

F. Inventions Conceived and Patented at Private Expense But Reduced to Practice in Performance of a Government-Funded Contract

It has been suggested to the Task Force that inventions having been conceived at private expense and which are identified by patents or patent applications but first actually reduced to practice in performance of a government-funded contract remain the property of the contractor, subject to a royalty-free, non-exclusive license to the government. The Task Force rejects this suggestion, as it does not properly take into consideration the contribution of the government in first reducing the invention to practice in all cases. It is recommended by the Task Force that this type of invention be brought to the attention of the agency funding the proposed contract under which such invention may be reduced to practice at the time of contracting so that the equities of both parties may be considered in making a disposition. The Task Force feels that this problem has been further mitigated by the proposal in that the contractor will at very least retain his option to exclusive commercial rights unless otherwise negotiated at the time of contracting.

James L. Whittaker, Esq., Chairman  
Patent Operations, RCA Corporation

Norman J. Latker, Esq.  
Chief, Patent Branch, BAL  
Office of the General Counsel  
Dept. of Health, Education & Welfare

William O. Quesenberry, Esq.  
Departmental Patent Director  
Office of Naval Research  
Department of the Navy

John C. Green, Esq.  
Research Staff  
PFC Research Institute

L. Lee Humphries, Esq.  
Aerospace and Systems Group  
North American Rockwell Corp.

\* James E. Denny, Esq.  
Director, Office of Government  
Inventions and Patents  
United States Patent Office

\*\* Miles F. Ryan, Esq.  
Attorney, Antitrust Division  
Department of Justice

R. Tenny Johnson, Esq.  
General Counsel  
Civil Aeronautics Board

\*\* Joel Davidow, Esq. (Alternate)  
Attorney, Antitrust Division  
Department of Justice

James A. Dobkin, Esq.  
Attorney  
Arnold & Porter

Maurice H. Klitzman, Esq.  
Patent Operations  
International Business Machines

\* Mr. James E. Denny has filed a Minority Report attached hereto.

\*\* Messrs. Ryan and Davidow participated in the deliberations of the Task Force, and many of their suggestions are reflected in the majority report, but they did not vote for or against the total report.

Gerald D. O'Brien, Esq.  
Consultant to Study Group No. 6

O. A. Neumann, Esq.  
Executive Secretary  
FCST Committee on Government Patent Policy

APPENDIX A

GOVERNMENT PATENT POLICY

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