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U.S. House of Representatives
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August 22, 1984

RECEIVED
AUG 27 1984
MADISON CHANCELLOR'S OFFICE
UNIVERSITY OF WISCONSIN

Mr. Irving Shain, Chancellor
University of Wisconsin - Madison
500 Lincoln Drive
Madison, WI 53706

Dear Irv:

As you know, the House of Representatives currently has under consideration H.R. 3605, a bill to reform the patent laws and to change the procedures for the drug approval process. This bill, which originated in the Committee on Energy and Commerce, was sequentially referred to the Committee on the Judiciary for a very short period of time. During our review we received a large number of letters and statements criticizing the patent law provisions of the bill. Many of these complaints had some validity. The Committee on the Judiciary, however, felt that on balance the bill should not be amended. Thus, the Committee reported the bill virtually without amendment. A copy of the Committee Report is enclosed.

As you know, the first title of the bill provides for a new mechanism for the approval of generic drugs. These statutory changes are the most significant drug law amendments since 1962. It is estimated that these changes will save consumers up to one billion dollars over the next 12 years. The way this bill was put together required a careful balancing of the public interest with proprietary concerns. Some of the patent law provisions, standing alone, may have been less than desirable in an ideal world. However, to achieve the twin goals of passing some form of patent term restoration and a better drug approval process, some compromises were necessary. Therefore, while I am sympathetic with your concerns, I regret to say that I will not be in a position to support many amendments which your letter suggests that you support. Please rest assured, however, that the Senate has already passed a bill, S. 2926, which meets some of your objections. It appears very likely that many features of the Senate bill will receive favorable consideration in the House.

Thank you for taking the time to let me know your views on these important patent law issues. I know we both share a strong belief in the importance of our system of intellectual property law.

Sincerely,

ROBERT W. KASTENMEIER
Chairman
Subcommittee on Courts, Civil Liberties
and the Adminstration of Justice

RWK:dbs
Enclosure