

FORM 404
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INTER-DEPARTMENTAL COMMUNICATION

FISHER SCIENTIFIC COMPANY

PLAINTIFF'S EXHIBIT

FISC-137

DATE April 4, 1972

TO Charlie Dithrich AT Pittsburgh

FROM Jim Philip AT Fair Lawn

SUBJECT A-908, ASBESTOS, Powder

Charlie:

We have been selling one-hundred pound units of A-908, Asbestos, to Union Carbide Research through the Cleveland branch and Tom Price as the salesman.

They used this material in compounding a product and this product was used patentable and patent was applied for. When the product was transferred to a development lab, these people claimed the A-908, Asbestos, was actually talc. This was proven to the satisfaction of the development people through X-ray diffraction.

Mr. J. F. Hohmann, Union Carbide Patent Lawyer, called me on March 29, 1972, and, after explaining the above, asked if we had any justification for calling our A-908 product "Asbestos." If we could not, he explained that their patent application would require refiling and this would cause a loss of time and money.

When I checked into this problem, we use talc purchased from Whittaker, Clark, & Daniels, Incorporated, for both T-4, Talc, and A-908, Asbestos. The chemical analysis for both are identical but the X-ray diffraction patterns are definitely different so we are mislabelling our A-908, Asbestos.

I could not determine when the decision to use Talc as Asbestos was made. Our records show that both T-4 and A-908 have been packaged from talc bulk since 1963. Our Quality Control people feel this decision was made prior to the Fair Lawn operation.

I called Mr. Hohmann and explained that our A-908, Asbestos, powder, was actually talc and we could not determine when this substitution was made. He thanked me and said he would make the necessary changes. He then told me that he had a copy of

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a letter from our Peter DelBoca to Tom Price saying our A-908, Asbestos, is the amphibole type. A copy of the letter is attached.

Also, I have attached a copy of a letter I received yesterday from Mr. Hohmann requesting confirmation in writing of our phone discussion. I would like your opinion as to my course of action. I feel I should send him a letter but would like your okay.

Jim



JBP:cmk
Attachments

cc: E. Perkins
C. Dickson
G. Pillori

