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May 11, 1976

Mr. James Shannahan
Statitrol, Inc.
140 South Union Boulevard
Lakewood, Colorado 80228

RE: Reissue of Patent 3,778,800

Dear Jim:

As I have indicated for some time, I have felt that the subject patent probably should be reissued. The recent conference sessions with attorney Powers of GE have served to convince me of that. The present broad claims are just too close to the prior art for comfort, although they can be distinguished. The main point is that success in obtaining the reissue in order to limit those claims ought to make them have a much better chance if they should have to be tested in court as to validity.

At the same time, of course, we do not want to unnecessarily limit the claims by reissue so that they would no longer apply to any of the significant infringing devices. Thus, all of us want to take a good hard look at the proposed revised claims of the reissue application before it actually is filed. On the other hand, there is a requirement of diligence present here. Therefore, I must request that everyone concerned get on this reasonably promptly and, if necessary, we all get together for a conference.

A copy of this letter is going to both Paul Staby and Lyman Blackwell, since they are the inventors who will be signing. In addition, I am sending them copies of the proposed reissue application. Another copy is included for your benefit.

You all will note that the specification in the reissue application is a direct copy of the patent as printed. For legal reasons pertaining to questions of the introduction of new matter and any change in the disclosure that underlies the reissue application, I do not want to make any changes whatsoever in the specification. The only changes will be in the claims. Moreover, each of those changes is only by way of further limitation. That is, we would be narrowing the coverage.

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As soon as we all agree on the exact wording of the different papers, and particularly of the revisions to the claim program, I will circulate the originals of the papers for signature. In closing, let me say that I can only think that this step will strengthen the position of the patent.

Sincerely,



Hugh H. Drake

HHD:ml

Enclosure

CC: Lyman L. Blackwell
Paul A. Staby
Duane Pearsall