

DEPARTMENT OF AGRICULTURE
OFFICE OF THE GENERAL COUNSEL
WASHINGTON, D.C. 20250

AUG 24 1978

Dr. J. Ralph Shay
Assistant Dean of Research
Oregon State University
Corvallis, Oregon 97331

Dear Dr. Shay:

Subject: Institutional Patent Agreements

This is in response to your letter of August 15, 1978. As indicated in my previous correspondence, there are no plans by the Agricultural Research Service or Forest Service to enter into "Institutional Patent Agreements".

Your interest in the difference between patent policy under the Hatch Act (7 U.S.C. 361a-i) and basic USDA policy is noted. This policy is different because Hatch Act funds are regarded as institutional rather than USDA funds (see 28 Comp. Gen. 54). Consequently, it has been determined that Federal Government patent policies are not appropriate therefor; and, to date, no patent "strings" whatsoever have been attached to Hatch Act funding. The patent proposals to which you refer are the result of a recent determination that OMB Circular A-110, Attachment N, requires some form of Government control over Hatch Act patents.

Sincerely,

M. Howard Silverstein
M. HOWARD SILVERSTEIN
Deputy Director (Patents)
Research & Operations Division