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Recording Software and XM Do a Dance

By MARC WEINGARTEN

FOR many [XM Satellite Radio](#) subscribers, the designation XXL might be more apt. There are too many choices spread across more than 120 channels, and not enough time to listen to them all. TimeTrax Technologies, a company in North Potomac, Md., has made an attempt to solve the problem with TimeTrax Connect.

The system includes hardware and software that allows an owner of an XM Direct receiver to capture satellite broadcasts on a computer hard drive as MP3 or WAV files to be saved and played back at the user's convenience.



Matthew Cavanaugh for The New York Times

KEEPING TIME - The TimeTrax Connect system includes hardware and software that captures satellite broadcasts as MP3 or WAV files. The idea came to Scott MacLean, above, while he was attempting to record XM Satellite Radio broadcasts.

TimeTrax is the brainchild of Scott MacLean, a software developer in Toronto. In August Mr. MacLean wanted to record a Blondie concert broadcast in the early morning by XM. He set his computer to record all night, expecting to find a giant WAV file waiting for him the next morning.

Instead he woke up to find that his computer had crashed; the WAV file was too large.

So he tried again, this time apportioning separate files for each song. That worked like a charm, so Mr. MacLean began fiddling with the application, figuring out ways to record XM when he wasn't around to listen. He eventually came up with a software application he called TimeTrax. When used in conjunction with XM's PCR device, which turns a computer into a functional satellite radio, TimeTrax could record XM content and play it back any time, creating a [TiVo](#)-like service for satellite radio.

Mr. MacLean posted the software on an XM forum, and thousands of users downloaded it. TimeTrax was soon being written about on technology Web sites like Gizmodo and Slashdot.

But Mr. MacLean's satellite radio recording revolution hit a snag on Aug. 20, when XM's lawyers sent Mr. MacLean a cease and desist order. The lawyers pointed out that XM's customer service agreement prohibited subscribers from reproducing or otherwise creating unauthorized recordings of XM programming. They said the TimeTrax software made it easier for XM subscribers to do just that.

According to XM, TimeTrax was also infringing on its copyright by placing a picture of an XM radio sourced from XM's Web site on the TimeTrax site (timetraxtech.com). Mr. MacLean did not take down the Web site; he put up his own picture.

"I wrote a letter back to them basically telling them that their concerns were groundless," he said.

Enter Elliott Frutkin, chief executive of Doceus, a software company based in Washington that develops products for nonprofit organizations. Mr. Frutkin read about TimeTrax and tracked down Mr. MacLean. In September they formed a partnership, with Mr. MacLean becoming the chief technology officer of the new company. "XM wasn't happy with the functionality of TimeTrax, and Scott wasn't happy that XM was trying to intimidate him," Mr. Frutkin said. "If XM had concerns, we were willing to discuss it with them. We wanted to reach out and let them know that a new group of executives was taking over and we had a business plan in place."

But not long after Mr. Frutkin and Mr. MacLean reached their agreement, XM discontinued the PCR. Mr. Frutkin said it was very likely that XM would have stopped making the PCR to make way for its online radio service, but the timing was suspicious.

"It seems a strange coincidence that PCR's were discontinued just when TimeTrax was being released," he said.

XM said that the two events were unrelated, that the PCR was discontinued to clear the way for XM's Web radio service, which doesn't require hardware other than a PC.

"There was speculation that we had discontinued the PCR because of TimeTrax, but our online service makes the PCR unnecessary," said Chance Patterson, XM's vice president for corporate affairs. "We had been developing the online service long before TimeTrax."

Mr. Frutkin and Mr. MacLean are careful not to cast themselves as rogue heroes of the free music movement, and they have taken measures to ensure that the TimeTrax software isn't a

theft enabler. It puts an XM identification code onto every TimeTrax music file, which can be tracked if it shows up online.

"TimeTrax is a powerful product, but it should be used responsibly," Mr. Frutkin said. "We're currently in the process of working on creative ways to go forward with XM, but we're not sure if they're interested yet."

Although the two companies have worked out a rapprochement of sorts that allows TimeTrax to continue producing its products, XM has no immediate plans for a business arrangement with TimeTrax.

"We have lots of partners that we work with, companies that have a process for validating and testing product," Mr. Patterson said. "That's something TimeTrax didn't do. They just posted a site online, and people are sort of in a buyer beware situation where they don't know if the product works properly or not."

XM's objections notwithstanding, Mr. MacLean and Mr. Frutkin are pushing ahead with TimeTrax Connect, which includes a small adapter for the XM Direct, a universal tuner that XM says is compatible with most satellite-ready car stereos through a variety of digital adapters. TimeTrax customers can skip the car, plug the XM Direct tuner into the TimeTrax adapter, then connect the adapter to the PC with a U.S.B. cable. The TimeTrax software lets your computer control the tuner and capture the broadcast.

XM subscribers can purchase the TimeTrax software and adapter from the company's Web site (\$50); for others, the company offers a package that includes the TimeTrax adapter and an XM Direct Radio for \$100.

Mr. MacLean and Mr. Frutkin, who say they are undeterred by XM's resistance, have had exploratory meetings with [Sirius Satellite Radio](#) to determine if it might be interested in folding TimeTrax applications into its service.

"We're doing quite well without XM endorsing us," Mr. MacLean said.

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