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Ken
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December 9, 1977

PLAINTIFF'S EXHIBIT

BIR-911

Mr. Leslie Barnett
P. O. Box 0
15 Globe Court
Red Bank, New Jersey 07701

Dear Mr. Barnett:

In accordance with our phone conversation yesterday, this letter is to confirm that Bird & Son has decided not to embark on a program to determine the benefits of RATOP-B7 as presented to us by you and Mr. Tylukl on November 16, 1977. We do not believe that a cost/performance improvement over our current system will result, nor do we feel that we can devote the research time that appears necessary to determine otherwise.

If, in the future, your patent situation is settled and you have introduced the product for general sale, we expect to be able to arrange time to evaluate it in comparison with our present release agent. We shall, however, continue to maintain our position that these tests will be run by Bird personnel without the assistance of outside help.

Very truly yours,

Leonard W. Weaver
Technical Center Manager

LWW/rp

cc: Dr. Schnizer
R. Dickinson

BIRD 013558

MEMORANDUM

In Reply to _____ Date 4/23/77 From MS To LWW
Subject Chemical Additives

I'm not impressed with the likelihood of realizing the financial gains claimed. In any event, we can test the product without the restrictions proposed whenever it is put on the market. Tell him we cannot accept his conditions.

MS

MEMORANDUM

BBH

In Reply to _____ Date 11/18/77 From L. W. Weaver To BE- Dr. Schnizer
Subject _____ CHEMICAL ADDITIVES

On 11/16, BBH was visited by Leslie M. Barnett, President, and Leigh G. Tyluki, Technical Representative of-

Chemical Additives
P. O. Box 0
15 Globe Court
Red Bank, New Jersey 07701

They met with Messrs. Hoye, Patenaude, Sutton, and Weaver.

The purpose of the visit was to explain the benefits of a release agent for self-sealing shingles, identified as RATOP-B7. A descriptive brochure and other literature (attached) were distributed.

The background to the visit is that Mr. Barnett has been calling on Bird (mainly Ron Dickinson at Perth Amboy) for a few years in an effort to sell release agent for Wind Seal shingles. His former association with DuBois (see attached folder describing his company) may have provided the original contact, since Bird started buying its soap for the Wind Seal system from DuBois in 1955 and continued for a number of years until Bradford replaced DuBois as a supplier.

BBH was asked to evaluate his original product and found it to be more readily re-wettable with water than the Bird standard anti-stick. The current offering is a result of efforts to overcome this problem. He passed around the table at the meeting a small bottle of the RATOP, a fluffy cream-colored powdered solid, which smelled strongly of stearate.

His claims for the product are:

1. Monetary savings to Bird by (a) eliminating wax from Wind Seal Adhesive and (b) reduced usage of anti-stick, which effectively overcomes the fact that his product is nearly triple the price of the Bradford soap, now Bird's standard.
2. Better sealing of the shingles because there is no transfer of the RATOP from the back of the adjacent shingle in the bundle, as is the case with Bradford soap, and hence no blocking of the adhesive.
3. No re-wetting of the RATOP by water.

It was explained to Mr. Barnett that his assumption that was possible to eliminate wax from the Bird Wind Seal Adhesive was based on the fallacious belief that the wax only served one purpose - to aid in package release. This is not the case, and tests would be required by Bird to find an adhesive without wax which would work adequately.

MEMORANDUM

In Reply to _____ Date _____ From _____ To _____
Subject _____ - 2 -

It was also explained that, unlike our competitors, who use tape as a release device, Bird is not highly dissatisfied with its present system. We did not explain that if he actually had a better release material, Bird might be motivated to change adhesive as a possible means of helping to alleviate the horizontal cracking problem.

In addition to the above points, a discussion was also held on a point alluded to by Mr. Barnett that his product required an essentially dry surface to be applied to and subsequently that the shingle be completely dry on packaging. When pressed on these points, he back-tracked a bit, since we took the stand that dry conditions in a roofing mill were impossible to assure.

The foregoing points indicate that he may have a product that would be useful to Bird, but that a fairly time-consuming test program would be required to prove it. An impasse occurred over Mr. Barnett's insistence that he delegate one or two of his technical people to reside at our lab and either run the tests or aid the Bird chemists in running them.

It seems he is afraid that samples and data on his product may leak to a competitor and the presence of his people will assure security, including destruction of any left-over sample material. He claims that the patent situation dictates this policy and that at least two other roofing companies, including J-M, have complied with his suggested course of action. I failed to ask him how he intended to assure himself that any of his product sold to customers would not leak to competitors.

His stand on the subject would be more believable if it were not that this has been his approach since he began to deal with us. With respect to his first offering, a year or more ago, I told him that we would test the product ourselves and let him know the results or else not consider it at all. He acquiesced to our terms at that time.

He is currently more adamant, even though I offered to sign a confidentiality agreement including the destruction or return of all unused material. He still insisted his people be present, even though I stated that we would demand of them a signed statement to keep confidential any test methods and techniques divulged by us to them.

I believe that he is really concerned that his material will not pass our tests and that his people can demonstrate procedures which will convince us of the truth of his sales points. He implies that unless we choose to go along with his approach we will be in danger of missing out on a sure thing.

I told him that, in my opinion, the presence of his people would slow down our evaluation rather than speed it up and that the questions raised by his product claims would require so much work on our part that I questioned how soon we could get at it, considering our other active project priorities.

MEMORANDUM

In Reply to _____ Date _____ From _____ To _____
Subject _____ - 3 -

It was finally agreed that I would explain the matter to you and let you arbitrate the matter. It is my opinion that a brief evaluation by Cliff Patenaude might be justified to determine whether his product would be a superior release agent for the Witco 527 Adhesive. I do not believe it is worth our while to go along with his proposal as presented for the purpose of making a slight modification in our present adhesive merely to eliminate the use of wax so we could afford to use his RATOP-B7.

LWW

LWW/rp

DRAINAGE-DEWATERING

- Ores
- Paper Mills
- Roofing Felts
- Waste Water

INHIBITORS

- Fungicides
- Metallic Corrosion
- Phosphate Coatings
- Soluble Oils

LOW-TEMPERATURE

- Detergents
- Degreasers
- Metal Cleaners

LUBRICANTS

- Metal Forming
- Phosphate Coatings
- Soluble Oils
- Wax Emulsions

MAINTENANCE

- Automatic Scrub Compounds
- Felt Cleaners
- Hydropulper Boilouts
- Spray Cleaners

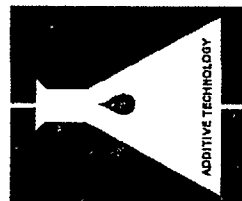
RELEASE AGENTS

- Concrete Forms
- Roofing
- Rubber
- Textiles

STRIPPERS

- Inorganic/Organic Films
- Metallic: Tin-Lead
- Paints
- Water-Wash Booth Compounds

**How the greater
flexibility
of a little company
serves big industry**



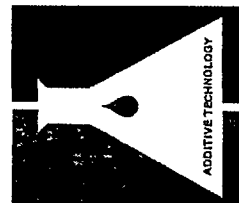
For further information
write on your letterhead
to:

**Chemical
Additives**

P.O. BOX O, RED BANK,
NEW JERSEY, 07701

Tel. (201) 842-3550 (212) 285-9392

**CHEMICAL
ADDITIVES**



Introduction

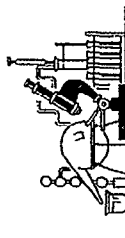
CHEMICAL ADDITIVES (formerly IMM, Inc.) started business in 1955 with one client, a major chemical specialty producer, for whom it developed a series of unique process compounds which they, in turn, marketed to multi-plant large-volume food processors and other industrial consumers. After this customer merged into W.R. Grace in 1962, CHEMICAL ADDITIVES continued to supply R & D to other chemical companies until 1971, when it redefined its marketing and research objectives to directly serve the industrial consumer.

CHEMICAL ADDITIVES specializes in a wide range of chemo-technical products, including coating strippers, defoamers, de-oxidants, dispersants, inhibitors, low temperature detergents, lubricants, release agents and other compounds for large, multi-plant consumers. Your production and safety problems or process system inconveniences are investigated by CHEMICAL ADDITIVES' trained personnel, and product systems are then custom tailored to meet your particular needs.

CHEMICAL ADDITIVES offers a unique cost and performance guarantee. Once potentially useful compounds are laboratory processed, a product system evolves and a test installation is made at your plant on a GUARANTEED basis. Performance of the new system must substantially surpass the competition or all unconsumed material is returnable for full credit. Regardless of consumption of test material, CHEMICAL ADDITIVES will not charge more than your historic cost. All chemical additives required to modify the starting formulation will be supplied on a no-charge basis.

Organization

Leslie M. Barnett, founder and president, had a 16 year career with DuBois Chemicals, a division of Chemed, perhaps the nation's leading chemical specialty producer for industry. As director of marketing and assistant to the president, he pioneered in automated control of chemical process systems for industrial use. His expertise is strongly reinforced by CHEMICAL ADDITIVES' research staff, which is one-on-one to the sales staff. This extraordinarily high ratio makes it possible for the Company to develop specific chemical compounds for customer needs.



To serve you most appropriately, CHEMICAL ADDITIVES matches its research dollars to your sales dollars. Assuming your usage of chemical compounds exceeds \$50,000 a year, CHEMICAL ADDITIVES will design a product series for your needs. Several areas in which significant improvements have been achieved over conventional product systems are listed below.

ACCELS

Degreaser replacements for:

- Caustic
- Chloroethene
- Trichlorethylene

BACTERICIDES

- Beer Pasteurizers
- Slime Control
- Odor Control

CARBON STRIPPERS

- Engine Hardware
- Aircraft
- Automotive
- Marine

CLARIFIERS

- Coal Slurries
- Ores
- Paper Mills
- Pulp Mills

DEFOAMERS

- Paint
- Paper Mills
- Pulp Mills
- Roofing Felts

DEOXIDANTS

- Heat Scale
- Mill Scale
- Metallic Corrosion

DISPERSANTS

- Fiberglass
- Oil Spills
- Paper Mills
- Roofing Felts