D 1902 M.P - Patents

Law Offices of
Dyer, Edmonds & Dyer.
Specialty: Patents and Patent Causes.
31 Nassau Street,
New York.

Richard N. Dyer.
Samuel O. Edmonds.
Frank L. Dyer.

Cable Address
"Venerve, New York."
Tel. No. 2910 Cort.

May 6, 1902.

W. E. Gilmore, Esq.,
Vice-President, Edison Manf'g. Company,
Orange, N. J.

RECEIVED
MAY 7 1902
ANS.

Dear Sir:-

We understand that Rock, Blackton and Smith are duplicating foreign films and perforating the edges thereof to adapt them for use on the Edison kinetoscope. In doing this they are unquestionably in contempt of Court, inasmuch as the film so constructed embodies the invention of claim 6 of the Edison kinetograph patent under which these individuals are enjoined. As to proceeding against them by application for punishment for this contempt, the wisdom of this must be determined in view of the following considerations:-

Claim 5 of the Edison patent has been held invalid by the Court of Appeals. Claim 6, not involved in the Mutoscope case, differs from claim 5 only with respect to the limitation that the film must be provided with perforate edges, and perforating the edges of a moving picture film is not broadly new in view of the use of perforate-edged tape for recording instruments of one sort and another, as well as the allusion contained in the LePrince battery camera patent to perforating the edges of the picture ribbons to insure proper feed. In view of this, there is a possibility that upon an application to punish for contempt the

Court might hold that claim 6 did not materially differ in a patentable sense from claim 5, and that since claim 5 has been held invalid by a superior tribunal, the defendants, although technically in contempt, could not be punished. We assume that this showing would be made with more or less force, because since the Mutoscope Company and others are doing the same thing, Rock et al would in all probability call upon the Mutoscope Company to undertake their defence, and the argument in their behalf would be at least intelligent and based on the developments of the Mutoscope case.

As against the above, are the following facts:- Rock et al were sued under the patent and elected not to defend but to submit to injunction. After the injunctions had been issued against all three, they were found in contempt and when we moved for their attachment the Court in effect stated that he was morally convinced of their guilt but that he was unable to punish them since our only testimony proving such guilt was drawn from their own mouths, rather than from disinterested witnesses. Therefore, although practically found guilty, they were allowed to escape. This situation on being brought to the attention of the Court would in all probability predispose the Court in our favor on this second application to punish the defendants for their violation of the injunction.

Again, it may be argued that claim 6 is more limited than claim 5 and so drawn as to cover only the specific advance in the art made by Mr. Edison; that Mr. Edison had developed and put on the market the exhibiting machine designed to use the specific thing of the sixth claim, even determining the distance between the edge perforations, etc., and that these defendants had adopted the exact thing of that claim in competition with Mr. Edison's moving picture enterprise. This feature of the case would go somewhat strongly to the equities of the situation and might reasonably impress the Court much in our favor.

Of course, you will have in mind that if the injunctions granted under the kinetograph patent are to be violated with impunity, we might as well have none, and if the only question involved were as to the chances of success or failure of our application to punish these particular defendants, we should without hesitation advise you to proceed. The only danger which we can now foresee is that the Court might, in view of the trifling difference between claims 6 and 5 of the Edison patent and having the decision of the Court of Appeals fresh in mind, hold that the application to punish should be denied because of the probable invalidity of the former claim -- a thing which might embarrass us later on in a proceeding brought under the reissue which we hope to obtain and in which claim 6 of the present patent

will be included. The chances that the Court will take this action are somewhat remote, yet it is still a possibility.

As to the character of proof against Rock et al which must be obtained before we proceed, we can only say that this should be clear and convincing. We suggest that you consider the foregoing, and, if in view of it you wish us to proceed, that Mr. White call upon us and give us such information as he has, whereupon we will determine what further steps to take.

Yours very truly,

Dyer, Edwards & Dyer

SOE/IM.

CABLE ADDRESSES:
WORTLEY { NEWARK. NEW YORK.

LAW OFFICES
HOWARD W. HAYES,
PRUDENTIAL BUILDING, 765 BROAD ST., NEWARK, N. J.
160 BROADWAY, NEW YORK, N. Y.

TELEPHONES:
952 NEWARK.
1174 CORTLANDT, N. Y.

film

Newark N.J. June 2 1902

RECEIVED
JUN 2 1902

Wm E. Gilmore Esq
Edison Mfg Co
Orange NJ

Dear Sir:

I enclose piece of film I showed you Thursday with name stamped on it. What we need is some plan of stamping the Trade mark Thomas A. Edison on the film as well in such a manner that it cannot be cut out without destroying the film at the same time and will not be reproduced in a photographic copy.

Yours truly
Howard W. Hayes

1 enc

CABLE ADDRESSES:
WORTLEY { NEWARK. NEW YORK.

LAW OFFICES
HOWARD W. HAYES,
PRUDENTIAL BUILDING, 765 BROAD ST., NEWARK, N. J.
160 BROADWAY, NEW YORK, N. Y.

TELEPHONES:
952 NEWARK.
1174 CORTLANDT, N. Y.

legal

Newark N.J. June 4 1902

James H. White Esq
Edison Mfg Co
Orange N.J.

RECEIVED
JUN 9 1902
6/9

Dear Sir:

I enclose draft of an affidavit. If I have not stated any facts correctly make the necessary changes. Have it type-written with three copies, swear to the original before a Notary with a seal and send it down to my office by a special messenger. I gave Mr. Shattuck the copy for the ad in the Mail & Clipper. Send me a copy, if you get an extra one, for my files in case Lubin begins a suit for libel.

Yours truly
Howard W. Hayes

Thomas A. Edison
Plaintiff
vs.
Sigmund Lubin,
Defendant.
} In Equity.

State of New Jersey }
Essex County. } ss. James H. White being duly sworn according to law on his oath says: I reside at Orange, New Jersey. I am the manager of the Film department of the Edison Manufacturing Company, the trade name under which Thomas A. Edison carries on the business of making and selling moving pictures. I have had six years experience as a photographer and am thoroughly familiar with Photography as a fine art. I have made a special study of the artistic elements involved in taking moving pictures. In taking moving pictures photographically great artistic skill may be used. As a rule the nature of the subject taken prevents the artist from grouping or draping the objects photographed. But on the other hand, artistic skill is required in placing the camera in such a position that the lights and shades of the picture

when taken, shall have proper values, and the grouping of the figures and the background shall constitute a harmonious whole and have a graceful composition. I have examined the photograph "Christening and Launching Kaiser Wilhelm's Yacht 'Meteor'" copyrighted by Thomas A. Edison and have seen it reproduced on a screen. The negative was taken by Jacob Blair Smith, one of Mr. Edison's employees. He is a very expert and artistic photographer. When I first saw the photograph I was at once impressed with the artistic skill shown by him in placing his camera in the position from which he took the photograph. The photograph shows a group of figures outlined against the bow of the yacht which rises in a graceful curve beyond them. Back of that and above the yacht, the sky can be seen. The whole effect is that of a beautiful and artistic composition.

Sworn to and subscribed this
day of June, 1902, before me,
at West Orange.

legal

Law Offices
of
Dyer, Edmonds & Dyer.
Specialty: Patents and Patent Causes.
31 Nassau Street,
New York.

Richard N. Dyer.
Samuel O. Edmonds.
Frank L. Dyer.

Cable Address
"Teinerve, New York."
Tel. No. 2910 Cort.

June 20, 1902.

RECEIVED
JUN 21 1902
ANS.....

W. E. Gilmore, Esq.,
Vice-President and General Manager,
Edison Manufacturing Company,
Orange, N.J.

Dear Sir:-

We beg to enclose herewith copy of a letter from the attorney for the American Vitagraph Company et al., together with copy of our response. Please advise us as to what steps you wish us to take in that connection.

Yours truly,

Dyer, Edmonds & Dyer

SOE/DM.
Enclosures.

[ENCLOSURE]

(COPY.)

New York, June 18th, 1902.

Messrs. Dyer, Edmonds & Dyer,
31 Nassau Street,
C i t y.

Gentlemen:-

The American Vitagraph Company, Messrs. Smith, Blackton and Rock, naturally called my attention to the decision of the Court of Appeals in the case of Mr. Edison against the Biograph and Mutoscope Company. They tell me that all of the alleged infringers are freely making the devices covered by the patents which were declared invalid by the Court and they ask me whether or not I thought that they would be free to do the same thing.

I have told them that I do not think so because they had consented to the entry of a decree and an injunction against them and because, also, they had been enjoined on a patent which I understood was not involved in the litigation with the Biograph people. I have not looked into the matter very carefully, but I presume that that is the fact.

I want to know whether, under these circumstances, you do not think that Mr. Edison will place them in the same position as the general public are placed with respect to the patents which have been acted upon adversely by the Court, and, with respect to the patent upon which no suit is brought, if it is not intended by Mr. Edison to sue infringers on that, whether he will not release them from the effect of their decree?

Please understand that these gentlemen do not ask for any favors with regard to the matter but they wish to be placed in the same position as the general public and they think it no more than fair that this should be permitted to them.

Will you kindly submit this request to whoever is in authority with regard to the matter and let me know about it?

Yours truly,

W.R.Baird.

[ENCLOSURE]

(Copy).

June 20, 1902.

W. R. Baird, Esq.,
271 Broadway,
C i t y .

Dear Sir:-

Responding to yours of 18th instant, we beg to say that we doubt very much if your clients are in position to ask any courtesy at our hands. We have had under advisement for some time past the question of proceeding against them for a further violation of the injunctions issued in the two cases on the Edison patents. What others are doing in this connection is of no moment, in view of the history of the litigation between Mr. Edison and your clients.

We presume that you are aware that the case against the Mutoscope Company involved only claims 1, 2, 3 and 5 of the Kinetograph patent -- that the most that your clients would be entitled to ask for under any circumstances is a modification of the injunction against them so far as it concerns these claims. If it be true, as we strongly suspect it is, that your clients have been since that decision using films coming within the scope of claim 6, we believe that this contempt of Court places them in position where they cannot be heard to urge even this modification. However, we have placed the matter before our client, and will

[ENCLOSURE]

(W. R. B., 2)

advise you later as to the result.

Yours truly,

SOE/IM.

RICHARD N. DYER
FRANK L. DYER
JOHN ROBERT TAYLOR

LAW OFFICES
OF
DYER & DYER
SPECIALTY: PATENTS AND PATENT CAUSES
31 NASSAU STREET

CABLE ADDRESS
"VERNERVE, NEW YORK."
TEL. No. 2910 CORT.

Kinetograph

NEW YORK, July 8, 1903.

MAIN OFFICE.
RECEIVED
JUL 9 1903
ANS.

W. E. Gilmore, Esq.,
Vice-Presdt. & Gen.Mgr. Edison Mfg. Co.,
Orange, N. J.

Dear Mr. Gilmore,-

I enclose a bill of Mr. Waterman for expert services in the kinetograph case. You will recollect that we employed Mr. Waterman expecting to use him generally, but subsequently under the arrangement with Mr. F. L. Dyer the latter has been giving some of the testimony which we expected Mr. Waterman to give. This bill of Mr. Waterman's represents time he spent in studying the record in the old suit to prepare himself to testify. We shall need Mr. Waterman's testimony in rebuttal, so that the time he has put in on the case will not be wasted. I have written Mr. Waterman that his bill has been forwarded to you and that he may expect a check in due course.

Yours very truly,

Rich N. Dyer

RND/AL
Enclosure.

Law Offices
of
Dyer, Edmonds & Dyer.
Specially: Patents and Patent Causes.
31 Nassau Street,
New York.

Richard N. Dyer.
Samuel O. Edmonds.
Frank L. Dyer.

Cable Address
"Veneve, New York."
Tel. No. 2910 Cort.

legal

July 10, 1902.

RECEIVED
JUL 11 1902

W. E. Gilmore, Esq.,
Vice-Presdt. & Gen. Mgr. Edison Mfg. Co.,
Orange, N. J.

Dear Sir,-

Your favor of 8th inst. referring to the copying of your present projecting kinetoscope by Lubin and to the White application received.

The application for patent on invention of Mr. White covers a form of kinetoscope in which the film-feeding device consists of a frame having teeth and receiving a reciprocating motion from a crank which is driven at a varying speed by elliptical gears. From this description you can determine whether the case is on the "new small machine" which you are about to bring out. The same application also covers certain features of a combined projecting kinetoscope and stereopticon. The application is awaiting action by the Patent Office, having been twice rejected and twice amended. Quite a number of claims have been allowed, and a good patent will undoubtedly be obtained.

In this connection we would say that some time ago we advised the taking out of a patent on a form of projecting kinetoscope having a rocker feed. This struck us as being a particularly simple and effective device, and one less open

to the criticism of infringing specific patents owned by others than is the machine with the rake feed, such as is described in the application of Mr. White just referred to. We were about to file an application in Mr. White's name on this rocker-feed machine; when we were instructed not to do so because, we were told, Mr. Edison thought it infringed the details claimed by the Armat patent. We subsequently explained to Mr. Edison that the Armat feed movement was a different thing, and was not as close to the rocker feed as an older English patent to Evans. After this talk with Mr. Edison, we expected to get instructions from you to proceed with the application, but such instructions were never given. Mr. White will probably recollect the circumstances. If you propose to put out this machine with rocker feed, we certainly think you should take a specific patent on it.

Regarding the Lubin matter, you never patented the details of your present projecting kinetoscope, and we assume that it is now too late to do so on account of two years' public use. You could sue Lubin, however, on Mr. Edison's kinetoscope patent No. 493,426, a copy of which we enclose. Claim 13 of this patent covers such a machine as your present projecting kinetoscope, and claims 1, 6 and 7 cover such a machine when used in connection with a bank of rolls for repeating. We suggest that you have somebody buy a projecting kinetoscope from Lubin, also a bank of rolls if he makes this device, and also one or more of his films which

he has duplicated from your copyrighted films. After this purchase is made, you should bring a suit against him on the kinetoscope patent, and force him to make a fight or to permit us to take a decree. The result of such a suit if a vigorous defence was made is, to say the least, doubtful, but we would not expect Lubin to put up the money for a vigorous defence, and besides this the fact that he is copying your machine and your copyrighted films would make a strong equity in favor of sustaining the patent. The writer will be glad to talk this matter over with you, and will refer to it when you call regarding the mandamus matter about which he has written you.

Yours very truly,

Dyer Edmunds & Dyer

RND/AL

Enclosure.

Law Offices
of
Dyer, Edmonds & Dyer.
Specialty: Patents and Patent Causes.
31 Nassau Street.
New York.

Richard N. Dyer.
Samuel O. Edmonds.
Frank L. Dyer.

Cable Address
"Vimerva, New York."
Tel. No 2910 Cort.

legal

August 12, 1902.

W. E. Gilmore, Esq.,
Vice-Presdt Edison Mfg. Co.,
Orange, N.J.

Dear Sir,-

Answering your letter of the 11th inst. enquiring as to the item of $327.96 contained in our bill of July 31st, we beg to state that this charge represents the services of local attorneys in Chicago attending to the kinetograph and kinetoscope suits against Sears-Roebuck Co., William N. Selig, Stereopticon & Film Exchange, Edward D. Otis, and Enterprise Optical Mfg. Co., such services consisting of filing bills of complaint, procuring bondsmen, filing bonds, attending at Marshal's office re service of subpoenas, filing replications, arranging for extensions of time for taking proofs, attending call of calendar, correspondence and miscellaneous services from August 1899 to May 21st 1902, and disbursements additional to those we had already remitted in connection with Marshal's fees and Court costs.

Yours truly,

Dyer, Edmonds & Dyer

JRT/AL

CABLE ADDRESSES:
WORTLEY { NEWARK. NEW YORK.

LAW OFFICES
HOWARD W. HAYES,
PRUDENTIAL BUILDING, 765 BROAD ST., NEWARK, N. J.
160 BROADWAY, NEW YORK, N. Y.

TELEPHONES:
952 NEWARK.
1174 CORTLANDT, N.

Kinetograph

Newark, N. J. Aug. 18, 1902.

William E. Gilmore, Esq.,
Edison Manufacturing Co.,
Orange, N. J.

RECEIVED
AUG 19 1902
ANS. 8/20/1902

Dear Sir:-

Referring to your letter of the 11th inst., in re Kinetograph Company, I beg to state, that I have looked up this matter in our office and fail to find any record of it.

I note what you say in reference to the stock never having been issued. If this is the fact, the company can be dissolved by filing ~~the~~ a formal certificate, and the expense in this connection would be very slight. I would perfer, however, to call this matter to Mr. Hayes' attention before I take any steps in the matter, and will therefore allow it to await his return on the 25th inst. In the mean time, to forstall an assessment being made by the State Board of Assessors, I would suggest that you acknowledge receipt of the notice, and state that the stock had never been issued and that consequently the company never did any business, and that immediate steps will be taken to file a certificate surrendering the corporate franchise.

Yours truly,

WP/MS

The notice from State Board of Assessors is a dead letter
Oehler

POSTAL TELEGRAPH-CABLE COMPANY IN CONNECTION WITH THE COMMERCIAL CABLE COMPANY.

18.

JOHN W. MACKAY, President.
J. O. STEVENS, Sec'y. WM. H. BAKER, V. P. & G. M.

JOHN W. MACKAY, President.
ALBERT BECK, Sec'y. GEORGE WARD, V. P. & G. M.

TELEGRAM

The Postal Telegraph-Cable Company transmits and delivers this message subject to the terms and conditions printed on the back of this blank.

RECEIVED
AUG 23 1902

Number	Sent by	Rec'd by	Check
1			Paid

Dated Quarantine, N.Y.

To Wm C. Gilmore
Natl. Phonograph Co.
Orange N J

Received at 23 Aug 23 1902
(WHERE ANY REPLY SHOULD BE SENT.)

Arrive Saturday morning
new coronation film.
J Hayes.

273 MAIN ST. ORANGE, N. J. TELEPHONE No. 118 A

legal

Law Offices
of
Dyer, Edmonds & Dyer.

Richard N. Dyer.
Samuel O. Edmonds.
Frank L. Dyer.

Specialty: Patents and Patent Causes.
31 Nassau Street.

Cable Address
"Vinnerve, New York."
Tel. No. 2910 Cort.

RECEIVED
SEP 15 1902
ANS.

New York, September 10, 1902.

Edmonds
Now what shall we do —
E

Thomas A. Edison, Esq.,
Orange,
New Jersey.

Dear Sir:-

We are glad to advise you of the allowance of the two reissue applications on kinetoscopes and kinetoscopic films respectively.

The claims allowed in the first case are the following:-

"1. An apparatus for taking photographs suitable for the exhibition of objects in motion, having in combination a camera having a single stationary lens; a single sensitized tape film supported on opposite sides of, and longitudinally movable with respect to, the lens, and having an intermediate section crossing the lens; feeding devices engaging such intermediate section of the film and moving the same across the lens of the camera at a high rate of speed and with an intermittent motion; and a shutter exposing successive portions of the film during the periods of rest, substantially as set forth.

"2. An apparatus for taking photographs suitable for the exhibition of objects in motion, having in combination a camera having a single stationary lens; a single sensitized tape film supported on opposite sides of, and longitudinally movable with respect to, the lens, and having an intermediate section crossing the lens; a continuously rotating driving shaft; feeding devices operated by said shaft engaging such intermediate section of the film and moving the same across the lens of the camera at a high rate of speed and with an intermittent motion; and a continuously rotating shutter operated by said shaft for exposing successive portions of the film during the periods of rest, substantially as set forth.

"3. An apparatus for taking photographs suitable for the exhibition of objects in motion, having in combination a camera having a single stationary lens;- a single sensitized tape film supported on opposite sides of, and longitudinally movable with respect to, the lens, and having an intermediate section crossing the lens; a continuously rotating driving shaft; feeding devices operated by said shaft engaging such intermediate section of the film and moving the same across the lens of the camera at a high rate of speed and with an intermittent motion; a shutter exposing successive portions of the film during the periods of rest; and a reel revolved by said shaft with variable speed for winding the film thereon after exposure, substantially as set forth.

"4. An apparatus for taking photographs suitable for the exhibition of objects in motion, having in combination a single camera, and means for passing a sensitized tape-film across the lens at a high rate of speed and with an intermittent motion, and for exposing successive portions of the film during the periods of rest, the periods of rest being greater than the periods of motion, substantially as set forth."

The claims allowed in the second case are the following:-

"1. An unbroken transparent or translucent tapelike photographic film having thereon uniform sharply defined photographs of successive positions of an object in motion as observed from a single point of view at rapidly recurring intervals of time, such photographs being arranged in a continuous straight-line sequence, unlimited in number save by the length of the film, and sufficient in number to represent the movements of the object throughout an extended period of time, substantially as described.

"2. An unbroken transparent or translucent tapelike photographic film provided with perforated edges and having thereon uniform sharply defined photographs of successive positions of an object in motion as observed from a single point of view at rapidly recurring intervals of time, such photographs being arranged in a continuous straight-line sequence, unlimited in number save by the length of the film, and sufficient in number to represent the movements of the object throughout an extended period of time, substantially as described."

(T. A. E., 3)

The reissue patents will issue September 30, 1902.

Yours very truly,

Apex Edmunds & Apex

FLD/IM.

CABLE ADDRESSES:
VORTLEY { NEWARK.
NEW YORK.

TELEPHONES:
952 NEWARK.
1174 CORTLANDT, N. Y.

LAW OFFICES
HOWARD W. HAYES,
PRUDENTIAL BUILDING, 766 BROAD ST., NEWARK, N. J.
160 BROADWAY, NEW YORK, N. Y.

legal

Newark, N. J. Oct. 3, 1902.

William E. Gilmore, Esq.,
National Phonograph Co.,
Orange, N. J.

RECEIVED
OCT 4 1902
ACS.

Dear Sir:-

I have your favor telling me of the issue of the two kinetoscope patents. I will send for copies of them at once as they will be useful in the Lubin cases. I want to take great pains in those cases not to have any allegations made By Mr. Edison which can in any way injure the successful prosecution of the suits to be brought under those patents.

Yours truly,

Howard W. Hayes

HWH/MS

Law Offices
of
Dyer, Edmonds & Dyer.
Specialty: Patents and Patent Causes.
31. Nassau Street.
Richard N. Dyer.
Samuel O. Edmonds.
Frank L. Dyer.
Cable Address "Vinerva, New York."
Tel. No. 2910 Cort.

Armat

New York, October 28, 1902.

RECEIVED
OCT 29 1902
A.M.S. .....

W. E. Gilmore, Esq.,
Vice-Presdt. Edison Mfg. Co.,
Orange, N. J.

Dear Sir,-

We enclose copy of the decision of Judge Hazel on the Jenkins and Armat patent. The point covered by this patent is making the machine so that the film will be illuminated more than one-half of the time. We have secured a copy of the record and briefs from Mr. Page, the defendant's attorney, and we will make a careful examination of these so as to be ready to meet any motion for preliminary injunction, since such motions may be expected. We asked Mr. Page if the Mutoscope Company intended to appeal the case. He replied that he had some doubts on this point, because his client has not infringed the patent for some time past, all its projecting machines having shutters which are open only for one-half of a circle. Your machines would likewise avoid the patent if provided with such shutters, but we imagine that it would be more difficult to do this with your machine than with the Biograph on account of the greater enlargement necessary with the Edison films.

We return clipping sent with your letter of 27th inst. This seems to have all the facts twisted, but one point of

information it appears to give is that a suit has been brought against Lubin. We will confirm that fact this week.

Yours very truly,

Ryan Edmonds & Ryan

RND/AL

Enclosures.

legal

Law Offices
of
Dyer, Edmonds & Dyer.
Specialty: Patents and Patent Causes.
31 Nassau Street.
New York.

Richard N. Dyer.
Samuel O. Edmonds.
Frank L. Dyer.

Cable Address
"Vernerve, New York."
Tel. No. 2910 Cort.

November 11, 1902.

RECEIVED
NOV 12 1902
ANS N. J.

W. E. Gilmore, Esq.,
Vice-President and General Manager,
Edison Manufacturing Co.,
Orange,

Dear Sir:-

Your favor of the 7th instant received. We have noted your instructions regarding advice to exhibitors, dealers, etc. We enclose a form of agreement which can be made with dealers and exhibitors. This form may not meet all the business conditions which you have in mind, and if it does not we shall be glad to revise it to meet your views.

Yours very truly,

Dyer Edmonds & Dyer

RND/IM.
Encl.

AGREEMENT made this day of , 190 , between EDISON MANUFACTURING COMPANY of Orange, New Jersey, party of the first part, and

of , party of the second part.

(1) a dealer in or an exhibitor of

WHEREAS, the party of the second part is (1) moving picture apparatus and films and has been threatened with suit by the Armat Moving Picture Company for patent infringement; and

WHEREAS, the party of the first part is the manufacturer of Edison Projecting Kinetoscopes and Edison Films, and is willing to undertake at its own expense the defence of any such suit directed against its own apparatus and providing the party of the second part will (2) only the Edison Projecting Kinetoscopes and the Edison Films manufactured by the party of the first part;

(2) handle or use

IT IS AGREED AS FOLLOWS:-

I. The party of the second part covenants and agrees (3) only Edison Projecting Kinetoscopes and Edison Films manufactured by the party of the first part, and not to (4) moving picture apparatus or films of any other manufacture.

(3) to handle or to use

(4) handle or use

II. The party of the first part covenants and agrees to conduct, at its own expense and by counsel of its own selection, the defence of any suit which may be brought by the Armat Moving Picture Company against the party of the second part for patent infringement, directed against Edison Projecting Kinetoscopes or Edison Films.

III. The party of the second part will promptly notify the party of the first part of the bringing of any

such suit, and will, without charge, but without expense to self, cooperate with the counsel selected by the party of the first part to conduct the defence, furnish all information such counsel may require which is in the possession of the said party of the second part, give testimony if called upon by said counsel, and sign such papers as said counsel may require to enable them to proceed with the defence.

number of years

IV. This agreement shall be binding for (5) years.

Executed the day and year first above written.

EDISON MANUFACTURING COMPANY,

By_____

Vice-President.

_____

Witnesses to signature of :
party of second part, :

H. I. T. HEARD,
INVESTMENT EXPERT, AND ACTUARY,
WASHINGTON, D. C.

Personal

Armat

57 - W. 12th st. h. J. C.; h. J.

Oct 19th 1902

Mr W. C. Silvers
Orange, N. J.

RECEIVED
DEC 19 1902
ANS

Dear Sir;

On arriving at the house I find in my grip, a prospectus of the Armat Motion Picture Co., which please find enclosed.

Can deliver 2000 shares of above Com. stock immediately at $14. per share. And get about 1000 more shares for you, if you want for any of it. The 2000 shares is the largest block held by any one, outside of Armat himself. The Phantoscope People are trying to secure control of the Armat Co. And if you wish for me to work towards that end for you, I will be glad to do so.

The lowest any of the Armat stock was sold for, was $12. per share. The last sold by the Co., was a little over one year ago, at $14. This stock, the 2000 shares

#2

stands my friend, $12.50 net per share.

I expect to leave here for Washington, as told you, on Sunday morning. And my address there will be, 1017 12th st., N.W.

If you decide to take the stock by to-morrow evening, wire me at 57 West 12th st., N.Y., and I will leave my friend here and deliver stock amounting to 2000 shares, Saturday morning.

Yours very truly

H. T. Heard