Howard Rice
Three Embarcadero Center
San Francisco, CA
USA

Attn. Mrs. Carole F. Barrett

Via e-mail (rhallman@howardrice.com)

Copenhagen, June 17 2008

Re: Hobbit Monitor (Your ref: 12224.0053)

Dear Mrs. Barrett,

thank You for Your letter of June 5th. I understand Your clients' concerns, and would like to find a mutually acceptable resolution to this issue.

It is correct that I have developed a set of software programs, collectively known as the "Hobbit Monitor". This software is licensed under the GNU General Public License (the "GPL"), which is an Open Source license. This means that the software is copyrighted, but made available free of charge. Thus, there are no financial interests associated with the software.

The Hobbit monitor software was inspired by – and a replacement for – another piece of software called "Big Brother", which is owned by someone else (Quest Software) The reasoning behind my choice of name for the software is best described in the documentation that accompanies the software:

> Choosing a name is *hard*. I wanted a name that was easy to remember; could be interpreted as a somewhat meaningful acronym; and one that did not refer directly to the Big Brother origin. "Hobbit" could mean "High-performance Open-source BB ImplemenTation" but it might as well just be a name. If you're familiar with the Hobbit's in Tolkien's books, you will know that hobbits are very fond of things that are green - just like any systems- or network-administrator prefers his monitoring screen to be. They also pay a great deal of attention to what is happening around them, and are capable of doing things that you would not think they could when you first saw them. All of these characteristics apply well to the Hobbit monitor.

When I chose the name, I didn't really consider that it might violate Your clients' trademarks – in my view, there is quite a difference between the Lord of the Rings litterary works and my computer software, so I was certain that no one would assume any relation between the two. I do appreciate the works of J.R.R. Tolkien, which is part of the reason for my choice of name for the project. The fact that I had to choose the name right around the time when the Lord of the Rings movies were showing probably also had some influence.

In response to Your questions:

- No, the Hobbit monitor is – to the best of my knowledge – not offered as a commercial product or service. The software is developed because I find it intellectually stimulating, not because I want to make a profit from it.
- No, I have no intentions of commercializing the Hobbit Monitor.
- The scope of the Hobbit Monitor software is purely that of monitoring computer systems. I have no plans to change that.
- I do not receive any payment for the software. I do not know if anyone else does; since the software licensing allows anyone to distribute the software as long as the source code is also provided, I do not have the degree of control over the software that would let me answer this question completely. E.g. there might be consultants offering assistance to install and configure the software – this is not something that I would know about.
- I do not have any other projects planned which bear any relation to the works of J.R.R. Tolkien.

I would of course prefer not to have to change the name of the project – that would be a major task that I would rather avoid. So I sincerely hope that we can find some sort of agreement that would make this possible.

Yours truly,

Henrik Størner