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November 27, 1940

Mr. Frederick Laist, Vice-President
International Smelting and Refining Co.
25 Broadway (Room 1720)
New York, N. Y.

Dear Sir:

Re: Application of Johnson, Bowman and
Knox, Ser. No. 178,352, Filed December
6, 1937, For: Method of Producing White
Lead

Enclosed is a proposed affidavit to be executed by
Mr. Knox at East Chicago for use in further prosecution of
the above-mentioned application. The affidavit is designed
to traverse certain grounds for rejection upon which the
Examiner relies on the basis of a prior patent of which Mr.
Knox is one of the patentees.

If this affidavit is satisfactory and correctly
states the facts, I will appreciate having it executed and
returned at as early a date as is convenient. Although we
still have considerable time in which to reply to the last
Office action, it is to be borne in mind that the Office
action was made final, and that consequently we should not
delay any more than is necessary.

It is quite possible that when the Examiner con-
siders the enclosed affidavit he will raise the objection
that it does not present specific test data to support the

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statements made. Although I would consider such an objection to the affidavit as unsound, it would be advisable to be prepared to submit such data should it be required. I do not believe this will require special test work. If Mr. Knox can look through his test records of the work leading to development of the process covered by the Johnson et al. patent No. 1,845,713, I imagine that he will find the sort of information that might be required. This information should include specific figures as to the quantities of acetic acid or sodium bicarbonate, as the case may be, added in following control procedures (2) and (4) of the above-mentioned Johnson et al. patent. The data should also include figures showing the actual amount of electrolyte that was from time to time required to be discarded, and if possible, the amount of valuable salts present in such discarded electrolyte.

Mr. Knox can forward this data at his convenience. It will not be necessary meanwhile to delay execution of the enclosed affidavit.

Very truly yours,

James W. Laist

Enc.

copy of letter with enclosure sent Mr. Case - 11/28/40

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