Electra Print, or a Peerless simply because they do not have a patent--- is not, I suspect, the way to establish yourself as an expert in your field of endeavor. And it carries huge bagloads of bad karma. Some folks might even call it theft.Learning from designs clearly in public domain is quite possible and free of any and all ethical entanglements. And darn if there are not good ones (public domain designs) out there as you too suggest. And tons of books and articles to learn the basics through if you need help understanding the public domain examples.And people do start out and build up a business from their own hard work, sweat, learning, experimenting and etc. Dave Slagle is a good example. No formal background (that I know of) in transformers or electronics... he now makes a TVC that people speak well of. And... I'd bet money... he did not pirate a Sowter or an S&B trans or copy another companies' product so that he would have something to sell.MSL

Subject: Re: root cause
Posted by colinhester on Thu, 15 Sep 2005 20:02:15 GMT
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I agree 100% with everything you say. Dollars to donuts the companies you mentioned did not come up with the Tx designs themselves. Have not done my homework, but a wild-ass guess says I'm 90% right. Is this practice bad karma? Maybe. Theft? That's why God made attorneys.....Colin

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Subject: Re: root cause
Posted by MQracing on Thu, 15 Sep 2005 20:15:00 GMT
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Hi Colin:If I were to bet (and lord knows how we could really find out)... I'd bet that Jack Elliano does all of his own design work. My hunch is that John from One Electron probably engaged a transformer designer to design his line of tranneys... I'd bet 3:1 odds that he didn't tear down another companies product and copy it. And who else did we have on the list? Lundahl.... surely a ton of design capability in house.As for myself... when Wayne and I were chatting on the phone... he asked me about the MQ name. And I explained to him that it was intended originally as an umbrella name to hold the designs (from several companies) that we purchased. When SE circuits became popular... contrary to the lore of the golden era.... there were really not any\many existing designs in our archives that we could build from. So we designed our own single endeds... the entire DS and FS series as just two examples.... we're designed in house at MQ. And then sold under the MagneQuest moniker as I did not (even though I had the legal right to) pin the success or failure of these new designs on the coattails of Peerless (which was one brand name that we did own).... they were our fresh new designs so they had to fly or falter on their own without artificial help....transformer design can be mastered or at least one can acquire a really useful working knowledge of magnetics without resorting to teardowns, reverse engineering or etc. the public domain designs would be, in my opinion, a great place to start.msl

Subject: since you have no interest in speaking....
Posted by PakProtector on Thu, 15 Sep 2005 20:30:52 GMT
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I will suggest that you change your mind. It was poor communication which has gotten us to this point, and there is no point in continuing it IMO.If you do wish to continue with your accusations and attempts to impeach my character, there is only your good sense to stop you.You have clearly misunderstood a few basic motivations of mine as evidenced by your opening paragraph. You engage me by accusing me of theft of an item which cannot be stolen. Do you expect me to react in a friendly fashion? As best I can, that is what I will do. However, as a warning, should you continue to misrepresent my actions, I do have both ability and motivation to(among other things) spread the information you so clearly wish to remain secret as widely as is possible. For example to China where these good designs will be devoured and applied in a very widespread fashion. As it stands, simply mentioning the ease with which the information can be attained suggests that it may already be in-progress.More importantly, as word spreads of the performance attainable with these modern, machine wound copies, the market *WILL* grow. Fortuneately, I am not in the least dependant on what the market decides to do.As it stands, I will leave you chance to examine your part in this and perhaps change your mind. If not, your own actions are quite clearly documented in the archives of RAT, and reminding the vacuum tube audio world how you are capable of conducting yourself would be pursued as an honored duty. That you are evidently continuing this sort of thing today is a further indictment of your character and what I am most concerned about. I have retained legal assisitance and it is a resource I will not hesitate to employ. I do hate to warn you of what not to do, but if you don't do it, that will be enough. So the final request to walk

through this and see if we can reach some agreement on coexistance is hereby made and extended to you. cheers,Douglas

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Subject: Re: root cause
Posted by colinhester on Thu, 15 Sep 2005 20:48:01 GMT
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You know, that was a pretty jaded post of mine. I come from an industrial background that produed millions of pounds of material a year at low margins. The researches/chemist/engineers were not given the opportunity to develope one product and optimize its production. We produced many very similar products to fit each customer's application. And yes, we analyzed the piss out of the competition to discover the magic foo-foo dust they added. Funny things happen when an industry relies on this approach. A couple of times we saw the competition using our formual! I can see where a Tx would be hand made and extensively researched before market introduction. I guess I'm just getting old and cynical. Thanks for not pointing that out.....Colin

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Subject: Re: since you have no interest in speaking....
Posted by MQracing on Thu, 15 Sep 2005 20:53:48 GMT
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Dougie wrote;:::You engage me by accusing me of theft of an item which cannot be stolen.:::I paid for the Peerless designs. I bought them. They are my property.:::However, as a warning, should you continue to misrepresent my actions, I do have both ability and motivation to(among other things) spread the information you so clearly wish to remain secret as widely as is possible. For example to China where these good designs will be devoured and applied in a very widespread fashion. As it stands, simply mentioning the ease with which the information can be attained suggests that it may already be in-progress.:::there you go with more of your threats. I'm just curious how low you will drop the price to try to get some comers and also how much you are really paying for these knockoffs since the price has come down from $225 a year ago to $86 today.... just the other day they were $100 each (your cost as you stated)... and, if I recall correctly, a few days before that they were being offered at $140 each.:::I have retained legal assisitance and it is a resource I will not hesitate to employ. I do hate to warn you of what not to do, but if you don't do it, that will be enough.::::my counsel, his name and address has been previously posted on this forum if you should need to contact him.::::So the final request to walk through this and see if we can reach some agreement on coexistance is hereby made and extended to you.:::we can co-exist perfectly well and wholly apart if only you not use my trademark and if you refrain from trading on my good will which includes not pirating our designs.The problem with piracy is... as you've stated above... your going to or are willing to take these to china to get made... you apparently have no strong commitment to quality. You seem to be more motivated in damaging me or trying to hurt my business than in building good quality transformers. But when these potentially sub standard items are produced, sold, and used... it is

the Peerless marque that stands to be hurt by any deficiencies in the construction or performance of the units that you wish to hawk... and that unfairly hurts our business and performance reputation.As just one tiny example... you mention that the original peerless was made with polyester. Nope. Polyester (mylar) was not even available commercially in 1948 when this design was introduced. This leads me to be very suspect of your tear down if you got this small point incorrect.Again, take the high road. Look at the Williamson design... which is to the best of my knowledge in the public domain. Or have Heyboer go in their archives and dig up the stuff they did for (I think it was) Fisher years ago and have them adapt their own designs to meet your needs.leave me and my company alone... don't use us.... don't abuse us.... and we can peacefully co-exist worlds apart without any difficulty.msl

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Subject: Re: root cause
Posted by MQracing on Thu, 15 Sep 2005 20:58:00 GMT
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Colin. your sweet. In mature low margin industries some of the first guys to go are the engineers and technical people. It is happening in the domestic transformer lamination industry. Margins on the commodity grades of lams are so low... that you can't buy a new roll of TP for the outhouse.If your at liberty to say.... what industry were you in? I love the dynamics of industry... both the technical dynamics and the financial dynamics.cheers,msl

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Subject: we'll deal with this one-at-a-time
Posted by PakProtector on Thu, 15 Sep 2005 21:05:55 GMT
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What you purchased from Altec I never saw. Let alone stole. I have never been even near them. My point is that while you may own the paperwork, you do not own the information they contain. If you can offer a reason with proof otherwise, I am quite ready to listen. I will address your other points later.cheers,Douglas

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Subject: Re: we'll deal with this one-at-a-time
Posted by MQracing on Thu, 15 Sep 2005 21:20:59 GMT
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so.. dougie....it would be perfectly fine for you to take an Electra Print tranney and tear it down, reverse engineer it, copy it and have it reproduced, and then advertise it as a copy of an Electra Print just so long as the design is not patented?And that Jack forfeits any and all proprietary interests in his own design once he sells a product? Like I've said.... ethically, to me this would

be ripping off Jack. He put the work into the design... and it is his.Especially when there are public domain designs available that you could use to learn with... and then as your knowledge base grew perhaps even improve the design of. If you reverse engineer Jack's product and make mistakes or don't do the job well... and all the while... your telling people that yours is a faithful replica (teardown) of Jack's transformer... who gets hurt?For the risk that Jack faces (poor product image) what woud a Jack have to benefit from your pirating of his design?let's just get back to the basics of the ethics of all of this...and, again, maybee someday if you actually design and build something of value... perhaps then your views on piracy might change a bit.msl

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Subject: Some of the rest...
Posted by PakProtector on Thu, 15 Sep 2005 21:30:10 GMT
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I do admit to sellig them in the past. Represented as copies of the original, with special mods for use in my original circuit designs.On this: just the other day they were $100 each (your cost as you stated)... and, if I recall correctly, a few days before that they were being offered at $140 each. The prices were all announced as tentative and depending on final quoted price. I don't see it changing much from the $86.and this: As just one tiny example... you mention that the original peerless was made with polyester. Nope. Polyester (mylar) was not even available commercially in 1948 when this design was introduced. This leads me to be very suspect of your tear down if you got this small point incorrect. I said this before by way of warning you about the differences between what was actually produced by Altec and what your theft-prone documents may show. It was SOP to neglect and omit details from blueprints to protect them. It would be my best guess that the particular one I took apart was wound after the development of Mylar sheet. Regardless, that OPTx had mylar contributing to insulation between primary and secondary layers. I submit to you that the design I am copying is a more accurate version of the S-265-Q then you are capable of executing with those particular drawings.And if you're convinced I made so many mistakes, that this cannot possibly bear any relation to what you claim to be the Peerless design, why are you here?**********I won't be using your trademark 'P', so don't worry about that issue. You have proven ownership of that detail thoroughly enough. **********Please show me this 'good will' of yours. I just don't see it.and this: leave me and my company alone... don't use us.... don't abuse us.... and we can peacefully co-exist worlds apart without any difficulty. I have helped your company, even though you publicaly denied it after our disagreement on how a PP transformer loads the tubes when in class A operation. I will hear you retract your statement, as proof of your so-called 'good will'.cheers,Douglas

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Subject: let's see...ethics...
Posted by PakProtector on Thu, 15 Sep 2005 22:47:01 GMT
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You refuse to speak to me, yet you require me to deal with you? On top of all these conflicting

requirements, what I want, you refuse to make?MSL: it would be perfectly fine for you to take an Electra Print tranney and tear it down, reverse engineer it, copy it and have it reproduced, and then advertise it as a copy of an Electra Print just so long as the design is not patented? Jack could wind what I want. I just don't see the economics of it. I could buy two custom OPTx from Jack or Lundahl or ____(insert your fav winder here) for what they wish to charge. They don't seem to have any issue with putting taps at a conventiently agreed upon location. That is if I wanted to use a Lundahl or E-P design. What I want is a tapped primary. So, where does that leave us? I don't get a TX is where if I can only get the winding information from you. You will not release the drawings to anyone. I would have no issue with paying you for the trouble, and having to pay the volume producer something more for having to go to the trouble of dealing with you. But, the design is *NOT* protected. Why should you see fit to demand what is not your right to posses? I took it upon myself to get the job done. You refuse to even entertain varying the design from what you believe to be correct; what I am creating is NOT a Peerless design, it is not a MQ design. Why do you see any conflict?the bid is still open, go ahead, make an entry to the project.cheers,Douglas

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Subject: and as to your other accusations...
Posted by PakProtector on Thu, 15 Sep 2005 23:00:17 GMT
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Mike,I suppose it is possible for you to offend me thoroughly enough that I would pay a group of folks to test the Iron. I would require public appraisal of the item of course, along with disclosure of any other relationship that got created for the event.Unlikely, but possible(remember, I have researched your tactics employed against Andre Jute for criticizing your product).If you were to behave so as to upset me that thoroughly, it would be obvious enough to the rest of the world that you were behaving badly again, and this time it would be a second occurence and that's a lot harder to whitewash.Your back handed almost-insults are beginning to wear thin. You should address me as Doug or Douglas. Also, on the China topoc, I have no plan to ever source my Iron from there. I would merely facilitate them acquiring the winding cards to use as they saw fit. I deal with those who have treated me well. I do wish I could add you to that list. cheers,Douglas

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Subject: Re: let's see...ethics...
Posted by MQracing on Fri, 16 Sep 2005 00:29:09 GMT
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Dougie wrote::::What I want is a tapped primary. So, where does that leave us? I don't get a TX is where, if I can only get the winding information from you.:::that might be true if I were the only transformer maker in the universe. But there are many, many options. Sowter in England is quite skilled in design. Or, you could adapt the Williamson output transformer design which is in the public domain. I am under no obligation to sell, gift, or put into the public domain any of the designs which we own. If I won't do it... then you move on and find someone to do a design for

you. But there shouldn't be the need to strike out at me continuously.:::You will not release the drawings to anyone.:::again, as you seem to acknowledge.... these are my designs (otherwise why would you keep asking ME for them).... and, again, I am not under any obligation to sell any design to you or provide you with any detail of any design which we own.:::I would have no issue with paying you for the trouble, and having to pay the volume producer something more for having to go to the trouble of dealing with you.:::I don't release (sell) our designs for out of house manufacturing. :::But, the design is *NOT* protected. Why should you see fit to demand what is not your right to posses?:::since the design is not patented... and since I will not sell you the design or give it to you... then you magically acquire the right to copy it, reverse engineer it, and use our name to promote your unauthorized copying efforts? I don't think so.And if it is "not my right to posses" the designs... then why would you keep on asking me for access to the design... or to make the design for you... or to give you the design... or to sell you the design. Of course it's my design... that is exactly why you are asking me for it.:::I took it upon myself to get the job done. You refuse to even entertain varying the design from what you believe to be correct;::which again, is perfectly within my rights as the owner of the design. You might be disappointed by my decision regarding the use, building, or disposition of the designs... but it's not your property and hence you have no right to tell me how I should manage my designs\assets\property.:::what I am creating is NOT a Peerless design, it is not a MQ design. Why do you see any conflict?:::I don't see any conflict at all. I see the owner of a design saying he wishes not to employ it in certain ways... and then I see a disappointed inquirer throwing a temper tantrum cause the owner of the design he had an interest in would not accomadate him. Again, get over it. No need to strike out. Dig up that Williamson public domain design. Evaluate it. Modify it if desirable to do so. Have it made for you. And everyone is happy.msl

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Subject: you just don't get it....
Posted by PakProtector on Fri, 16 Sep 2005 01:52:30 GMT
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You own one source of the design. You do not own *THE* design. You have rearranged the timeline a little bit tosuit your own example. You ceased behaving rationally on that Labor Day morning you called to complain about my post on AA regarding PP or CT chokes.Some of the rest of your BS::::since the design is not patented... and since I will not sell you the design or give it to you... then you magically acquire the right to copy it, reverse engineer it, and use our name to promote your unauthorized copying efforts? I don't think so. You don't have the right to authorize anything except for a look at your paperwork. You did not purchase the right to control the design. You bought a document archive containing the design. Until I discovered a way around your impressive looking roadblock, I did try to convince you to let me at it. I did not use your name. You own a special letter P. I could see granting your the whole Peerless. Clearly what I created has no Peerless part number, so I will again thank you for promoting me to Altec Engineer.You seem to have taken great pleasure in creating this playing field so you can engage in Dog-in-the-manger. This would be a reasonable gambit if you had some means of protecting your investment. Since you don't, I am quite curious as to why nobody has gone to the trouble of doing it before.::::You might be disappointed by my decision regarding the use, building, or disposition of the designs... but it's not your property and hence you have no right to tell me how I should manage my designs\assets\property. You keep saying that the design is your property. The piece of paper it iw

written on might be yours, but the design is up for anyone who wishes to go to the trouble of discovering it. It isn't mine for that matter. Since it is not yours(no matter how many times you say it, it won't come true) , you should have considered your action and posture more carefully. You clearly seem unhappy with the idea that I not only know how to wind that one, but that repeating this performance with ANY old unprotected, unavailable OPTx is not only possible but likely.::::Again, get over it.Already done. Accomplished it seconds after getting the first quote from Heyboer on the price of constructing those output TX's. The only person around here striking out(in both senses) is you. I suggest that it is you who should get over it(what ever it is, only you can say).And get used to the idea that we did a whole lot better before you called that Labor Day morning to argue with me. You were wrong then, wrong with the same analysis methods for the PP loading discussion, and you're wrong now. Look at the business you have gotten with Mssr. Lessard designing amps around your products. Do you think that cultivating a folstering and supportive relationship with me would have been any less profitable? The silly thing is that I am still willing to forgive you and prove it.cheers,Douglas

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Subject: Design ownership, public domain and who owns what
Posted by Wayne Parham on Fri, 16 Sep 2005 06:39:07 GMT
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Here I am again getting ready to say what I think. And here again, I'm reminded that I'm not an attorney, nor do I know all the facts in the issues between Doug and Mike. But I am in a similar situation that they are in, so I hope my comments will be useful.I design a lot of stuff and naturally I want to reap some benefits from it. It gives me an advantage over my competition if I have products that are unique and that perform better than my competitors. It also helps if I can make it

I cannot make large production runs that take advantage of an economy of scale. I cannot afford to buy as much specialized equipment as I'd like. And I cannot keep an attorney on staff to watch out for me. So I have to leverage what I have.I can make products that are good, spend time researching them so that they perform the best possible. I can base them on readily available components, which allows me to cut costs on machining and fabricating parts, except for a few things. I can model them with CAD systems that allow me to predict response and reduce the design/prototype/test/produce development cycle time. It limits the number of prototypes I have to build and allows me to test fewer samples compared to empirical build-and-try methods.What I do is to sell parts to make this worth my while. I'm a parts guy and spend a good deal of my time shipping and receiving. It's a glorious high-status job. I sell complete loudspeaker systems too, but I think where I'm most competitive is parts and kits. By concentrating on that, I can increase my economy of scale so that I can afford to be competitive. My volume is high enough that I can beat the prices of the large parts distributors like Parts Express.But I do a hell of a lot of work for that. Most distributors do no design work at all. Most are just counter sales, mail-order or online parts houses. So their R&D costs are zero. Mine are pretty significant. I'll spend several hundred hours on a single design sometimes. If I were to do a P&L with my engineering time listed as a

trickle from it that makes it worthwhile.What I get is a ton of goodwill. I distribute designs, not giving them away, but letting people use them to build their kits. Sometimes I allow people to use them, just for asking, and they source their own parts. That brings more goodwill. I don't

relinquish rights to my plans, but by letting people see them, control is effectively lost. So my business is built almost entirely from goodwill, by supporting people whether they buy from me or not.Every time I draw up some plans, write a description of a test I've run or make a post on my forum, the document is automatically copyrighted. It is my document, I own it. Once a document is fixed, it is the property of the author, unless the author was paid to write it. When I give a product a unique name, it is my trademark. As soon as I sell it, that trademark is used in commerce in the state I sold it in. If I do business across a few states, it is trademarked in those states, in a particular region. If I register it, it is trademarked across the nation. But whether registered or not, if I do business somewhere with a product of a given unique name, I own that name.One can patent a product provided they can write a set of claims that are unique. This allows the product to be built by a sole owner, and gives legal rights to police the patent and demand others trying to sell a similar device must stop.The trouble is, each of these is pretty weak. We kind of have to respect each other because if lawyers get involved, once under attack, the pieces can easily come apart. It becomes a war of attrition. Sometimes you can protect yourself on the front end so well that you aren't very vulnerable, but you still have to pay a lot to get justice. The system really isn't very good.Trademarks do not last forever, they must be renewed. They can be damaged by misuse or failure to police. A predator will try to find every possible weakness and reason the trademark should not be considered unique. A copyright lasts a long time, but honestly, it isn't much good. The only times I ever see them policed is record companies prosecuting college kids. On the internet, almost everyone is copying things, and there are a bunch out there dead set on making legal precedents that remove intellectual property rights, making copyrights worthless. I think it will swing back the other way, but right now, we're pretty liberal in our views on copyright and plagiarism. Patents are probably the strongest protection, but they don't last very long. By the time your kids are grown, your patent runs out and your design slips into the public domain. Better make your profits quick.So what's right and what's wrong? Sometimes, I work so hard on a particular loudspeaker design, I become pretty possessive. I begin to feel like the very essence of the design, its style even, is mine. I've seen this in other engineers too. Whenever two engineers walk the same road, you'd hope they would enjoy each other's company but it is inevitable that each feels a bit possessive of that road. They both have a tendency to want to draw a line in the sand, claiming the road their own. I think that's what has happened between Mike and Doug. It's understandable, really.

Subject: Re: Design ownership, public domain and who owns what
Posted by Manualblock on Fri, 16 Sep 2005 15:38:29 GMT
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This discussion goes to the very heart of what it means to do R&D in this world.When patents become not examples of new and innovative design features but instead fractionalize the design parameters to such a degree that there is for all intents and purposes a defining difference between designs of less than the smallest increment possible where does this leave the consumer? There may be some small change in how we wind a widget but should that require a patent protection? We know the rest but it will happen more and more as things and technologies age while the ability of patent holders to research their rights on the internet is advanced.Second; the best example I see of why patents can be harmfull is the drug industry. Why certain drugs will not be manufactured and the patents will be enforced preventing manufacture by others is a

common theme in the health industry.Third on a personal note (I hate to be personal here but there is no way around it), I like old jazz from the 30's-50's. Much of it is not remastered and sold but it is owned by record companies. In order to acquire these pieces I have only one option; I must find a file sharing service and look for these recordings and download them illegally. If I don't do this I won't have the music because the record companies will not produce unprofitable music.So that is the connundrum I see. Do companies that do R&D have a responsibility to provide data that can save lives? Do I have the right to copy songs that the recording companies refuse to release due to unprofitability? Does a guy have any rights to reverse engineer a part that he will not get any other way and that he requires to rebuild his existing unit? At what point in the culture does someones right to ownership tread on others rights to participate in the culture?

Subject: Re: Design ownership, public domain and who owns what
Posted by PakProtector on Fri, 16 Sep 2005 19:50:35 GMT
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Hey-Hey!!!,You posed some interesting questions at the end of your post. This one has some similarity to the current discussion:Does a guy have any rights to reverse engineer a part that he will not get any other way and that he requires to rebuild his existing unit? I have a severe dislike for the game of Dog-in-the-manger. One could look at several branches to this one, but they all are contained in the 'not get it any other way' idea. If something is unavailable, I see no reason not to go to any required lengths to create it. There must be some specific examples where this might not be a good idea, but none that resemble the current topic.and another: Do I have the right to copy songs that the recording companies refuse to release due to unprofitability? The protection was granted to prevent profiting by others than those in possession of the material. If those holding the recordings are not going to release for purchase, I don't see any reason not to acquire them by any means available. I would add that I'd likely purchase them if they ever were made available...I'd rather focus on the topic at hand. Is there any reason not to to generate the construction instructions on a piece of technology in the public domain, and then to go ahead and create said item?The current issue has been clouded because there was claim of ownership of the design. It was fairly easy to establish that no such ownership of the design exists, and that it is indeed in the public domain. MQ clearly(or at least claims to) owns an example of the design and is free to do what ever is deemed acceptable with it. I also own an example of this design. I am not in any position to tell MQ that I own it and they may not reproduce it w/o my permission.It would be a different story if I had broken into the MQ archive in Phila and found the original drawings and fired up the office copier and made off with xerox's of the designs I wanted. That would have been a direct theft. I did no such illegal thing. That the end result of both actions is the same; I know how to copy the Peerless S265Q, and have done it repeatedly. This would creat an interesting conundrum on first inspection. It is answered by the means by which the public domain design is discovered. Anyway, that is part of my feelings on the subject.cheers,Douglas

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Subject: Re: Design ownership, public domain and who owns what
Posted by MQracing on Fri, 16 Sep 2005 20:08:15 GMT

Doug wrote::::MQ clearly(or at least claims to) owns an example of the design and is free to do what ever is deemed acceptable with it. I also own an example of this design. I am not in any position to tell MQ that I own it and they may not reproduce it w/o my permission.:::so if you own a pair of Wayne's Pi speakers... you have as much ownership of the design as Wayne does?And you should be able to come onto the ART forums and offer "copies" based on your reverse engineering of Wayne's product? And that Wayne doesn't actually own the design.... but only one "version" or substantiation of the design?Mike

Subject: Re: Design ownership, public domain and who owns what
Posted by MQracing on Fri, 16 Sep 2005 20:14:25 GMT

Hi Manualblock:you wrote;:::Does a guy have any rights to reverse engineer a part that he will not get any other way and that he requires to rebuild his existing unit?:::First... he should explore and exhaust (at a minimum) all legitimate avenues to satisfying his needs. In the case of the transformers... there are a whole host of companies out there who would be happy to design and build a transformer to your requirements.the other thing to remember and take into consideration in our specific case vis-a-vis doug's piracy of our design... is that we do build this transformer and actually have coil stock on it. So it is not like it is forlorn to some ole' dusty "archival" bin. It's a real live part and the design does belong to us. mike

Subject: a brief expansion of....
Posted by MQracing on Fri, 16 Sep 2005 20:39:10 GMT

it gets tricky...even in the case of unobtanium....context is important...for example, suppose that Bruce Edgar had a flagship speaker system that took so much time to biuld each set that realistically he had to cap the number of orders that he could accept every year. Suppose you really wanted those speakers... but you were the 13th in line and only the first twelve could be accomadated. Since you tried to buy from Bruce but couldn't... does this give you a licence to copy and reverse engineer his design? Now suppose further, that you were an active participant on a speaker forum on the internet... and you knew that demand for the speaker was high and that several other folks on the board might be interested. Would it be kosher to take the "reverse engineering" that you acquired (say by studying and copying a lucky friend who did have a pair of these same speakers) and then go on the board and offer Edgar copies of his flagship model produced by an outside unauthorized firm?the music example is a bit trickier... but not a close analogy to what 's been going on here.None-the-less... it's a fascinating example. Which has many facets or sides to consider. Here are some thoughts that quickly came to mind...1) if everybody hotrods their copy (gets it feebie on-line) then that will surely decrease demand for an

item that may already have a very limited market potential. So it becomes a self-fulfilling _____ (fill in the blank).2) is it possible to get LP's, cassettes, reel to reel tapes, or any other previously issued copy of the song or album that interests you?3) my other test... though it is quite imperfect in some respects.... does someone or some company depend on it economically? Is it economically active?If the answer is yes... then my first reaction is to honor their ownership interests in whatever it is that we are talking about.... I'd sooner do without it than to pirate their property or rip them off.In the case... say were the music piece has not had any economic activity for say decades.... that's were I am so less certain myself of what is the right thing to do or not to do.But the mere absence or unavailability of a design or a product (say Mr. Edgar withdraws his flagship speaker product) still does not trump the fact that he was the designer of that flagship speaker and that he has a right to control (or should have) to control his own property and his own designs.What if... this is an offshoot... someone had an old Austin Healey bug eye sprite sitting in their backyard. That they had bought the car some years ago... and left it unprotected outside in the elements... suppose also that there was no legal (state issued) title for the car... if I am a AH enthusiast would this give me the right to pirate the car from his back yard to save it... could I argue that I would restore and preserve the car.... thus my interests trump the owners property rights?some of these are tougher cases... like the music example you gave... but many of these cases really seem to be basic ethics... where we all know right from wrong. Or should.msl

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Subject: you *STILL* don't get it...
Posted by PakProtector on Fri, 16 Sep 2005 20:56:47 GMT
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This is getting quite interesting Mike. You do not have any exclusive rights to the design in question. It is in public domain. It cannot be pirated. Not by me or anybody else. I will further point out that you seem to be motivated entirely by personal and not lawful reasons. If it were the latter, there are a few others who advertise the ability to wind Peerless designs for you to pursue and slander(or is it defame?). Yet you do not....Your continued repetition of the 'I own that design' line is not going to make it so. I am not Andre Jute, and I am not going to cease my plans for production of the modified public domain design. If you decide to attack me as thououghly as you did Mr. Jute, I will be able to protect myself adequately. Please stop throwing a tantrum at me for rubbing your nose in the fact that your archive of designs is only as protected as the paper it is written on. The information contained in them is open for legal acquisition and use by anyone who knows where to look. Sorry about that, but it is not me just making up the rules.cheers,Douglas

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Subject: stick to the subject please...
Posted by PakProtector on Fri, 16 Sep 2005 21:06:07 GMT
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your accusations of piracy and thievery are quite serious. Also quite misguided. They also have nothing to do with the honourable Mr. Parham, so do please leave him out of this.The topic you

seem so interested in is my discovering the means to replicate a Peerless design you claim to own the rights to. You own no such right. The right does not exist, it is long since entered the public domain. The design is accessable by any person wishing to discover it.Your attempt to cloud the water and raise a smoke screen do nothing to further your claim of ownership to *ANYTHING*. In this clearly, you are not in a position to dictate any terms or conditions.I am glad you choose to discuss and state your position in public.cheers,Douglas

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Subject: Re: you *STILL* don't get it...
Posted by MQracing on Fri, 16 Sep 2005 21:18:39 GMT
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Dougie wrote;:::You do not have any exclusive rights to the design in question. It is in public domain.:::No it is not in the public domain. We have never put this design in the public domain. And as I recall we were the sole purchasers of the Peerless archives, designs, rights to the designs, the goodwill of the company as well as the trademark and brand name. Are all of Wayne's speaker designs in the public domain if you choose to pirate them as well? Is it ok to take one of Jack's popular SE output tranney designs and hotrod it (pirate it) and count that as a "public domain good"?I guess no products are safe around you if all that is required is an absence of a patent and an eagerness on your part to deprive someone of full and exclusive use of their property.Like I said if you ever buy something (designs) of value or create something of value... you will probably hope and pray that not too many other folks will practice your current set of ethics.And... this forum does not need to adopt the particular code of ethics that you are espousing. MSL

Subject: Re: stick to the subject please...
Posted by MQracing on Fri, 16 Sep 2005 21:27:25 GMT
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Doug wrote::::They also have nothing to do with the honourable Mr. Parham, so do please leave him out of this.:::sure it does. If you can reverse engineer and copy my designs why couldn't you do the same with Mr. Parham's designs? Please explain the material differences btwn our cases? or is the only difference that you have not yet targeted mr. Parham for pirating of his designs?Doug further states;:::...it is long since entered the public domain.:::exactly when (what date) did the Peerless designs enter the "public domain"? Was it a willing gift to the public by the owner of Peerless at that time? Did they announce that they had abandoned their interests in their own designs?Doug writes further that;:::The design is accessable by any person wishing to discover it.:::like I said... so, as an example, Wayne's speaker designs are fair game for you or anyone else to reverse engineer and copy and offer for sale... in direct competition to Mr. Parham so long as he does not have patent protection?I guess any product with a lid that not welded securely in place is fair game.

Subject: do you mean Doc hoyer?
Posted by MQracing on Fri, 16 Sep 2005 21:39:17 GMT
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Doc Hoyer to the best of my knowledge rewinds and repairs broken down transformers. To my knowledge he does not advertise or offer hot rodded products that would infringe on our ownership interests in Peerless. This, of course, as I understand it.Further... doc has called me several times while trying to repair a broken down transformer to get the right information. And this after a complete disassembly... and by a guy who has many decades experience... so "reverse engineering" and "teardowns" are not as foolproof and certain as you have proposed. Witness the mistakes that you've already made in your teardown.And if I choose to give Dennis the details he needs... guess what... that's my right as the owner of the designs. And if I choose not to give you the details of a design that you want me to... that's my right as well. Doesn't give you the moral authority to pirate my designs does it?msl

Subject: Re: a brief expansion of....
Posted by Manualblock on Fri, 16 Sep 2005 21:51:28 GMT
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Mike; I appreciate your taking the time to reply to my post. If you want to hear my thoughts I would be glad to post them here; I am pretty sure at this point anything I say will be lost in the mix here.The music thing; of course the recordings are archived somewhere but nowhere I can get them. Why should I be deprived of hearing a dead persons work? Because some recording company is hoarding the copies in case of some future demand? As an investment?I am probably the wrong guy to answer this because I resent that whole concept. But I respect yours and anyone elses right to own their own property. I just hope at this point you two find some common ground.

Subject: definiton of piracy fits this case well
Posted by MQracing on Fri, 16 Sep 2005 21:54:38 GMT
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Hi dougie:you stated:"It cannot be pirated. Not by me or anybody else."Sure it can. And your actions are textbook examples of piracy. To wit; I looked up the definition of "piracy" and found;**********an unauthorized appropiation and reproduction of another's production, invention, or conception**********it's exactly the right word to describe your behaviour.msl

Subject: Re: a brief expansion of....
Posted by MQracing on Fri, 16 Sep 2005 22:13:00 GMT
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Hi Manualblock::::If you want to hear my thoughts I would be glad to post them here; I am pretty sure at this point anything I say will be lost in the mix here.:::No. Go ahead. So far the discourse has been gentlemanly and civil. Youself, wayne, colin I have enjoyed discoursing with. But... not intercourse... so don't get any wrong ideas.:::The music thing; of course the recordings are archived somewhere but nowhere I can get them. Why should I be deprived of hearing a dead persons work? Because some recording company is hoarding the copies in case of some future demand? As an investment?:::This is a tough case. again... and not to beat a dead horse... but is there any possibility of getting this material second hand in the form of an LP, cassette, reel to reel tape, etc.... just asking this from a practical point of view...And I understand human emotions... all of us get pissed off if we suspect someone is hoarding some product or good that we need or desire... we can subjectively feel "victimized" by a recalcitrant company, firm or individual who might have control over that good or service that we desire or actually need.And, damn, if I have a handy answer... :::I am probably the wrong guy to answer this because I resent that whole concept. But I respect yours and anyone elses right to own their own property.:::Boy... I almost want to tell ya to just do it... but then I would be accused of inconsistency...and there is a part of me that sez... and I've done stuff already that I knew was wrong... but did it anyway. but a part of me does say... take the high road whenever possible. Consult your own conciensce... sometimes we even do something when our conciensce tells us not to... and then I wonder... have I done everything I can to do this the right way? again... no judgements here on the music case... and it is different than our biggie case being discussed....I wish I knew even for myself... a settled answer.:::I just hope at this point you two find some common ground.:::Not to seem hard butt.. but... I cannot see any common ground here as regards doug... pirating my products just must stop. I've tried to be constructive and offer (just like you probably wish someone could offer a good alternative for the early musical recordings) an alternative to piracy.Namely... that there are public domain designs that would or could work very well in the merlin project. These alternatives do no pirate anyone's design and property interests. Plus... unlike your case there are many legitimate transformer houses who could offer a suitable design for the Merlin amp project. MSL

Subject: To Doug and Mike.....
Posted by colinhester on Fri, 16 Sep 2005 22:37:55 GMT
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My advice to the both of you, or anyone in a similar situation, is to contact your attorneys. NO amount of rhetoric is going to resolve this issue to either party's satisfaction.....Colin

Subject: Re: a brief expansion of....
Posted by Manualblock on Fri, 16 Sep 2005 23:17:13 GMT

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Well; I appreciate your response.

Subject: this is the last....
Posted by PakProtector on Fri, 16 Sep 2005 23:20:18 GMT
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if I can manage it in the face of your misbehaving and malicious accusations and defamations...Mike asks: exactly when (what date) did the Peerless designs enter the "public domain"? Was it a willing gift to the public by the owner of Peerless at that time? Did they announce that they had abandoned their interests in their own designs? There is no requirement for them to do so. I think you said it was a 1948 design. And it is still protected from public access by what? Is this special protection detailed somewhere? Patent law perhaps? good luck, none of the Peerless Originals I have on my shelf make any mention of patent protection on them anywhere, or in their boxes or the literature included to provide hook up instructions. Your reach has exceeded your grasp by more than a few miles on this one Mike. Anyway, despite your claims to the contrary, there is no protection from public access to them beyond what you have ability to exercise over the actual paperwork and archives you bought(or in some way claim to have acquired). Unless you can achieve a more civil tone to your discussion, I am exiting as of now. I have told you what I am going to do, and if yu can't behave yourself I am not going to speak to you of it again.cheers,Douglas

Subject: Re: this is the last....
Posted by MQracing on Sat, 17 Sep 2005 00:17:42 GMT
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Dogie wrote:This too will be my last response to you.you wrote;::::if I can manage it in the face of your misbehaving and malicious accusations and defamations...::::Nothing malicious or defaming at all. I am critical of some of your actions... like using our brand name without our permission... and I have tried to make you aware of the ethical dimensions that are abridged if everyone decided that they had the right to pirate any design in existence not covered by a patent. I've suggested that perhaps if you had a "stake" or a "claim of the pie" that you might not wish to universalize as a moral precept the views which you have presented as being acceptable business practices.It's a criticism of your views about appropiating other people's designs and wishing to profit from them... profit taken in the broad term as defined in ART's rules.:::And it is still protected from public access by what? Is this special protection detailed somewhere? Patent law perhaps? good luck, none of the Peerless Originals I have on my shelf make any mention of patent protection on them anywhere, or in their boxes or the literature included to provide hook up instructions.:::and like I said by analogy in my previous post and which your not man enough to address head on....does this same view extend say to Mr. Parham's speaker designs. That...

assuming he does not enjoy patent protection.... that you are free to turn them into "public domain" designs and compete with him with copies of his own designs?why won't you be man enough or consistent enough to answer this question?Are all manufacturer's at risk of having you take their designs "public domain" as long as they don't have a patent?Is Jack Elliano at risk? Could you appropiate and tear down his designs and then sell copies of his stuff? Would this be ethical?Could Lundahl be targeted? Welborne Labs? Bottlehead? Would any company be safe if we universalized your pronounced liberties?Of course, I do realize that I've been targeted by you. Your not the first one to take aim at me... probably (though I can be hopeful) won't be the last one... so take care... hopefully someday you'll come around and be a co-operative member of our small audio community as opposed to someone who advocates piracy of any design not protected by an existing patent.msl

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Subject: Re: To Doug and Mike.....
Posted by Wayne Parham on Sat, 17 Sep 2005 11:14:27 GMT
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You're exactly right. The truth is that IP law is a very strange beast. I think the discussions about morals and ethics are valid though, and sadly, they are different. What is legal and what is ethical isn't exactly the same thing. I think part of what grinds on Mike is a moral objection, but the legal aspects are worth looking at too.An example is the sale of trademarks by search engines. Right now, it is being done and no search engines have been prosecuted yet. But clearly this is profiting from someone else's trademark, both by the search engines and by anyone that buys keywords of someone else's trademarks.Another example is reverse engineering. In the United States and many other countries, reverse-engineering is legal as long as it is obtained legitimately, even if the device is protected by trade secrets.

Subject: Re: To Doug and Mike.....
Posted by MQracing on Sat, 17 Sep 2005 12:02:24 GMT
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Hi Wayne::::You're exactly right. The truth is that IP law is a very strange beast. I think the discussions about morals and ethics are valid though, and sadly, they are different. What is legal and what is ethical isn't exactly the same thing. I think part of what grinds on Mike is a moral objection, but the legal aspects are worth looking at too.:::Glad to see you get it... that there is an ethical dimension perhaps greater than any legal dimension to the practice of pirating designs that do not belong to you.And as you suggest... there are other laws governing "fair competition", "fair trade practices" and the like at both the federal and state levels. Problem is, also, and these turkeys hide behind the following... that the cost to prosecute these ethical neanderthals is often greater than their entire net worth... and they exploit their poverty status to exact the riches (no matter how modest) of their victims without often incurring any penalties.:::An example is the sale of trademarks by search engines.:::yeah... this sucks as well.:::Another example is reverse

engineering. In the United States and many other countries, reverse-engineering is legal as long as it is obtained legitimately, even if the device is protected by trade secrets.:::I've shared with you privately my concerns also about this... as I understand the issue... what is ART's stance going to be on protection of non-patented (and perhaps non-patentable) proprietary designs such as a complete circuit design that is the creation of person or company X... can a Dougie come on the board and advertise his "copy" of, "reverse engineering", and then use ART to compete against that company? Seems to me there should be a blanket prohibition against exploiting and profiteering of another person or companies IP. Some cases might not be 100% clear cut... others are as clear as the sun at high noon.thanks wayne...msl

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Subject: One more example
Posted by Wayne Parham on Sat, 17 Sep 2005 12:04:27 GMT
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I know you've both said you're through with this discussion. So don't let me draw you back into it. If you're really through, then please see this as a rhetorical question.Some of my speakers, even some of the better ones, are just an Eminence or JBL driver is a box. Now I don't want you guys to copy 'em, but then again, it's kind of hard for me to claim ownership of an implementation. An example is a JBL 2226 in a 4.0ft3 box tuned to 40Hz. Can I really claim that as a protected design and jump other people for making it?Now it does have a good crossover, something I'm proud of as being original. But even it is pretty simple, made using only a dozen parts or so, hardly something I can consider as trade secret stuff. I take advantage of the information by promoting it, actually opening the books to give myself some exposure. I guess one could say I'm free to do that 'cause it's my stuff. I could have kept tight lipped and that was my choice. But my point is, where's the line?I can make another example of something I consider a little more unique,

idea. But even it is just a good application of exising technologies, basically just pointing the woofer into a room corner and letting the walls set directivity and give 9dB DI. Stick a midhorn and tweeter on top with the same 90º radiation angle so that directivity is constant all the way through the audio band. It's a great idea and I'm rather possessive of it. But it is still a pretty simple concept.Look at the loudspeaker cooling plug I developed. I'm proud of it too, some pretty big names looked at what I did. When I announced the project, one respected speaker designer bragged about his patents on loudspeaker cooling. He said the majority of heat was not radiated and was best carried away through the air. Turns out he didn't know what he was talking about, radiation is the main way heat leaves the voice coil. So I'm very proud of my heat exchanger concept, and that I took the time prototyping and proving it. But once it became a reality and everyone could see how much it boosted performance, immediately, everyone started copying it.DIY'ers will always copy stuff, and by embracing them instead of chastizing them, I gain some exposure and goodwill. Maybe by making my products attractively priced, people will do business with me instead of going elsewhere. Maybe knowing I've taken the trouble to perfect my designs also acts as an incentive to do business with me. Customers can have confidence that the R&D is good and my products work well, and they won't have to reinvent the wheel or deal with an unknown quantity. But still, my designs aren't patented and I'm not sure they should be. So that leaves me in a bit of a pickle. How far do my rights extend?

Subject: Re: To Doug and Mike.....
Posted by Wayne Parham on Sat, 17 Sep 2005 12:15:30 GMT
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If you look at the rules page on AudioRoundTable.com, you'll notice a link to a document called "Copyright on the Internet" from the Franklin Pierce Law Center. It outlines how ART treats copyrights. ART also respects trademarks, and no posting of protected works is allowed, be they copyrighted materials or plans to patented devices.

Subject: Re: One more example
Posted by MQracing on Sat, 17 Sep 2005 13:02:51 GMT
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Hi Wayne:great questions.you asked;:::Some of my speakers, even some of the better ones, are just an Eminence or JBL driver is a box. Now I don't want you guys to copy 'em, but then again, it's kind of hard for me to claim ownership of an implementation. An example is a JBL 2226 in a 4.0ft3 box tuned to 40Hz. Can I really claim that as a protected design and jump other people for making it?:::Here's my sense... on a truly generic design... a plain jane 4 cubic foot box and the specific choice of drivers X and Y... these are sold as stand alone items from a range of sources... it's harder to see any claim to a strong sense of exclusivity. but... if it's truly generic product.... and a person wishes to compete with you then they should have no need to "ride on your coattails"... you might still find it objectionable, on ethical grounds, that they use your company name and market it as a "copy" of your product. Illegal...probably not... but is it ethical? And much depends on the context... and there are many existing cabinet plans in clearly in the public domain and many speaker design programs that will kick out recommended drivers, box sizes, bass alignment, etc. :::Now it does have a good crossover, something I'm proud of as being original.:::you created that crossover, right? And it's an original design. Perhaps not earthshattering in novelty and, let us say, inelgible for patent protection....now, someone comes on ART and sez... hey I'll sell you a "reverse engineered" copy of wayne's speaker complete with a copy of his dynamite crossover design...too far... theft has just occurred. And if he got this information from reverse engineering your speaker then he has pirated your design illicitly... patent or no patent. And he's double the snake if he boasts of ripping off your design... and that he can do it with impunity since your crossover does not have patent protection.now... what if he came up with a similar design... wholly on his own.... no copying or intentional piracy of your design. First thought is.... then he has no need to mention your company's name... and that he should focus on what he perceives to be the merits of his own crossover design. If, on the other hand, he still wants to "trade off of your good will" and use your name and etc.... it's a bit sleazy to my way of doing biz.allow me to give an example... of what I think I mean....We have in the Peerless archives some neat designs for some very famous classic audio companies... as just one example we have complete output transformer designs for both the Marantz 8B and the Marantz 9... we could take a fly on the coattails of Marantz good will and advertise these as designs for the Marantz 8B and the Marantz 9... but I would never do it. I will not identify the part number publicly. If we did make that output trans (it was designed by Peerless engineering) I wouldn't identify it as a "clone", "copy", or even a "functional equivalent" of the outputs that

marantz used. I don't have permission to use their name and using it to profit myself would be unfair.In the case of (I know someone will bring it up)... say Altec amps... the altec schematics clerly identify by part number which Peerless trans was used where. If you called me and said you needed all the tranneys to make a dead balls copy of say the Altec 1570 amp that you were going to exploit commercially... I'd decline (I am almost certain... since this is a theoretical case devoid of all the real considerations)....say you called and said Mikey... I'm going to make hotrod copies of the Marantz 8... answer is NO. I don't care how much money you offer. :::But even it is pretty simple, made using only a dozen parts or so, hardly something I can consider as trade secret stuff.z:::take a look at... just as an example... say Allen Wright's commericial PP amp... as I understand it... he has spent years developing this circuit and refining it to his liking. There is probably nothing in it that is wholly unique or that could not be arrived at INDPENDENTLY by another designer who set down the same path....but... if you take on of allen's commercial amps and tear it down and copy it... then you are ripping him off... if you copy it and you divulge it to the public without his permission then, at a bare bones minimum, your sleazy. Question is should a forum allow someone to divulge say Allens circuit design without his permission?:::I take advantage of the information by promoting it, actually opening the books to give myself some exposure. I guess one could say I'm free to do that 'cause it's my stuff. I could have kept tight lipped and that was my choice. But my point is, where's the line?:::again, depending on the context... if your the creator of something unique... then it is your IP and your decision whether to give it away, sell it, or just put it in your archives and do nothing with it commercially.take Nelson Pass as an example... he has done over a 20 plus year period of time... several circuit designs that he as freely put in the public domain. Partly he benefits from the good will thereby created... and partly it is a way for him to introduce some basic concepts to the marketplace. But generally, following that public domain circuit, is a commericial product that incorporates some of the concepts and ideas of the public domain design... but perhaps with some addtl refinements... but Nelson treats these as proprietary. If you take his commercial designs (not in the public domain by his choice) and you pirate his design (patent or no patent) your ripping him off. If you then use his good name to promote your copy... your ripping him off.again, these are or may be ethical dilemmas as opposed to (notice I say may be... I'm not a lawyer)... but even within that ethical domain... forums and information providers\hosts need to decide if they will allow say someone to post up (assume it not patented) a commericial proprietary design of an Allen Wright or a Nelson Pass when such a design was and is clearly identified as a hot rodded pirated copy of another person's IP. And again...one sure fire way to smell that something foul is going on is to witness and see that the person is using Nelson Pass and\or his company's good will to get a free ride (coattails) in the marketplace.re: speaker cooling plug...:::But once it became a reality and everyone could see how much it boosted performance, immediately, everyone started copying it.:::this is a bit tougher... exact copies... or took the broad concept of a phase\cooling plug and sat down and did up a design of their own? if they were exact copies (or exacting enough that the clear intent was to copy yours with say it being purple in color instead of blue)... then they are lazy at a minimum and it still smells to my nose. again... should a forum\information host allow someone to come on and state that they can offer a copy of a Pi copy phase\cooling plug... nope... why your coattails? Copying someone's designs may be bad enough.... bragging about it and publicly identifying your victim definitely adds injury to insult. because now... if the shyster cut corners or changed the design and the plug makes the speaker sound really terrible... guess who else by association gets a black eye? Pi does. So... Pi gets no benefits at all and is put into a position (especially if the pirate names him as his victim) that he must shoulder the ill will of a product\company that he had nothing to really do with. hope I've added some substance to the dialogue.mike

Subject: Re: One more example
Posted by Wayne Parham on Sat, 17 Sep 2005 13:25:48 GMT
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That line is the trick, isn't it?Patents describe a physical device or process with unique features. It is those unique features that are claimed, and any product implementation that incorporates those features in a competing product is said to infringe upon the patent. So no copy of the device is required. Any product that does the same thing using the features claimed in the patent is an infringement on that patent.But if a device isn't patented, it isn't protected. The blueprints are copyrighted but the device itself can be disassembled and copied. That seems wrong to me, but I think it is legally correct. Probably is wrong ethically, but I don't believe there is any basis in law that protects an unpatented device from being copied and sold.Another thing I think is goofy is when companies get patents just for marketing purposes, to bring a false validity to an unremarkable idea. Some seem to want to buy respectability by filing worthless patents. And worst of all are those that get patents on trivial products and then use predatory placement to monopolize a market. I think that's probably ethically wrong too.But what do I know, I just sell speakers. I'm just doing my best to make good stuff and earn a living at it, that's all.

Subject: For Wayne and Mike
Posted by colinhester on Sat, 17 Sep 2005 14:47:20 GMT
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Wayne, you wrote: "That seems wrong to me, but I think it is legally correct. Probably is wrong ethically, but I don't believe there is any basis in law that protects an unpatented device from being copied and sold."Wayne, No one here is an attorney and the arguments are based mostly on speculation. I think it's an importnat point of discussion, but in this case we are WAY past the point of constructive banter. It's importmant for the ART sponsors to know where they stand legally on thier designs. "Thinking" and "believing" are not acceptable comfort words in this situation. Legally, Doug can or cannot make the transformers to his specification using whatever topology he has uncovered from unwindings. There is no grey area. PERIOD. Mike, if you have a letter from your attorney stating you have exclusive rights to a 50+ year old transformer design, please post it. Also, file a C&D.....Colin

Subject: Re: For Wayne and Mike
Posted by Wayne Parham on Sat, 17 Sep 2005 14:56:46 GMT
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I agree with you 100%. Just for the record, I already said I think this is excellent advice you are giving. I was just thinking outloud with these guys, because I find the issues surrounding ethics and law on the internet to be important.

Subject: Re: For Wayne and Mike
Posted by Manualblock on Sat, 17 Sep 2005 19:08:24 GMT
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I don't see any incentive for Mike to provide any legal documentation. If he has the rights and it is cost effective I am sure he would have done whatever he needed to do.What do we stand to gain by hearing this; how would our position regarding the winding of the transformers change should this be posted?Just curious.

Subject: Re: For Wayne and Mike
Posted by colinhester on Sat, 17 Sep 2005 19:31:13 GMT
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Mostly as a courtesy. You're right, Mike is not required to provide proof to anyone; however, I think it would be prudent if such existed to disclose to at least Wayne so this matter can be decided for the good of ART. Personally, I'm a little nervous. I do not want to be named in a IP suit for allowing this continue, since I was the mod of the forum. I did this for fun. It is not fun anymore.....Outahere for a while or longer, Colin

Subject: Re: For Wayne and Mike
Posted by Wayne Parham on Sat, 17 Sep 2005 19:33:02 GMT
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I think what Colin meant to say was that our discussions about legal matters are somewhat uninformed. We each have some experience in these matters, but we're not attorneys. I think he was suggesting it might be best to consult with an attorney, to better understand and possibly protect ones rights (or lack of them). Maybe I misinterpreted Colin's meaning, but that's how I understood his message.

Subject: Re: For Wayne and Mike
Posted by Wayne Parham on Sat, 17 Sep 2005 19:42:51 GMT
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A prudent suggestion. Mike, what say you? Colin, take care of that wife and family of yours. We'll hold down the place for a while. Come around when you feel like it, but don't sweat anything.

Subject: Re: For Wayne and Mike
Posted by Manualblock on Sat, 17 Sep 2005 20:45:26 GMT
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Welp; I see where it was an interesting discussion. I asked of my buddy a quick question regarding patent rules; he said lots of patent law is not cut in stone but is still being interpreted; thats why there is so much debate in the news regarding copyright and so many new cases being highlighted in the appellate courts.Colin has no exposure in an IP suit by virtue of moderating that forum; he is not qualified as a proffessional requiered to distinguish between legal points.Now Wayne hosting the forum is another story.

Subject: that's it in a nutshell, no?
Posted by PakProtector on Sat, 17 Sep 2005 21:11:15 GMT
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Colin wrote: Mike, if you have a letter from your attorney stating you have exclusive rights to a 50+ year old transformer design, please post it. Also, file a C&D.....ColinSo please post it Mike. It won't require a C&D, just a claim that holds water.This is the point at which Mike has left the discussion unfortunately. I have put a note on top of the forum asking Mike to get in contact with me. I think I have a sol'n which will address the core isues he has with me. It is a plan which will wind up costing a bit of money for the legal preparation if we can come to the agreement I have in mind. It will require a fully wrapped up set of agreements.cheers,Douglas

Subject: if it were patented....
Posted by PakProtector on Sat, 17 Sep 2005 21:17:23 GMT
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there would be a number to track down. I have not done a very thorough search myself.I would be willing to wager quite a sum of money regarding the existance of such a number with any takers. It would fund a whole bunch of interestingand high-density toys!cheers,Douglas

Subject: Warning Will Robinson!
Posted by Wayne Parham on Sat, 17 Sep 2005 21:28:15 GMT
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Subject: Re: Warning Will Robinson!
Posted by Manualblock on Sat, 17 Sep 2005 21:47:07 GMT
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No Dr Smith; don't kill my batteries!

Subject: Re: For Wayne and Mike
Posted by MQracing on Sun, 18 Sep 2005 16:54:45 GMT
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Patents and the laws establishing patents and their use and scope are only one area of statutory law and common law that governs the conduct and practices of businesses.There are many other laws (both common and Statutory) which address other important business issues and governs the conduct of businesses.Things like unfair competition, deceptive business practices, false advertising, trademark law, trade secrets, proprietary know-how, and many other issues...but, contrary to Dougs apparent misunderstanding... he seems to think that if a product is not patented than anything and any practice is fair game. Such could not be further from the truth.other issues that a business lawyer will look at and examine include;**********The FTC ActThe FTC Act, among other things, created the Federal Trade Commission which is responsible (along with the Justice Department in the case of Sherman Act violations) for the enforcement of antitrade laws. The FTC Act also included language which makes activities that constitute unfair competition by individuals illegal (remember that the Sherman Act only addressed such activities by groups). The FTC Act has additional provisions that relate to consumer protection. Factors to be considered in determining “obviously unfair”“Obviously unfair” as used in Article 24 refers to engaging in competition or commercial transactions by obviously unfair means. Its most common and concrete types fall into three general categories:(i) Unfair competitive conduct contrary to business competition ethics(a) Exploiting the fruits of others' workCommon types of such conduct are: free riding on the business reputation of another; imitation to a substantial degree; taking advantage of the work of another person to promote one's own goods or services.(b) Impeding fair competition with the purpose of harming competitorsCommon types of such conduct are improper comparative advertising and making representations to trading counterparts of a competitor alleging that the competitor's infringement of intellectual property rights.(ii) Engaging in trade by means contrary to social ethicsCommon types of such conduct include carrying out trading by means of coercing or harassing a trading counterpart to suppress the trading counterpart's free will regarding whether to trade.(iii) Abusing an advantageous market position to engage in unfair trade**********common law and statutory law also provides remedies for an illicit business practice which is known as "passing off". :::Passing Off occurs when a trade or service mark is not registrable it may still be entitled to certain protection, i.e. a passing-off action. Passing off is available where there is a prospect of confusion of identity through the unauthorised use of similar marks or get up, and such use damages, or is likely to damage the goodwill and reputation of a business. Unregistered marks and passing off can apply to virtually any name, mark, logo or get-up which distinguishes a company, business, product or service. ::::::::Passing off occurs when a producer misrepresents his own goods or

services as someone else's. Reverse passing off occurs when a producer misrepresents someone else's goods or services as his own. Both can be actionable under the Lanham Act, which makes actionable not only the misleading use of marks, but also the false designation of origin of goods.::::the lanham act is a federal statue. Business practices are also governed by the Fair Trade Practices Act which covers rights of publicity, misappropiation of trade values and trade secrets, false and deceptive advertising, interference with trade relations. It short it addresses many issues relating to unfair and deceptive competition practices.... or what is also called predatory business practices. so that, far in addition to the protection of property rights and designs captured through the provisions of the applicable patent laws. There exists, also, state and federal laws governing predatory business practices. Doug is just plain wrong if he believes that patent law is the only protections for a business against unfair business practices.for example,:::If designs are commercially important to your business, the downside of only owning unregistered design rights is that you can only stop third parties from copying your designs.:::notice that this states remedies may be available against third party piracy of proprietary designs.and the above is further amplified in both common law and statutory law when consideration further includes;::::MISAPPROPRIATION [unfair competition]. A common law form of unfair competition in which an individual or firm copies or appropriates some creation of another that is not protected by patent, copyright, or trademark law.::::GOODWILL [trademark]. The value of a business or of a line of goods or services, beyond its tangible assets, that reflects its commercial reputation. A business with a well-established goodwill could have all its tangible assets destroyed yet still own its reputation — its goodwill. Since a trademark or service mark is a symbol of a business's goodwill, trademark infringement is a form of theft of goodwill.UNFAIR COMPETITION [general intellectual property]. Commercial conduct that the law views as unjust, giving a civil claim against a person who has been injured by the conduct. Trademark infringement has long been considered to be unfair competition. Other recognized legal categories of unfair competition are false advertising, trade libel, infringement of a trade secret, infringement of the right of publicity, and misappropriation.Unfair Competition The imitation, by design, of the goods of another, for the purpose of palming them off on the public, misleading it, and inducing it to buy goods made by the imitator.Unfair CompetitionIt means any acts designed to mislead and confuse the public and to incur deceptive substitution of one product for another, in the interests of obtaining an unfair advantage over one’s competitors. Practically all such activities are illegal.

Subject: Re: root cause
Posted by Thermionic on Mon, 19 Sep 2005 17:59:33 GMT
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Mike LaFevre wrote: "If I were to bet (and lord knows how we could really find out)... I'd bet that Jack Elliano does all of his own design work."Mike, as someone who has personally spent countless hours speaking with Jack Elliano, I can tell you that he does indeed do all his own design work. E-P designs are loosely based on vintage Triad and Chicago designs, but have been tweaked and improved through countless hours of bench and ear testing prototypes. I'm sure you as well have put a lot of sweat, thought, and time into taking your designs up a notch from their roots. Both of you make very nice iron. I can say from my past experiences with both Electra Print and MagneQuest that they are among the best. Both you and Jack Elliano have made significant contributions to American hi-end tube audio by providing OEMs and DIYers with great hardware

with which to craft their wares. Without the likes of you two the tube audio landscape would be very different, and in a bad way.I have a great deal of respect for you both, unlike certain bottom feeders around here.....Thermionic

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Subject: Here we go again...
Posted by PakProtector on Fri, 23 Sep 2005 00:14:40 GMT
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So Mike, all the while you suggest that everybody needs to take the high road you are playing the thief. Once you admit to, and apologize for your thievery, it may be possible to carry on a reasonable discussion of the 'High Road' with you. Until you recognize your clear and public theft, I want nothing to do with your RAT carry-over behaviour, or your ridicuolus requests to honor a make-believe 50 year old patent for that matter.cheers,Douglas

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Subject: Audio Asylum and you
Posted by Wayne Parham on Fri, 23 Sep 2005 15:40:49 GMT
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Are you still hosting your company support forum there?

Subject: Here is the reasoning, and proof of the accusation...
Posted by PakProtector on Mon, 26 Sep 2005 21:39:59 GMT
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Mike's claim that he did a design on his own:http://db.audioasylum.com/cgi/m.mpl?forum=tubediy&n=60993&highlight=shared+mqracing&r=&session=and here is me doing the testing on the device we(MQ-Mike) designed:http://db.audioasylum.com/cgi/m.mpl?forum=tubediy&n=48463&highlight=CT+choke+Sector-7G&r=&session=and me measuring the plain, one-bay-reverse-wound of my own design:http://db.audioasylum.com/cgi/m.mpl?forum=tubediy&n=46713&highlight=CT+choke+Sector-7G&r=&session=of course you'll have to copy and paste, since AA would redirect you to Taco-Bell or a porn site.Just so it does nto appear that there was any agreement between Mike and I over who designed or what the contribution was. What there was was an agreement between gentlemen to further the state of the art, together. Mike has decided *NOT* to behave in a gentlemanly fashion, as evidenced by his claim made *AFTER* engaging in a disagreement with me...cheers,Douglasof course, AA will probably take down the posts I linked to. I do have saved html files of them in case it matters.

Subject: Re: For Wayne and Mike
Posted by Russellc on Fri, 30 Sep 2005 02:28:21 GMT
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As an attorney myself, I find all this banter about public domain quite interesting. Unless you have a truely new and unique way to accomplish something, or a truely new and unique improvement to an existing idea the idea isn't patentable. Most tube and transformer (not all, Mcintosh amoung others received patents) are so old and reused there is nothing "unique" about them in patent law. Let's say you wish to protect your particular idea, say a 2-way crossover schematic, 2nd order, that you tweeked and tweeked till it worked perfect and it took mountains of R&D and you wish to keep it secret. What are your methods? For a crossover like we just discussed, it would not be patentable, there is certainly nothing unique about a second order crossover. So, you can name it and copyright the name, but you are not really protecting your idea, just the name and any "goodwill" you might build into it. All thats left is "trade secret", that is, keep your mouth shut, no one else in the company knows, and you mold the crossover into a non transparent piece of plastic resin. This is about your only recourse to keep it out of the "public domain". That being said, it wont stop people from "reverse engineering it" (buying one and tearing it apart to see whats in there) much like many said B&K did on their original ST 140, which was amazingly similar to frank Van Alstines old mosfet amp of the time. Nothing strictly illegal, as long as no patented ideas were pinched, and those old mosfet output circuits have been around a long time. I often chuckle to myself when I see an article where the author reveals his complete plan and schematic for some piece and states something like " this is my idea, you are allowed to make one for home use" "no other use is allowed"... these bald statements are totally without meaning legally speaking, unless the author has an idea that the U.S. patent office thought worthy of a patent. Otherwise, by the very printing of the idea, he himself has injected his otherwise unprotected idea INTO THE PUBLIC DOMAIN! In fact, even if your idea was patentable, now that you printed it up and published it, someone could probably PREVENT you from EVER getting a patent, because the idea IS already in the public domaine! Now if he has named his item and copywited the name, you can not use his name and build the product using that name, nor could you commit the business "tort" of using the "goodwill" someone else built into a company, by offering the public a product that is so close in name that people would tend to associate it with yours, so he is essentailly getting business from "goodwill" you have built into your company. They would have to make it clear to the market that they are a seperate entity not associated with your "goodwill". I could not start a motorcycle company and call it "Harley Davidson". But perhaps I could start a company that made whisk brooms and call it Harley davidson, or a motorcycle company called "harlay davidsawn", I could argue that no one would associate harley with wisk brooms, or that the two company names are different enough to prevent confusion in the market. Im sure they would counter that they are so well known in more than motorcycles, i.e. clothing, selling name to ford to put on trucks etc., that the market WOULD confuse and thus i am swiping their goodwill. Or perhaps I make a HORRIBLE wisk broom and their complaint is that I am damageing their goodwill by confusing the market between their good name (and its goodwill) and my crappy one. Their goodwill is being damaged by my associating my crappy product with too similar of a name. If it isnt patentable, you must keep it secret, or it IS in the public domain if you release it by "publication". Just saying it isnt is meaningless. You can not stop any one from using it for what ever purpose the want, even competeing with you in the market. One could not use your actual cross over diagram that you printed,(assuming you copywrited it) and distibute it in their product, but the could "re-draw it" and use it all they want! Not much protection businesswise, really protects goodwill that you have earned in your company, not the idea for the

product you are selling. Unfortunately for DIYers, if you have a speaker plan or transformer plan that is nothing unique enough to earn a patent, all you can do to protect the goodwill in your company would be by copywriting your materials and name and KEEPING IT AS A TRADE SECRET!KFC cant patent their secret spice recipe, if I figure it out I can use it all I want, I just cant call it KFC. Thats why its a SECRET recipe.kind of a bummer for Diy types. Fortunately, there are sites like this one where all this uptightness is replaced with a mutal respect for Waynes intellectual property and the wonderful sounds they make! Party on Wayne!Regards Russellc

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Subject: Copyrights, trademarks and patents
Posted by Wayne Parham on Thu, 06 Oct 2005 22:09:36 GMT
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Just a slight clarification, for anyone that might come across this thread and become confused. Copyrights do not protect words or names. They collect the expression of works, like written articles, painted pictures, photographs, schematics, etc. They do not protect ideas, just the body of the document. They also do not protect product names. Trademarks protect logos and product names, and they are actually there to protect the public, not the trademark holder. The infringing trademark is one that might be confused by the public, and they might think they are buying a genuine branded product when in fact they are buying one that is confusingly similar. Patents protect ideas, but they cannot be nebulous ideas, they must be proven by a working prototype. Patents protect machines, processes, drugs and other technologies.
