

FILE NAME: National Safety Council (NSC)

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DOCUMENT DESCRIPTION: Letter to Donald Tulloch, Jr. from Philip Carey Co. RE License Agreement

FEDERAL TRADE COMMISSION

Docket No. 4613

COMMISSION'S
RESPONDENT'S

Exhibit No. 12

IN THE MATTER OF

Acme Asbestos

DATE 5/5/42

WITNESS

Tulloch

REPORTER

Johnson

September 16, 1935

Mr. Donald Tulloch, Jr.,
16th floor, Inquirer Building,
Philadelphia.

Dear Mr. Tulloch:

Yours of the 13th inst. with enclosures received this morning. Respecting the license agreement, in my letter of Friday last, I called your attention to a suggested addition in Section IV, line 14, but omitted in my letter to note the line in which the insertion was to be made. In examining the sublicense which you sent with yours of the 13th inst. I note that this suggestion has not been included. Of course, I appreciate that it did not reach you in time. However, I believe you will note the importance of it and have the sublicense amended by making the insertion; otherwise, you may find licensees with a restricted list, such as the winders will have, insisting upon more information than they are entitled to.

In the copy of the sublicense which you sent me in yours of the 13th inst., - In Section XV, line 8, you have inserted after "licensed" and before "materials" the words - of the - I presume this insertion should have been made before the word "licensed" and after the word "any". Kindly advise.

I note the change in Section XX and while the change has broadened the scope of the section, it has, in my opinion, weakened its effectiveness somewhat and perhaps laid it open wider to an attack. It is so broad now that the licensor could terminate the license if a licensee sold magnesia covering which is, of course, useful for many of the same or similar purposes as the licensed materials. Is it your thought that magnesia insulation would interfere with the licensees' efforts to promote the use and sale of the licensed materials?

Regarding the list of licensed materials, - under date of September 13, I forwarded you the list rewritten with a heading which I suggested for your consideration. Of course, this was not received by you in time to use but I believe it would be wise to consider changing the list of licensed materials so as to conform with the list I sent you, particularly respecting the heading. I note also in the list that you sent me you have not included all of the changes suggested by Mr. Steffens, which changes were included in the list which I sent you with mine of the 13th inst.

Awaiting your further advices, I am

Very truly yours,

Geo. W. Mills, Jr.

J.W. (Signed)

Philip Carey Mfg. Company

F. Trade Com.