

①

After more than 20 years after passage of the Bayh-Dole Act and 15 after the Federal Technology Act of 1986 I am compelled to attempt to document the history of their development and their enactment along with their companion implementing directives (in all a body of law forming the primary subject of this history). The need to pursue this history has become compelling due to a number of interrelating factors

- 1) I remain the single

of principle contributor named to the creation of this body of law able to provide first hand observations,

- 2) A continuous wrong headed populist opposition to exclusive control by industry of patents arising from government funded research (and industry in general) on the basis that the industry established policies of products to be developed in the marketplace
- 1) ~~myself~~ ^{others} on that the necessity of patentable mechanisms are not

2

Government
governance
governance
governance

shared with other investigators
to the extent that warranted

results were prior to
Practically of the body of law.

3) A revisionist ^{pre-emptive} ^{of} ^{the} ^{body} ^{of} ^{law.}
the history ^{with} ^{the} ^{exploration} ^{of} ^{the} ^{body} ^{of} ^{law.}

~~No~~ ~~the~~ ~~history~~ ~~of~~ ~~the~~ ~~body~~ ~~of~~ ~~law.~~
on incentive

to research ~~the~~ ~~history~~ ~~of~~ ~~the~~ ~~body~~ ~~of~~ ~~law.~~
A direct level of the service

community to prosper
acknowledge the contribution

of the good people who
make this body of law possible

~~in~~ ~~light~~ ~~of~~ ~~the~~ ~~community~~
of its success and report

in establishing the first
time a system for delivering

the results of basic research
to the marketplace in the form

of useful products. Indeed.

The problem of revisionist
and undeposited acknowledgment

was forceably delivered in
a necessary policy paper,

that basic research
be undertaken without
public obligation to
purpose commercialization

of useful results
This is not the case
the populist opposition

It is now clear
can no longer
considering a

3

The acceptance of Bayh-Dole is also unusual in its absence of strong policy entrepreneurs or advocates. Indeed, its component idea had been debated for more than thirty years, going back to the Bush Report of 1945. Throughout the 1960s and 70s legislative proposals arose from several sources. Many in the private sector had advocated it for some time, and no single individual can really be credited with its origin or advocacy. Even in the Congress, the concept of the legislation was well-formed before Senator Bayh introduced it. The essential process was more one of slow consensus-building than radical policy innovation, and when consensus had matured, it was acted on with little debate. " 1.

The authors of this paper identify their information sources as being based on - " Not only ^{an} published sources, but also on the personal involvement of the authors in the cases chosen for study." 2 Of these authors, I know by name only one to be a bill staffer who I can attest ~~that~~ by choice made no discernible contribution to this body of law. " Effort to ^{the} advancement

* There was an "absence of strong policy entrepreneurs or advocates." 2 This, ^{is} "uncannet" on its face. No act yet alone Bayh/Dole survived multiple sessions of Congress without a strong advocate. Further,

(4)

Even a cursory search of the subject would have uncovered a number of circumstances, newspapers, magazines, anthologies etc. identifying the advocate, and many of the issues raised. 34

"No single individual can really be credited with its origin or advocacy. This is reflected by the same items ~~and~~ and any number of other items in my file.

The author's one comment that the existence of the "Component Ideas" of industry exclusive control of patents arising from government funded research had been widely debated for more than thirty years. However, not until Bayh-Dole were acceptable specific conditions and limitations put in place such contracts ever put before the Congress. Again a modest amount of research would have uncovered many ^{continued} differences ^{among} before Bayh-Dole. Example the Texas bill.

Dear Dr.

In September 2000, I was invited to speak before NIGMS advisory committee on the evolution of the Bay-Dale Act (henceforth, the Act) ^{hopefuly} on the basis of my involvement in its enactment. At that same meeting, Dr. Al Gilman, U. of Texas, spoke after ~~my presentation~~ on how he intended to manage disposal of ^{inventions} that might be made under a "give grant" for which he was to be the principle investor, ^{patent}.

^{as condition of their participation}
After what I considered a visceral attack on the Act prompted I suspect by my perceptions, ~~the~~ Dr. Gilman stated that he was in the process of ^{regarding} ~~to be~~ funding under ~~the~~ his grant to ^{sign} ~~and~~ ~~agreements~~ ^{with} ~~whom~~ they agreed to ^{report} ~~no~~ ^{no} ~~in~~ ^{performance}

~~and Non-substantive~~
suspect

~~that~~
it necessary to ~~submit~~ ^{submit} ~~submit~~
on Dr. Gilman's public expressed
own terms and open breach
of the Act.

that these signed
agreements were
submitted with
philosophical
intent

~~Not to be taken~~
sometimes later I spoke
to a number of my university
colleagues and found that
Dr. Gilman was indeed
repining investors to
sign his agreement as
a condition to ~~participate~~
in this project ~~for~~ ~~the~~ ~~reason~~ ~~that~~ ~~they~~ ~~are~~
we ~~my~~ ~~will~~ ~~agree~~ ~~ed~~ ~~but~~ ~~this~~ ~~is~~
was a senior's breach

my
colleagues

~~the~~ ~~statement~~ ~~the~~ ~~invest~~ ~~ment~~ ~~agreements~~
I ~~was~~ ~~not~~ ~~sure~~ ~~if~~ ~~the~~ ~~agreements~~ ~~of~~ ~~the~~
immediate project funding
was ~~not~~ ~~the~~ ~~main~~ ~~reason~~ ~~for~~ ~~the~~ ~~breach~~
~~the~~ ~~possibility~~ ~~of~~ ~~the~~
sim possibility of
producing a valuable
investment in the future.
~~and~~ ~~accordingly~~ ~~my~~ ~~colleagues~~
were placed in the position
of accepting the determination
of the Board ~~in~~ ~~the~~ ~~absence~~ ~~of~~ ~~their~~ ~~in~~ ~~dependent~~ ~~support~~
protesting without their support.

~~As~~ Mrs. Pail's on that
for the simple fact
of intellectual property
rights is necessary
to conduct "open research"

As you know

~~that~~ However, there is significant
evidence that disclosure
of these rights can
~~prevent~~ impede the
pursuance of research
involving the functions
like and that "open
collaborative research"

can be conducted always with
protection of intellectual
property rights.

they
sketch
air

As that Mrs. Pail, any
concern about the ~~protection~~
involving with publishing
involving in ~~writing~~
~~the~~ ~~rights~~ ~~to~~ ~~be~~ ~~used~~
involving with his

involving more with
functioning, if you'd want
to pursue the kind of
division.
In ~~the~~ conclusion.

I believe N.I.H. needs
to eliminate the
opportunity ~~to~~ ^{by} ~~the~~ ^{Dr. Collins} and bring
his ~~own~~ ^{own} ~~into~~ ^{into} ~~compliance~~
with the Act. ~~There~~ ^{There} ~~some~~
~~concern about~~ ~~these~~
~~since over the~~ ~~negotiations~~
~~open~~ ~~with~~ ~~banking~~
~~research~~

If Dr. Collins has
some concerns regarding
open collaboration ~~with~~ ^{with} ~~some~~
research I will be ~~trying~~
to ~~try~~ ^{try} ~~to~~ ^{to} ~~address~~
~~those~~ ~~concerns~~ ~~with~~ ~~out~~
the ~~destruction~~ ~~of~~ ~~the~~
whole ~~structure~~ ~~of~~ ~~the~~
part ~~might~~ ~~exist~~ ~~with~~ ~~Dr.~~
his ~~own~~ ~~I~~ ~~would~~ ~~opportunity~~
you