

FRED MEDART

MANUFACTURING Co.

POTOMAC AND DE KALB STREETS SAINT LOUIS, Mo.

R. E. WEINZETTEL
SALES PROMOTION MANAGER

September 19, 1939

Dr. Forrest C. Allen
University of Kansas
Lawrence, Kansas

Dear Phog:

The following subject is, as you will promptly note, a very serious one, and I am anxious to get your complete opinion on it.

Last Thursday and Friday I was in Chicago and saw Porter in connection with the convex basketball backboard of modified size. I gave him the voting by the coaches at the various Coaching Schools this summer, and there was a total of 66% of the coaches voting in favor of the convex idea. This data, together with what had come direct to Porter from many parts of the country, indicated that the convex backboard was very much in favor; and surprising as it may seem, Porter said it looked as if the convex idea would be favorably acted on by the Rules Committee, although he qualified that statement by saying that he could not guarantee that would happen at the next meeting or the one following, for that matter, although it was not beyond the realm of possibility that the Rules Committee would pass on the convex idea favorably next March.

That brought up the question of patents, and at this point we encountered something that was extremely disconcerting to us. Porter wanted to know what we had in the way of patents and I frankly told him that we were attempting to get a basic patent on the convex idea, and he told me that if we were issued a patent of that kind he felt confident we did not have one chance in a million of getting the Rules Committee to approve the convex board because they could not, in that way, set us up as being the one and only concern in the United States from which these boards could be purchased. I anticipated something like this and told him that we would be glad to give him, in writing, a release from any infringement for any school that wanted to build a convex board in their own woodshop for their own use, and further, that we had already agreed to license one or two of our competitors to manufacture convex boards so we would not be the one and only source of supply. All of this, of course, being predicated on our obtaining a patent, which we have not received at this writing.

Notwithstanding the above assurances, Porter remained unchanged in his opinion, and while very friendly and co-operative, he could not see any way out for us if we are granted patent protection on the convex idea.

I am sure you can appreciate that this puts us in the "nine hole" without a question. In a further discussion with Porter while in Chicago, he said he had been giving the matter some thought that possibly we would be willing to turn the patent over to the Rules Committee, relinquishing any hold on the patent, and in that way gain what we could in the way of publicity, i.e., as having