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OFFICE OF
TECHNOLOGY LICENSING
ENCINA ANNEX

February 20, 1979

Mr. Howard Bremer ✓
Wisconsin Alumni Research Foundation
P.O. Box 7365
Madison, Wisconsin 53707

Dear Howard:

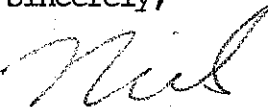
Thank you for your letter of February 13, which enclosed the December 19, 1978 JPOS article by Ky P. Ewing, Jr., of the Antitrust Division of the Department of Justice. I regret that I have to agree with your interpretation that Ewing's remarks were very similar to remarks of his predecessors in the Department of Justice, notwithstanding his claim we are hearing a "fresh perspective" on the issue.

Perhaps Mr. Ewing does not talk to his Patent Section Chief, Mr. Allen, as it was my impression that when Gene Bernard and I met with Mr. Allen, he would not be inclined to support the policy of the government retaining title and licensing, at least for universities.

We need to keep in mind that there is probably one in 500 or one in 1,000 inventions that will "sell themselves," irrespective of who owns the patent, whether or not the inventor provides support, and whether or not the invention is introduced promptly into the stream of commerce or not; and also that there is possibility of a rare abuse, which could justify Mr. Ewing's apparent viewpoint.

The problem is that the Justice Department (as represented by Mr. Ewing) seems to see its role as that of completely preventing weeds in the field to grow, and thereby accepting loss of most of the "innovation crop," rather than insuring the best harvest—which may indeed have some strong weeds in the shadows of the healthy cash crop. (Sorry about this analogy, Howard; I couldn't resist it!)

Sincerely,



Niels J. Reimers
Manager, Technology Licensing

cc: Larry Gilbert, Milt Goldberg, Shelly Steinbach,
Larry Horton, Norm Latker, Gene Bernard

NJR:sh