

Frank

DEC 12 1979

Director, Division of Grants and Contracts

Draft Administration Patent Bill - a/k/a
"Government Patent Policy Act of 1979"

John Chester, Assistant to the General Counsel

Thank you for the opportunity to review the above mentioned draft. We have opted to comment generally on the draft bill, rather than on the details, which we feel should be left more properly to your domain.

From our reading of the Bill, it does not seem to render the same treatment to non-profit organizations in the manner it addresses universities. This could result in a problem for the Foundation, inasmuch as NSF does award grants to university-affiliated research Foundations, rather than to the university itself. Such a distinction would appear to conflict with NSF's own policies and practices because some of these organizations (such as Stanford Research Institute) have an active Institutional Patent Agreement with NSF.

Further, we would recommend the inclusion in your own comments, an accolade urging the Administration to also give concurrent and strong support to the "Bayh-Dole" patent Bill (S.414), which we feel rightly addresses only those areas of patent policy that are of most import to the Foundation.

We were pleased to note that the President's recent message on "Innovation" seemed to indicate such support (of S.414), and we sincerely hope that the Foundation will seek a dual approach or solution as discussed below.

Mindful of past histories of similar omnibus, patent bill attempts, one would be dubious of its universal political acceptance, and give it minimal chances of passing. It would be regretful if the thrust of the "Bayh-Dole" effort was blunted, by the Administration withholding its definitive support, especially since it is aimed at benefiting NSF's primary clientele.

We feel that, because the universities have shown keen interest in the status of S.414, they would be upset if the Administration did not support S.414.

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cc: Mr. Cole, DGC
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