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STANFORD UNIVERSITY
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OFFICE OF THE VICE PRESIDENT
FOR PUBLIC AFFAIRS

June 18, 1976

Dr. Donald S. Frederickson
Director
National Institute of Health
Bethesda, Maryland

STANFORD UNIVERSITY
JUN 21 1976
TECHNOLOGY LICENSING

Dear Dr. Frederickson:

From Paul Berg and others I know that you are aware of the discussions taking place at Stanford now over the wisdom of proceeding (on behalf of Stanford and the University of California) with an application for patent protection for discoveries in the area of Recombinant DNA. As you know, we began to move in this direction with the knowledge and consent of NIH and NSF; as you also know, the whole matter of patent protection is now the subject of lively debate here. The purpose of this letter is to solicit your views.

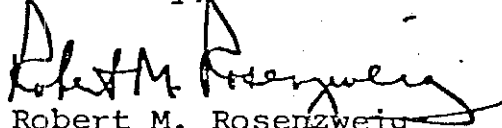
As further background to what you already have, you might be interested in the enclosed memorandum in which I have attempted to summarize some of the major questions and address them in a way that makes sense to me, at least. When I wrote this, I was speaking for myself only, and I was not trying to articulate University policy. From reactions I have received, I would guess that most of the University's senior officers would agree with my conclusions (though there is dissent), as do many, though not all, faculty. One point on which there is substantial unanimity among the officers of the University is that, if this line of work is to be developed in a way that provides income to the holder of a patent, there is no institution or group that has a stronger claim to that income than Stanford and the University of California -- using as the standard for that judgment, the value of the money earned to the future progress of scientific research and education.

Let me emphasize that we do not yet have conclusions. We are proceeding with the necessary steps in the patent application process and we have had discussions with a prospective licensee. We have taken no irrevocable steps, but we are rapidly approaching the stage at which binding decisions will need to be taken. By that I mean not days, but perhaps a small number of months. Your contribution to our deliberations would be extremely valuable. I would especially welcome your views on the suggestions at the end of my memorandum, but I do not want to limit you to those matters, alone.

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If you think it would be useful to discuss these questions at greater length in person, I would be happy to go East, or if you prefer, arrange a session here at Stanford or in San Francisco. The issues we are dealing with are complex, interesting and important, and the way they are resolved is likely to have a lasting effect on science and education. I think that is not too strong a statement, I hope you agree and that we will have the benefit of your views.

Sincerely,



Robert M. Rosenzweig
Vice President for Public Affairs

Encl.

cc: R.W. Lyman
W.F. Massy
C.Rich
P.Berg
S.Cohen