



UNIVERSITY OF MINNESOTA  
TWIN CITIES

Office of the Administrator

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PATENT BRANCH, OGC  
DHEW

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TO: Norman J. Latker - Department of Health, Education and Welfare  
Howard W. Bremer - Wisconsin Alumni Research Foundation  
Eric P. Schellin - National Patent Council

FROM: G. Willard Fornell

After reading Senator Gaylord Nelson's blatantly political news release #77-167, I decided, in the short time available for reply, to fight fire with fire.

Although present Government patent policies are not solely responsible for the closing of the technology gap, unemployment, and balance-of-payment deficits, I think we should push hard with this type of argument as well as the rational scholarly approach that Howard Bremer has taken and we have used in the past. I'm not sure that the public understands the more sophisticated arguments on technology transfer, and since Senator Nelson is obviously making a public appeal through his news release, there is a good basis for taking both a high road and a low road to achieve our objective - passage of the legislation on uniform Government patent policies.

GWF:dl

MAILGRAM SENT ON DECEMBER 20, 1977 TO ALL MEMBERS OF THE MONOPOLY  
SUBCOMMITTEE OF THE SENATE SMALL BUSINESS COMMITTEE

Before Senate Monopoly Subcommittee attempts to scuttle H.R.6249, suggest it review dismal record of Government in bringing patented discoveries into public use. Less than 2% of approximately 30,000 government patents since World War II have been utilized. Public benefit from those past hundreds of billions in Federal research dollars is not the right of the Government in all those paper patents resting in agency portfolios. Public benefit is the ability of the citizenry to enjoy the fruits of the research it pays for through taxes.

The limited-term monopoly a patent provides is protection indispensably required by small and medium size companies to justify financial decisions to develop new products. Title-in-the-Government patent policies inhibit the operation of the incentive system that made our country economically strong. The rapid closing of the technology gaps by other nations, our inability to reduce unemployment levels, and our rising balance-of-payments deficits are the fruits and reflect the bankruptcy of the policies on patents that have been espoused by title-in-the-government advocates for many years.

G. Willard Fornell  
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