



bc--Ross  
Woerpel

# WISCONSIN ALUMNI RESEARCH FOUNDATION

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MADISON 6, WISCONSIN

January 8, 1964

Professor William H. Young  
Budget Director  
The University of Wisconsin  
20 Bascom Hall  
Madison, Wisconsin

Dear Bill:

Re: Cannon  
U.S. 3,056,790

Pursuant to your request we have now attempted to document the situation with regard to WARF's right to ownership of the above patent, and further, to show that the disclaimer set forth in our letter of October 18, 1963 went beyond what was actually necessary to preserve rights that the NIH was entitled to. As documentary evidence we enclose the following:

1. A copy of letter dated October 18, 1963 from Joseph G. Cannon to M. D. Woerpel in combination with a copy of a reprint of a paper by Madhukar G. Vaidya and Joseph G. Cannon which appeared in the Journal of the American Pharmaceutical Association in January 1959. As pointed out in Dr. Cannon's letter, the numbers inserted next to the compounds listed on page 12 of the reprint represent the pertinent pages of the original notebook dealing with the preparation of the respective compounds.
2. Copies of pages 18, 25, 27, 31, 39 and 40 of Dr. Vaidya's notebook and which evidence the actual preparation of compounds 2, 6, 7, 8, 10, 12, 14 and 15 as listed in the reprint.

It has been ascertained that no monies was paid under the NIH grant which supported some of the later work of Dr. Cannon in the subject matter area until October 1957. The last compound in the list shown in the reprint, namely, compound 15 which comes within the scope of the patent claims was prepared on September 23, 1957, before the expenditure of any NIH monies under the grant to Dr. Cannon. It can be seen that this compound was entered on page 40 of Dr. Vaidya's notebook and that all other compounds were entered on pages earlier than that and which, in line with the dates shown on the copies of the attached notebook pages, substantially preceded October 1957.

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At the present time the Foundation has issued no licenses under the patent and no commercial interest is current.

Dr. Cannon and the Foundation in cooperation were cognizant of the fact that Dr. Cannon had received some support monies from NIH beginning in October 1957 and, consequently, both Dr. Cannon and the Foundation were extremely careful to avoid the inclusion in the patent application which matured into U.S. 3,056,790 of any compounds which might have evolved from Dr. Cannon's work or from work done under his direction after he received NIH monies. Hence, every effort was made to preserve a patent position for NIH as to those compounds which may have been discovered by Dr. Cannon while he was operating under the NIH grant.

Moreover, Dr. Cannon's efforts, in collaboration with the Foundation, to patent the compounds which he had discovered prior to his receipt of any federal support monies served to protect the NIH in the sense that it prevented any particular commercial interest from usurping the entire field of the invention.

Very truly yours,

Howard W. Bremer  
Patent Counsel

HWB:rw  
Enc.