

# BYTES & PIECES.

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## WINDOWS TRADEMARK ON TRIAL

San Diego, California - May 24, 2004 - The United States Court of Appeals for the Ninth Circuit denied Microsoft's (Nasdaq: MSFT) petition for interlocutory appeal in its ongoing trademark litigation against Lindows, Inc. The case has now been remanded back to the Honorable Judge Coughenour of the United States District Court in Seattle for trial.

"We're looking forward to getting this trial back on the fast track and presenting our piles of evidence - videos, magazines, internal Microsoft documents - which clearly shows the generic use of 'windows' before Microsoft commandeered the word," said Michael Robertson, chief executive officer of Lindows, Inc. "This outright denial of Microsoft's appeal confirms that the trial will focus on how consumers and the software industry used the term 'windows' in the 1980s, before Microsoft dominated the landscape." The denial of Microsoft's appeal sets the trial on a timetable to take place in the second half of 2004 in Seattle, Washington with the Honorable Judge Coughenour presiding. The trial is expected to last approximately two weeks with each side having one week to present its case. Witnesses already designated to testify include Bill Gates, Steve Ballmer and Michael Robertson.

This trial, if it goes ahead, will be one of the most significant trials involving trademarks ever. Windows is Microsoft's flagship product and a ruling that the trademark is not protectable because of its earlier generic use, could force Microsoft to consider a name change for its operating system, or risk rival operating systems calling themselves "windows". Now that would be much more confusing than Lindows, Inc.'s name!

Meanwhile, back in the Netherlands, the Court has reached a decision in the suit that Microsoft brought there. Because the Linspire website mentions Lindows Inc. as its owner (as required by US law), Microsoft asked the Court to impose a fine of 100, 000 Euros per day. Instead the Court has ordered Microsoft to pay Lindows Inc 944 Euros and given Lindows Inc permission to sell Linspire in the Benelux countries. That minor skirmish went Lindows' way, methinks.

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## RECYCLE THOSE CARTRIDGES

All brands of laser and inkjet cartridges can now be remanufactured, refilled, or recycled. You should not dispose of them in the garbage. Instead take them to any of the following outlets:

**AUSTRALIA POST - BATHURST ST**  
93 Bathurst Street, Hobart

**AUSTRALIA POST - HOBART BC**  
160 Argyle Street, Hobart

**AUSTRALIA POST - HOBART GPO**  
9 Elizabeth Street, Hobart

**AUSTRALIA POST - HOBART NORTH**  
412-414 Elizabeth Street, North Hobart

**AUSTRALIA POST - KINGSTON**  
Channel Court, Kingston

**AUSTRALIA POST - SANDY BAY**  
183 Sandy Bay Rd, Sandy Bay

**AUSTRALIA POST - NEW TOWN POST OFFICE**  
1 Risdon Road, New Town

**AUSTRALIA POST - UNIVERSITY OF TASMANIA**  
1 Churchill Avenue, Sandy Bay

**HARVEY NORMAN - HOBART CITY**  
171 Murray Street, Hobart

**AUSTRALIA POST - LINDISFARNE**  
34 Lincoln Street, Lindisfame

**AUSTRALIA POST - ROSNY PARK**  
17 Bligh Street, Rosny

**AUSTRALIA POST - LPO CENTRE**  
57 Mornington Rd, Mornington

**AUSTRALIA POST - RICHMOND**  
54 Bridge Street, Richmond

**HARVEY NORMAN - ROSNY**  
Cnr Bligh St & Gordons Hill Road, Rosny Park

**AUSTRALIA POST - BRIDGEWATER**  
Shop 4 Covehill Fair Covehill Rd, Bridgewater

**AUSTRALIA POST - BRIGHTON**  
64 Midland Highway, Brighton

**AUSTRALIA POST - GLENORCHY**  
370 Main Rd, Glenorchy

**AUSTRALIA POST - MOONAH**  
66 Main Road, Moonah

**AUSTRALIA POST - BRIDGEWATER POST OFFICE**  
Cove Hill Fair, Bridgewater

**HARVEY NORMAN - GLENORCHY**  
313 Main Road, Glenorchy

**AUSTRALIA POST - KINGSTON**  
Channel Court, Kingston

or have them refilled or remanufactured at one of the commercial firms that specialise in such work, such as Australian Laser Charge, 223 Harrington Street, Hobart, Tas. At many of the listed outlets, you can buy replacements, making it a one-stop operation, especially if you prefer to use new brand-name cartridges from the printer manufacturer, rather than remanufactured, refilled, or other brand replacement cartridges.

For more information on kerbside and drop-off recycling of household and computer waste, go to <http://recyclingnearyou.com.au> and <http://www.southernwaste.com.au>

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## BACK ON THE ADSL

As my contract period with iPrimus had expired, I checked out the deals on offer for a 512/128 ADSL service. iPrimus offered a 6-month contract with 1 GB monthly download quota and shaping (slowing of the service to around dialup speeds when the quota is reached) for \$69.95 per month (the price I had been paying). Netspace offered 3 GB peak and 3 GB off-peak monthly download quota for \$49.95 or 16 GB peak/16 GB off-peak for \$69.95 with shaping to take care of over-quota downloading. iiNet's Bliink offered 4 GB peak/4 GB off-peak for \$59.95 (\$49.95 if I also gave them my non-local phone business), again with shaping. Keypoint offered 4 GB for \$59.95 or 8 GB for \$69.95 with \$70 GB excess charges, but sweetened the deal by offering off-peak downloads at a 75% discount – i.e. download 4 GB and it would only count as 1 GB towards the quota if done between midnight and 8.00 am.

On the suggestion of one of the staff at my local Harvey Norman, I checked out Internode. Their offer was 12 GB for \$59.95 with shaping. No peak/off-peak restrictions, no contract period (although there is a "break fee" of \$65 for the first six months), no requirement to give them my phone business. They have received favourable reviews on Whirlpool (<http://forums.whirlpool.net.au/forum-threads.cfm?f=68>), offer a good range of unmetered downloads (Tucows, radio stations, games and others), free virus and spam filtering, and have won several magazine awards. They invite you to check the speed of your service and their website is well set out and contains plenty of helpful information, written with a deft touch – i.e. the writer has tried to make the technical material both intelligible and readable. Their setup charge was in line with what others are charging new customers and they throw in 10 hours per month dialup time for use when you are away from your home base. Extra hours cost \$1.00. Importantly, unlike iPrimus, they are part of the churn agreement that allows you to switch providers without having to cancel your existing service and then start again from scratch. That not only speeds up the change to as little as a few hours, but also in many cases saves you the setup fee or reduces it to a nominal amount. For more details: <http://www.internode.on.net>

There are many similar ADSL deals in the marketplace. It is a matter of examining your requirements and the providers' fine print to see which is the best value for you.

I signed up and then the fun started. I signed on for a dialup account with iPrimus to bridge the gap and to ensure that I had time to notify everybody not to use my iPrimus email address. That wasn't setup correctly and I had to get back to them to rectify the problem. It took two sharply worded emails from me and a

fortnight's inaction from them for iPrimus to cancel the codes on Telstra's servers that showed me as a Primus ADSL customer. They took a further week before I got an answer to my emails and that came by phone. When I told the caller what had transpired he said, "If that is the case, I do apologise, but ..." Wouldn't it have been nice if he had said, "Clearly we owe you an apology. I will put in a report on this service failure so that action can be taken to improve our service." But that's too much to expect these days, isn't it?

Once they did issue the order, it took only eight days for the new Internode service to be provisioned. Meantime something went wrong with my dialup modem and I could not receive email on the day that the ADSL service came on line. Not to worry, Internode, even though they knew nothing of my dialup problems, notified me by SMS as well as by email!

At the time of writing I hadn't sorted out the dialup problems, but the ADSL service needed no more than the insertion of my new email address and the temporary password that Internode had assigned (given in the SMS message along with their support phone number) and up came my new broadband link.

Guess which company gets the points for service and value – iPrimus or Internode?

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## RECOVER A CORRUPTED SYSTEM FILE

Sometimes an essential Windows file "disappears". This can happen as the result of virus activity or some other form of corruption. To fix the problem you need to reach for your Windows CD. Search the CD for the filename, replacing the last character of the name with an underscore (*SHIFT + -*), found next to the *0* key on the main keyboard. For example, *NOTEPAD.EX\_*. If it's found, open a command prompt and enter the command *EXPAND*, followed by the full pathname of the file and of the desired destination: *EXPAND D:\SETUP\NOTEPAD.EX\_ C:\Windows\NOTEPAD.EXE*. If either pathname contains any spaces, surround it with double quotes.

If the file isn't found, repeat the search using the filename without the underscore. It will probably be in a *CAB* file. These are compressed files that contain all the files needed for a complete install of Windows. Windows XP and ME treat these as folders and allow you to search them and remove files by dragging and dropping. In other Windows platforms, search for a file matching *\*.cab* that contains the filename. When the search is done, open a command prompt and enter *EXTRACT /L* followed by the desired location, the full pathname of the *CAB* file, and the desired filename; for example: *EXTRACT /L C:\Windows D:\386\Driver.cab Notepad.exe*. Again, if the destination or *CAB* file pathname contains spaces, surround it with double quotes.

Alternatively, you may be able to examine the contents of your *CAB* files and extract the file you want using your archive software (Powerdesk, WinZip etc.).

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## AU REVOIR

The Editor and his wife are taking to the road for a short break, so the next newsletter is at least a fortnight away. The trip will take us to Bridport, Burnie, Launceston and White Sands Resort, though not in that order. My advice is to stay off the roads from 8 – 18 June, but, if you insist on getting out there, beware of little green Colt sedans!

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