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March 2, 1973

263-2831

Mr. Norman J. Latker
Chief, Patent Branch
Office of the Secretary
Department of Health, Education,
and Welfare
Washington, D.C. 20201

Dear Norm:

We were sent copies of your memorandum of November 20, 1972 to the various holders of DHEW Institutional Patent Agreements and suggesting that an invention disclosure be made to Dr. Dvorkovitz and Associates.

We are currently preparing to participate in a program which is being sponsored by Dr. Dvorkovitz in Chicago and will, through that medium expose quite a number of inventions which the Foundation owns to attendees from industry. In addition, information regarding these inventions will apparently also be placed in Dr. Dvorkovitz' computer for recall at a later time.

In general, we do not object to exposing disclosures to Dr. Dvorkovitz but hesitate to do so when we have viable licensing interests and because very often an exclusive arrangement is the only means by which inventions can be moved into public use. Consequently, where such a fact situation applies, i. e. where we have an active licensee or an active potential licensee we prefer not to make a disclosure until such time as the licensee or potential licensee has had an opportunity to evaluate the invention.

In addition to the foregoing we will also, of course, have to exercise judgment on disclosures to Dr. Dvorkovitz so as to comply with the regulations relating to export control of technical data. In this regard,

Mr. Norman J. Latker

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at the time we send copies of patent applications to you very frequently no disclosure has been made through the periodical literature or otherwise to the public in general and the bare receipt of a license from the Patent Office does not permit the export of data to "iron curtain" countries.

We anticipate that in neither of the foregoing situations outlined would there be any objection to not making an invention disclosure to Dr. Dvorkovitz. If you have any comments on these items please let us have them.

Very truly yours,

Howard W. Bremer
Patent Counsel

HWB:rw

bc--Rosten & Woerpel