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December 14, 1984

Mr. Norman J. Latker
Director, Federal Technology
Management Policy Division
Office of Productivity, Technology
and Innovation
U.S. Department of Commerce
14th and Constitution, N.W.
Washington, D.C. 20230

Dear Norm:

We have reviewed the proposed regulations under PL 98-620 and have only a few comments.

1. In the standard patent rights clause which is proposed beginning on page 24 we are concerned with the filing times for foreign applications required in numbered paragraph (3) on page 25. That paragraph specifies that "The contractor will file patent applications in additional countries within either 10 months of the corresponding initial patent application ---." The use of the term "will" in that sentence is imperative and we have to force a much earlier decision on foreign filing that is often practical from a University perspective. In fact, the requirement to file within 10 months would mean that a decision on foreign filing and action would have to be taken with as little as six or eight months after the initial filing and the heavy final commitment to that undertaking assumed at a very early date. To give more latitude we would like to see that language changed to one or the other of the following alternatives:

   (a) "The contractor will authorize the filing of patent applications in additional countries ----" or

   (b) "The contractor will make a commitment to file patent applications ----."

2. We have some reservation about the small business preference where the contractor is a nonprofit organization, particularly as to the kind of licensing activity which must be evinced in relation to small business firms under a particular invention which would satisfy the requirement. Also, it may be that there would be an opportunity to finance the inventors own efforts toward development and we think that possibility should be addressed too in the regulations.

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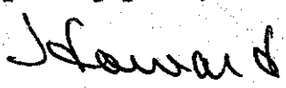
3. As a last matter, and although at Wisconsin we have no Go-Co operations, we would think it would be equitable for those universities that do to define a Go-Co perhaps as a major laboratory isolated from the campus with which it is associated and, specifically, that FFRDCs which are on campus and which have much more limited budgets than a true Go-Co not be swept in under the Go-Co insofar as administration of the technology transfer function is concerned.

We trust that these comments will be helpful and that suitable changes can be made that accommodate these points.

Very truly yours,



Howard W. Bremer
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HWB:rw