



WISCONSIN ALUMNI RESEARCH FOUNDATION

March 4, 1981

Dr. Leroy B. Randall
Chief, Patent Branch
Office of the General Counsel
Department of Health and Human Services
National Institutes of Health
Westwood Building, Room 5A03
Bethesda, MD 20205

Dear Leroy:

We have Dr. Lowe's letter of February 20 asking for specific information on our activities under the Institutional Patent Agreement which would appear to go beyond some of the information which we have supplied in our annual reports. It will take us some time to make the necessary compilation and, of course, some of the data requested is simply not available to us.

We have some concern about some of the data requested in that we believe such information should fall within the fourth exemption of the Freedom of Information Act and not be made available to other parties upon request. Specifically, we are concerned about such items as the gross sales by the licensee, the development expenses of a licensee, and even the date of first commercial sale. For example, one of our licensees has expressed an objection to making such information available, even to other licensees who are not yet in the market. In addition, information concerning the progress of development under a license before commercial sale has been achieved is also a sensitive area. Such information, if available to others, could be detrimental to the licensee's product and market development protocol.

Because of the licensees' concern about these various items I would appreciate having some indication from you as to how these various items will be treated in the event a request for such information is filed under the Freedom of Information Act. As you can appreciate, in order to maintain a good working relationship with our licensees, and in fact, in order for us to maintain the integrity which is necessary to a viable licensing program we must be in some position to give them assurance

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that such commercial data as is requested through Dr. Lowe's letter
will not be made available to other parties.

Very truly yours,

Howard W. Bremer
Patent Counsel

HWB:rw

cc--Dr. Charles U. Lowe

bc--Pike-Woerpel-Hinkes