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LICENSING EXECUTIVES SOCIETY (U.S.A.), INC. *NH*

A Member Society of The Licensing Executives Society
A Worldwide Organization

December 23, 1977

PATENT BRANCH, OGC
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Encina 6-930
Stanford University
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Phillip T. Mitches
Mitches & Mitches
P. O. Box 98 Corp. House
London, Ontario
Canada N6A 4V3

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Weiser, Stapler & Spivak
1420 Three Penn Center
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William F. Pinsak
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2777 Franklin Road
Southfield, MI 48034

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Cutter Laboratories, Inc.
Fourth and Parker Streets
Berkeley, CA 94170

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Iowa State University
Research Foundation, Inc.
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Harry C. Donkers
Avery International
415 Huntington Drive
San Marino, CA 91108

Arne Eriksen
Dr. Dvorkovitz and Associates
P. O. Box 196
New London, NH 03257

Arthur S. Garrett
Finnegan, Henderson, Farabow
& Garrett
1775 K. Street, N.W.
Washington, D.C. 20006

Robert Goldscheider
The International Licensing
Network, Ltd.
551 Fifth Avenue
New York, New York 10017

Corwin R. Horton
Crown Zeilerbach Corp.
One Bush St.
San Francisco, CA 94119

Robert H. Johnson
Eltra Corporation
P. O. Box 931
Toledo, Ohio 43694

EDITOR OF LES NOUVELLES
Jack Stuart Oit
1225 Elbur Avenue
Cleveland, OH 44107

GENERAL COUNSEL
Richard G. Moser
Patterson, Belknap & Webb
30 Rockefeller Plaza
New York, NY 10020

MEMBERSHIP CHAIRMAN
David J. Mugford
Bristol-Myers Company
345 Park Avenue
New York, NY 10022
(212) 644-3932

The Honorable Gaylord Nelson
Chairman, Subcommittee on Monopoly
Senate Small Business Committee
424 Russell Senate Office Building
Washington, D.C. 20510

Re: Monopoly Subcommittee
Hearings on Government-financed
Research

Dear Senator Nelson:

The Licensing Executives Society (USA) is composed of over 1,200 businessmen who have significant responsibility for technology transfer and investment.

We understand that the Subcommittee on Monopoly held hearings on December 19 to 21, 1977, directed to an overview on government patent policy. Upon inquiry, we were informed that the Licensing Executives Society ("LES") could not make a statement at these hearings, although LES could make a statement at further hearings contemplated in the future.

We are most disappointed to learn that LES could not make a statement at these particular hearings which, in being directed to an overview, are most important in that the record of them will have a considerable impact on, and weigh heavily on, subsequent statements.

It is, of course, understandable that you should have some ideas on the topic before the "overview" hearings, for you have been interested in this subject over the years.

On the other hand, there is a very responsible view of many persons experienced in the subject matter who have no personal ax to grind (as well as a view of

those with a personal interest), that is so different in degree from your announced conclusions as to constitute a difference in kind.

So far as we have been able to determine from the list of witnesses for the "overview" hearings, the hearings received the statements of a select group of people who for the most part share your preconceived view. They were not cross-examined by persons having experience in the area who hold a different view, out of which the basis for error in their view might be developed. Their testimony was not balanced by views of professional groups having a scope of experience of knowledge different from the few persons selected to testify at the hearings. Ironically, evidence, including documented studies, indicates the policy you propose will achieve results opposite from those you intend. LES in principle supports the concepts embodied in H.R. 8596, "Uniform Federal Research and Development Utilization Act of 1977" which does support these results.

The Licensing Executives Society accordingly, does wish to have this letter included in the record of the "overview" hearings, and requests an opportunity to present its view to the Subcommittee, either in open hearings or in private session with the Subcommittee and staff if that is preferred.

Very truly yours,

Eugene L. Bernard

Eugene L. Bernard
Chairman

Law and Government Relations Committee
Licensing Executives Society (USA)

Please reply to:

Eugene L. Bernard
Bernard & Brown, p.c.
1700 K Street, Northwest
Washington, D.C. 20006

ELB:am