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To: Howard Brewer

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Ms. Katherine Ku
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Re: SUPA history

Dear Kathy:

You asked for my recollections of the formation of SUPA, which I am pleased to provide. Let me first give you a little background on the reasons SUPA was formed.

For many years, when an individual went to work for a company in a technical capacity, he was almost universally asked or required to sign an agreement wherein he agreed to assign any inventions he made in the course of his work. The theory being that what the company pays for should belong to the company.

When the Federal Government began to sponsor research on a large scale, it took a close look at this requirement to assign inventions. Congress took the position that if Uncle Sam is paying for the research, any inventions made in the course of this work should belong to Uncle Sam. It is difficult to argue with this logic.

Some companies took umbrage with the Government's position and tried to fight it, alleging that the Government was trying to claim more than it was paying for. Some companies that already had a position in a particular field of technology would not play this game at all and would not accept Government research money. If a particular agency of the Government wanted some specialized work done, it sometimes had to make exceptions on the ownership of patent rights. This led to a profusion of conflicting and confusing policies on patents among the various Government agencies.

The Universities were caught in the middle of all this. Since they had no business position to protect, they generally caved in to the Government on the ownership of patent rights. The Universities only wanted the money and could care less about patents.

One example of inconsistency in policy was the Institutional Patent Agreements that some 17 or 18 Universities had with the DHEW. The reason these lucky few had such agreements and the rest were out in the cold was very simple. They read and answered their mail. If a University did not have an IPA and it wanted to license an invention, it had to petition the DHEW for greater rights. These petitions were sometimes granted, if the petitioner lived long enough.

After the Government had accumulated some 27,000 patents under their policy of taking title, people began to question the wisdom of this policy. Less than 4% were licensed to anyone, and even this figure was misleading. For example, if a Professor invented an instrument under a Government grant and he wanted to continue using it in his lab, he was required to take a license. This counted as a license in this 4% figure.

When the energy crunch came along, a number of solutions were proposed by inventors at several Universities. In trying to put these inventions into practice, they ran headlong into the Government's policy on patents. That pretty well killed those ideas.

About this same time there were pending before the DHEW some 29 petitions on potentially life saving inventions. The DHEW did not know what to do about these petitions, so in typical bureaucratic fashion, it did nothing. Norm Latker tried to point out this inequity to a member of Congress, and it cost him his job.

No one ever really questioned the right of the Government to take title to inventions that evolved from research it sponsored. However, there is a sound basis for raising such a question. The Government with one hand grants the patents in the first instance, and then with the other hand takes back the title to those same patents. This is a little like you or I

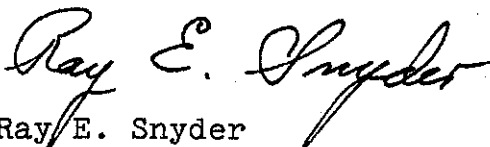
writing checks to ourselves.

The examples set forth above were only the tip of the iceberg. One observer to all this foolishness was Dr. Betsy Anker Johnson who was then an official in the Department of Commerce. In an address to the annual meeting of NCURA in 1973, she pointed out some of these inequities. She also suggested that the University people should get together and do something about it.

Pursuant to her suggestion, Dr. Allen Moore of Case Western organized a meeting in Cleveland in 1974 devoted solely to the handling of patent matters. As an adjunct to this meeting, a breakout meeting was called by Dr. George Pickar of the University of Miami. At this meeting he made the suggestion of creating a new society directed to the handling of patent rights. He also suggested that each of those present kick in \$200.00 to get the organization started. This was a little rich for a few of those present so we settled on \$100.00. Eight of us contributed on the spot, and several others followed shortly thereafter upon getting authorization from their Universities. I do not have all of the names of the original 8, but Mary Spores had these in her records. The plankholders included George Pickar of Miami, Ralph Davis of Purdue, Tom Martin of Utah, Earl Friese of Nebraska (then of Northwestern), Larry Gilbert of Boston (then MIT), and yours truly. The three last named are still with SUPA.

There is a lot more to the history of SUPA than is set forth above. Perhaps it would be a good idea to include this on the program of our annual meeting before all of the old timers disappear.

Very truly yours,


Ray E. Snyder