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## Ownership of ideas at heart of court case

### Judge has ordered former DSC programmer to outline his concept on legacy applications

08/10/2000

By Vikas Bajaj / The Dallas Morning News

A programmer whom DSC Communications took to court three years ago for not disclosing an idea that could be worth billions of dollars has been outlining his concept at the company's Plano offices for the last month, officials said Wednesday.

DSC, which has since become part of Paris-based Alcatel USA, fired and sued Evan Brown in 1997, saying he was withholding an idea for software that can translate computer programs written in older languages to new languages.

State District Judge Curt B. Henderson ruled Jan. 19 that Mr. Brown must disclose the idea, which he has never written down. He also awarded 20 percent of the idea to Alcatel to punish Mr. Brown for stalling the process for 2 1/2 years.

Mr. Brown didn't start writing out the idea until recently because he declared bankruptcy and has been busy dealing with that case, said Eric D. Pearson, Mr. Brown's attorney in the Alcatel suit.

Mr. Brown is spending 40 hours a week in his old office. It will take him a couple of months to finish the work.

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The idea then will be reviewed by Alcatel, a telecommunications equipment maker with its Americas headquarters in Plano.

A trial will determine who owns the remaining 80 percent, Mr. Pearson said. He added that Mr. Brown plans to appeal the 20 percent stake awarded to Alcatel.

"We feel confident that the jury will agree that an employer doesn't own the thoughts of its employees," Mr. Pearson said.

But Alcatel said Mr. Brown and other employees signed contracts that give the rights to ideas and inventions that they develop to the company.

The idea is the result of work he was hired to do, said George Brunt, vice president and general counsel.

"His job was to develop software tools, and this is a key software tool," Mr. Brunt said. "He actually had a specific assignment to develop this. Where he comes up with something different, I don't know."

Mr. Brown has argued that he was working on the idea long before he joined Alcatel and that he developed the solution on his own time.

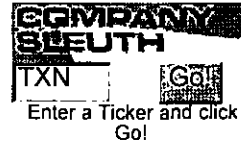
Technology experts say Mr. Brown's idea could be worth billions, if it works, because companies would pay a fortune for software that converts older programs, known as legacy applications, into more modern versions.

"If it is what he said it is, it will be one of those ideas worth billions of dollars," Mr. Brunt said. "We don't know. It could be worthless."

DSC offered to give Mr. Brown a piece of the profits from his idea, but he rejected the deal because he thought it was worth more.

But the lengthy legal proceedings have wiped out Mr. Brown's finances. He hasn't been able to get a job since he was fired, and he had to sell his Plano home and move to a farm south of Fort Worth. He is now in U.S. Bankruptcy Court in Waco.

"He is not doing very well financially between the lawsuit and the judge's decision," Mr.



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Pearson said.

The lawsuit is one of several high-profile cases Alcatel has waged against former employees who it claims stole and profited from the company's trade secrets.

It's also suing San Jose-based Cisco Systems Inc. Alcatel alleges that Monterrey Networks, which Cisco acquired last year, hired a team of engineers to gain Alcatel secrets and expertise in certain networking products.

It settled a suit against the Korean manufacturer Samsung Electronics Co. in January. Terms weren't disclosed.

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