FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC 8 - 1971
JAMES R. COONEY, CLERK
BY DEPUTY Margaret Driver

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

SAMUEL R. POTTER

VS.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL

CIVIL ACTION NO. 6329

OBJECTIONS AND ANSWERS OF DEFENDANT, FIBREBOARD CORPORATION, TO WRITTEN INTERROGATORIES PROPOUNDED BY PLAINTIFF UNDER DATE OF NOVEMBER 16, 1971

Fibreboard Corporation, one of the defendants in the above entitled and numbered cause, through its attorney of record, makes the following objections and answers to the written interrogatories served on its attorneys on November 17, 1971, by counsel for the plaintiff:

1.

Fibreboard Paper Products Corporation, one of the defendants in this case, has stated that it has devised a high temperature heat insulation which does not contain asbestos. Has your company devised a high temperature heat insulation which does not contain asbestos?

ANSWER: No answer is required by Fibreboard Corporation as it has heretofore answered such interrogatory.

2.

If your company has not devised a high temperature heat insulation which does not contain asbestos, please state whether or not you know if any other company has done so, and if so, state the full name of such company.

ANSWER: No answer required, as in No. 1 above.

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3.

If you have devised a high temperature heat insulation which does not contain asbestos, please state the name of such product.

ANSWER: The name Fibreboard Corporation uses for this product is "Super Caltemp Tyle 1200NA."

4.

If you have devised a high temperature heat insulation which does not contain asbestos, please state how long you have been manufacturing this insulation.

ANSWER: A laboratory research project was undertaken in 1965 to develop an asbestos-free formulation which could be used in commercial production. Research and testing continued until September 15, 1971, when the entire production facilities of Fibreboard Corporation was converted to asbestos-free products.

5.

If you have devised a high temperature heat insulation which does not contain asbestos, please state the exact content of such insulation.

OBJECTION: This defendant objects to said interrogatory and asks that the Court enter a protective order because the answer to such interrogatory would require this defendant to divulge engineering, scientific and research data concerning such product which is confidential and involves patent applications and trade secrets, etc., and such should not be required to be produced in this suit for damages. This defendant desires to invoke the protection of the rules and to invoke privilege which it has against such disclosure. This defendant has now pending patent applications covering the asbestos-free formulation and it should not be required to answer such interrogatory.

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WHEREFORE, this defendant prays that it be excused from answering Interrogatory No. 5.

DATED this 7th day of December, 1971.

FIBREBOARD CORPORATION

BY _____

GEO. A. WELLER
WELLER, WHEELUS, GREEN & BROCATO
P. O. BOX 350
BEAUMONT, TEXAS 77704
ATTORNEY OF RECORD FOR
FIBREBOARD CORPORATION

THE STATE OF TEXAS §

COUNTY OF JEFFERSON §

BEFORE ME, the undersigned authority, on this day personally appeared Geo. A. Weller, known to me to be the attorney of record for the defendant above mentioned and to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and that the same is true and correct.

_____
GEO. A. WELLER

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 7th day of December, A. D. 1971.

_____
NOTARY PUBLIC, JEFFERSON COUNTY, TEXAS

OUIDA L. SWOPE, Notary Public
In and for Jefferson County, Texas

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing instrument was served on the following attorneys by mailing a true and correct copy thereof to their respective offices on the 7th day of December, 1971.

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Orange, Texas 77630

Mr. W. N. Arnold, Jr.
Bank of the Southwest Building
Houston, Texas 77002

Mr. George E. Duncan
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Beaumont, Texas 77704

Mr. Gordon R. Pate
Beaumont Savings Building
Beaumont, Texas 77701

Mr. Ben L. Reynolds
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Beaumont, Texas 77701

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