

To: Mr. Ellert

Dec. 5, 1977

Bob:

It has been suggested that 5 U.S.C. 3106 (a criminal statute) would preclude the Quesenberry "exclusive license" option unless amended, since if the licensee sued, he would be "conducting litigation in which the United States is interested." The interest, of course, is U. S. retention of title.

It seems to be an argument with some viability upon which I have been advised to stop waiving exclusive licenses under the greater rights provisions of contracts and instead leaving title for a limited period.

You may wish to advise Dr. Baruch, as this is another reason Quesenberry alternative is not a good compromise.

Norman Latker

cc w/attachment:  
Mr. Denny, ERDA  
Mr. Kempf, NASA  
Mr. Grossman, PTO



DEC 12 1977

NOTE.—DO NOT USE THIS ROUTE SLIP TO SHOW FORMAL CLEARANCES OR APPROVALS

DATE 12-5-77  
AGENCY BLDG. ROOM

TO:

*Mr Bremer*

- APPROVAL
- SIGNATURE
- COMMENT
- FOR YOUR INFORMATION
- PREPARE REPLY FOR SIGNATURE OF \_\_\_\_\_
- REVIEW
- NOTE AND SEE ME
- NOTE AND RETURN
- PER CONVERSATION
- AS REQUESTED
- NECESSARY ACTION

REMARKS:

(Fold here for return)

To \_\_\_\_\_  
 From *Norman Latker*  
 PHONE \_\_\_\_\_ BUILDING \_\_\_\_\_ ROOM \_\_\_\_\_