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August 7, 1980

Mr. Milton Goldberg
Council on Governmental Relations
Eleven Dupont Circle, Suite 480
Washington, D.C. 20036

- Subject: (1) Your letter of July 16, 1980, "FOIA Treatment of Data and Contract Proposals" (45 FR 47169; July 14, 1980)
- (2) Your letter of July 23, 1980, "DOE Proposed Rules on Patent Licensing Regulations" (45 FR 48910; July 22, 1980)

Dear Milt:

1. In connection with the FOIA rule change, it would appear that an amendment should be made so that the originator of a proposal is notified if DHSS determines that it can ignore a proposer's restrictive legend and makes the proposal contents available under FOIA. The proposer should be notified of such a determination sufficiently in advance of DHSS making the proposal available so that appropriate steps can be taken to either appeal or seek intellectual property protection. Six months might be a reasonable time.

The text of the proposed rule could use some editing in Paragraph 3-1, 353(d)(2) to put the actual legend required in quotation marks.

2. In connection with the DOE patent licensing regulations, they appear to apply only to patents held by DOE; thus a comment by COGR is probably not warranted.

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May we be notified as soon as convenient the date and the location of the next subcommittee meeting?

Very truly yours,

Niels J. Reimers
Director, Technology Licensing

cc: COGR Patent Subcommittee
NJR:sh