DuPont Chemicals & Fluoroproducts
Chestnut Run Plaza 702
P.O. Box 80702
Wilmington, DE 19880-0702

April 9, 2010

Mr. Atkinson, SAE International, ICCC Chairperson
Mr. Gary Pollak, SAE International CRP Manager
400 Commonwealth Dr
Warrendale, PA 15096

Dear Mr. Atkinson & Mr. Pollak:

Section 1.14.1 Patent Disclosure and Inclusion of Patents in SAE Technical Reports, of the SAE TECHNICAL STANDARDS BOARD GOVERNANCE POLICY has just recently come to the attention of DuPont. DuPont would like to better understand the interpretation of this Section and the relationship of this Section to the work that has been and is yet to be done regarding HFO-1234yf. In addition, DuPont wishes to make clear its position with respect to licensing DuPont patents that may read on HFO-1234yf.

Before doing any work with SAE International regarding HFO-1234yf, DuPont required SAE International and all SAE CRP1234 members to sign a non-disclosure agreement because much of the information that was to be disclosed by DuPont is proprietary and confidential intellectual property (IP) of DuPont. SAE International did sign that agreement and is aware that several patents relating to HFO-1234yf have been filed.

It is the understanding of DuPont that SAE Technical Reports and issued SAE Standards relate to products and procedures to be used by manufacturers of automobiles and automobile parts, as well as by those who perform work in servicing automobiles. DuPont can assure SAE International that purchasers of DuPont manufactured HFO-1234yf for use in these fields will not be prohibited from using that product in these fields because of any limitation imposed by any DuPont patent.

However, except as enforceable in law, at this time DuPont has no intention of granting licenses under any of the patents and applications relating to HFO-1234yf to manufacturers of chemicals or other companies that do not purchase DuPont HFO-1234yf.

We do not know when are the "***specified times during a development process [that] all patents and patent applications … that the member believes may become essential to the draft specification under development"*** need to be disclosed. Nor is it clear how one determines what "may become essential to draft specifications under development." Nor is it clear to whom disclosure is to be made nor how to determine that patented information is needed to develop SAE technical standards.

After clarifying with SAE International the implications of doing so, DuPont will consider disclosing certain patents and patent applications and other confidential information that may become essential to draft specifications under development by SAE International regarding HFO-1234yf. However, as DuPont deems this information to be confidential, it would have to be disclosed under a non-disclosure agreement that appropriately limits the permitted use of the information.

SAE International has requested that DuPont provide information relating to HFO-1234yf. DuPont would be happy to share non-confidential information with SAE International at the upcoming SAE International meeting on April 13th, provided that it is clear that our participation is not an agreement or commitment by DuPont to license DuPont IP as prescribed by Section 1.14.1.1 of the SAE TECHNICAL STANDARDS BOARD GOVERNANCE POLICY.

Respectfully,

Taner Eryilmaz
Global Marketing Manager
Automotive Refrigerants