

Cleveland

Contact

Publication of the Cleveland Section of the Institute of Electrical and Electronics Engineers

1999 Cleveland Area

National Engineers Week Awards Banquet

Friday, February 26, 6:00 p.m. Hilton Cleveland South

by Dick Carlson



ENGINEERS
Turning Ideas
into Reality.

Join us for an evening of fellowship, dining and awards! Cost is \$40.00 per person; \$500.00 for a reserved sponsor table of eight. The Hilton Cleveland South is located at 6200 Quarry Lane, Independence, OH, near I-77 and Rockside Road.

The banquet is the climax of the week-long observance of the 49th annual National Engineers Week (NEW). These days are set aside to inform the public of the important work of engineers and to honor outstanding members of the profession. The NEW theme is "Engineers: Turning Ideas into Reality." The 1999 focus of activities is "Engineers Make a World of Difference."

At the local level, major engineering and technical societies, including the Cleveland Section of the IEEE, along with CWRU and CSU, have organized to sponsor many activities. These include selection of the Engineer of the Year, Young Engineer of the Year and Student Engineer of the Year awards, a college egg drop and a display contest, high school student Engineer-for-a-Day program and engineering career presentations for elementary and secondary students.

The banquet begins at 6:00 p.m., featuring the college display contest, a cash bar, hors d'oeuvres and networking. Dinner is at 7:00 p.m., followed at 8:00 p.m. by the awards and keynote address. We will honor the egg drop winner, college display winners, CSU Outstanding Engineering Student Alexandra Krogulecki, CWRU Outstanding Engineering Student Lauren O'Donnell, Young Engineer of the Year Beverly Aikin, Ph.D., Surveyor of the Year J. Howard Flower, P.S., and Engineer of the Year Miklos Peller, P.E. The keynote address will feature representatives

of the Browns Stadium Design Team including Osborn Engineering Company, URS Consultants and Squire, Sanders & Dempsey.

Make your reservations now! Deadline is February 12 for table sponsors, February 19 for individuals. Mail or fax the form below, or call (216) 361-3100.

BANQUET RESERVATIONS

Name _____

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Phone () _____ Fax () _____ E-mail _____

No. of reservations _____ @ \$40/person or _____ Tables @ \$500
(please attach names of guests)

Entree choices:

Chicken Balchase Orange Roughy Vegetarian Plate

Please make checks payable to "The Cleveland Area National Engineers Week Committee" or charge to:

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Mail to: The Cleveland Engineering Society, 3100 Chester Ave., Rm. 216, Cleveland, OH 44114, or fax: (216) 361-1660. For questions, call (216) 361-3100. Deadline: Feb. 12 for table sponsors, Feb. 19 for individuals.

Charles O. Lawrence Selected as 1999 Cleveland Section Engineer of the Year

by Jerry Lucak

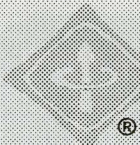
Charles O. Lawrence, P.E., has been selected as the IEEE Cleveland Section Engineer of the Year for 1999. He works in the Transmission Planning and Protection Department of First Energy Corporation assessing system needs, developing capital expansion programs and coordinating their implementation. He has performed various engineering functions for First Energy and its predecessor companies for the past 17 years.

Mr. Lawrence's technical specialty is substation engineering and analysis. This includes a particular focus on power system transients, harmonic analysis and high voltage loading. In addition to developing many projects for the utility, he has also

created and refined computer models to aid in predicting system performance under various conditions.

Chuck holds BSEE and MSEE degrees from Cleveland State University. He is also a Registered Professional Engineer in Ohio. His involvement with the IEEE Cleveland Section began in 1982 when he served as a student branch officer. He has also been Power Section Chapter Chairman from 1985-1988, Section Vice Chairman in 1989, Section Chairman in 1990, and Educational Activities Chairman from 1992-1997. He is active in his church and local schools.

Congratulations to Charles Lawrence on his selection!



IEEE Cleveland Section CHAIRMAN'S COLUMN

by Stephen Phillips

At our annual meeting in December, the members of the Cleveland Section elected a new slate of officers. Ted Laponi, who did an excellent job of behind-the-scenes management of the Section's accounts last year, will again be Section treasurer. Ted works for Middough Associates. We welcome Michael Branicky as our new Section secretary. I feel that it's important to maintain a steady stream of new ideas into the administration of the Section; as an active member, Mike has contributed much already. Allen Morinec, from FirstEnergy Corporation, returns to the elected slate this year as vice-chair, helping to organize events for the Section in the same fine manner he displayed as chair of the Power Engineering Society. As Section chair, I fill the remaining elected position. Like Mike Branicky, I also serve on the faculty of the electrical Engineering and Computer Science Department at CWRU.

We are anticipating an active year for the Cleveland Section. I encourage you to look at the back page of the "Contact" to see if you'd like to fill any openings for appointed officers and society chairs. Please volunteer or nominate someone else for a position. You can also help by listing upcoming events with the Section. Also, if you know of events sponsored by other organizations that may be of interest to our members, we can advertise them in our newsletter. Contact any of the officers or society chairs with information.

Thanks in advance for your help in making the Cleveland Section a success.

Cleveland Engineering Society February Events

- 9 "History of the Cuyahoga Valley National Recreation Area" featuring Thomas Bradley, CVNRA, 11:30 a.m.-1:30 p.m., Spaghetti Warehouse in the Flats. \$12.00 CES members; \$15.00 non-members.
- 9 "Law and Contract Liability," featuring Jim Robenalt, Thompson, Hine & Flory, and Jeff Sadlowski, Ulmer & Berne, 3:45-7:45 p.m., The Cleveland Athletic Club. \$55.00 CES members; \$75.00 non-members; \$25.00 students.
- 11 "Tour of Colonial Marketplace Arcade Construction," 3:00 p.m. Price TBA. Call CES for additional details.
- 16 "CES Design & Construction Conference," featuring John Cooper, Head Coach, The Ohio State Buckeyes, discussing "The Design and Construction of a Big Ten Football Team." 11:30 a.m.-8:00 p.m., I-X Center, Cleveland. \$75.00 CES members; \$95.00 non-members.
- 18 "CES Leadership Breakfast Series," featuring Willard Holland, chief executive officer, FirstEnergy Corp., 7:30-9:00 a.m., Holiday Inn Rockside. \$20.00 CES members; \$25.00 non-members.
- 23 "Remedial Technologies," featuring Marvin Wilson, GE Reuter-Stokes, 7:30-9:00 a.m., Cleveland South Hilton Inn, I-77/Rockside Rd. \$20.00 CES members; \$30.00 non-members.
- 23 "Knowledge Based Management," featuring Tony Kuhel, British Petroleum/Amoco, 6:00-8:00 p.m., Unified Technologies Center. \$20.00 CES members; \$25.00 non-members.

Contact Cleveland Engineering Society, (216) 361-3100, or visit www.cesnet.org for information and registration.



Shrinkwrap Licenses

by Michael Garvey

In the April, 1996, "Contact," this column addressed software copying and use. A Wisconsin District Court had found that a shrinkwrap license was not enforceable. Since then, the decision was appealed, so an update at this time seems appropriate.

In the case, Matthew Zeidenberg and his one-person corporation, Silken Mountain Web Services, Inc., posted phone listings from Select Phone™ on the Internet. Select Phone™ is a software program on CD-ROM available from ProCD, Inc., and includes over 95,000,000 residential and commercial phone listings. The Cd-ROMS were sold with a "shrinkwrap" or "clickwrap" license and numerous warnings that appeared on-screen during startup and use of the program regarding limitations on use and copying.

A shrinkwrap license is a notice on a software package notifying the buyer that opening the package or using the software is an agreement to the terms of a license. The license is sometimes on the package and sometimes inside. A clickwrap license is similar but appears when accessing the software or web page.

Silken Mountain assembled its own phone listing database from Select Phone™ and another similar product. Silken Mountain replaced Select Phone's™ search software with its own and loaded the database onto a host computer on the Internet. Third parties then had free access to Silken Mountain's phone directory via the Internet. Silken Mountain was aware of the Select Phone™ warnings but did not believe the license was binding.

Addressing the shrinkwrap license, the district court concluded that the purchaser was not aware of the terms of the agreement at the time of purchase and did not explicitly accept them at the time of use. The court also said that even if there were an agreement, it could not alter the copyright laws which, according to the district court, allow such use of the uncopyrighted material.

The Seventh Circuit Court of Appeals disagreed with the district court's analysis. Even though the terms of the license did not appear on the outside of the software package, the purchaser was made aware of the license prior to use. ProCD offered a license and informed customers that use of the software was an acceptance of the offer. Zeidenberg accepted the terms of the license when he was aware of the license and used the software. Had Zeidenberg been unwilling to accept the license, he could have returned the software.

In addition, violation of a license agreement is separate from a copyright violation. The appeals court noted that the agreement between ProCD and Zeidenberg created rights separate from the copyright and thus, Zeidenberg could be liable for both violations.

Shrinkwrap or clickwrap licenses have become quite common, and their validity has been debated often. Surprisingly, however, Zeidenberg's is the only reported case that squarely addresses the issue. So, there remains much uncertainty about what is required to make a shrinkwrap license enforceable.

A few guidelines are emerging. The customer should be made aware of all terms of the license prior to purchases, if possible, or certainly prior to use. Return of the software should be simple, and a complete refund should be available if the purchaser does not agree to the license. Despite the uncertainty, a purchaser should be careful about disregarding such a license on the basis that it might not be enforceable.

Michael Garvey is a patent attorney with Pearne, Gordon, McCoy & Granger LLP.

Positions Available

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Provide application advice and tech support. Work with state-of-the-art computer products, learn technologies such as USB, Windows 98 & NT and the Microsoft Component Object Model. Requirements: BSEE or BSCS or related degree, plus ability to solve technical problems. Experience with signal measurement and processing a plus.

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CWRU Dept. of Electrical Engineering and Computer Science 1999 Spring Semester Seminar Schedule

All are welcome to attend these seminars, held from 11:30 a.m. to 12:30 p.m., Room 411, White Building, Case Western Reserve University. Refreshments will be served. For more information, contact Stephen Phillips, (216) 368-6248.

- Jan. 28** Tamer Basar, University of Illinois, will discuss "Differential Games/ H-Infinity Control."
- March 9** Hassan Khalil, Dept. of Electrical Engineering, Michigan State University, "Nonlinear and Adaptive Control."
- March 23** Betty Salzberg, Computer Science Dept., Northeastern University, "Branched and Temporal Indexing."
- April 8** Christos Chassandras, Manufacturing Engineering Dept., Boston University, "Discrete Event Dynamic Systems."
- TBA** Kul Bhasin, NASA Lewis Research Center, "Satellite Computer Networks & Architectures."

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*MIREA: Engineering in Medicine & Biology/ Instrumentation & Measurement/ Reliability/ Industrial Electronics/Aerospace & Electronic Systems

**MLE: Microwave Theory & Techniques/Lasers & Optoelectronics/Electron Devices

Please note: if you are trying to contact the IEEE Cleveland Section by FAX, dial 216-473-6557. The line is open twenty-four hours per day.



Cleveland Section

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