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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, D.C. 20510

July 11, 1979

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Mr. Howard W. Bremer
Patent Counsel
Wisconsin Alumni Research Foundation
P.O. Box 7365
Madison, Wisconsin 53707

Dear Mr. Bremer:

On July 23 and 27, 1979, the Senate Subcommittee on Science, Technology, and Space will hold hearings on S. 1215, the Science and Technology Research and Development Utilization Policy Act and oversight of the general patent system.

This letter is to invite your testimony to the Subcommittee on Monday, July 23, 1979, in Room 235 of the Russell Senate Office Building, beginning at 9:30 a.m. The hearing will consider the need for a uniform policy concerning the rights to government-sponsored inventions in order to encourage private industry participation in Federal research and development programs and commercial use of their results.

In addition to specific comments on the provisions of S. 1215, we would appreciate hearing your views on the following issues:

- ✓ 1. What have been the effects of Federal agency patent policies and practices on participation in government research and development contracts, on the development and commercialization of government-sponsored inventions, and on competition in private markets?
- ✓ 2. Is there justification for maintaining a license policy with respect to military and other research and development results intended for the government's own use and a title-in-government policy with respect to research and development intended for civilian purposes?
- ✓ 3. Should large and small firms or non-profit and for-profit institutions be treated differently in allocating rights to inventions made under Federal grants and contracts?
4. Under what circumstances, if any, should the government retain title to an invention made in the course of a Federal contract?
 - In what cases should a contractor be forced to surrender background patents? In what situations should the government resume title to an invention or require that it be licensed to other companies?

PAGE TWO

5. Should the government require a payback, in addition to income taxes, when government-sponsored inventions are developed and marketed under exclusive rights? As an alternative to discretionary march-in rights, would you favor a self-enforcing licensing requirement whereby the contractor's exclusive rights in an invention would expire after a reasonable time, unless the contractor demonstrated a need for an extension?

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For your information, I am enclosing a copy of S. 1215, together with Senator Schmitt's and my own introductory statements on the bill.

We request that you make a brief opening statement, not to exceed 10 minutes, to be followed by questions from the Subcommittee Members and discussion with other witnesses. If you wish to prepare a longer written statement, we will include it in the hearing record.

Our Committee requires 100 copies of your statement, 10 of which should be submitted to the Committee in Room 5202 of the Dirksen Senate Office Building 48 hours in advance of the hearing. The remaining copies should be brought to the hearing and presented to the representative of the Committee at least 15 minutes prior to the hearing. If you have any questions concerning your testimony, please contact Stephen Merrill of the Subcommittee staff at (202) 224-9351 or William Gibb of the minority staff at (202) 224-1251. We look forward to your appearance on July 23, 1979.

Sincerely yours,



ADLAI E. STEVENSON, Chairman
Subcommittee on Science, Technology,
and Space

Enclosure