

STEWART'S TECHNOLOGIES, LLC

Mr. Kenneth Preston
Associate Vice President
Research Director
Technology Transfer
Goodyear Polymer Center 319
Akron, OH 44325-4717

9/27/05

Mr. Preston:

During the period that I worked as a graduate student under the supervision of Dr. Collins to the present time I have received numerous email messages authored by him. I have enclosed a copy of one of the more recent of these messages (see Enclosure 1) for both you and the Roetzel and Andress (RA) law firm to review. This email correspondence further attests to the fact that I am the actual primary inventor on UA 490 (the aqueous polymerization patent). This fact is not only well-documented in my laboratory notebooks but is also documented in my Ph.D. dissertation, a work that has been reviewed and accepted not only by Dr. Collins himself but also by three prominent faculty members of the University of Akron (UA). Further evidence supporting the claim that I am the primary inventor is that Dr. Kennedy is not included on the author list of the scientific article¹ that reports this invention. A very condensed history of how I made the invention is also contained on my website² for the public to view. Here are the facts in concern to this invention:

1. It was well understood that $1,2\text{-C}_6\text{F}_4[\text{B}(\text{C}_6\text{F}_5)_2]_2$ was hydrolytically unstable to methanol from work conducted by a collaborator³ of Dr. Collins.
2. Dr. Collins assigned me the task of determining the exact mode of this decomposition.
3. I discovered on my own and somewhat accidentally that decomposition could be thwarted if a large excess of hydroxylic (i.e. methanol) material was present. Had I adhered to Dr. Collins' original work plan this would have never been discovered.
4. Upon this discovery I immediately realized that polymerization in hydroxylic media was a possibility.
5. I devised my own theory on how one might conduct such polymerizations in a successful manner and modeled test reactions based on my theory.
6. Based on my theory I decided to test two different classes of polymerization media, those that were highly ionic (i.e. aqueous salt solutions) and those that were only polar (aqueous alcoholic solutions).

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7. I further had the insight to attempt the copolymerization of isobutylene with isoprene under aqueous conditions. I decided to attempt this based on a previous observation of mine that polymerization activity in non-aqueous media actually increased upon addition of this comonomer; thus, I reasoned there might be a similar increase under aqueous conditions.
8. I invented two new types of surfactants bearing counteranions of low nucleophilicity in an attempt to provide higher yields for emulsion polymerizations that employed cationic surfactants. This was yet another means of checking the validity of my theory on this type of polymerization.

Please note that I devised items 3-8 by myself without any outside input! Dr. Collins suggested the use of tetrafluoroboric acid as a polymerization medium after I had already successfully demonstrated polymerization under aqueous conditions. Dr. Collins also suggested adding a salt to the aqueous methanol solution as a means for increasing the ionicity of this medium in an attempt to improve yields after I had demonstrated that this type of medium was not ideal for polymerization. **In summary, all of the documented evidence points to the indisputable fact that I am the primary inventor of the polymerization processes covered in UA 490.**

I ask that UA and RA correct this mistake immediately or withdraw this patent application. I brought this issue to the attention of the RA law firm over one year ago and they have failed to take corrective actions. This first involved a telephone call by legal counsel of mine from the LeClair Ryan Flippin Densmore (LCFD) law firm to Daniel J. Schlue of RA. Attorney Schlue failed to return my counsel's phone messages. I then had LCFD draft a polite letter (see Enclosure 2) for me that questioned the validity of Dr. Kennedy's inventorship claims. This letter was ignored by RA despite having been included in the patent related documents that I was required to sign and return to RA. Evidence supporting the fact that RA received this letter and refused to follow-up on this issue is given in an email Dr. Collins sent to LCFD recently (see Enclosure 3). The only way Dr. Collins could have learned that LCFD was my legal counsel would have been if RA did actually receive this letter! **If RA is a reputable law firm I am sure that in light of the limited information I have supplied in this correspondence that they will be moved to take corrective actions immediately and acknowledge that I am the primary inventor on this patent.**

I have sent copies of this correspondence to UA and RA via certified mail and will give both 2 weeks from the date I am notified that these materials have been received for immediate corrective actions to be implemented. I expect to receive written and signed documents from both UA and RA stating that my rights as the primary inventor on this patent will not be denied. **If either party fails to meet this deadline I will be forced to provide copies of this correspondence along with other relevant materials to the office of the Attorney General of the State of Ohio.** If it becomes necessary I will make this a very public matter. Given my previous dealings with Dr. Kennedy, some of which Dr. Brittain can attest to, such a public disclosure of the goings on at the University of Akron would definitely not bode well for the institution, those in charge, and those directly involved in this and other related matters.

Good day to you,

Dr. Stewart P. Lewis

References

1. Lewis, Stewart P.; Henderson, Lee; Parvez, M. R.; Piers, W. E.; Collins, S. *J. Am. Chem. Soc.* **2005**, *127*, 46-47.
2. www.stewartstechnologies.com
3. Henderson, L. D.; Piers, W. E.; Irvine, G. J.; McDonald, R. *Organometallics*, **2002**, *21*, 340-345.

Stewart Lewis

From: Scott Collins [collins@uakron.edu]
Sent: Saturday, September 10, 2005 12:28 PM
To: kpreston@uakron.edu
Cc: stew@stewartstechnologies.com; josep19@uakron.edu; gmoxon@ralaw.com
Subject: [SPAM] Inventorship on UA 490
Importance: High

Ken,

I recently was reviewing this patent application and was considering the intellectual and inventive contributions to this filing. If the order of names on the patent filing is associated with relative contribution etc. then the ordering of names on this filing is *not* correct, unless of course if it is the exact opposite of assigning co-authorship on a paper.

While it is true that Joe suggested to me that aqueous suspension pzn of isobutene would be a novel and useful process, I do not think it was Joe who suggested (to me) that the use of a chelating diborane that was strongly Lewis acidic and yet resistant to hydrolysis would work under such conditions (although he agreed with this suggestion). I think that aspect of the invention is my contribution or is at least a joint contribution involving Joe and myself (it's hard to pick these kinds of things apart). Stewart's more important contribution was to devise the conditions for the first successful test of this concept; in particular he proposed (to himself as it turns out - although this is documented in his lab notebook) the use of concentrated salt solutions so as to both depress the freezing temperature of water and to physically dry the organic phase. While one can polymerize isobutene in mixed water/methanol suspension at low T, the results were nowhere near as promising as in the salt mixtures.

I hope it is not too late to change this (?) since the US Patent office hasn't even made a conclusion as to what the inventions are, much less who invented them. But it is probably appropriate to reverse the order with Stewart first, followed by me and then Joe last. If Joe thinks he needs to be before me that is OK too - until someone actually licenses this technology the patent is worthless anyways :-)

I don't think anyone will object to this but let me know if this presents a problem.

Yours truly,

Scott Collins
Professor of Polymer Science
The University of Akron
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330-972-5290
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9/25/2005

Enclosure 2

July 27, 2004

Daniel J. Schlue, Esq.
Roetzel & Andress
222 South Main Street
Akron, OH 44308

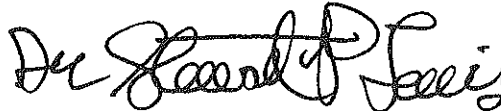
Re: U.S. Patent Application Serial No. 10/817,465 and others entitled
"Polymerization of I-Butene in Hydrocarbon Media Using Bis(Borane) Co-
Initiators,"
Ref: UA.490

U.S. Patent Application Serial No. 10/817,187 and others entitled
"Polymerization of I-Butene in Hydrocarbon Media Using Bis(Borane) Co-
Initiators,"
Ref: UA.477

Dear Daniel:

I recognize that as a graduate student at the University of Akron I am required to assign all my right, title and interest in the above referenced applications to the University of Akron. Accordingly, I am returning to you executed originals of the Assignment and Declaration and Power of Attorney documents for the above referenced applications. I feel I should bring it to your attention however, that I am unfamiliar with Joseph P. Kennedy's involvement in connection with the invention(s) claimed by U.S. Patent Application Serial Nos. 10,817,465, 60/518,236 and PCT Application Serial No. PCT/US04/011682 and am wondering if his inclusion in the paperwork sent to me was a mistake. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stewart P. Lewis", written in a cursive style.

Stewart P. Lewis



Print - Close Window

Subject: FW: Contacting Dr. Stewart P. Lewis
Date: Tue, 26 Jul 2005 17:52:08 -0400
From: "Drzal, Michael P." <michael.drzal@leclairryan.com>
To: masterfishrman@yahoo.com

Stewart,

I received this today and am passing it along to you. Please advise me as to how you would like me to respond, if at all.

Best,

Mike

From: Scott Collins [mailto:collins@uakron.edu]
Sent: Tuesday, July 26, 2005 11:54 AM
To: Drzal, Michael P.
Cc: Garcia, Cheryl A
Subject: Re: Contacting Dr. Stewart P. Lewis
Importance: High

Dear Mr. Michael P. Drzal,

I understand that at one point you and your firm represented Dr. Stewart P. Lewis. If this is still the case, I wonder if you could help me in contacting Dr. Lewis since his U. Akron e-mail address is no longer valid and I nor anyone else at U. Akron has current contact information.

The reason I wish to contact Dr. Lewis is in connection with the continuation of his work at Akron and a pending US patent application (UA 477 internal reference). In essence, a written procedure for the preparation of a compound [C₆F₄(BBr₂)₂] that is documented in both the patent application and Dr. Lewis' thesis has been found irreproducible in the hands of a competent post-doctoral fellow currently working on this project.

Since this procedure forms the basis for some of the claims associated with the UA 477 filing, I think it important that if Dr. Lewis omitted any important information in his written procedure with respect to the preparation and/or isolation of this compound that the patent application be amended to reflect this.

Please indicate if you are willing and able to proceed in this matter. Current contact information is below:

Scott Collins
Professor of Polymer Science
University of Akron
Office Phone # 403-220-3856 (-2 h time difference)
Home Phone # 403-697-5900
collins@uakron.edu

7004 2890 0002 9161 7042

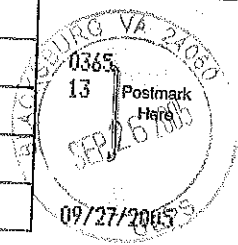
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