PLAINTIFF'S EXHIBIT

USG-1659

June 28, 1971

Mr. J. H. Schachter
W. R. Grace & Company
62 Whittemore Avenue
Cambridge, Massachusetts 02140

Dear Mr. Schachter:

In view of the program of mutual cooperation between W. R. Grace & Company and United States Gypsum Company in connection with research, development, and testing of certain sprayable cementitious fireproofing coating materials, including compounding information and test data relating to performance characteristics, this letter agreement has been prepared to reflect our mutual understanding in regard to proprietary technical information which has been or will be exchanged between the parties in connection with the foregoing program. For this purpose, the parties agree as follows:

Neither party will analyse for the purpose of determining chemical composition any sprayable coating material supplied or used by the other party in connection with the foregoing program, and will not cause or permit the same to be so analyzed by any third party.

Each party agrees to keep in confidence and not disclose to any third party all technical information relating to the composition, method of manufacture, or performance characteristics of sprayable coating materials supplied by the other party, provided that all such information must be disclosed in writing to be considered as confidential. However, neither party shall be obligated to refrain from using or disclosing any information which was already in its possession at the time of this agreement, or which is now or hereafter in the public domain without the fault of such party, or lawfully comes to the possession of such party from an independent source.

GP030 1543

Signed by in Secretarial Dept.

To signify your acceptance of the foregoing understanding, please sign and return the enclosed copy of this letter.

Very truly yours,

UNITED STATES GYPSUM COMPANY

W. I. Blosser
Development Manager
Tooling and Casting Division

WIB:jmv

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