

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE OFFICE OF THE SECRETARY WASHINGTON, D.C. 20201

July 1, 1976

OFFICE OF THE .
GENERAL COUNSEL

TO:

Holders of HEW Institutional Patent Agreements

SUBJECT: Information Item No. 42

The question of "field of use" licensing has been raised a number of times recently. The attached letter to Dr. Ralph Davis at Purdue University spells out HEW's position on this matter.

Sincerely yours,

Norman J. Latker Patent Counsel

Enclosure

DEPARTM_NT OF HEALTH, EDUCATION, A...) WELFARE

June 23, 1976

Hr. Ralph L. Davis
Patent Manager
Purdue Research Foundation
West Lafayette, Indiana 47907

Re: 'Hydrophobic Noncovalent Binding of Proteins to Support Materials' by Larry G. Butler - G-162-74

Dear Ralph:

Reference is made to your June 17, 1976 letter, subject as above.

It is our position that your IPA permits "field of use" licensing in situations where each "field" requires a separate development program. Accordingly, if you are satisfied that different species of an invention, or different applications of a method invention require individual development programs, you may draft either separate licenses covering each development program or a single license covering a number of development programs, each program commencing from a different date. This will, of course, insure that each development program will be covered by the full period of exclusivity allowable.

I hope this meets your needs. If not, please advise.

Sincerely yours,

Norman J. Latker Patent Counsel

HEW/OS/GCB NJLatker/ack 6-23-76

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