February 17, 2015

To the USENIX Community:

In February of 2013, USENIX published the Proceedings of the 11th USENIX Conference on File and Storage Technologies (FAST '13), which included the following two papers: "SD Codes: Erasure Codes Designed for How Storage Systems Really Fail" and "Screaming Fast Galois Field Arithmetic Using Intel SIMD Instructions."

In July of 2013, an attorney representing StreamScale notified USENIX that these two papers "inappropriately revealed confidential information from StreamScale which is the subject of at least two pending patent applications." This notification included a demand that USENIX immediately stop displaying the two papers on our Web site. Following consultation with our attorneys, USENIX chose to comply with StreamScale's demands, removing the papers and the complete FAST '13 proceedings volume from our Web site. All other papers from FAST '13 remain accessible on our Web site. We hoped that our removal of these two papers would be temporary, until we could resolve to our satisfaction that StreamScale's claims were without merit or we otherwise felt at liberty to post them.

Shortly after we removed the papers in question, StreamScale entered into a confidential arbitration with one of the authors of the two papers. The parties settled their dispute in December 2014 and mutually "express[ed] regret for any misunderstandings that may have given rise to [the] litigation." After the parties' settlement, the primary author removed from his Web site certain software that he had published in connection the papers, and posted certain statements, including that StreamScale had alleged the software infringed one of StreamScale's patents. Although the author removed the software after the settlement, the two papers have remained available on his Web site, and are available elsewhere on the Internet.

Given that the parties had settled their dispute, and in light of the passage of time, USENIX recently planned to re-post the two papers and notified StreamScale's counsel of our plan. StreamScale responded by reiterating their assertion that the two articles constitute misappropriated trade secrets, and that any republication of that material would further the misappropriation.

After much discussion and with great sadness, USENIX has decided to refrain from re-posting the materials at issue. Although we believe that StreamScale's claims are without merit, our financial position is unfortunately not sufficiently strong to justify taking the risk of a prolonged legal dispute. Rather, we believe that USENIX's top priority is continuing to exist as a visible supporter of open access to your published research.

We thank the USENIX community for its understanding of our efforts to remain firmly in place as the premier forum for the open exchange of ideas in computer science research. USENIX is celebrating its 40th anniversary in 2015 and is determined to celebrate many more years of open access publication with your support.

Please contact the USENIX Board of Directors with any questions via board@usenix.org.

Regards,

Casey Henderson
Executive Director

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