



AMERICA'S CUP CHALLENGE 1983 LIMITED

32nd Floor, City Centre Tower, 44 St. George's Terrace, PERTH, 6000 Western Australia
Telephone: (09) 325 4855 Telex: AA94838
Correspondence to: G.P.O. Box P1236, Perth, 6001

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Mr. Peter Van Oossanen
Sparrenbos 33
6705 BB WAGENINGEN
HOLLAND

Dear Peter

I have had a meeting with Michael Boud and you would be aware that I am very concerned about possible difficulties that could arise if names other than Ben Lexcen are associated with our patent application. From that meeting there is certainly a 'grey area' surrounding the interpretation of the Deed of Gift as it basically provides that the 'designer' of the hull, rig and sails shall be a national of the country challenging. We certainly did not want to place ourselves in a position whereby Ben Lexcen can be challenged as the designer. I know we all agree that in fact he is the designer, and one could go to the silly situation of saying 'who actually designed the shape of the keel on the American 12 metres?'. Keels now being used could possibly have been invented by a Dutchman, a Spaniard or anybody, and people such as Sparkman and Stevens have modified them to improve efficiency. It may well be that the radical modifications we have employed can be looked upon in a similar manner and one can also ask 'what is the difference between an inventor and a designer?'. However, we would certainly prefer not to be involved in legal challenges as it could prejudice our whole campaign.

We are now faced with the difficult decision as to whether or not to proceed with the patent application. We are in a situation where extensive information has been directed to the Washington lawyers and therefore all of these matters are now on record.

.../2

In referring to your telex of 31 January, I am very concerned about the statement contained in paragraph 3 and indeed 5. I would prefer that only Ben Lexcen's name appears on the application. The Washington lawyers' letter of 13 January, and in particular paragraph 2, states quite clearly that where others working under the team leader's direct supervision actually made the invention at his direction the team leader will be considered the sole inventor. I would like to adopt this stance and to carry out a closer investigation of all the factors surrounding the invention, then decide at a later date whether or not to amend the application, as is provided for in the penultimate paragraph on page 2 of the Washington lawyers' letter. I understand there is no argument that the applicant for the patent is Ben Lexcen's company and we are only discussing the nomination of the inventor.

With regard to your query on accommodation in Newport, I have made direct enquiries and certainly rates in Newport have jumped dramatically. Two-bedroom units are commonly priced at \$1200-\$1500 per month. I am going to Newport straight after the 'Advance Australia Cup' in Melbourne and would be happy to see what I can do for you. As indicated, I have an arrangement with the Salve Regina College which is always verbal; however, in both 1977 and 1980 I have been able to locate people in one of the college dormitories. I think this arrangement will apply for 1983 but I am not too sure whether or not I could include your children. It is a matter that I would have to actually handle face to face and therefore that option must wait until I visit Newport.

Ann
With regard to your total involvement in Newport, I think we should try and clarify the amount of time that we are able to use your services. We certainly appreciate how busy you are at NSMB and therefore we should not leave this matter on a loose basis as I am sure you must require to know exactly what your movements are likely to be.

4
We seem to be making considerable gains in Melbourne with our computer programme. Immediately we finish our new programming you will be in a position in March to see exactly where we are. I think if this has been as successful as we are hoping it will be, we will have consolidated the whole evaluation situation and reduced to a minimum the work involvement around the computer. Should this be the case, and we can decide this when you are there, it may be possible to reduce our demands on your time.

We are very conscious that four months away from work is difficult for anybody. If you would give these matters some thought I would be delighted to discuss them with you next month.

Kind regards.

Yours sincerely

A handwritten signature in dark ink, appearing to read "Warren L. Jones", written over a horizontal line.

WARREN L. JONES
Executive Director