



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
NATIONAL INSTITUTES OF HEALTH
BETHESDA, MARYLAND 20314

AUG 2 1978

File w/ Nelson

The Honorable Gaylord Nelson
Chairman, Subcommittee on Monopoly
and Anticompetitive Activities
Select Committee on Small Business
United States Senate
Washington, D.C. 20510

Dear Senator Nelson:

Thank you for the opportunity to testify before your Subcommittee on June 26 concerning NIH patent policies.

I have reviewed the transcript of the hearing, and an edited version is attached. At the time of the hearing, I left two items with the Subcommittee for the record:

1. A list of inventions involving recombinant DNA techniques made with the help of HEW funds; and
2. The DNA Patent Decision Document, the supporting analysis, and all of the comments received from the public.

During the hearing, you asked for copies of the comments of the various Federal agencies on the DNA Patent Decision Document. All of the written comments received from other Federal agencies, including those of the Department of Justice, are attached. Also during the hearing, your staff assistant, Mr. Gerald Sturges, asked if the University of California (UC) has any patent related petitions pending review in DHEW. UC has one petition on file under the deferred determination policy, asking the Department to grant UC rights in an invention made with HEW financial assistance. This invention is not related to recombinant DNA but is for Azetomycins, a new drug. UC also has on file a petition to enter into an Institutional Patent Agreement (IPA) with the Department.

After the hearing, Mr. Sturges asked my staff to provide for the record a clarification of the number of institutions having IPA's with HEW. We have double checked the list and, as stated in my testimony, 72 institutions have IPA's with HEW. A copy of the list is enclosed.

Sincerely yours,

Donald S. Fredrickson, M.D.
Director

Enclosures

cc: Mr. William B. Cberkasky