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AIR MAIL

December 19, 1939

William J. Knox, Jr., Superintendent
White Lead Plant
International Smelting & Refining Co.
East Chicago, Indiana

Dear Mr. Knox: Re: Johnson et al. Application, Ser. No. 178,352, For: Method of Producing White Lead

Upon receiving your letter of December 15, 1939, I carefully reviewed the affidavit which you enclosed therewith for filing in the above-mentioned application. The affidavit suggested a number of improvements brought about by the process of the invention which were not specifically stated in the affidavit, and accordingly I took the liberty of revising it to point out these advantages more specifically and also to incorporate certain formal statements which generally are desired in affidavits of this type. The revised affidavit is enclosed herewith for your consideration. I have left a number of blank spaces to be filled in by you, providing the data asked is available.

The third paragraph on page 1 is designed to qualify you to testify as to the value of the process of the invention. In this paragraph, it is stated that you are superintendent in charge of the White Lead Plant, and that

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you have been so employed for a number of years. A blank space has been left for you to fill in as to the number of years which you have served in this capacity.

I gathered from the affidavit that the product which you are now making is on the average more uniform than it was formerly. I have assumed that prior to development of the process described in the applicat[illegible], th[illegible]position of the white lead product varied in normal operation of the plant over a wider range (as indicated by the CO_2 content) than it does today. A statement to this effect was set forth in the affidavit in the paragraph immediately following the table on page 2. In this paragraph blank spaces have been left to be filled in with the upper and lower limits of CO_2 content of the white lead normally produced in the plant before the new control process was put into use there, and other blank spaces have been left to be filled in with the upper and lower limits of CO_2 content of the white lead now being produced. For this paragraph to be of any value, the range of CO_2 content of the product now being made should be narrower than the corresponding range of the product formerly made. Perhaps this paragraph should be omitted, for it may be that I have misunderstood how accurately you were able to control CO_2 content of the pigment prior to development of the process of the invention. If, however, there was in fact a wider range of CO_2 content in the older product than there is today, then the paragraph should have some weight with the Patent Office after the blank spaces have been filled in.

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It also occurred to me that the Patent Office might be impressed by a statement as to how much saving of time has been brought about by the process of the invention in actually affecting adjustment of the composition of the pigment. In view of your affidavit, it appears that under the old procedure a considerable period must have elapsed between the time when it was decided that a change in the carbonation rate had to be made and the time by which such a change actually was reflected in a change in the composition of the cell product. Under the new procedure, I understand that this period has been materially reduced. I have revised the part of your affidavit which points out this saving in order that the magnitude of the saving may be made clear to the Examiner. To this end, blank spaces have been left in the paragraph beginning at the bottom of page 2 and extending over on page 3, which spaces should be filled in with the number of minutes required under the old procedure to effect a noticeable change in the composition of the cell product and the number of minutes required under the new process to effect such a change. Exact figures will not be required for this portion of the affidavit, but they should approximate as closely as possible the average time which experience showed you was and now is required to effect a change in the product composition. I realize that under both the old control procedure and the new control procedure there was no sudden change in the composition of the cell product, and consequently it will be necessary for you to set forth some average time. The manner

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in which this average time is determined should, of course, be the same for each of the two different control procedures.

If you can complete the affidavit by filling in the blank spaces (they are checked in the margin) and the affidavit correctly states the facts of the case, I suggest that you execute it and return it for filing. If, however, the affidavit as revised is incorrect in any respect, or if it cannot be properly completed by filling in the blank spaces, it should be revised. In such event you might revise it, or, if you prefer, advise me as to how it should be revised, and I will attend to it.

Permit me to thank you for your cooperation in this matter.

Very truly yours,

James W. Laist

Enc.
C.C. Mr. Case
C.C. Mr. Laist