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March 25, 1971

(608) 263-2831

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

Dear Mr. Latker:

Enclosed you will find an invention record and report by Dr. Bernard Z. Friedlander and letters generated at the University of Wisconsin indicating that Dr. Friedlander received his support from the Department of Health, Education, and Welfare under Grant No. C-278 (C1).

Based upon early experience with some of Dr. Friedlander's developments and in view of his comments under item 4 in the invention record and report, as well as an evaluation of the present invention, it has been decided that a patent application will not be filed relating to the invention. You will note that a working model of the invention was completed in August 1970 and that that instrument was put into service in September 1970 and has been used in the conduct of various experimental programs since that time. Also, it appears that there was wide distribution of a memo which described the invention in February 1967. We have not attempted to specifically evaluate the effect of the distributed memo of 1967 as a statutory bar to a patent application in the sense that it might have constituted a printed publication. In the event that your Department might like to take some patent action such an evaluation should, of course, be made. The physical reduction to practice of the invention and its application in experimental programs is less than one year old and by itself should present no bar to patentability.

Mr. Norman J. Latker

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If the Department wishes to proceed with appropriate patent coverage please let us know and we will try to assemble all of the necessary material for your use.

Very truly yours,

Howard W. Bremer
Patent Counsel

HWB:rw
Enc.

cc--Mr. Robert E. Gentry
bc--Rosten & Woerpel