DECISIONS ON PATENT AND DATA AS RELATED TO GOVERNMENT PROCUREMENT MATTERS

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FOOTNOTE:

The preparation of this list of decisions was originally prepared in 1968. Since that time an effort has been made to keep track of decisions as they were published. This revision incorporates these additional decisions. However, no specific effort has been made to search for other applicable decisions which should also be incorporated into this list. Nevertheless, this list has been prepared as it may be of some value to others in seeking citations in this field of law.

DECISIONS ON PATENT AND DATA PROCUREMENT MATTERS

Administrative Decisions	Rendered	Reported
	INFRINGING PROCUREMENT	
Unnumbered	1889	19 Ops. Att'y Gen. 407
A-6109	11-22-24	4 Comp. Gen. 472
Foreign (MAA Agreement)	3-24-25	34 Ops. Att'y Gen. 447
A-11842	12-9-25	5 Comp. Gen. 417
A-13069	3-9-26	5 Comp. Gen. 713
A-14340	6-7-26	5 Comp. Gen. 963
A-37622	8-4-31	11 Comp. Gen. 44
A-52686	12-21-33	13 Comp. Gen. 173
A-57194	10-10-34 10-29-34	14 Comp. Gen. 298 14 Comp. Gen. 340
A-81899	11-27-36	16 Comp. Gen. 536
A-95494	6-3-38	17 Comp. Gen. 1123
B-9252	3-17-40	19 Comp. Gen. 876
BCA No. 1273*	7-25-47	4 CCF 60,371
B-77738	1-10-49 4-4-49	
ASBCA No. 858* (Technical Training Aids)	8-7-52	
B-112329	3-3-53	32 Comp. Gen. 384
B-113337	3-25-53	
B-111644*	1-17-55	104 USPQ 189 34 Comp. Gen. 336
B-124998	1-19-56	108 USPQ 271

Administrative Decisions	Rendered	Reported
	INFRINGING PROCUREMENT	
B-126569	3-13-56 3-30-56	
B-128049	5-5-56	
B-132468	8-20-57	
B-132729	9-19-57	115 USPQ 151 37 Comp. Gen. 199
B-135326	3-25-58	37 Comp. Gen. 640
B-136450 B-136494 B-136495	9-20-58	
B-136916	10-6-58 8-25-58	38 Comp. Gen. 276 119 USPQ 187
B-138098	2-10-59	
B-139752	6-8-59	
B-139578*	6-30-59	122 USPQ 222
B-139597	7-2-59	122 USPQ 224 39 Comp. Gen. 6
B-139585	7-2-59 9-21-59	123 USPQ 107
B-141195	2-2-60	
B-141459	5-10-60 3-29-62	39 Comp. Gen. 760 125 USPQ 477
B-143277	7-20-60	7 CCF 71,300
B-143688	8-25-60	40 Comp. Gen. 132 7 CCF 71,308
B-143427*	11-17-60	127 USPQ 417 40 Comp. Gen. 294 7 CCF 71,443

Administrative Decisions	Rendered	Reported
	INFRINGING PROCUREMENT	
B-144477	12-23-60	7 CCF 71,399
B-145164	5-24-61	8 CCF 71,505
AEC Patent Bd. No. 16 (In re Philips)	11-14-61	131 USPQ 285
B-146494	12-4-61	
B-147271	1-10-62	
B-147536	3-22-62	
B-147719	2-12-62	41 Comp. Gen. 536 8 CCF 71,680
B-148135*	4-30-62	133 USPQ 496 8 CCF 71,824
B-147509*	7-27-62	8 CCF 71,809
B-149392	8-1-62	
B-151411	6-10-63	
B-151635	9-5-63	
B-152438	9-13-63	
B-150978	10-10-63	9 CCF 72,295 43 Comp. Gen. 353
B-152389	12-23-63	140 USPQ 205
B-154001	6-22-64	
B-154317*	9-14-64	
B-154591	10-12-64	
B-155640 (ACF Electronics)	2-5-65	44 Comp. Gen. 461
B-155672	2-5-65	

Administrative Decisions	Rendered	Reported
	INFRINGING PROCUREMENT	
B-155884*	5-8-65	10 CCF 73,030
B-156692	7-2-65	45 Comp. Gen. 13 10 CCF 73,102
B-156709	7-6-65	
B-156802*	7-12-65	10 CCF 73,135
B-157827	7-20-65	11 CCF 80,281
B-156854	7-27-65	10 CCF 73,157
B-157485	11-26-65	11 CCF 80,151
B-157541 B-157561	2-10-66 "	11 CCF 80,288 "
B-158778	4-14-66	
B-158790	4-15-66	11 CCF 80,393
B-161608	8-23-66	
B-136916	9-12-66	11 CCF 80,670 151 USPQ 218 46 Comp. Gen. 205
B-159356	9-20-66	11 CCF 80,684 46 Comp. Gen. 227 151 USPQ 221
B-159067	9-28-66	
B-160745	2-13-67	153 USPQ 148 12 CCF 80,942 155 USPQ 608 12 CCF 81,230
B-162385	11-20-67	156 USPQ 288 12 CCF 81,494
B-162998	5-7-68	

Administrative Decisions	Rendered	Reported
	INFRINGING PROCUREMENT	
B-162998	5-7-68	
B-164418	9-19-68	
B-165893	3-17-69	
B-166072(1) B-166072(2)	3-28-69	
B-167152(1) B-167152(2)	8-14-69	
B-167046	9-29-69	
B-168264	12-15-69	
B-136916	5-28-70	49 Comp. Gen. 806
B-168013	6-26-70	
B-170698	5-4-71	
B-172159 (Webb Co.)	5-4-71	
B-171349	11-17-71	
B-174080	1-24-72	
B-176678 (Pak-Mar Manufacturing Co.)	1-17-73	
In re Grumman	2-2-73	176 USPQ 438
B-178124	3-9-73	
B-178206 (Dempster Brothers)	4-4-73	
B-178206	4-4-73	
B-178104	5-4-73	
B-177115 (Goodyear)	5-14-73	52 Comp. Gen. ____

Judicial Decisions	Rendered	Reported
	INFRINGING PROCUREMENT	
Wood v. Atlantic Gulf & Pacific Co.	1924	297 Fed. 718
Sperry Gyroscope v. Arma	1926	271 U.S. 232
Richmond Screw Anchor v. U.S.	1928	275 U.S. 331
Broome v. Hardie-Tynes Mfg. Co.	5 Cir. 1937	35 USPQ 383
Pollen v. Ford Instrument Company	2-15-39	40 USPQ 605
Bereslavsky v. Esso	4th Cir. (1949)	175 F.2d 148 82 USPQ 334
Irving Air Chute v. U.S.	1950	117 Ct. Cl. 799 87 USPQ 246
Drexler v. Koza	1-5-50	85 USPQ 78
Dearborn Chemical Co. v. Arvey Corp.	N.D. Ill. 1953	99 USPQ 201 114 F. Supp. 369
Martin Co. v. U.S.	7-16-58	118 USPQ 366 143 Ct. Cl. 551
Myers v. U.S.*	11-4-59	123 USPQ 354 147 Ct. Cl. 485
Roberts, et al. v. Herbert Cooper	11-20-59	143 USPQ 345
J&G Development Co. v. ALL-TRONICS	1-18-61	131 USPQ 162
Stelma, Inc. v. Bridge Electronics Co., Inc.	3 Cir. 1962	132 USPQ 665
Consolidated Vacuum v. Machine Dynamics	5-27-64	141 USPQ 623
New York v. Allied Asphalt		172 USPQ 360
Hercules v. Minn. State Highway Department		172 USPQ 644

Judicial Decisions	Rendered	Reported
INFRINGING PROCUREMENT		
J. C. McMullen, et al. v. State Bd. of Higher Education, et al.	D.C. Oregon 5-18-67	154 USPQ 236 12 CCF 81,109
Evans, et al. v. McDonnell Aircraft	6-20-67	154 USPQ 338 12 CCF 81,377
Molinaro, et al. v. Watkins-Johnson, CEI Div.	4-9-73	178 USPQ 2111
ROYALTIES		
Administrative Decisions	Rendered	Reported
Unnumbered	8-9-97	4 Comp. Dec. 43
Unnumbered	2-28-05	11 Comp. Dec. 489
Unnumbered	7-29-10	17 Comp. Dec. 57
Unnumbered	5-16-11	17 Comp. Dec. 887
Unnumbered	3-8-12	18 Comp. Dec. 686
Unnumbered	2-8-22	1 Comp. Gen. 414
A-3099	9-29-24	4 Comp. Gen. 224
A-4932 (MAA)*	10-14-24 3-24-25	4 Comp. Gen. 378 34 Ops. Att'y Gen. 447
A-13069	3-9-26	5 Comp. Gen. 713
A-76676	9-11-36 5-5-37	
B-15065	3-5-41	20 Comp. Gen. 499
B-32960	3-16-43	22 Comp. Gen. 904
B-57489	4-4-46	69 USPQ 212
B-57083	6-20-46	
	12-6-46	71 USPQ 325

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Judicial Decisions	Rendered	Reported
Towle v. Ross	3-14-40	45 USPQ 143 32 Fed. Supp. 125
Williams v. Weisser	4-3-67	153 USPQ 866
Public Affairs Press v. Rickover	5-9-67 (D.C. D.C.)	153 USPQ 598
	3-5-62 (Sup. Ct.)	132 USPQ 535
	10-20-60 (D.C. Ct. of Appeals)	127 USPQ 231
	10-23-59 (D.C. D.C.)	123 USPQ 252
Urner Barry Publications v. Freeman	7-21-67	155 USPQ 257
Campbell v. TVA	12-23-67	491 F.2d 293 (1969)
Scherr v. Universal Match	10-15-69	164 USPQ 225
Mauritz A. Steiner v. U.S.	12-11-70	193 Ct. Cl. 517
Williams & Wilkens v. U.S.	2-16-72	172 USPQ 70
Porter v. U.S.	2-26-73	177 USPQ 238

TRADEMARKS -- TRADE NAMES

Administrative Decisions	Rendered	Reported
	5-5-47	73 USPQ 304
	9-9-47	74 USPQ 344
B-138114	10-6-59	

TRADEMARKS -- TRADE NAMES

Administrative Decisions	Rendered	Reported
In re U.S. Dept. of Interior	9-10-64	142 USPQ 506
B-157150	1-19-66	
B-158705	6-6-66	
B-168013	4-1-70	

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Judicial Decisions	Rendered	Reported
Panatech v. Carl Zeiss	1953	110 Fed. Supp. 664
American Novawood v. U.S. Plywood (AEC)	5-21-70	154 USPQ 505 (1967) 881 O.G. 10 (CCPA)
FAA v. Scanwell Lab	4-7-71	170 USPQ 174
ECI v. ECI		170 USPQ 118
Aerojet General v. Computer Learning		170 USPQ 353
FBI v. Societe M. Bril & Co.		172 USPQ 310

INCENTIVE AWARDS

Administrative Decisions	Rendered	Reported
B-64000	3-29-47	26 Comp. Gen. 687 73 USPQ 18
B-131799	6-18-57	36 Comp. Gen. 822
B-133659	11-18-57	37 Comp. Gen. 343
B-151771	8-5-63	43 Comp. Gen. 123
B-151821	11-7-63	43 Comp. Gen. 436
B-161581	7-6-67	47 Comp. Gen. 3

INCENTIVE AWARDS

Judicial Decisions	Rendered	Reported
Rogallo v. U.S.	3-6-73	341 F. Supp. 998 ___ F.2d _____

PAYMENT -- WITHHOLDING

Administrative Decisions	Rendered	Reported
B-100489	10-11-62 10-21-62	
B-160434	1-23-67	

PATENT COSTS

Administrative Decisions	Rendered	Reported
ASBCA No. 7879 (American Electronics Lab)	1949 7-30-65	41 Ops. Att'y Gen. 65-2 BCA No. 5020
ASBCA No. 11499 (TRW)	7-11-68	68-2 BCA No. 7117
ASBCA Nos. 12731 & 12731 (Boeing)	10-24-69	69-2 BCA No. 7980
ASBCA Nos. 7350 & 7805 (Bell Aerospace)	3-22-63	63 BCA 3708
B-164912	2-16-70	
B-146071	8-7-61	41 Comp. Gen. 90

NASA RELATED CASES

Judicial Decisions	Rendered	Reported
Cadillac Gage Co. v. Brenner	10-15-65 6-16-66	147 USPQ 196 150 USPQ 12
Ormsby (Bendix) v. NASA*	10-27-65	847 O.G. 337
Rosen v. NASA*	9-39-66	152 USPQ 757

NASA RELATED CASES

Judicial Decisions	Rendered	Reported
Williams v. NASA*	4-16-70	166 USPQ 326
	8-10-72	175 USPQ 5
	6-18-73	178 USPQ 142
Erhardt et al. v. NASA*		171 USPQ 295
Hummer & Upton v. NASA*		167 USPQ 57
		171 USPQ 715

INTERFERENCES

Judicial Decisions	Rendered	Reported
Krebs v. Melicharok (8 months delay in filing, Gov't found not diligent)	6-27-38	38 USPQ 178
TVA v. Monsanto (reduction to practice)	7-31-64 7-19-67	154 USPQ 514 154 USPQ 504
Vogt v. Newschotz (contractor's diligence)	5-26-66	154 USPQ 37

GOVERNMENT USE, PUBLICATION, OR SALE AS A BAR

Judicial Decisions	Rendered	Reported
Picard v. United Aircraft (Experimental engines made under Army contract -- held to be prior art even though engines never flew)	5-28-42	53 USPQ 563
Lyon v. Bausch & Lomb* (Gov't employee invention)	12-31-53 6-20-55 7-29-55	100 USPQ 100 106 USPQ 1 106 USPQ 240
Emerson v. National Cylinder Gas Company (Sale to British Gov't --- a bar)	11-19-56	111 USPQ 305
Rem-Cru Titanium v. Watson (Report to Gov't agency is not publicly known on date Gov't receives it)	6-17-57	114 USPQ 404
Sperry Rand v. Bell Telephone (ENIAC -- experimental)	9-6-62	135 USPQ 254

GOVERNMENT USE, PUBLICATION, OR SALE AS A BAR

Judicial Decisions	Rendered	Reported
Atlas v. Eastern Air Lines (employee invention--invalid on basis of public use)	12-11-62 (1st Cir.)	136 USPQ 4
MMM v. Kent Industries (tests by Navy to qualify product was "offer for sale")	9-15-67	155 USPQ 211
Iron Ore Co. of Canada v. Dow v. University of Utah*		177 USPQ 34
Technitrol, Inc. v. Aladdin Industries (Classified Contract)		166 USPQ 74
Minneapolis Honeywell v. Midwestern Instrument Inc.		131 USPQ 402
Carboline Co. v. Mobil Oil Corp.		163 USPQ 273
Piet v. U.S.		

MISCELLANEOUS CASES

Judicial Decisions	Rendered	Reported
Ex Parte Inslerman (35 U.S.C. 102 -- applies to Gov't cases)	5-29-52	97 USPQ 418

MISCELLANEOUS CASES

Judicial Decisions	Rendered	Reported
Ex Parte Blair (Special statute to remove same bars--employee invention)	12-15-55	114 USPQ 557
Piet v. U.S. (Sale on classified project)	9-8-59 1960	123 USPQ 21 127 USPQ 410
Bendix v. Radio Position Finding (Special Statute, see Blair case)	6-8-62 1-21-63	133 USPQ 38 136 USPQ 150
Osborne v. Boeing Airplane Co. (Employee's rights in his company's suggestion awards program)	10-11-62	135 USPQ 145
Ushakoff v. U.S.* (Sale to Gov't is for experimental purposes)	1-24-64	140 USPQ 341 164 Ct. Cl. 455 9 CCF 72,417
Bell Intercontinental Corporation v. U.S. (Taxes -- MAA)	11-28-66	152 USPQ 182

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GOVERNMENT PATENT & DATA POLICY

Reference List of Statutory, Regulatory and Important Decisions 1967 to Present

REGULATIONS

Department of Health, Education & Welfare

Screening of Compounds Generated Under DHEW Grants and Contracts, 34 F.R. 201, January 7, 1969, 45 C.F.R. 8.8.

Regulations Regarding the Issuance of Exclusive Licenses, 34 F.R. 15560, October 7, 1969, 45 C.F.R. 6.3.

Copyright Guidelines, Office of Education, 35 F.R. 7317-7320, May 9, 1970.

NIH Copyright Policy Proposed Revision, 36 F.R. 11768-11769, June 18, 1971.

HEW Procurement Forms - Revisions Part 3-16 (Patent & Data Clauses), 36 F.R. 23060-23065, Dec. 3, 1971.

Department of Agriculture

Regulations Regarding the Issuance of Exclusive Licenses, 35 F.R. 7493-7495, May 14, 1970, 7 C.F.R. 19.

Procurement Regulations for Negotiated Research Agreements With Educational Institutions, 35 F.R. 12602-12607, August 7, 1970, 41 C.F.R. 4-3.5103 & 4-7.5101-17.

Department of Commerce

Allocation of Patent Rights, Administrative Order 208-14, October 18, 1967; 32 F.R. 15890, November 18, 1967.

Environmental Protection Agency

Interim Grant Regulations, 36 F.R. 22716; November 27, 1971, 40 C.F.R. 1B, Grants - Subpart D.

Proposed Contract Regulations for Patents, 37 F.R. 3764-3768, February 19, 1972.

Department of Interior

Patent and Data Regulations - Office of Saline Water, 36 F.R. 22744-22750, November 30, 1971, 40 C.F.R. 14R-9.

Department of the Air Force

Memorandum of Understanding Between Department of the Air Force and SBA on Publication Abstracts of Air Force Invention Disclosures, May 17, 1971.

AFSC/ASPR Supplement Change 15, January 28, 1972, 9-107.5 ANT Program.

Atomic Energy Commission

Proposal Policy, 35 F.R. 14653-14654, September 19, 1970, 41 C.F.R. 9-3.150.

Unsolicited Proposals (Amendment), 36 F.R. 22293, Nov. 24, 1971, 41 C.F.R. 9-4.52.

Data Clause Revision, 41 C.F.R. 9-7.5006-13, 9-7.5006-59, 41 C.F.R. 9-7.5006-59.

IR&D Patent and Data Policy, 41 C.F.R. 9-9.5019.

General Accounting Office

Bid Protests, 4 C.F.R. Chapter 1, Subchapter A. Subpart 20, 36 F.R. 24791-24792, December 23, 1971.

National Aeronautics and Space Administration

Procurement of Patented Items, Procurement Regulation Directive 70-14, 36 F.R. 21496, November 10, 1971.

NASA Data Regulations, 36 F.R. 6391-6396, April 3, 1971.

Revision to NASA Patent Licensing Regulations, 37 F.R. 6465, March 30, 1972.

Proposed Revision to NASA Patent Waiver Regulations, 37 F.R. 3918, February 24, 1972.

Department of Transportation

Patent and Data Policy, 37 F.R. 4833, 4867-4876, March 4, 1972.

General Services Administration

Proposed Revision to Title 41, Chapter 101, Federal Property Management Regulations, Part 101-4.1, Licensing of Government-Owned Inventions.

General

Government Patent Policy, President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, Federal Register Vol. 36, No. 166, August 26, 1971, Pages 16887-16892.

DATA RIGHTS

Comptroller General Decisions

B-162399 (Bendix), May 3, 1968

Proprietary aspect of limited rights data lost by delivery of data to Government without restrictive markings.

B-163445 (Pace, Inc.), July 23, 1968

Government may use data obtained from other sources with unlimited rights even though Pace delivered same information with restrictions.

B-165279 (Technical Comm. Corp.), February 18, 1969

Government was able to trace the information in its RFP from a source other than the protestor's unsolicited proprietary proposal.

B-165111 (Regent Jack), February 26, 1969

Prime removes sub's restrictive marking and submits drawings to Government; decision holds that Government purchased drawings with unlimited rights and in good faith, so therefore it may use subcontractor's drawings for procurement purposes.

B-166185 (RF Systems), April 30, 1969

Protest based on misuse by Government of protestor's proprietary rights must be promptly interposed or protestor will be held to have waived his rights.

B-166022 (Sancor Corp.), May 22, 1969

Government misuses proprietary data in drafting purchase description for contract; however, Comp. Gen. does not order cancellation of contract award to third party, as the third party acted in good faith.

B-165369, B-165947 (Lenkert Electronics), July 11, 1969; 49 Comp. Gen. 20

Government use of a concept from a proprietary proposal in a competitive procurement is upheld, as this conception was only used internally by the Government and implementation of the concept was state of the art.

B-165542 (Standard Manufacturing), July 11, 1969; 49 Comp. Gen. 28

Protestor's detailed comparison between his proprietary unsolicited proposal and Air Force RFP was not sufficiently refuted by the Air Force, so Comp. Gen. ordered sole source procurement, or the removal of the proprietary information from RFP specification.

B-167020 (McDonnell Automation), August 26, 1969; 49 Comp. Gen. 124

Contractor mixed his proprietary effort in development of Project LITE programs with his effort for the Government and delivered software package to Government with restrictive markings. Government is permitted to remove markings and use data competitively since the item (data) was not developed wholly at private expense.

B-166071 (Breed Corp.), September 18, 1969

Contractor sells items to Government for "test and evaluation." The Government may release sample for reverse engineering purposes since restrictions placed on use of item by contractor was not explicit enough to bar this release by the Government.

B-167365 (National Water Lift Co.), November 14, 1969

Subcontractor's form, fit and function data having a proprietary legend thereon may be used by the Government in preparing its RFP and this legend ignored as the Government obtained unlimited rights in this category of data pursuant to the ASPR data provisions incorporated into the subcontract.

B-167932 (Apex Metal), January 15, 1970

A value engineering change proposal was submitted without any restrictive legends; the Government was therefore free to use the data in this proposal in another effort without any compensation due to the contractor.

B-167570 (Hamilton Standard), February 5, 1970; 49 Comp. Gen. 471

DOD's use of restrictively marked data to verify that data received from another source is sufficient for procurement purposes is permitted. The use of the word "procurement" in the DOD limited rights legend is interpreted to refer to procurement entailing disclosure of the data outside the Government.

B-169108 (Matlock Electric), March 24, 1970

The Comp. Gen. has no authority to order a private party to furnish proprietary data to a government contractor.

B-168485(1) (Adcom), March 30, 1970

A protest will not be upheld if the protestor delays in bringing his protest on the misuse of his proprietary data until after he learns that he has lost the competition.

B-169493 (Trylon), July 1, 1970

Government received data without restriction in good faith from its prime contractor. Subcontractor alleged that this data was proprietary, seeks to enjoin prime, and asks Comp. Gen. to stop the Government from using his data. Comp. Gen. will not do so because of the contingent nature of the subcontractor's lawsuit and the fact that the Government received drawings without restrictions and in good faith from the prime contractor.

B-169172 (Jet Avion Corp.), September 16, 1970; 50 Comp. Gen. 184

"Engineering Critical" designation relates only to rights in data, and so long as restricted data is not released, as opposed to a sole-source procurement method.

B-169077 (Baldwin-Lima-Hamilton Corp.), October 13, 1970; 50 Comp. Gen. 271

The ASPR six-month time limit wherein a contractor may request the contracting officer to correct a limited rights marking omission on data starts to run upon the delivery of the specific data item rather than upon the complete delivery of the entire data package.

B-169680 (Tasker Industries), November 24, 1970

Protests based upon a showing that the Air Force's technical approach was similar to that contained in the protestor's prior unsolicited proposal was rejected as the Air Force disowned any use of the data in the unsolicited proposal, and it was not clear that the facts established any liability on the part of the Government.

B-170154(2) (Hollander Associates), March 30, 1971

Contracting Officer need not consider a proposal which reserves the right to negotiate for the delivery of proprietary information with limited rights, as this is an unequivocal exception to a significant provision of the RFP.

P.S. Protest, P71-6 (Aerojet General)

Postal Service removed subcontractor's proprietary legend from his drawings and used drawings for competitive solicitation. Action held to be proper as data rights clauses in both the prime and contract subcontracts did not permit the placement of any proprietary marking on delivered data.

B-173681 (Gentex), February 7, 1972; 51 Comp. Gen.

Bidder protests inclusion of provision in proposed contract which will permit government inspectors to view his secret process. GAO holds that agency may include such a provision in contract; 18 U.S.C. 1905 protects the contractor; bidder need not let anyone into his plant if he so desires and may, therefore, refuse to submit an offer.

Board of Contract Appeals Decisions

ASBCA 14147 (Philco Ford), October 23, 1970

Subcontractor withholds from delivery as "proprietary data" maintenance information on tooling, test equipment, subassembly maintenance data, tolerance and specific dimensions of some parts. Air Force claims this data is not secret of manufacture and, even so, could be easily obtained by inspection and analysis, i.e., reverse engineering, and therefore is not "proprietary data." Board holds that to the extent this data has not been released without restrictions, it is proprietary data even though an expert mechanic was able to maintain and rebuild all parts without any such data.

ASBCA 14556 (Compudyne), November 30, 1971, 172 U.S.P.Q. 367

ASBCA citing Bofors v. U.S. finds that courts have determined that an action for misuse of limited rights data sounds in contract, not in tort. However, the Board rejects the Government's argument that misuse of a properly restrictively marked data is either a breach of contract or a tort and is therefore beyond the jurisdiction of the ASBCA. Board finds that the contractor

is not making a claim for breach of contract or tort, but is claiming under the Data Rights and Changes clause of the contract. Claims arising under the Data clause are "fully redressable and adjustable under the Changes clause and the Constructive Change Doctrine."

ASBCA 15798 (Joanell Laboratories), February 1, 1972

Contractor seeks damages for unauthorized use of his limited rights. ASBCA holds that contractor's claim is for breach of contract and/or tortious conduct, both of which are matters beyond the ASBCA's jurisdiction under the Disputes clause.

Court Decisions

Precision Plating & Metal Finishing v. Martin-Marietta Corp. 168 U.S.P.Q. 257

Court determines the value of a subcontractor's trade secret publically disclosed by a government prime contractor to be determined on the basis of the trade secret's investment value, as there was no other way to establish the fair market value of the trade secret.

Williams & Wilkins Co. v. U.S. (Comm. Dec.), 172 U.S.P.Q. 670

Wholesale photocopying of copyrighted journal articles for inter-library loan program and for in-house use by Government held to be an infringement by the Government and not a "fair use" of the copyright. Government argues that it had an implied license in many of the copyrighted articles as Government by grant, supported original work upon which the articles were based. Commissioner holds that implied license in Government is negated as regulations specified that grantee were to deal with copyright matters "as if the Government had not contributed support."

Condec Corp. v. U.S. (Court of Claims), February 18, 1972, 173 U.S.P.Q. 32

Contractor claims that Government misused his proprietary information by incorporating this information into

its specification and by permitting other bidders to inspect a prototype of his equipment. Court holds that specification in question was a performance specification and did not disclose any proprietary information. Release of contractor's equipment for inspection was proper as an earlier unrestricted sale to the Government extinguished plaintiff's rights.

Canadian Commercial Corp. v. U.S. (Comm. Decision, Court of Claims), March 10, 1972

Contractor sues Government for misusing the proprietary data delivered to Government under this contract. Commissioner finds no breach by Government as contractor has only proven that the Government had access to his data and has not, by the preponderance of the evidence, proven that the Government has used the data. While a contractor may show similar drawings by Government to warrant the inference of copying or derivation. Here the Government had independent access to other similar drawings, therefore, such inference is unwarranted.

Comptroller General Reports

B-39995, "Evaluation of Two Proposed Methods for Enhancing Competition in Weapons Systems Procurement," July 14, 1969.

B-115369, "Acquisition and Use of Software Products For Automatic Data Processing Systems in the Federal Government," June 30, 1971.

CASES AND REPORTS

Patent Rights

Allowability of Patent Costs

ASBCA 7879 (TRW Systems), 68-2 BCA 7117, 159 U.S.P.Q. 499, July 11, 1968, September 18, 1968.

ASBCA 12731 (Boeing Co.), 69-2 BCA 7980, October 24, 1969; 70-1 BCA 8132, February 6, 1970.

Patent Infringement

Government Patent Infringement

Evans v. McDonnell Aircraft Co. Jurisdiction under 28 U.S.C. §1498	154 U.S.P.Q. 338
McMullen Associates v. State Board of Education Jurisdiction under 28 U.S.C. §1498	154 U.S.P.Q. 236
Browser, Inc. v. U.S. Government Impleading of Third Party Contractor Indemnifier	164 U.S.P.Q. 460 165 U.S.P.Q. 350 166 U.S.P.Q. 46
Zimmerman v. U.S. Government Employee's Rights in Invention as Against the Government	165 U.S.P.Q. 33
Dorr-Oliver, Inc. v. U.S. Effect and Interpretation of Employee's Employment Patent Agreement Hold-over Clause as a Defense in an Infringement Suit	165 U.S.P.Q. 517
Calhoun v. U.S. Court rejects Commissioner's test that reasonable compensation should be greater than the normal royalty rate offered to licensees by patentee.	Court of Claims

Court Decisions

Eastern Rotorcraft v. U.S. — 150 U.S.P.Q. 124; 155 U.S.P.Q. 729

Government is not entitled to an implied license in contractor's backgrounnd patent although the "subject invention" reported under the contract was an improvement to contractor's basic invention.

Eastern Rotorcraft v. U.S. — 154 U.S.P.Q. 43; 158 U.S.P.Q. 294

The Government is not entitled to a license as the plaintiff's invention was conceived after the completion of all R&D work under his government contract.

AMP, Inc. v. U.S. — 152 U.S.P.Q. 816; 156 U.S.P.Q. 674

Government is licensed to practice an after-acquired dominating background patent because of its license to use a "subject invention" reported to the Government and subsequently patented by plaintiff. The Court distinguished Eastern Rotorcraft as in that case there was a clear statement negating implied licenses in favor of the Government, and the Government knew of the dominating Eastern Rotorcraft patent.

Tripp v. U.S. — 157 U.S.P.Q. 90; 161 U.S.P.Q. 115

The Government was not entitled to an implied patent license by virtue of a contract clause which gave the Government the right to use all data furnished under the contract.

Technitrol v. U.S. (4-16-71) 170 U.S.P.Q. 732

Court finds that invention was conceived while one of the inventors was working on a government contract and that it was within the performance of the contract. Court notes that it is possible to have an invention lie outside the contract even though crystallized during the period of performance when its subject matter is distinct from the government work.

Hobbs v. U.S. (AEC) 153 U.S.P.Q. 378
171 U.S.P.Q. 713

AEC was not entitled to a license in the Hobbs' patent as Hobbs, a consultant to an AEC contractor, had obtained an agreement with his employer that he would retain all rights to his inventions and the making of the invention was not the result of federally-financed research.

Technical Development Corp. v. U.S. (October 1, 1971) (Comm. Decision) 171 U.S.P.Q. 353

Commissioner finds that inventor was in a joint venture in performing a government subcontract although not a signatory thereto, and was therefore bound by the patent clause in the subcontract. Irrespective of the precise relationship of the parties, the Government is also entitled to a license by implication as government funds were used in making the invention.

3M's v. DuPont 171 U.S.P.Q. 11

Cites AMP v. U.S. in applying legal estoppel which implies a license to practice an invention covered in an after acquired dominating patent of the licensor.

Board Decisions

ASBCA No. 9005 (Bell Aerospace), 67-1 BCA 6203, March 8, 1967

Reduction to practice was not shown prior to the government contract as it did not work as intended in a practical contemplated use.

DOT 68-28 (Scanwell); 69-1 BCA 7509, February 5, 1969 & December 29, 1969

An actual reduction to practice must be established by demonstration in fact, as distinguished from a demonstration in theory.

ASBCA No. 14779 (New York University), March 16, 1971 170 U.S.P.Q. 101

Government's claim to a license in an invention conceived on a research contract is upheld although contractor claims that invention was outside of the scope of the contract work statement. Board relies on Mine Safety Appliances v. U.S. and states that the license grant of the Patent Rights clause should be read "liberally."

Comptroller General Decisions

B-160745 (Dynamics Corp.), July 27, 1967; 155 U.S.P.Q. 608

Exclusive remedy for a patent infringement claim is before the Court of Claims. The Comp. Gen. does not have authority to consider settlement of such claims under 31 U.S.C. §71.

B-162998 (Simmonds Precision), May 7, 1968

Comp. Gen. reaffirms position that a patent indemnity clause is not required in negotiated contracts, but may be included therein as specified by ASPR.

B-167152 (Airteck Corp.), August 14, 1969

A general warning to competitors five days before bid opening not to infringe patents held by winning bidder is not considered anticompetitive in this case by the Comp. Gen.

B-136916 (NASA), May 28, 1970; 49 Comp. Gen. 806

Changes to NASA's preprocurement license policy approved.

Comptroller General Reports

B-164031(2), "Problem Areas Affecting Usefulness of Results of Government-Sponsored Research in Medicinal Chemistry," August 12, 1968.

B-164912, "Allowances for Independent Research and Development Costs in Negotiated Contracts--Issues and Alternatives," February 16, 1970.

Selected Patent & Data Articles & Reports (1967 - 1971)

1. "Federal Patent Policy: An Instrument in the Regulation of Industry," H. Fredrick Hamann, Southern California Law Review, Vol. 34, No. 4, pp. 491-525. (1966)

2. "Government Patent Policy," Charles L. Shelton, Journal of Air Law and Commerce, Vol. 33 (1967), pp. 39-61.

3. "Patent Policy in Government Research and Development Contracts," James A. Dobkin, Virginia Law Review, Vol. 53 (1967), pp. 564-653.

4. "Patent Problem: Who Owns the Rights?" William W. Eaton, Harvard Business Review, July-August 1967, pp. 1-110.

5. "Effective Use of Government-Owned Rights to Inventions: Publication Versus Patenting," Georgetown Law Journal, Vol. 55 (1967), pp. 1083-1097.

6. "Reduction to Pratice of Space Inventions," Robert F. Kempf, Journal of the Patent Office Society, Feb. 1968, pp. 105-126.

7. "Transfer of Space Technology to the American Consumer: The Effect of NASA's Patent Policy," Samuel I. Doctors, Minnesota Law Review, Vol. 52, No. 4 (March 1968), pp. 787-818.

8. "Government, Industry, and the Research Partnership: The Case of Patent Policy," Henry Lambright, Public Administration Review (May/June 1968), pp. 214-221.

9. "Government Patent Policy Study, Final Report" by Harbridge House, Inc., Boston, Mass., for FCST Committee on Government Patent Policy, Contract No. 7-35807.

10. "Invention Disclosure Review Board," Col. Morton J. Gold, JAG Law Review (Fall 1969), pp. 340-342.

11. "Department of Defense Procurement and Use of Industrial Property," William G. Gapcynski, Federal Bar Journal (Winter 1971), Vol. 30, No. 1, pp. 39-81.

12. "Nixon Patent Policy Aims to Aid Business," Commerce Today, September 20, 1971.

Patent Infringement & Administrative Claims

1. "Patent Infringement in Government Procurement: GAO's Role," J. Edward Welch, William & Mary Law Review, Vol. 10, (1968), pp. 39-57; also, JPOS, March 1969, pp. 177-198.

2. "Public Use and Sale as a Bar to Obtaining a Patent and its Application to Government Activities," Charles C. Wells & Wayland H. Riggins, American University Law Review, Vol 18, No. 1 (Dec. 1968), pp. 43-76.

3. Third Party Jurisdication of the United States Court of Claims," John I. Coldren, Public Contract Law Journal, Vol. 4, No. 2, October 1971.

Data Policy

1. "Technical Data in Government Contracts," John B. Farmakides, William and Mary Law Review, Vol. 8 (1967), pp. 573-587.

2. "Proprietary Data and Trade Secrets Under Department of Defense Contracts," Maj. Robert M. Hinrichs, Military Law Review, Vol. 27 (April 1967), pp. 61-90.

3. "Procurement Data Management," Paul R. Durr, National Contract Management Journal, Vol. 2, No. 2 (Fall 1968), pp. 67-90.

4. "The Role of the General Accounting Office in the Protection of Proprietary Data," Paul Schnitzer, ABA Newsletter, Vol. 4, No. 1 (October 1968).

5. "Patents, Technical Data and International Defense Agreements," Harry M. Saragovitz & James A. Dobkin, Villanova Law Review, Vol. 13, No. 3 (Spring 1968), pp. 457-486.

6. "Release of Unclassified Research Results," LTC Andrew S. Horton, JAG Law Review, March/April 1968.

7. "Rights in Technical Data," Theodore M. Kostos & Stanley Dubroff, 2 National Contract Management Journal (1968), pp. 139-151.

8. "Trade Secrets: What Price Loyalty?" Michael S. Baram, Harvard Business Review, Vol. 46, No. 6, November - December 1968.

9. "Computer Programs in Government Procurement," Earl Levy, William & Mary Law Review, Vol. 10, No. 3 (Spring 1969), pp. 658-689.

10. "Access to Government Information," The Government Contractor Briefing Papers, No. 68-2, April 1968.

11. "Patents, Trade Secrets, Technical Data Use and Misuse by U.S. Government," H. M. Saragovitz, Villanova Law Review, Vol. 15, No. 331, Winter 1970.

12. "Copyright or Wrong," Maj. William Carnahan, JAG Law Review, Winter 1970, pp. 4-20.

13. "Data Warranty in Defense Contracts," Frank Reda, National Contract Management Journal, Vol. 4, No. 2, Fall 1970, pp. 187-195.

14. "Quality Program for Technical Data," F. L. Dillingham & S. E. Wilson, National Contract Management Journal, Vol. 4, No. 2, Fall 1970, pp. 205-215.

15. "Rules of Law on Technical Data," (Comptroller General Decisions), Machinery and Allied Products Institute, 1200 18th Street, Washington, D.C. 20036.

ROYALTIES

Administrative Decisions	Rendered	Reported
BCA No. 1273*	1-25-47	
	12-7-48	79 USPQ 452
B-82907	5-20-49	81 USPQ 451
	8-2-49	82 USPQ 320
	1-20-50	84 USPQ 205
ASBCA No. 858* (Technical Training Aids, Inc.)	8-7-52	
B-117374	11-4-53	33 Comp. Gen. 203 99 USPQ 326
B-124998*	1-19-56	109 USPQ 271 6 CCF 61,779
	3-4-56	109 USPQ 322
B-127407	5-4-56	36 Comp. Gen. 622
ASBCA No. 1809 (Polydoroff)		
ASBCA No. 3884 (Rockwell Spring)	1957	57-2 BCA 1486
ASBCA No. 4306 (Hydrocarbon Research)	2-28-58	58-1 BCA 1653
ASBCA Nos. 6516 & 6517 (Republic Aviation)	4-26-61	61-1 BCA 3023 1963 BCA 3746
B-145104	7-20-61	8 CCF 71,575 130 USPQ 286 Gov't Contractor 8-7-61 41 Comp. Gen. 34
ASBCA No. 5551 (Kearfott, G.P.)	11-24-61	61-2 BCA 3241

ROYALTIES

Administrative Decisions	Rendered	Reported
ASBCA No. 7610 (Doak Aircraft)	3-8-63	63 BCA 3684
ASBCA No. 6616 (Raytheon)	5-27-63	63 BCA 3746
B-151821*	11-7-63	139 USPQ 463 43 Comp. Gen. 436
B-152389	12-23-63	140 USPQ 205 9 CCF 72,396
ASBCA No. 8551 (Kearfott, G.P.)	7-8-64	64 BCA 4328
B-156802*	7-12-65	10 CCF 73,135
B-157163	12-16-65	
ASBCA No. 10209 (Channell Splicing Machine Co.)	12-30-66	66-2 BCA 6061
ASBCA No. 11499 (TRW)	7-11-68	68-2 BCA 7117
ASBCA No. 15250 (Lear Siegler)	8-17-68	71-2 BCA 9059
ASBCA No. 13224 (Northrop)	12-23-68	69-1 BCA 7445
B-178104 (DOT)	5-24-73	52 Comp. Gen. ____
ASBCA No. 16097 (Raytheon)	2-27-73	

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Judicial Decisions	Rendered	Reported
American & British Mfg. Co. v. U.S.	Ct. Cl. 1915	50 Ct. Cl. 204
Bliss v. U.S.	1920	253 U.S. 187

ROYALTIES

Judicial Decisions	Rendered	Reported
MAA v. U.S.	1933	77 Ct. Cl. 481 17 USPQ 439
U.S. v. Youngstown Sheet & Tube Company	6 Cir. 1948	79 USPQ 369
Lockheed v. U.S.		179 Ct. Cl. 545
Lewis v. U.S.		143 USPQ 299
In re Grumman		176 USPQ 438

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Unnumbered	9-20-23	3 Comp. Gen. 151
A-11388	2-18-26	5 Comp. Gen. 640
A-4258	7-16-26	6 Comp. Gen. 43
B-126313*	2-10-56	
B-132468	9-20-57	
B-138638	4-6-59	38 Comp. Gen. 667
B-133168	5-15-59	
B-139622	10-12-59	
ASBCA No. 4480* (Hastings-Raydist)	11-25-59	59-2 BCA 2423
B-141871	3-15-60	
B-142062	3-29-60	
Comp. Gen. Letter	5-17-60	Hearing, March 29, 30 & 31, 1960, House of Rep. Select Committee on Small Business, "Multer Hearings"
B-143688	8-25-60	
B-143427	11-17-60	127 USPQ 471 40 Comp. Gen. 294 7 CCF 71,443
B-143711 (Gayston)	12-22-60 5-15-61 6-21-61	8 CCF 71,481
B-145026	3-23-61	
B-146013	7-7-61	
B-136916 (Aircraftsman)	8-28-61	41 Comp. Gen. 148 8 CCF 71,594

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Administrative Decisions	Rendered	Reported
B-146261*	10-16-61	41 Comp. Gen. 242
B-147875	2-2-62	41 Comp. Gen. 510
B-147654	3-6-62	
B-148135*	4-30-62	133 USPQ 496 8 CCF 71,824
B-148376	7-24-62	134 USPQ 423 8 CCF 71,807
B-147509*	7-27-62	8 CCF 71,809
B-148575	8-1-62	
B-148288	8-14-62 6-1-62	8 CCF 71,777
B-149295 (Barsh Assoc.)	9-6-62 1-8-63	136 USPQ 321 9 CCF 71, 995 42 Comp. Gen. 346 8 CCF 71,848
B-149403	9-28-62	
B-150662	2-28-63	
B-150369 (Eagle Crusher)	8-22-63	9 CCF 72,267 43 Comp. Gen. 193
B-152000	9-12-63	41 Comp. Gen. 755
B-151430	10-2-63	
B-151888	11-22-63	43 Comp. Gen. 451 9 CCF 72,354
B-151967	2-2-64	9 CCF 72,403
B-152840	2-20-64	
B-153497 (Grimes)	5-6-64	9 CCF 72,561
B-149186	7-11-62	42 Comp. Gen. 36

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Administrative Decisions	Rendered	Reported
B-154141 (Malakar Lab)	5-22-64	9 CCF 72,589
B-153144	6-4-64	9 CCF 72,594
B-152410	6-9-64	9 CCF 72,603
B-153430	6-21-64	
B-153404	7-23-64	9 CCF 72,715 44 Comp. Gen. 27
B-154038	8-4-64	
B-153941	8-27-64	
B-154818	9-16-64	
B-154679	10-2-64	
B-154079 (Couse Co.)	10-14-64 9-13-65	9 CCF 72,783
ASBCA No. 10,200 (Bendix)	11-18-64	65-1 BCA 4552
B-154641	11-20-64	(Reverse Eng.)
B-154676	12-14-64	
B-152684 (Space Corp.)	2-5-65	10 CCF 72,919 44 Comp. Gen. 451
B-155858	4-28-65	
B-156134 Also: B-156151 B-156174 B-156762 B-156231 B-157974	5-14-65 10-25-66	10 CCF 73,029 11 CCF 80,750
B-155884*	5-18-65	10 CCF 73,030
B-156152	5-28-65	10 CCF 73,048

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Administrative Decisions	Rendered	Reported
B-156715 (Vet. Admin.)	6-24-65	44 Comp. Gen. 224
B-156727	10-7-65	147 USPQ 230 11 CCF 80,062
B-155227	10-27-65	
B-157300	11-19-65	11 CCF 80,143
B-157485	11-26-65	
B-156959	12-6-65	11 CCF 80,168
B-157827*	2-7-66	11 CCF 80,281
B-158028	2-14-66	
B-157652	6-29-66	11 CCF 80,538
B-159067	6-30-66	11 CCF 80,542
B-158865	7-13-66 9-26-66	46 Comp. Gen. 34
B-158316	7-18-66	11 CCF 80,585
B-158125	8-26-66 6-28-66 6-30-66	
B-160318	2-16-67	
B-158964	3-2-67	12 CCF 80,958 46 Comp. Gen. 679
B-158550	3-21-67	
B-160809	6-29-67	
B-161608*	8-23-67	
B-161653	11-9-67	12 CCF 81,465
B-161872	12-18-67	12 CCF 81,545
B-161653	7-17-67	

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Administrative Decisions	Rendered	Reported
B-162979	2-14-68	
B-163200	3-12-68	
B-162399 (Bendix)	5-3-68	
B-165542	7-11-68	
B-163445 (Pace)	7-23-68	
B-162240	7-30-68	
B-165262	11-14-68	
B-165279(1) (Technical Comm.)	2-18-69	
B-165111 (Regent Jack)	2-26-69	
B-167617	3-6-69	
B-165457	3-18-69	
B-165088	3-18-69	48 Comp. Gen. 605
B-166185 (RF Systems)	4-30-69	
B-166022 (Sancor Corp)	5-22-69	
B-165953	5-23-69	48 Comp. Gen. 750
B-165369 (Lenkert B-165947 Electronics)	7-11-69	49 Comp. Gen. 20
B-165542 (Standard Manufacturing)	7-11-69	49 Comp. Gen. 28
B-167152(1) & (2)	8-14-69	
B-167020 (McDonnell (Automation)	8-26-69	49 Comp. Gen. 124
B-166071 (Breed Corp)	9-18-69	

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Administrative Decisions	Rendered	Reported
B-167046	9-29-68	
B-167382 (Ryan)	10-16-69	49 Comp. Gen. 251
B-167365 (National Water Lift)	11-14-69	
B-167250	11-13-69	
B-167932 (Apex Metal)	1-15-70	
B-167570 (Hamilton Standard)	2-5-70	49 Comp. Gen. 471
B-169108 (Matlock Electric)	3-24-70	
B-168485(1)/(2) (Adcom)	3-30-70	
B-169261	6-5-70	
B-168013	6-26-70	
B-169493 (Trylon)	7-1-70	
B-170468	9-8-70	
B-169172 (Jet Avion Corp.)	9-16-70	50 Comp. Gen. 184
B-169077 (Baldwin-Lima Hamilton)	10-13-70	50 Comp. Gen. 271
ASBCA No. 14147 (Philco Ford)	10-23-70	70-2 BCA 8538
B-169680 (Tasker Industries)	11-24-70	
B-170362	11-24-70	
B-170189	12-1-70	
B-170175	12-1-70	

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Administrative Decisions	Rendered	Reported
B-170543	12-2-70	
B-171222	1-19-71	
B-171609	2-9-71	
B-170154(2) (Hollander Assoc.)	3-30-71	
ASBCA No. 15162 (Sparkadyne)	4-29-71	71-1 BCA 8854
B-170698	5-4-71	170 USPQ 473
B-172658	7-1-71	
B-173192	8-23-71	
ASBCA No. 14556 (Compudyne)	11-30-71	172 USPQ 367 71-1 BCA 9218
ASBCA No. 15798 (Joanell Lab)	2-1-72	72-1 BCA 9300
B-173681 (Gentex)	2-7-72	51 Comp. Gen. 476 173 USPQ 241
ASBCA No. 17226 (Jay Rock Precision)	11-7-72	72-BCA 9753
B-176428 (Thermo King Company)	11-10-72	
B-176146 (Crosby Valve & Gage Co.)	1-22-73	
B-174866 (Lockheed)	12-4-72	52 Comp. Gen. 312
B-173146 (Korad)	6-15-72	175 USPQ 307
B-176844 (ITT)	3-15-73	
B-176764 (Howell Instr.)	5-14-73	52 Comp. Gen. ____
B-177115 (Goodyear)	5-14-73	52 Comp. Gen. ____

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Judicial Decisions	Rendered	Reported
Rodman Chemical Co. v. U.S.		65 Ct. Cl. 39
Wright v. U.S.	3-7-38	86 Ct. Cl. 290
Robbins v. U.S.	5-6-46	106 Ct. Cl. 278 69 USPQ 354
Patton v. U.S.	3-1-48	110 Ct. Cl. 195 76 USPQ 262
Fullmer v. U.S.	1949	80 USPQ 545
Hoerner v. U.S.	11-7-49	114 Ct. Cl. 612 83 USPQ 79
Fullmer v. U.S.	1948	111 Ct. Cl. 591
Antiebolaget Bofors v. U.S.	C.A.D.C. 1951	91 USPQ 285
Musher v. U.S.	1-9-51	88 USPQ 117 118 Ct. Cl. 259
Oerlikon Machine Tool v. U.S.	3-6-51	118 Ct. Cl. 614
Gearon v. U.S.	11-3-53	126 Ct. Cl. 548 99 USPQ 548
Nuss v. U.S.	1-5-54	100 USPQ 117 127 Ct. Cl. 197
Jacobs v. U.S.	4 Cir. 1956	239 F.2d 459
Kaplan v. U.S.	1957	139 Ct. Cl. 672
Antiebolaget Bofors v. U.S.	Ct. Cl. 1957	114 USPQ 243 139 Ct. Cl. 642
Curtis v. U.S.	1958	144 Ct. Cl. 194
Fullmer v. U.S.	1-14-59	111 Ct. Cl. 812

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Judicial Decisions	Rendered	Reported
Padbloc Co. v. U.S.	4-5-63	137 USPQ 224 161 Ct. Cl. 369 9 CCF 72,374
Space Aero Products v. R. E. Darling Company	3-12-65	145 USPQ 356

GOVERNMENT RIGHTS IN INVENTIONS

Administrative Decisions	Rendered	Reported
A-57098	9-13-34	14 Comp. Gen. 118
A-57619	11-22-34	14 Comp. Gen. 406
	6-20-46	70 USPQ 167
	3-20-47	73 USPQ 18
ASBCA No. 1522 (Consolidated Vultee & Lockheed Aircraft Co.)		BCA No. 109 1 CCF 355
ASBCA No. 1741 (Gray Marine Motor Co.)	1953-1954	
B-124998*	1-19-56	108 USPQ 271 6 CCF 61,779
B-129881*	2-4-57	36 Comp. Gen. 561
ASBCA No. 5150 (Rhodes-Lewis Co.)	7-17-59	59-2 BCA 2274
ASBCA No. 4480* (Hasting-Raydist, Inc.)	11-25-59	59-2 BCA 2423
B-146071	8-7-61	41 Comp. Gen. 90 8 CCF 70,595
ASBCA No. 5551 (Kearfott, G.P.)	11-24-61	61-2 BCA 3241

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Judicial Decisions	Rendered	Reported
Precision Plating & Metal Finishing v. Martin Marietta	12-30-70	168 USPQ 257
CBS v. Image Systems	3-9-71	#13449
Sperry Rand v. Electronics Concepts (A-FO Inc.)		170 USPQ 410 171 USPQ 775
Condec Corp. v. U.S.	2-18-72	173 USPQ 32
Canadian Commercial v. U.S.	3-10-72 6-20-73	173 USPQ 362 ___ USPQ ___

GOVERNMENT RIGHTS IN INVENTIONS

Administrative Decisions	Rendered	Reported
B-147318	1-9-62	
B-150151	3-8-62	
ASBCA No. 8157 (Soundscriber)	10-2-62	1962 BCA 3509
ASBCA No. 7610 (Doak)	3-8-63	1963 BCA 3684
ASBCA Nos. 7350 & 7805 (Bell Aerospace)	3-22-63	63 BCA 3708
ASBCA Nos. 7215 & 7025 (Farrand Optical)	4-26-63	
B-151821*	11-7-63	139 USPQ 463
B-152408	12-17-63	9 CCF 72,395
ASBCA Nos. 9388 & 9389 (Bell Aerospace)	6-19-64	64 BCA 4288
AEC Patent Board No. 35	9-22-64	143 USPQ 72
B-155884	5-18-65	10 CCF 73,030
ASBCA No. 9879 (American Electronics Lab)	7-29-65	65-2 BCA 5020
B-152462	5-31-66	
Erhardt, et al. v. NASA	12-30-66 3-23-67 10-21-68 1-3-69	171 USPQ 295
ASBCA No. 9005 (Bell Aerospace Co.)	3-8-67	67-1 BCA 6203
DOT 68-28 (Scanwell Lab)	2-5-69 12-29-69	69-1 BCA No. 7509
B-166071	9-18-69	

GOVERNMENT RIGHTS IN INVENTIONS

Administrative Decisions	Rendered	Reported
In re Hobbs	3-18-70	165 USPQ 99
Hummer & Upton v. NASA	3-27-70 7-14-70	167 USPQ 57 171 USPQ 715
Williams v. NASA	4-16-70 8-10-72 6-18-73	165 USPQ 326 171 USPQ 5 178 USPQ 142
ASBCA No. 14779 (New York University)	3-11-71	170 USPQ 101 71-1 BCA 8774
Smith & Fitch v. AEC	1-26-72	175 USPQ 617
ASBCA No. 16097 (Raytheon)	2-27-73	73-1 BCA 9945
ASBCA No. 14466 (General Dynamics)	3-23-73	
ASBCA No. 15370 (American Nucleonics)	4-17-73	73-1 BCA 10,025

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Judicial Decisions	Rendered	Reported
Dubilier v. RCA	1929	2 USPQ 273
Erie Resistor v. U.S.	6-8-60	150 Ct. Cl. 490 125 USPQ 658
Farrand Optical Co. v. U.S.	2 Cir. 1963 10-19-62	139 USPQ 249 135 USPQ 165
Hobbs v. U.S. (AEC)	2-18-63 4-7-67	136 USPQ 489 153 USPQ 378 171 USPQ 713
Ushakoff v. U.S.	1-24-64	9 CCF 72,417 327 F.2d 669 140 USPQ 341 164 Ct. Cl. 455

GOVERNMENT RIGHTS IN INVENTIONS

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Tektronix v. U.S.	10-15-65	147 USPQ 216 351 F.2d 630 173 Ct. Cl. 281
Ormsby-Bendix v. NASA (Board of Interferences)	10-28-65	847 O.G. 337
Eastern Rotorcraft v. U.S.	6-21-66	150 USPQ 124 155 USPQ 729 12 CCF 81,394
Mine Safety Appliances v. U.S.	7-15-66	150 USPQ 453 176 Ct. Cl. 777 364 F.2d 385
Rosen v. NASA* (Board of Interferences)	9-30-66	152 USPQ 757
Alford v. U.S.	10-24-66	151 USPQ 416
Technograph Printed Circuits v. U.S.	12-16-66	152 USPQ 280
AMP Inc. v. U.S.	2-17-67 1-19-68	152 USPQ 816 12 CCF 81,591 156 USPQ 647
Eastern Rotorcraft v. U.S.	6-7-67	154 USPQ 43
Tripp v. U.S.	2-27-68 2-14-69	157 USPQ 90 161 USPQ 115
UMC Industries v. Seaburg	3-24-71	169 USPQ 32
Iowa State University Research Foundation v. Sperry Rand, et al.	6-22-71	170 USPQ 374
Technical Development v. U.S.	10-1-71 6-20-73	171 USPQ 353 ___ USPQ ___

GOVERNMENT RIGHTS IN INVENTIONS

Judicial Decisions	Rendered	Reported
Nuclear Data v. AEC	5-23-72	174 USPQ 212
Technitrol v. U.S.		164 USPQ 51 170 USPQ 732
Iron Ore of Canada v. Dow & Univ. of Utah*	__/27-72	177 USPQ 34 177 USPQ 447
Lewis v. U.S.		143 USPQ 299 (1964)
Williams v. NASA	8-10-72	175 USPQ 5
U.S. v. Petrocarb & Bitumious Coal Research In.	12-18-72	176 USPQ 229
General Tire & Rubber v. Firestone		174 USPQ 427
Scanwell Lab v. DOT	1-4-73	176 USPQ 380
Mirarchi v. Porter, et al.	2-7-73	177 USPQ 431

COMPETITIVE PROCUREMENT OF PROPRIETARY ITEMS

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A-19811	10-24-27	7 Comp. Gen. 282
A-30732	3-7-30	9 Comp. Gen. 387
A-86297	5-29-37	16 Comp. Gen. 1019
B-119456	4-23-54	104 USPQ 189 33 Comp. Gen. 524
B-111644	1-17-55	34 Comp. Gen. 336 104 USPQ 189
B-120381	6-14-55	
B-123812	7-22-55 12-6-55	
B-126313	2-10-56	
B-126569*	2-30-56	
B-128422	9-30-56	
B-130149	9-9-57	
B-136804	10-6-58	
B-138437	4-6-59	
B-139578	6-30-59	
B-138859	8-18-59	39 Comp. Gen. 101
B-140127	1-4-60	
B-141195	2-2-60	
B-142062	3-29-60	
B-146251*	10-16-61	41 Comp. Gen. 242
B-147036	10-23-61	
B-147758	4-16-62	

COMPETITIVE PROCUREMENT OF PROPRIETARY ITEMS

Administrative Decisions	Rendered	Reported
B-149962	12-26-62	
B-153258	3-26-64	
B-154331	10-12-64	
B-154317*	9-14-64	9 CCF 72,746
B-155037	2-17-65	
B-156301	6-14-65	
B-157111	9-18-65	
B-158232	3-3-66	
B-158248	3-22-66	
B-158705*	6-6-66	
B-158355	6-22-66	
B-159067	6-30-66	
B-158865*	7-13-66 9-26-66	46 Comp. Gen. 34
B-161118	6-1-67	
B-161608*	8-23-67	
B-162979	2-14-68	12 CCF 81,654

GOVERNMENT EMPLOYEES

Administrative Decisions	Rendered	Reported
A-56442	11-29-34	14 Comp. Gen. 396 1 Comp. Gen. 27
A-82015	12-23-36	16 Comp. Gen. 613

GOVERNMENT EMPLOYEES

Administrative Decisions	Rendered	Reported
B-31518	1-29-43	22 Comp. Gen. 715
	2-2-54	100 USPQ 256
B-124998*	1-19-56	6 CCF 61,779 108 USPQ 271
Attorney General of Idaho	3-26-59	121 USPQ 359
B-151821	9-7-63	139 USPQ 463
B-157005	1-12-66	
B-167382	10-16-69	
B-168013	4-1-70	

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Judicial Decisions	Rendered	Reported
Gill v. U.S.		160 U.S. 429 (1896)
Solomons v. U.S.		137 U.S. 342
Houghton v. U.S.	C.C.A. 4th 1928	23 F.2d 386
U.S. v. Dubilier	1933	289 U.S. 178 17 USPQ 154
Lyons v. Bausch & Lomb*		100 USPQ 100
Continental Optical Company v. Reed	1949	86 N.E. (2) 306 14 A.L.R. (2) 743
Kelly v. Loew's Inc.	D.C. Mass. 1948	76 Fed. Supp. 473
Shook v. U.S.	11-8-56	111 USPQ 250

GOVERNMENT EMPLOYEES

Judicial Decisions	Rendered	Reported
Myers v. U.S.*	11-4-59	123 USPQ 354 147 Ct. Cl. 485
Hobbs v. U.S. (AEC)	4-7-69	153 USPQ 378
U.S. v. Burns		12 Wall 247 (1871)
James v. Campbell		104 U.S. 356
U.S. v. Palmer		128 U.S. 262
McAleer v. U.S.		150 U.S. 424
Reusch v. Fischer		49 F.2d 818
Phillip Screw v. Givnan		256 F.2d 253
Goodrum v. Clements		277 F 586 (1922)
Kober v. U.S.		170 F 59
Strategical Demolition Torpedo Co.		89 USPQ 73 (Ct. Cl. 1951)
Hagetine Corp. v. Electric Service Corp.		18 F.2d 668
Whitcomb v. Am. Airlines		164 USPQ 610 170 USPQ 242
In re Hobb	3-18-70	165 USPQ 99
Zimmerman v. U.S.		165 USPQ 33
Powell Mfg. Inc. v. Long (state employee)		168 USPQ 24
Jamesburg Corp. v. Worchester Valve	10-15-70 5-26-71	167 USPQ 591 170 USPQ 177
Meyers v. U.S.		177 F. Supp. 952 123 USPQ 354
Moore v. U.S.		249 U.S. 487
Attinello v. U.S.	2-14-72	154 USPQ 236

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Administrative Decisions	Rendered	Reported
Unnumbered		27 Comp. Dec. 842
Unnumbered	3-15-24	3 Comp. Gen. 645
Unnumbered	4-21-24	3 Comp. Gen. 785
A-19446	9-19-27	7 Comp. Gen. 221
A-23262	6-26-28	7 Comp. Gen. 810
A-25830	2-25-29	
A-42451	6-2-32	
A-58802	2-11-35	14 Comp. Gen. 618
A-87898	8-2-37	17 Comp. Gen. 91
A-95480	6-14-38	17 Comp. Gen. 1070
A-92955	3-11-38	17 Comp. Gen. 732
A-98139	11-9-38	18 Comp. Gen. 426
B-4401	6-23-39	18 Comp. Gen. 967
B-4469	6-30-39	18 Comp. Gen. 1013
B-22062	12-4-41	21 Comp. Gen. 524
B-31518*	1-29-43	22 Comp. Gen. 715
B-39513	2-14-44	
	6-20-46	70 USPQ 166
B-57383	6-28-46	70 USPQ 335 25 Comp. Gen. 909
B-57383	2-25-47	
B-88494	1-20-50	

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	3-9-50	84 USPQ 487
	7-12-51	90 USPQ 150
B-103445	7-18-51	90 USPQ 194 31 Comp. Gen. 14
B-114593	5-5-53	32 Comp. Gen. 487
B-127990	6-8-56	35 Comp. Gen. 687
B-129881	2-4-57	36 Comp. Gen. 561
B-125979	6-14-57	
B-137516	10-28-58	
B-138069	1-5-59	38 Comp. Gen. 461
B-147109	9-26-61	41 Comp. Gen. 211
B-147648	12-18-61	
B-149154	6-26-62	
Attorney General of New York	7-21-64	142 USPQ 288
B-155669	3-11-65	
B-163867	5-21-68	153 USPQ 172
B-147109	6-19-69	48 Comp. Gen. 784
B-167020	8-26-69	
B-175252	12-7-72	

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