

February 5, 1979

The Honorable Abner Mikva  
House of Representatives  
403 Cannon Building  
Washington, D. C. 20515

Dear Mr. Mikva:

Last year Senator Dole made public the fact that the DHEW is deliberately suppressing potentially lifesaving medical technology by its patent policy. This is a classic case of Government over-regulation, to the detriment of all.

I am a Patent Lawyer in Chicago and am also a Trustee of an organization called the Society of University of Patent Administrators. A significant portion of my practice involves inventions developed in the course of University research. Much of this research is sponsored by one or more agencies of the Federal Government. Each agency has a different patent policy - which is a mystery in and of itself - but as a general rule, the Government does or can claim title to inventions developed under such sponsorship.

In the past, the universities have given in to the Government by relinquishing such patent rights because they really had no business interest to protect. This has led to the absurd situation described by Senator Dole in the attached News Release. The problem described is not unique to the DHEW.

The Government has already taken title to more than 30,000 patents. Less than 5% of these are licensed to anyone. Even this figure is a little misleading inasmuch as in many cases the only license is to an inventor to use his own invention.

I realize that patents are not a subject of vital interest to the average voter. However, they are a vital link in the process of transferring the results of scientific research into the channels of commerce, where they might benefit the public. Dealing with inventions is an intricate process at

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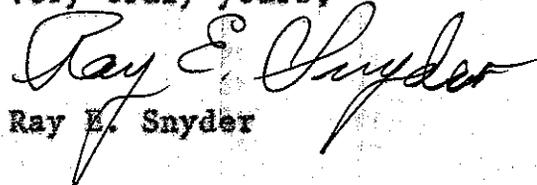
best. Policies that completely hamstring the universities in trying to bring such inventions to the public benefit no one.

Senator Stevenson has also observed that we, as a nation, are beginning to fall behind in our research and development and are beginning to suffer in our balance of payment as a direct consequence. I have pointed out to Senator Stevenson that the Government policies that tie up the results of our research in a lot of red tape are one of the main causes for this lag. This ultimately hurts all of us.

Senator Birch Bayh and Senator Bob Dole are planning to re-introduce the University and Small Business Patent Procedures Act which is intended to remedy the situation. A number of other Senators have also agreed to co-sponsor the Bill.

It is my belief that the current Government policies on the handling of inventions are repugnant to your general philosophy of Government. On behalf of the SUPA organization I request that you give your support to Senators Dole and Bayh.

Very truly yours,



Ray E. Snyder

RES/ao  
enclosure

bcc: H. Bremer ✓  
J. Lasken  
P.R. Keenan  
M. Rachmeler  
W. Fornell

P.S. This letter was also sent to Representatives Robert McClarey, Thomas F. Railsback and Henry Hyde