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May 9, 1978

The Honorable Jimmy Carter
President of the United States of America
The White House
1600 Pennsylvania Avenue
Washington, D. C. 20500

Dear President Carter:

We wrote to you on November 7, 1977, and asked your support for HR 8596 and have been disappointed not to have received any response to our request (a copy of our letter is enclosed). This bill would provide for a single government patent policy through the implementation of the institutional patent agreement approach for all federal agencies which fund research and development at universities, replacing some 20 such policies we now have to contend with at great cost.

Since we wrote to you in November, not only has HR 8596 made no progress in the Congress, the Office of Management and Budget has suspended, at the urging of Senator Gaylord Nelson, the implementation of new regulations issued by the General Services Administration which would permit all federal agencies to utilize institutional patent agreements of the general type now in effect between some universities and the Department Health, Education, and Welfare and the National Science Foundation. The regulations were the result of some six years' efforts and deliberations as to the most effective and efficient way to obtain transfer to the public of beneficial technology developed or partially developed with federal agency funds at universities.

Although Senator Nelson and those seeking to impede these efforts are no doubt sincere in their motivation, they are, unfortunately, acting against the long-term interest of everyone. They would have the government take title to every invention touched by government financing with the idea that government ownership insures widest possible use of the new technology. Even a cursive review of the approximately thirty thousand patents now owned by the government will reveal that such ownership is essentially an embarrassing waste of money and effort with only a small portion actually in use (why should a company, particularly a small one, invest in the development and marketing of a new idea when the government insist on licensing everyone, thereby negating the protection of investment capital which the patent system was founded to provide?). Also, those working for title-in-the-government inventions are pursuing a policy which completely usurps the interests and investments of the universities in such technology. Rarely does the government totally finance a university research project.

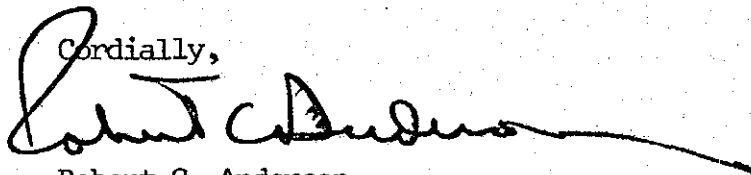
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Many years of experience has proved to those of us who do the work that the institutional patent agreement approach is the most effective and fairest method of utilizing the results of federally sponsored research at universities and in small businesses. We urge your intervention at the Office of Management and Budget to see that the published regulations go into effect without further delay at the end of the 120-day suspension period, which began with a letter by Administrator Lester A. Fettig, of the Office of Management and Budget, dated March 22, 1978. Also, we urge you to make the use of institutional patent agreements with universities not just voluntary but mandatory.

Please assist us in this matter.

With best wishes,

Cordially,

A handwritten signature in black ink, appearing to read "Robert C. Anderson", with a long horizontal flourish extending to the right.

Robert C. Anderson
Vice President

BRA:nc
Enclosure