AMERICAN COUNCIL ON EDUCATION
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DIVISION OF GOVERNMENTAL RELATIONS
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M E M O R A N D U M

TO: Howard Bremer, SUPA
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Jerry Roschwalb, NASULGC

FROM: Sheldon Elliot Steinbach

SUBJECT: Upcoming Patent Legislation--Need for Technical Assistance

During the past two weeks, Newton Cattell (AAU), Nan Nixon (Harvard, Stanford & Washington University), and I have visited with various hill staffers and administration officials to ascertain the current status of pending patent legislation and the accompanying political climate. Additional meetings and discussions on the subject have taken place with Washington-based higher education representatives.

In the course of our discussions, it became evident that detailed, techical analysis of the proposed legislation, converted into brief talking papers, would be an essential element in the conduct of any further lobbying on patent legislation in this session of Congress. In addition, we perceived that before both of the existing bills (Schmitt & Dole-Bayh) are introduced and during the course of the legislative process, an individual with substantial background and expertise with patent legislation and the accompanying policy issues should be available on short notice to help draft amendments and provide other technical backup.

In the past, the Patent Committees of COGR and SUPA have provided the higher education community with the requisite, comprehensive technican analysis. Indeed, these same individuals, are working and will continue to labor on the upcoming legislation. However, discussion with several of the leaders of these two groups has led to a mutual conclusion that in view of the extensive campus-based commitments of our traditional volunteer help in the patent area additional, quickly responsive expertise will be required in order to achieve higher education's objective.

As you all know, Norm Latker, Patent Counsel at HEW for over the last decade, was removed from office several weeks ago and is presently "of counsel" to a law firm in D.C. It is not an exaggeration to state that during his tenure in office he operated as a "lawyer's lawyer" to both our patent counsel in the field and to the Washington-based associations. He has followed all the current patent issues in depth and has conclusively demonstrated his personal commitment to the best interests of colleges and universities in the patent area.

In view of Norm's availability, his extensive past association with our patent interests, and our demonstrated need for quick response patent advice, I would like to propose that AAMC, AAU, ACE, COGR, NASULGC and SUPA jointly retain him.

To increase efficiency one member of the consortium would be designated to direct his activities and to confine his role solely to providing analysis and draftsmanship. All lobbying on the issue bill will be conducted by the interested groups in a coordinated manner utilizing the material prepared.

Consideration should be given to entering into a six-month trial relationship with Norm. A contribution of $500 per organization should hopefully provide us with all the aid we need.

Would you kindly consult with your principals as soon as possible so that we may proceed with our legislative initiative in an expeditious manner.

cc: Newton Cattell
Nan Nixon
Bob Barlow
Charles Saunders