

U.S. House of Representatives Committee on Energy and Commerce

Subcommittee on Commerce, Trade, and Consumer Protection – Legislative Hearing on H.R. 2221 and H.R. 1319

Testimony of Rick Buonincontri

CEO, Solid State Networks

May 5, 2009

Dear Chairman Rush and Ranking Member Radanovich:

Solid State Networks is a leading developer of content delivery software for online content distribution. Our customers are content publishers (primarily game developers and publishers) that want to improve the user experience for consumers that want to access their digital content and lower their own delivery costs. Peer-to-peer (P2P) delivery technology is a key component that has been incorporated into our products. The P2P technology that we employ utilizes simultaneous byte requests from multiple sources, including other users accessing the same content, to enable fast and efficient data transfers. This type of P2P technology provides a scalable method of distributing the demand for bytes across many sources, including other computers that are requesting similar bytes. A computer will typically only exchange a small fraction of any content that has been requested from the publisher with any other computers in the network. It is technically impossible for consumers to expose any files, data or sensitive information to other users as a result of using our software. The system contains no facility to enable a computer to disclose the existence of files to anyone, including other users. Thus, there is absolutely no opportunity for a consumer to inadvertently share user generated content.

It is also worth noting that Solid State Networks products cannot be used for “file sharing” purposes by consumers. We have not and do not make tools that are used by file-sharing communities. Our software has not and does not enable the search, discovery, or copying of files from one computer to another using our software. Nor does our software enable consumers to access content posted by other users via websites that index content for download. Since the day of our company’s inception, our objective has been to make provide commercial P2P software solutions for the benefit for content publishers.

Preventing consumers from inadvertently sharing sensitive information and files via file sharing networks has been shown to have widespread support from within the P2P software industry, including Solid State Networks. However, H.R. 1319 is strongly opposed by most companies within the industry for a variety of reasons. Solid State Networks also strongly opposes this bill for the following reasons:

1. H.R.1319 is overly broad in scope. For example, it does not differentiate between “P2P technology” software that, inherent in the design, poses no threat of enabling inadvertent disclosure of information and “file sharing” software that enables the searching, discovery, and copying of files directly from one computer to another using the software. This broad definition

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threatens to negatively impact companies using P2P technology that cannot possibly enable the disclosure of sensitive information.

2. The P2P software industry has already mobilized to address the concerns represented by H.R. 1319. These companies recognize that the long term viability and acceptance of P2P hinges on the ability to secure trust with the consumers that use their products. Concerted efforts at self-regulation will provide more opportunity to adapt to the rapid technological changes that will occur in the years to come.
3. H.R. 1319 has the potential to limit the ability of game companies to provide immersive interactive experiences. P2P technology has been in use by game developers to enable the personal interaction among players for many years. Billions of files, in the form of game patches and updates, have been delivered via P2P technology without any reported instances of disclosure of non-game related information. Yet adherence to H.R. 1319 would impose extreme burden that most, if not all, players would consider as to make the games unplayable. Additionally, the ability of game developers to meet the growing demand for customization and personalization by players would be adversely impacted. Providing the tools to enable players to create and share their own experiences within the game with other players will become difficult, if not impossible, under the broad restrictions contained in H.R. 1319.

Thank you for the opportunity to present this testimony on behalf of Solid State Networks and the companies that benefit from our products. I hope that I have conveyed the serious potential for unintended and adverse impacts posed by H.R. 1319 on industries that are unrelated to file sharing.

Respectfully,

Rick Buonincontri
Chief Executive Officer
Solid State Networks

Cc: Subcommittee on Commerce, Trade, and Consumer Protection
The Honorable John Barrow
The Honorable Bruce L. Braley
The Honorable G. K. Butterfield

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The Honorable Kathy Castor
The Honorable Diana DeGette
The Honorable Phil Gingrey
The Honorable Charles A. Gonzalez
The Honorable Bart Gordon
The Honorable Gene Green
The Honorable Mary Bono Mack
The Honorable Jim Matheson
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The Honorable Ed Whitfield
The Honorable Joe Barton (ex officio)
The Honorable John D. Dingell (ex officio)
The Honorable Henry A. Waxman, CA (ex officio)