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Letter to James Shanahan from Hugh Drake Re: General Electric Home Sentry Smoke Alarm

Statitrol Corporation

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November 26, 1975

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

RE: General Electric
HOME SENTRY Smoke
Alarm

Dear Jim:

I was able to make telephone contact with a patent lawyer I know at GE Bridgeport as a result of which I was placed into direct telephone communication with the patent counsel actually assigned to responsibility for their smoke alarms. The latter indicated that they were aware that your patent contained some claims which could be read upon their product. He quickly added, however, that it was their belief that any attempt to read the claims in such a way would also make those claims invalid as being readable upon the prior art which they had located in a search. He thereafter proceeded to cooperate by affording me with what he said was a complete list of those which they considered to be both the primary and the secondary references from the prior art.

Just as soon as copies of all of the references were collected, I proceeded to study them in detail. The result will be self explanatory from reading the annexed copy of my response to Mr. Powers.

In my response to GE, I have attempted to be both direct and honest. I just don't see that these references upon which they have relied teach the fundamental combinations which are the subject of the basic claims of your patent. In one way, the Witzke et al patent was probably their best reference, although I didn't mention that because it would only amount to setting up a straw man just to blow him down. Buried in the Witzke et al specification is a single, brief comment that a measuring device having a meter would have its pointer caused to vibrate by virtue of the operation of
entirely separate circuitry that monitors battery voltage and causes a neon bulb to flicker; presumably, that pointer vibration will occur as a result of multivibrator loading upon the battery. In any case, nothing in Witzke et al would suggest the use of the same or common sensing means for both the functions of condition sensing alarm and battery voltage alarm. However, that reference will require that the language of Claim 9 of your patent be carefully interpreted.

I am hopeful that my letter to the GE patent counsel will result in his reconsideration and reflection upon the position they initially took. I would expect that he will be in communication further, although it may be his preference that the next round be oral and on a person-to-person basis so that no further written record is established. If so, that might well be the first time that there would be any mention of what royalty rate we might be thinking about. Whatever happens, I will let you know just as soon as I hear anything further.

Meanwhile, all this has kept me from wrapping up the results of the validity search and preparing a letter opinion on that. My Washington associate has advised that nothing further surfaced which was any more important than that which we already considered. In the latter regard, the Russian patent which caused some concern simply does not appear to be available as a reference. The Russian expert retained has professed a firm opinion that no inventors' certificate ever was granted on the earlier application in Russia for such a certificate. This appears to leave the Donlelian patent we discussed in Denver as the closest prior art developed in the search, and that reference fails to meet the terms of even our broadest claim in that its teachings include the use of two separate alarm devices.

I will write up the results of the validity study just as soon as I have received everything which has been sent from Washington and have had a chance to go through it. In the interim, please let me know of any feedback
you might have, directly or indirectly, concerning our letters to Emhart, BRK and Unitec. The usual course of conduct in that regard would be for them to turn it over to their patent lawyer who would send me an acknowledgment fairly soon and then later follow up with more detailed communications.

Sincerely,

[Signature]

Hugh H. Drake

HHD:ml

Enclosure

CC: Duane Pearsall