



WISCONSIN ALUMNI RESEARCH FOUNDATION

POST OFFICE BOX 37 • PHONE 257-4851 (AREA CODE 608) • 506 N. WALNUT ST.

MADISON, WIS. 53701

February 5, 1965

Prof. William H. Young
Assistant to President
20 Bascom Hall
University of Wisconsin
Madison, Wisconsin 53706

Re: Herb-NSF

Dear Bill:

This letter will record some of the background information which we discussed briefly in our meeting February 2, relative to Professor Herb's invention disclosure report addressed to Reuben Lorenz December 29, 1964.

You will recall that since 1952 the Foundation has been involved in the development and licensing of certain of Professor Herb's inventions. The first of these was construed to have been aided by AEC grants which Herb had at that time, so after negotiations with the AEC, WARF retained ownership of the patent but gave the government a royalty-free license. Later as Professor Herb altered the arrangements under which he applied the AEC and NSF funds to his research program, it became necessary for the Foundation to discuss patent matters with the NSF. Certain improvement inventions still on the same general subject matter made during the 1950's were, therefore, patented and royalty-free licenses extended to the government through the NSF.

In the 1960's Professor Herb's continuing work produced a new principle useful in vacuum technology. We have applied the word "orbitron" as a generic description of the various apparatus which utilize the new principles. The basic patent application on orbitron apparatus was filed in 1963 and a confirmatory royalty-free license was given the government under such patent application. Now we have a situation where certain improvement inventions have been made. These inventions were not of major significance in their own right, but taken with the more

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basic position on orbitron could be of importance to our program. These improvements, however, were made since December 1963 and therefore are subject to the new patent provisions of the NSF. It is our understanding that someone at NSF must now make a determination as to whether a royalty-free license is adequate to protect the government's interests in this matter or whether NSF must take title to the invention on behalf of the government.

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We sincerely hope that the arrangements which have worked so well in the past will justify the authority at NSF accepting the license policy in this instance. No. U. S. patent has been filed on the invention discussed in Herb's December 29 letter. We are enclosing with this letter a disclosure of some other new technology which we will probably also wish to cover in a patent application. This technology, plus the ribbon filament, were all the product of research and development efforts financed by NSF since December 1963.

I believe we agreed February 2 that it might be desirable to hand-carry this problem to the NSF with both University and WARF representation.

If you need additional information, please give us a call.

Very truly yours,

M. D. Woerpel
Director of Development

MDW:blk
Enclosure