



Office of the General Counsel  
Washington, D.C. 20201

RESEARCH ADMINISTRATION  
Feb 24 1983

c/o National Institutes of Health  
Westwood Building, Room 5A03  
Bethesda, MD 20205  
(301) 496-7056

February 15, 1983

Mr. Anthony Merritt  
Office of Administration  
University of Pennsylvania  
3451 Walnut Street  
Philadelphia, PA 19104

Re: Your Institutional Patent Agreement

Dear Mr. Merritt:

This refers to the Institutional Patent Agreement governing inventions made under grants and awards from this Department to your institution before P.L. 96-517 became effective.

By this letter, we are amending Section VI of the Agreement to insert the following paragraph as Section VI (h) to show a preference for United States industry in the licensing of Government-funded inventions:

Notwithstanding any other provision of this agreement, no grantee which receives title to any subject invention and no assignee of any such grantee shall grant to any person the exclusive right to use or sell any subject invention in the United States unless such person agrees that any products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by the Federal agency under whose funding agreement the invention was made upon a showing by the grantee or assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

Mr. Anthony Merritt

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This will bring the Department patent policy into conformance with P.L. 96-517, enacted December 12, 1980, and Attachment A to OMB Circular A-124, the implementing regulations.

It would be appreciated if you would have the responsible official of your institution sign the enclosed copy of this letter to indicate your concurrence and return it to this office at your convenience.

Sincerely yours,



Leroy B. Randall  
Chief, Patent Branch

Enclosure

\_\_\_\_\_  
Date: \_\_\_\_\_