



THE DOW CHEMICAL COMPANY

MIDLAND, MICHIGAN 48640

June 9, 1966

Joseph J. Kelly, Esq.
Patent Attorney
Patent Department
Johns-Manville
Research and Engineering Center
Manville, New Jersey 08835

PLAINTIFF'S
EXHIBIT

JM 1095

Re: Irradiated Plastic Pipe Proposal

Dear Mr. Kelly:

Thank you for your letter of May 27th.

It seems that the best way now to proceed in the matter is to get together. However, I will be out of the country until July so that, as far as I am concerned, a meeting before then is not possible.

However, if next month is not too far off for you, we will be glad to get together again. In the meantime, the present response to your correspondence may be helpful to you.

In this connection, I am referring to Dr. Boyer certain of your questions (as indicated in the following) and I am sure you will be hearing directly from him in connection therewith.

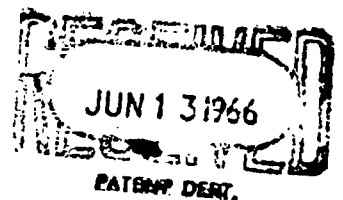
Our immediate answers to your questions, insofar as we can be definite at the present time, are set forth below in the same numerical order employed by you.

1. While it would require some direction and knowledge of what you have in mind, I am sure that we would consider some extension of the license beyond the pipe field.

2. Probably some compromise would be in order and I am sure that this can be worked out when we get together.

3. Again, it seems better to discuss the entirety of this question rather than to offer anything concrete here. We feel that what has been suggested is fair and reasonable but we are open to further reflection on the matter.

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4. The minimum royalties are prepaid and creditable per Article IV(E) although I believe you will notice that the reporting provisions of Article VI does not require quarterly prepayments of production royalty.

5(a). I would say that the term "grafting" necessarily covers at least a certain amount of "cross-linking".

5(b). I believe the best answer to be provided will be found in your inspection of the now-issued patent (i.e., U.S. 3,252,880). Perhaps Dr. Boyer can tell you better of the possible reasons why certain polyfunctional monomers may not be covered.

5(c). We believe, especially with issuance of U.S. 3,252,880, that the position is very good. We anticipate having it kept this way although it is obviously too early to tell you precisely about how actively it will be actually enforced. To our present knowledge, no unauthorized infringement problem exists.

6, 7 & 8. These are deferred to Dr. Boyer.

9. Again, Dr. Boyer is in a better position to tell you although I do believe that radiation from a Van de Graaff is satisfactory.

10. This likewise is deferred to Dr. Boyer.

11. Yes, Dow and at least one other authorized party are so operating.

12. So far as I know, nothing.

13. Not to my knowledge.

14. This would certainly be a possibility although I believe our preference would be per the proposal made to you.

15. We don't agree with your conclusion since what is called for simply amounts to consideration for your commercial use of the know-how (which you can make with purchase of materials or, at your option and if you prefer, with the stated equivalent in cash). Obviously, nothing in the mentioned paragraphs involves use of or ties in with any patent rights.

Please let us know if you wish any further information.

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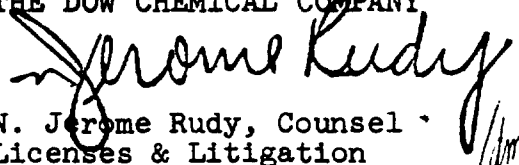
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We will look forward to seeing you in the not too distant future and we do hope that we can move quickly to some mutually satisfactory understanding in the premises.

Sincerely,

THE DOW CHEMICAL COMPANY


N. Jerome Rudy, Counsel
Licenses & Litigation
Patent Department

NJR/dm

cc: Dr. Raymond F. Boyer

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