

DEC 20 1979

COUNCIL ON GOVERNMENTAL RELATIONS

Eleven Dupont Circle, Suite 480 Washington, D.C. 20036 202-861-2595

December 17, 1979

TO: Thomas E. Stelson
FROM: Milton Goldberg *M.G.*
SUBJECT: S-414, Patent Legislation

Conversations with Joe Allen of Senator Bayh's staff reveal that the Administration's recently announced innovation policy supporting patent title for university and small business does not mean the Administration supports S-414. There is being drafted an Administration bill that would include all businesses and would permit agencies latitude in setting certain policies; for example, payback to government and perhaps certain license conditions. The draft is expected to be available this week, or very soon thereafter. I hope to be able to secure copies for distribution to the Patents, Copyrights and Rights in Data Committee.

In another conversation with friends at the National Science Foundation, it appears that Charles Herz, General Counsel at the Foundation, is working to support an Administration patent bill and will advise the NSF Director that the Administration position is preferable. I have assurances that Dr. Atkinson will also be exposed to the benefits of S-414 by other senior Foundation staff.

Enclosed for your information is a memorandum and a letter from Shelly Steinbach in regard to patent legislation.

cc: Patents, Copyrights and Rights in Data Committee
Donald Langenberg

P.S. Donald Langenberg,

While the Administration position is not yet formalized, it would be helpful if you would bring the benefits of S-414 to Dr. Atkinson's attention at an early time. I understand that Charles Herz has already drafted an NSF position supporting the proposed Administration bill. I am uncertain how widely, or whether this position has been circulated. Enclosed please find a short statement indicating what characteristics are necessary for academic institutions to maximize the results of their research programs and to assure technology transfer. This statement is contained in Ralph Davis' testimony of October 17, 1979 before the Subcommittee on Science and Research and Technology. You will find pages 3 through 6 especially useful.