

THE COMMITTEE FOR SMALL BUSINESS INNOVATION

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Ms. Joyce Bourgeois
Nuclear Systems, Inc.
Post Office Box 2543
Baton Rouge, LA 70821

Dear Ms. Bourgeois:

It was good talking with you on the telephone today and discussing the Bayh/Dole Patent Bill, S.414. We are quite disappointed that Senator Long decided to strongly oppose it. He is the first Senator, of whom I am aware, who is against the bill and clearly has enough clout to postpone or prevent its passage. I am certain that Senator Long would be more understanding if his small business and university constituents made him aware that this bill would be of direct value to them. I would expect that the more expressions of opinion in support of S.414 he receives, the more likely he will be to change his view. When Harry Richardson returns, I'm sure he could have a particularly important impact on the Senator: as President of Nuclear Systems; as a member of the faculty at LSU; as a Regional Director of the Committee on Small Business Innovation; and as an acquaintance of the Senator.

With this letter I am enclosing a copy of the article which appeared in the Eastern edition of today's Wall Street Journal and a copy of my testimony at the Bayh/Dole Patent Hearings last spring. My following this up directly with you has been entirely on my own because I feel strongly about the importance of the bill and know that Louisianans can have more influence.

Please feel free to contact me if I can provide you with further information or suggestions on how to approach this.

Sincerely,

Arthur S. Obermayer

Arthur S. Obermayer
Vice Chairman

ASO:mr

Enclosure

cc: Larry Gilbert

Who do you know in Louisiana?

Arthur

Senate Postpones Vote On Invention Rights Under U.S. Contracts

By a WALL STREET JOURNAL Staff Reporter

WASHINGTON — The Senate abruptly postponed a final vote on legislation dealing with patent rights to inventions financed with government research contracts.

The bill, sponsored by Sens. Birch Bayh (D., Ind.) and Robert Dole (R., Kans.), would give individual small businesses and universities exclusive rights to control the marketing of products they invent with government funds. Currently, some federal agencies insist on giving these marketing rights nonexclusively to anybody who wants them. The bill's sponsors argue that this means nobody will want them because of a lack of exclusive patent protection.

Floor debate on the bill seemingly had concluded after the Senate rejected a proposal extending its exclusive-rights provision to big-company contractors as well. At

that point, Chairman Russell Long (D., La.) of the Senate Finance Committee threatened to start a filibuster, which he pointedly noted would prevent him from working on President Carter's high-priority tax on "windfall" oil profits.

Sen. Long for years has defended the idea that a single company shouldn't be allowed to monopolize a product invented with public funds. The bill's sponsors had overlooked Mr. Long's ability to hold the windfall tax bill as a hostage. Senate leaders, deciding the patent bill was less important, agreed to postpone a final vote on it, dimming what sponsors had thought was a good chance that both the House and Senate would pass it this year.