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Court rejects Yamaha motion against ESS - U.S. District Court, ESS Technology

LOS ANGELES - A U.S. District Court judge here struck down a motion by Yamaha to prevent rival ESS Technology from shipping two FM synthesis chips that Yamaha claims violates two of their patents.

The May 1 ruling follows a similar denial to grant Yamaha a temporary restraining order last month to prevent ESS from, shipping its ES1488 and ES1688 - which, are now in mass production - while the two sides tussle in court. The order denying the preliminary injunction was filed under seal and its terms could not be disclosed.

After the ruling, Yamaha said it would ask the court to review the denial to grant the preliminary injunction and asserted it would not scuttle efforts to force ESS from shipping its two products. Yamaha filed suit against ESS in March, claiming that the Fremont, Calif company had infringed on U.S. Patent No. 4,249,447, which relates to feedback FM technology for sound synthesis and 4,813,326, which describes a method of synthesizing musical tones by using a modulation operation (EN, March 27, 1995).

Albert Mak, ESS VP of marketing, said the court's decision to rebuff Yamaha win help bolster their defense. Unlike the ESS case, Yamaha last year succeeded in obtaining a preliminary injunction against two sound board distributors involving the same two patents. "We are even more confident than before that our design will hold up in court," said Mr. Mak.

ESS contends that it has developed its own method of FM synthesis and has submitted two patent proposals which are now pending, Mr. Mak said. The technology is fundamentally linked to the Chowning patent, a Stanford University-developed technology held exclusively by Yamaha until it expired in April 1994.

ESS said its technology - dubbed ESFM - combines all the essential elements of a SoundBlaster-compatible sound board on a single chip and offers sound quality that exceeds Yamaha's OPL-2 and OPL-3 devices. "We anticipate these products will account for a huge portion of our revenue," Mr. Mak said.

In a separate development, ESS introduced a new wavetable music synthesizer chip - the ES689 - which can play back 32 voices simultaneously at 44.1kHz CD-quality stereo audio. The ES689 connects to an ESS ES98X ROM, which stores wavetable instrument sample set developed by InVision Interactive, Palo Alto, Calif., which together enables general MIDI compatibility and supports 128 melodic instruments with 47 rhythm instruments.

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