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April 11, 1979

Herr Dr. Schotelius  
Geschäftsführer  
VERBAND DER CHEMISCHEN INDUSTRIE (VCI)  
6000 Frankfurt - Karlstrasse  
GERMANY

Dear Dr. Schotelius:

I am writing to you at the recommendation of Dr. Meerkamp Van Embden of Metallgesellschaft A.G. I met Dr. Van Embden at the Technology Exchange Fair sponsored by Dr. Dvorkovitz & Associates and held in Atlanta last month. When I spoke with him, I posed a very serious problem relating to foreign patent rights in inventions developed in the course of U.S. University research.

As part of my practice, I work with several universities on the licensing of inventions that evolve from their scientific research. As you are aware, the scientific investigators are under some pressure to publish the results of their research. Such publication destroys the possibility of obtaining patent rights in many foreign countries and starts the clock running on the U.S. patent rights as well. This practice is the bane of the patent lawyers existence.

The frequent consequence is that these patent rights are totally lost, which means the inventions and the public benefits they portend are also lost because most companies cannot justify the expenditure of funds to develop and market inventions in which they have no proprietary rights. These principles are elemental and I am sure are no different in your country than here.

In my opinion, the U.S. university community is going to have to take into account the potential interests of the world at large and not merely the citizens of the U.S. It would please us greatly to be able to preserve these patent rights for the benefit of people in all countries.

Herr Dr. Schotelius

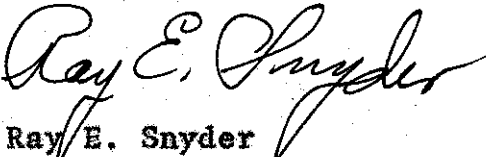
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This brings me to the problem that I posed to Dr. Van Embden. Restriction of publication at the university level does not seem feasible, although Masters and PhD theses can be withheld from publication for a limited time. Often the importance of an invention is not recognized until after the scientific results are already published. To file patent applications on every invention prior to publication is economically unthinkable.

I recognize that if there was an easy answer to this dilemma I would not be writing to you for help. I have spoken to a few other people from other countries on the same matter. Could you please give this problem some thought and any suggestions you have will be greatly appreciated. Perhaps collectively we can find an acceptable solution. I believe that there is a great deal at stake for all of us and a solution is imperative.

Very truly yours,

  
Ray E. Snyder

RES/ao

cc: Dr. Van Embden  
Howard Bremer ✓  
Paul Keenan  
Martin Rachmeler  
Dr. Val Dvorkovitz