



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

GLP.GS.109499

Mr. Reuben H. Lorenz
Vice President and
Controller
University of Wisconsin
System
1752 Van Hise Hall
1220 Linden Drive
Madison, Wisconsin 53706

APR 27 1976

RECEIVED

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UNIV. OF WIS. VICE PRESIDENT
AND CONTROLLER

Dear Mr. Lorenz:

Subject: Application for an exclusive license under patent to be granted on Patent Application Serial No. 508,013, for "Magnetic Ore Separator," by Roger W. Boom, et al (MIN-2195)

We have considered your request of April 15, 1976, for the subject license on behalf of Wisconsin University. The University's desire to sublicense the Government-owned invention under the license herein and thus advance the commercial development of the invention, is appreciated.

Provisions of the Federal Property Management Regulations, (41 CFR 101.4 - Patents) sanction us to entertain an application for an exclusive license under a Government-owned invention, and enclosed for your convenience we have provided a copy of these regulations as amended. As you may be aware, litigation to stop implementation of the licensing regulations has for several years delayed their application by Government agencies. An appeal by the Government from a decision enjoining use of the regulations resulted in a reversal of the decision on formal grounds which did not rule on what, if any, authority the Government now has to exclusively license the inventions it owns. A petition for rehearing of the case is still pending before the Circuit Court. *not encl Rm*

Since a suspension of the licensing regulations pending outcome of the aforesaid litigation has been lifted recently in view of the reversal on appeal, your application herein will be given every consideration.




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However, it should be understood that progress in this matter will depend on the Government's prospects for preserving the legal integrity of the regulations in the face of possible further litigation.

Accordingly, before going forward with the procedure prescribed by the regulations in its subparts 1.103-3 and 1.104-4, for processing applications for licenses thereunder, we must determine the merits of your application as may appear from the information and data supplied therein. In this respect we find the instant application falls short in presenting a case for an exclusive license. It is therefore suggested that the regulations, in subparts 101-104-2 and 101-104-3, covering the contents of applications for licenses, be again reviewed, and we be provided with such information and data specified by the subparts which were not previously submitted. Particularly wanting in information and data are the materials of your present submission regarding items in subpart 101-104-2, paragraphs (d), (f), (g) and (h), and in subpart 101-104-3, paragraphs (a) through (e). Of special interest to us in this connection are the sublicensing arrangements your Research Foundation would use with respect to the invention, and the plans and commitments that the interested companies noted in your request have to bring the invention to a point of practical application.

We will be pleased to take up this matter further upon receipt of the additional information and data that you may have to send us.


Gersten Sadowsky
Division of General Law

cc: Inventor
Director, BOM