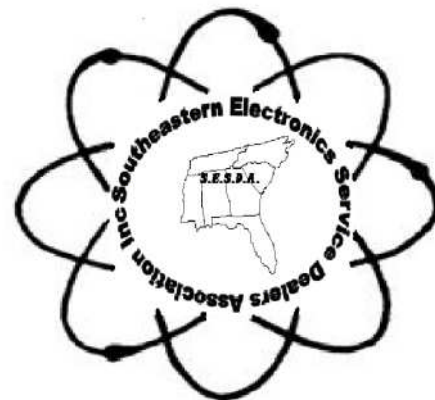


The SESDA COMPONENT



Induced Knowledge



SERVING THE SOUTH EAST SINCE MAY 2008

A Monthly PUBLICATION BY AND FOR THE MEMBERS OF
THE SOUTHEASTERN ELECTRONICS SERVICE DEALERS ASSOCIATION
A NESDA AFFILIATE

JANUARY 2011

VOLUME 1, ISSUE 1

SEEC for 2011 is at Lake Lanier Island resort starting April 6 through April 9. Keeping a proven formula SESDA will have both business management and technical classing running through out the week. There will be a trade show and a sunset cruise with bar and hors d'oeuvres.

There are plenty of things the family can do while on the island. There is a beach, horseback riding and terrific golf course.

Registration is \$150 with a \$25 discount for people who have already signed up as SESDA members.

www.sesda.org is the place to sign up for the convention and don't forget to check out www.lakelanierislands.com to make your room reservation.

New Newsletter

This is the first in what we hope will be a monthly publication for the members of SESDA. Each month the officers and board members are given a topic to write on and the different components (how we came up with the name) will come together here.

If you would like to comment on the topic or suggest a future topic for discussion write the editor at sesdaeditor@att.net.

This month we are talking about trade secrets and giving them away to non technicians. We hope you enjoy this and come back monthly to the www.sesda.org web page to check for future issues.

President Pete Rattigan

Trade secrets what are they and what constitutes knowledge as a trade secret?

After a few hours on the internet, I found out some interesting information so for the purposes of this article. I'll use the two most helpful articles I found and list them below so you can do your own research if you so desire.

First I found out there is no actual federal law on trade secrets but the United States Bar Assn. wrote the Uniform Trade Secrets Act as a guide for States to follow regarding trade secrets back in 1979.

So with that being said, I found in one of the articles (and I'm using the Georgia definition of a trade secret):

26-1809(a) (4) "Trade secret" means the whole or any portion or phase of any Scientific or technical information, design, process, procedure, formula, or improvement which is secret and of value; and a trade secret shall be presumed to be secret when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.

(Continued on page 3)

INSIDE THIS ISSUE:

President	FP
Editor	2
Florida	4
Alabama	5
VP	7
Georgia	7

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VOLUME 1, ISSUE 1

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ANNUAL SUBSCRIPTION \$15.00
COST PER ISSUE \$4.00

From the Editor,

One year while getting my annual physical the doctor gave me the well known "digital" exam. While he was discomforting me I asked him what that day was like in medical school. He quickly replied that the professor said it felt like the tip of your nose and then all the men had to drop trousers and bend over. Did the doctor divulge a trade secret? Am I now qualified to perform this exam on myself or others? I think not. While the medical community has, for years, recommended performing a regular self exam I don't think it went that far. Some things are best left to a professional.

In the electronics service industry there are many things an amateur can do that professionals can also be hired to do. Changing a lamp is a prime example. A customer says my lamp light is on and you can quote the price for a lamp. The customer could save 10 to 50 dollars by buying just a light bulb. Is it difficult to change? No not really, but some industry professional's think showing someone how to change the lamp is divulging a trade secret.

The list continues with such things as changing caps on the power board or replacing STKs on a convergence circuit. I would draw the line telling someone to go that far unless I know their soldering skills. If he is an ET in the military I may offer that as a possibility but if he is a banker then sorry you need a service call.

This month marks the first issue of the SESDA Component where we take different ideas and bring them all together. Each board member was given the topic and asked to write on that topic. The Ideas presented come from different people around the Southeast. We hope these ideas spawn discussion, are timely and relevant and give some insight into others' thinking. Got a thought on this month's topic or want to see us discuss something in a future issue give me an email at sesdaeditor@att.net.

Dan Mundy

(Continued from page 1)

Now the icky part comes in where (as most States do) it states: "which is secret and of value" this is the part that makes the lawyers earn their money!

Which is secret, is simple, or is it? You see if you tell a secret to say 800 people who then each tells it to 2 of their employees it becomes very difficult to say it is a secret any more.

My father was packing to go on a trip for the army in the mid 60's once, and he nonchalantly told mom "I'm going to Vietnam" about 3 weeks later my mother read in the news paper headlines "US troops landed in Viet Nam!" she got furious with my father, not because what he told her was a really big secret, but because he did not tell her it was a secret! Here she knew this big secret but couldn't use it to hold over her friends or relatives because she did not know it was a secret!

We laugh at that story today but think about it for a second how many of your employees know tips from NESDA? You really should not have told them unless they agreed to not tell anyone right? Did they sign anything??? Mine haven't.

And of value becomes: How much money is a tip worth? TO prove a tip is of "Value" we are strictly talking about money here (Here is where the lawyers start rubbing their hands together) we have to prove the consumer (who was taken away from you) would have brought the set to YOU the plaintiff If he could not have found the tip anywhere except from the defendant.

So let's look at this:

You would have to get the consumer to come to court and say something like "yea I know the plaintiffs shop I take my stuff there when I can't fix it myself" That may satisfy the first part But then you have to prove the second part:

That the consumer could not have reasonably found the secret from anywhere else. Good luck!

On top of all that to make it worth all the trouble you have to do this with a reasonable sample of your customer base. Again good luck!

Back to business if tips derived from a duly paid for membership with the promise not to share those tips are indeed shared then I believe this could be a trade secret violation based on the second half of Ga. law :

§ 26-1809(b) any person who steals or embezzles an article representing a trade secret or without authority makes or causes to be made a copy of an article representing a trade secret with intent to deprive or withhold from the owner thereof the control of a trade secret or with intent to appropriate a trade secret to his own use or to the use of another, commits the offense of theft of a trade secret and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years, provided that, if the value of the article stolen, embezzled or copied, including the value of the trade secret represented thereby, is not more than \$100.00 he shall be punished as for a misdemeanor.

However under 1809b it states you have to steal or embezzle or make a copy of an article representing a trade secret. Hmm, so if I pay for a tip through my membership did I steal it? Embezzle it? I think not, I bought it. And did I make a copy of it with

the intent to deprive the owner of the trade secret the control of it?

Now you get into a whole another section that Lawyers hate "intent" how can you prove intent? And do you have to prove the intent when the secret was acquired or later (maybe years) when the secret was passed. Better ask a lawyer, I have heard a lawyer state "proving Intent is extremely difficult if not impossible".

Now that is all the legal mumbo jumbo let's get to the meat of the issue do I think a certain member of NESDA gave away trade secrets? No I do not and here is why:

This member did not as I can see copy a tip from NESDA or any organization verbatim and as I see it you can paraphrase something you read as I have here without copyright infringement then cant you gain knowledge from a tip and store it and remember it in your own words and context later? If not; do not describe any sporting event by the water cooler because you are then stealing it; listen carefully to the copyright warning near the end of a football game it specifically states you cannot describe what you see. Yet they aren't suing everyone that describes a play.

You can even play music that is copyrighted to a large audience that paid money to be there! As long as it is not longer than like 10 seconds!

How can you prove anything in my head was gotten off a members only list or a club membership or anything like that well I submit all "tips" were learned from sources I got from outside my head keeping in mind "tips" are not repairs I figured out on my own but are learned from someone else that either helped me at one time or another or I read. As a matter of fact isn't all knowledge just a string of facts and theory's to lead to a conclusion?

If so, where do we get most of our facts from, books or the internet? Now I'm guilty! Hell we are all guilty! Oh crap here come the men in the black suits!

Seriously, think about it... If you learned electronics in a school or even in the military can your use of that knowledge be considered trade secrets owned by that school or military branch? Doesn't the military have documents for you to sign before you learn the trade craft?? Yet we do not see them suing everyone or even punishing anyone.

So in conclusion,

I would suggest we all get back to repairing TVs and quit blaming others for the falling business. I honestly do not think it is caused by do it yourselves.

Respectfully submitted:

Peter Rattigan M.S.T. C.S.M. C.S.R.

President: Southeast Electronics Service Dealers Association

The two articles I read can be found here:

http://www.ipmall.org/hosted_resources/IDEA/30_IDEA/30_IDEA_287_Hilton.pdf

<http://www.climacolaw.com/news/article-N31>

Neil Mengel of Mengel Video.

Florida

I'd like to introduce myself. I'm Neil Mengel of Jacksonville, Florida, Director from Florida for S.E.S.D.A. and Vice President of F.E.S.A. (Florida Electronic Sales and Service Association). I will be writing this column every month for the COMPONENT, so keep an eye on the S.E.S.D.A. website. I invite your comments, suggestions and will be happy for any material you want to pass on to your fellow S.E.S.D.A. members. I've been involved in electronics and mechanical repairs almost all my life. When I was a teenager, I made a crystal radio from scratch. Actually, I had two of them, one with a cat's whisker crystal and one I made with a germanium diode. I was able to operate a very small speaker with my non powered crystal radio set. Our family's first TV set was a 7" black and white Philco table model with an accessory magnifier that enlarged the picture to approximately 10". I have seen a lot of changes in the last 60 years and would never have dreamed that film technology would be replaced by video tape, and later digital media. Working in the film industry I witnessed firsthand the changes that took place on a day to day basis. I also worked part time as a 35MM film theater projectionist in the sixties and learned the trade. The carbon arc lamp, two projector 35 MM theater set up was standard for many years, until the platter system with high intensity lamp eliminated the need for a working projectionist. Now anyone could run the show with the push of a button. Today, most of the theaters are all set up with digital video DLP projectors and the movies are shipped on hard drives to the theater where the projector has a decoding device to help eliminate pirating of films. The television industry has made many changes through the years. Early on, kinescope recording was the only way to preserve a live TV broadcast. (A 16MM film camera with a special shutter was used to record the program on film.) Later on, in about 1955, the VTR (Video Tape Recorder) was invented by Ampex Corporation and live broadcasts could now be recorded and played back on 2" magnetic recording tape. Editing was not possible until a special magnetic tape splicer was developed that used a microscope and magnetic dispersion solution to enable the matching of frame lines and control pulses to make a good edit. "Laugh In" was one of the first programs to use this form of editing. It was quite awhile later that electronic editing was devel-

oped and used. As far as television display devices are concerned the early models were hand wired with tubes, then transistors, printed circuits, and the micro chip and surface mounted devices. Now we have 2 and 3 layer boards with surface mounted parts, computer chip control and so on. Technology has come a long way and it is becoming more difficult every day to keep up with what's happening in the way of technology. Through the years I've learned many tricks of the trade so to speak. I've learned some on my own as a matter of necessity, some from others, and some from training classes by manufacturer's classes at events such as S.E.E.C. (South East Electronics Conference). The next South East Electronics Conference is going to be held at Lake Lanier Resort northeast of Atlanta, Georgia. April 6th to 9th, 2011. Please make plans to attend this worth while training/fun event. As far as trade secrets are concerned, I am very willing to share, and as far as I'm concerned, it's only a secret if nobody knows. I have always believed in solid training, built on a firm foundation and trying to remember from experience as to what worked to fix a certain problem. I have used a notebook in the past to make a note of the make, model, serial number, symptom, and repair solution. I go to my note book for help after I diagnose the device in question and come up with a definite problem description. About a year or two ago,

I started using a non contact AC voltage tester for diagnosis. They cost about \$10.00 and I would never be without one at this point. It's almost as important as my flashlight that I carry in my belt pouch 24/7. Since the non contact AC voltage tester can alert you of voltage present without a completed circuit or the need for a ground it is a real life saver in my book. In just a few seconds you can verify the presence of AC voltage on any electrical device. It doesn't hurt to have an AC wall outlet tester available as well. I also have a watt meter that I plug into the wall outlet, and then plug in the device to observe the current draw on the device under test. Low AC line voltage was a problem a long time ago (a step up adjustable variable transformer was used to correct for low line voltage). We can't always take it for granted that the line voltage is proper. In the past I've corrected a problem by moving a machine from one wall outlet to another and found the problem eliminated. I guess that I'm trying to impress on

Carla Helms

Alabama

With recent revelations regarding Wiki leaks and other leaks of secret government documents it becomes a challenge to determine just how safe we should feel about intellectual property. That is especially true of intellectual property which has not been copyrighted, patented, or trademarked.

While we feel that procedures and tricks of the trade should be held close to the vest it has become very apparent that once such is introduced to electronic media we should expect that sooner or later it will get into the wild on the internet. If it were protected by copyright or patent we could take legal action after the fact but even that has proven to be inadequate by the number of copyrighted manufacturer's manuals and bulletins that are easily available on the internet.

Knowledge is power. In some cases that power comes from holding that knowledge secret and in other cases by sharing it. That is the strength of an organization like NESDA, where professionals share knowledge. The weakness comes because it makes the knowledge eventually accessible to people outside the profession. The only way to assure that a trick or tip remains a secret is for the individual to keep it secret, but then it loses some of its power.

For example, medical journals and books are readily available to anyone and even more accessible by internet. One can easily find how to treat most anything. The big difference between that example and our industry is that there are very few laws to keep anyone from practicing our trade at the cookbook level.

Selling tips that are the intellectual property of others who shared is very clearly wrong. Selling one's service by using a shared tip is hardly the same as selling the tip for a non-professional to use. A complication with policing this is that it is entirely probable that any good technician would eventually individually develop most of our tips if presented the problem. If one chooses to sell or give away his own intellectual property, while not a well accepted practice, it is his to use as he sees fit. Without copyright it will be virtually impossible to monitor and control this.

While we certainly don't like these tips getting into the wild and while it certainly removes some opportunity for profitable work, it is something we are probably going to have to tolerate more than control. It will be more an issue of professional ethics than of any form of legal issue.

(Continued from page 4)

you the reader/technician that you can't overlook the simple things. Start from scratch. ASSUME nothing. It only takes seconds to verify some of the basics. Take a few different lamp bulbs with you to load the line voltage to make an accurate reading of the real situation. If you have a 15 amp circuit, and you take a 1000 watt quartz lamp (in suitable socket/device) and test the line voltage before and after the lamp is turned on you may be in for a surprise, especially if a copy machine is on the same circuit on the other side of the wall. The 1000 watt lamp should draw 8.8 amps @120 volts ($V \times A = \text{Watts}$) (actually $8.8 \times 120 = 1056$ watts) however the line voltage is going to vary, you get the point. I remember a situation in a new building that a piece of equipment that was working perfect for years was moved into a new building and kept blowing its internal fuse. I found that that problem was due to low line voltage due to longer runs than normal and excessive draw due to overloading of devices. I took two 600 watt lamps and checked the voltage before and after loading and found a greater than normal voltage drop causing the device to draw more current than normal and blow its fuse. I could have wasted hours trying to fix a problem that was external to the device that was not working properly. I simply moved the device to another circuit and the machine is still working years later. The point is that a good technician should not overlook the simple obvious things that we sometimes take for granted. In today's economy it's necessary to be as efficient and effective as possible. This includes all phases of the repair process. The next point I'd like to make is: the equipment that is in need of service needs proper diagnosis in as little time as possible. Observation, smell, heat, (I've found a non contact infrared thermometer to be an essential device in my tool box), isolate, measure, verify, and of course it's usually essential to have good schematics, however, I repair a lot of equipment without ever opening a service manual. If you do need parts, make sure you use the best part you can get to do the repair. Generic parts can be a real headache. You may save money up front, however, if you have to do a second repair under your warranty your profit has been reduced or in the negative range. A satisfied customer will be your best advertising. When it comes to replacing lamps in DLP and LCD projectors and light

(Continued on page 6)

(Continued from page 5)

engines in projection sets be most careful to get the best lamp you can buy and stay away from counterfeit or aftermarket lamps. I've had conversations with manufacturers recently and I was told that that was one of the biggest problems that they had. In one instance, a counterfeit lamp was used in a \$10,000.00 video projector. In a short while the ballast failed due to improper matching of components and too much heat as well as damage to other parts of the projector. The savings were eclipsed by the repair cost and down time. I always buy the proper lamp from an authorized reseller or OEM lamp from manufacturer. It's always a good idea to consult with the manufacturer's service department to insure the proper matching of lamp and ballast. In a couple cases, the lamp was not available anymore and a different lamp and matching ballast had to be installed for a proper repair. I always make a note of the make, model, serial number, date of manufacture, and any other numbers that I find on the equipment/lamp for use when talking to anyone about parts. If you don't want to make another trip, if you are making a service call and must return to the customer's location for completion of repair you better be thorough the first time. Also, a digital camera is a must to document the condition of the item for repair to insure that you are not held responsible for repairing or replacing a broken or scratched device that had an existing problem before your involvement. Also a digital camera can be a life saver when it comes to documenting a reassembly of a non familiar item. Did that wire go on the inside or outside of a particular point? Sometimes it makes no difference, however, sometimes it does make a big difference. A long time ago I went to Orlando, FL for a training course on the then new Kodak slide projector. The instructors brought up a situation that still applies today and is even more important in our litigious society of today. A servicer in California had repaired a Kodak 35MM slide projector that was found to be the cause of a major fire to the tune of a couple of hundred thousand dollars. Kodak was sued and upon inspection by Kodak engineers it was determined that a piece of fish paper was not replaced after a repair. The piece of heavy paper helped to channel air for cooling the lamp and projector. Kodak was off the hook. It fell back on the repair shop, which had to declare bankruptcy and go out of business. If you are in the repair business, remember the customer is

the one that pays your bills. Make your customer happy; keep them happy so you have a customer for as long as possible, repair the equipment with original quality parts in a timely manner and at a fair price. Don't take short cuts, put ALL of the screws back in the right places (long, short, plastic, metal, etc.) and do the repair as if you were doing the repair for your own mother and you wanted to keep her safe and living as long as possible.

Until next time: Do the best repair work for your customer for the money, have fun, make money, be safe so you can read next month's articles and make time for the upcoming S.E.E.C.2011 in Lake Lanier Resort, North East of Atlanta, Ga April 6th to April 9th 2011.

If you want to join F.E.S.A. please email me askav-neil@gmail.com or call me @ 904 3348612

Thank you

Neil

P.S. Please also remember that the N.E.S.D.A. convention will be coming to Jacksonville, Florida in 2012.

**Mark Wentowski MST
SESDA Vice President
NESDA Region 2 Director**

Trade Secrets

I've been asked to pen a short article concerning the proliferation of Do-It-Yourselfers (DIY'ers) within our industry. These are the people who go online in an attempt to glean the knowledge needed to perform their own repairs.

As the NESDA Region 2 director I have received several complaints from concerned members. It would seem that many of those who provide information to the DIY'ers are charging a fee and therefore they are gaining financially. Personally, I'd rather see them charge the DIY'ers a fee than to just give it away for free. The biggest concern amongst some people I spoke with is the fact that a few of these online Guru's are members of NESDA. They have been candid in admitting that this is an activity which provides extra income for their own struggling repair businesses. And all the while a few have been blaming them as being part of the problem within this struggling industry.

It has been pointed out to the NESDA board that these members have access to the resources of NesdaNet and therefore should not be "allowed" to sell online advice to other forums. Never mind the fact that the internet is already loaded with more self-help forums than can possibly be counted. It has been determined that these Gurus' are not currently in violation of the NESDA by-laws so any action taken against them would be inappropriate. But due to the strong feelings on both sides of this issue I'm sure this subject will probably pop up again in the future for further discussion.

I've decided to close this article with a few observations that may help to put things into perspective.

Take a look at the plumbing business, auto industry, the electricians, the people who install floors, carpeting, etc. Home Depot and Lowe's both put on classes for the DIY'ers and for free! Are these trade secrets? Not anymore. It all comes down to a matter of choice. Most people will never feel comfortable doing their own TV repairs in much the same way as I've never mastered the art of plumbing. All it will take is one miserable and costly failure while doing a repair attempt and they will throw in the towel on TV repair and call in a pro from then on. The bottom line is that the majority of my customers aren't even capable of installing their own lamp without screwing things up. So I haven't really been all that concerned about the DIY'ers.

In fact last week I made extra money on a couple of them who knew they had messed things up and were in no position to argue with me when I presented the bill.

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In reading a few articles about trade secrets, I've come to find that this is indeed an interesting subject. One of the most interesting statements I've found about the subject states, "There are three factors that, although subject to differing interpretations, are common to all such definitions: a trade secret is information that: 1) is not generally known to the public; 2) confers some sort of economic benefit on its holder; 3) is the subject of reasonable efforts to maintain its secrecy.

So, right off the bat, "differing interpretations" sticks out the most, doesn't it? Just the fact that a trade secret can mean one thing to me, however, mean entirely something else, to someone else, is mind blowing.

Looking more into the subject, I also read some about trademarks and patents. Trade secrets are not protected by law in the US in the same fashion as trademarks or patents. The main difference between trademarks and patents, and trade secrets, is that the trade secret is ONLY protected when the secret is not disclosed.

Now, with that being said; do I want my closest competitor to have the same knowledge or "trade secrets" that I possess? Of course not!!! Nor do I want them to give those said "trade secrets" to the do-it-yourselfer. Now, let's get to it. Let's say they do give those secrets to the do-it-yourselfers. Should they be persecuted? In my opinion, NO, they shouldn't. I don't like it as much as the next guy, but I also think that a trade secret should either be protected and safeguarded, or it will risk being leaked. I think with price compression, and the economy the way it is, our industry is suffering, and pointing the finger, now, is easier than it has ever been. Instead of dividing the group, maybe we should focus on coming together, to fight the fight!!

Tim Reech
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