

Suit filed by Rustless vs Nirosta, Circuit Ct, Del., files examined 6/14/41(Sat am) in office of Clk. Ct Bakey.

Patent 2,186,710, granted 1/9/40. Civil action 158. Filed 6/4/40.

Complaint;"Subsequent to issuance of...patent Nirosta represented to Rustless and to users of Rustless' alloys that it is the owner of said letters patent, that the manufacture, use and sale of certain of Rustless' alloys and particularly these thereof in articles of welded construction constitutes infringement upon said patent; and that said infringement renders Rustless and users of its alloys liable to substantial sums of money"etc.

"Nirosta has failed and neglected to bring suit against Rustless or such users for the alleged infringements" although Nirosta has threatened "our users" and has attempted "to intimidate them into taking licenses ~~under~~ under said patent at an unjust and unnecessarily high royalty, to-wit, Thirty Dollars (\$30.00) per ton."

Asks court to "declare United States Letters Patent No.2,186,710 are invalid and void."

Nirosta demanded a bill of particulars 7/13/40, in effect denying threats and demanding that these be specified.

On leaving I asked Miss Bakey if it wasn't unusual that there had been no action on the demand for a bill of particulars and the motion to dismiss by Nirosta after almost a year and she would only refer me to the lawyers in the case.