UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Productivity, Technology and Innovation
Washington, D.C. 20230
(202) 377-1984

NOV 13 1984

Dr. John F. Due
Chair, Senate Committee
on Honorary Degrees
University of Illinois
496 Commerce West
1206 South Sixth Street
Champaign, Illinois 61820

Dear Dr. Due:

I would like to nominate Mr. Norman J. Latker for an honorary doctorate from the University of Illinois in recognition of his leadership and success in modifying federal policies to achieve results that are of first magnitude importance to the national interest.

His work relates primarily to giving organizations that make inventions with federal funds, the same exclusive rights to their discoveries that other inventors receive under federal patent laws. The intent of these laws, which are mandated by the Constitution, is to provide exclusive ownership and protection to entrepreneurs for a time sufficient to establish a commercial enterprise. In return, full disclosure is required in order to build the public pool of knowledge that could stimulate further invention.

Unfortunately, when the authors of the Constitution provided for a patent system for inventors, nobody dreamed of a day when the Federal Government would pay for half the research and development and seventy percent of all the basic research performed in the country. Little attention was given to the ownership of inventions resulting from federal funding until 1947, when the Attorney General issued a report recommending government ownership for antitrust reasons. The concept of government ownership was also consistent with the populist idea that the results of tax supported research should be freely available to all.

Under a policy of government ownership, however, very few of the results of the close to $50 billion of federal research annually performed ever have been commercially developed. The government owns about 28,000 patents of which only about four percent ever have been licensed, and even fewer ever used in products.

The theory that the government should own the results of its research dominated federal patent policy until Mr. Latker started questioning its effects. He reasoned that since patents are primarily to protect manufacturers from those who would copy inventions and since the government manufacturers almost no products, government owned patents led to a serious waste of technology that might be used to create new products, new jobs, and even new industries for the country.

Mr. Latker was one of the first to recognize that the presumption of government ownership plus the conflicting laws, policies, and procedures, which had evolved for determining the rights to government funded inventions effectively, resulted in a barrier to developing them for commercial use. Since making this observation, he has consistently worked for removing these barriers and creating incentives for their use. The concepts he pioneered are now law and Presidential policy and are having a profound effect on helping expand the technological base of the national economy.

As Patent Counsel for the National Institutes of Health and later the Department of Health, Education and Welfare, Mr. Latker observed that the results of important department research were not reaching the public because firms would not invest to manufacture, test, and market new pharmaceuticals or medical equipment without the protection of strong patent rights. Further, he saw that the case-by-case procedures used by some federal agencies to determine invention ownership or to grant licenses created uncertainties that discouraged firms from even seeking rights or investing in further development. Finally, he decided that the universities, where most of the National Institute of Health (NIH) funded research was performed, were in a much better position to promote and license inventions resulting from their work than the government.

To overcome these problems, Mr. Latker developed and implemented the Department's Institutional Patent Agreement Policy. Under this policy, universities and nonprofit organizations signed an agreement which gave them the right to own any inventions they produced with Health, Education and Welfare (HEW) funds so long as they maintained a management capability to pursue invention development. With a clear title to the inventions, the research organizations were in a position to obtain patents and seek licensees. The government, of course, retained the right to use the inventions without charge for its own purposes. About eighty universities and nonprofit organizations signed these agreements before Congress passed and the President signed Public Law 96-517, which extended the principle of contractor ownership of inventions to all small business and nonprofit organizations receiving federal research and development funds.

Mr. Latker was a principle architect of P.L. 96-517 which repealed 22 formerly conflicting statutes. He also led development of the instructions that the Office of Management and Budget issued to the agencies for implementing the law. Both the law and the instructions (OMB Circular A-124) provided strong incentives for universities and their inventing staffs to report, evaluate, and promote government funded inventions. The use of incentives to cause desired actions by inventors and their employers has eliminated the adversarial relationships between government and universities that had developed under Government ownership policies.

He anticipated that university ownership of the fundamental inventions coming out of basic research would be particularly important for both the universities and the economy. He was right. The new law came at a time when university budgets were tight due to changes in federal funding priorities and two recessions. Many universities, seeing inventions as a new source of income, created special patent licensing offices to increase their promotional efforts. During license negotiations, these offices frequently found that businesses were interested in supporting additional research or developmental work of those who had produced the original inventions. The patent licensing offices thus became conduits for private sector funding and university/business collaboration on a scale never before experienced. The new biotechnology industry, for example, is a direct result of Mr. Latker's Institutional Patent Agreements and the law whose development and implementation he led. Virtually every major research university in the country is benefiting from his achievements.

Large and intermediate size businesses that perform federally funded research and development are also an important source of new technology. Mr. Latker has helped congressional staffs develop bills that would extend the contractor invention ownership principle to all contractors. Thus far, these bills have not been enacted due to opposition by a few special interests. When he saw that legislation was stalled in Congress, Mr. Latker developed and coordinated a Presidential Patent Policy Memorandum directing agencies to allow contractor invention ownership to the degree permitted by their individual statutes. President Reagan signed the Memorandum in February, 1983.

At this writing, he is working to extend the lessons learned in the universities to the federal laboratories where over 250,000 professional researchers and scientists account for about one sixth of the country's research and development expenditures. As a result of his leadership there is growing agreement that the country needs to make basic changes in the way these laboratories relate to universities and industry. As before, the questions of who has what rights, authorities, and incentives are fundamental to the changes.

The twenty years have not been easy. There have been strong and honest differences of opinion over the issues of contractor invention ownership. There has been resistance from some who believed that their jobs depended on old ways. An example of this was the set of government wide procurement regulations drafted last year that contained serious violations of current law and policy, but were designed to perpetuate the role of some agency staff. Mr. Latker and his staff eventually had to bring this problem to the attention of the Vice President who directed the draft regulations to be rewritten.

He has dedicated many years of effort to a principle of government based on open and honest evaluation of the effects of its policies. This principle has led him to reform a portion of law that effects the lives and wellbeing of millions of people, though most will never know it. I believe it is particularly important for others to honor Mr. Latker because he has not sought personal acclaim. He just quietly made it possible for most of us to have new levels of health, products, and for some, even jobs that without his accomplishments, would never have become available.

Attached is a copy of Norman Latker's vitae and five supporting letters.

Sincerely,

D. Bruce Merrifield

Attachments

NORMAN J. LATKER

3515 Woodbine Street
Chevy Chase, MD 20015

Home: (301) 951-0375
Office: (202) 377-0659

SUMMARY OF SKILLS:

LEGAL - Knowledge of existing laws impacting on the science community. Significant interface through legal services with universities, nonprofit organizations, high-technology businesses and Congress. Capable of organizing, planning and developing effective procedures for implementing federal laws.

SCIENCE AND TECHNOLOGY - Knowledgeable of most significant R&D programs being supported by government funding and mechanisms for transfer of results to commercial use. Bachelor of Science in Civil Engineering with significant background in Advanced Chemistry.

GOVERNMENT AND CONGRESSIONAL RELATIONS - Extensive experience in serving on interagency executive department and congressional task forces. Working knowledge and familiarity with the legislative process, the importance and impact of rules and committees.

COMMUNICATIONS - Wrote and delivered speeches, chaired workshops, conferences, and interagency committees. Served as draftsman for a number of federal regulations. Authored articles on intellectual property, technology transfer, government patent and science policy. Skilled in analyzing issues and developing strategies, negotiating issues to workable compromise, and achieving objectives with positive effect on the science community.

MAJOR PROFESSIONAL ACCOMPLISHMENTS:

- Developed and implemented the institutional Patent Agreement Policy for Department of Health, Education and Welfare (DHEW), which presently involves 78 agreements with major universities and other nonprofit organizations.
- Developed and implemented the procedures and policies involving waiver of DHEW-funded inventions.
- Aided through the above policies in the delivery of over 75 health-related inventions to the marketplace and the licensing of other inventions still in the state of development.

- Identified, through the management of the above programs, the factors necessary to achieve successful technology transfer and utilization of government-funded inventions.

- Primary architect of P. L. 96-517, "The 1980 amendments to the Patent Laws," which incorporates the above factors. This is the first major patent Act in twenty five years.

- One of the primary architects of the patent rights clause for the Nonnuclear Energy Research and Development Act of 1974.

- Primary architect of Office of Management and Budget (OMB) Circular A-124 and Bulletin 81-22.

- Primary architect of the President's February 18, 1983 Memorandum on Government Patent Policy.

PROFESSIONAL EXPERIENCE:

Department of Commerce (DOC)
Director, Office of Federal Technology Management Policy (FTMP) 1981 - Present

FTMP is responsible for identifying problems that would affect the utilization of technology resulting from federally funded research and recommending administrative, legislative or regulatory solutions to these problems.

Small Business Administration (SBA)
Assistant Chief Counsel for Patent, Research and Development, Office of Advocacy 1979 - 1981

Responsible for the resolution of intellectual property, and research and development problems that affect small business through formulation of administrative, legislative or judicial positions. Responds to questions regarding small business management and development of inventions. Assigned to Office of Management and Budget in 1981 to assist in developing and implementing regulations for P. L. 96-517. (OMB Circular A-124 and Bulletin 81-22).

Department of Health, Education, and Welfare (DHEW)
Patent Counsel, Office of General Counsel 1969 - 1979

In charge of the Patent Branch, Office of the General Counsel, which is responsible for administration of the Department patent program and for legal services to the Department relating to patents, inventions, copyrights, and other forms of intellectual property resulting from the Department's two billion dollar annual Research and Development program. Also adviser to the Veterans Administration and the Agency for International Development on an ad hoc basis.

Department of Health, Education, and Welfare, Office of General Counsel - Senior Patent and Copyright Attorney; 1966 - 1969

National Institute of Health, Office of the Director - Patent Counsel; 1963 - 1965

Air Force Systems Command, Office of the Judge Advocate General - Patent Advisor

Army Ordnance, Office of the Judge Advocate General - Patent Advisor; 1960 - 1961

U. S. Patent Office - Patent Examiner; 1956 - 1959

EDUCATION:

L.L.B., Law, University of Illinois, 1956
B.S.C.E., Civil Engineering, University of Illinois, 1953

Judge Advocate General's Procurement Law School, University of Virginia, 1961
Post graduate course in electronics, advanced chemistry, biochemistry, and medicinal chemistry.

OTHER PROFESSIONAL ACTIVITIES:

Chairman, Subcommittee on University Patent Policy of the Federal Council for Science, Engineering and Technology (FCSET), 1971 - 1978
Vice Chairman, Subcommittee on Intellectual Property of the Federal Council for Science, Engineering and Technology, 1974 - 1978
Executive, Legislative, and Commission Service:
FCSET drafting committee for development of standard patent rights clauses for use in Federal procurement negotiations; 1971 - 1972.
FCSET drafting committee of the Federal Property Management Regulations on Licensing of Government-owned inventions; 1971 - 1972.

Ad hoc Executive Branch and Legislative drafting committee for development of the patent rights clause for the Nonnuclear Energy Reearch and Development Act of 1974.
Draftsman for the Patent Task Force for the Congressional Commission on Government Procurement; 1971.
Draftsman of the section on Disclosure Information for the Report of the President's Biomedical Research Panel; 1976
DHEW Interagency Committee on Significant Drugs with Little Commercial Value; 1978.
House Science and Technology's Committee on Workshop on Aids to the Handicapped; 1980.
Subcommittee on Trade Secrets and Data Confidentiality, Council on Environmental Quality; 1978.
Technical Advisor on intellectual property and research and development to the Subcommittee on the Constitution of the Senate Judiciary Committee.

ASSOCIATIONS:

American Bar Association; Federal Bar Association; Government Patent Lawyers Association; American Patent Law Association.

HONORS:

Dean's List; Chi Epsilon Honorary Civil Engineering Society; Presidential Citation for services rendered in developing patent section of the Nonnuclear Energy Research and Development Act of 1974; SBA Citation for services rendered in developing P. L. 96-517; OMB Citation for services rendered in developing OMB Bulletin 81-22 and OMB Circular A-124; Department of Commerce Citation for services rendered in developing the President's Memorandum on Government Patent Policy; 1983 "Birch Award" from Society of University Patent Administrators for contributions in enhancing technology transfer process.

MAJOR ADDRESSES AND PUBLICATIONS:

Testimony before the U. S. House of Representatives Committee on Science and Technology, Science Policy Implications of DNA Recombinant Molecule Research, May 26, 1977
Testimony before the U. S. House of Representatives Committee on Science and Technology, Government Patent Policy, September 29, 1976
"Utilization of Government-Owned Health and Welfare Inventions," Journal of the patent Office Society, November, 1965
Report to the President and Congress on the Stevenson-Wydler Technology Innovation Act of 1980

Address to the American Association for the Advancement of Science - "Federal Technology Management Policy," May 29, 1984

Address to the American Intellectual Property Law Association - "Federal Technology Management Policy," May 11, 1984

Address to the National Contract Management Association - "Federal Technology Management Policy," April 19, 1984

Address to the Aerospace Industries Association of America - "Federal Technology Policy," April 21,1984

Address on Inventor's Day at U. S. Patent Office, February 5, 1981 and 1982

Address to the Licensing Executive Society - "Current Status of Legislation Affecting the Licensing of Technology," October 14, 1980

Address to the Government Patent Lawyers Assocation - "The Philosophy of Different Policies on Disposing of Government Funded Inventions," April 1979

Address to the Second Annual Technology Exchange World Fair - "The Ramifications of the Small Business and University Patent Procedures Act," March 1, 1979

Address to the Second Annual Meeting of the Society of University Patent Administrators - "The Impact of Laws and Regulations on the Innovative Process," February 9, 1977

Address to the Second Annual Academic Planning Conference - "Ethical and Economic Issues: University Policies for Consulting, Overload Instructional Activities and Intellectual Property," January 20, 1977

Address to the American Patent Law Association - "Current Government Patent Policy as Applicable to Universities and Nonprofit Organizations," January 8, 1976

Address to the Academy of Pharmaceutical Sciences - "The Protection of Intellectual Property under the Fourth Exemption of the Freedom of Information Act," November 19, 1975

Address to the New Jersey Patent Bar Association - "Current Trends in Government Patent Policy," September 18, 1975

Address to the Third Annual University/Industry Forum - Technology Exchange - "Current Trends in Technology Transfer," February 3-7, 1975

Address to the Conference on Technology Transfer at Case Western University - "University Opportunities and Responsibilities," October 15, 1974

Address to the National Congress - "The Availability of New Technology toIndustry from American Universities and Technological Institutes," April 2, 1973

REFERENCES

Robert J. Dole is the senior U. S. Senator from Kansas, the Chairman of the Senate Finance Committee and a member of the Subcommittee on Patents, Copyrights and Trademarks of the Senate Committee on the Judiciary. Senator Dole introduced and was a primary supporter of Public Law 96-517, frequently called the Dole Bill, which was enacted in 1980.

In the late 1970s, Senator Dole became aware of both the widespread problems in converting government-funded research into useful products, and the principles Mr. Latker had developed at the Department of Health, Education, and Welfare to promote development and use of inventions made with National Institutes of Health grants. He asked Mr. Latker to help draft a law that would extend these principles government-wide. When enacted, the law eliminated 22 conflicting statutes and established, for the first time, the right of universities and small businesses to own the inventions they produce with federal research and development funding.

During both the 97th and 98th Congresses, Senator Dole requested Mr. Latker's assistance in developing legislation that would remove some exceptions in 96-517 and extend the principle of contractor ownership of inventions to all who perform federally-funded research and development. A law accomplishing some aspects of this was just passed and signed by the President. Plans are being made with Senator Dole's staff to continue the work in the 99th Congress.

Betsy Ancker-Johnson is a Vice President of General Motors. Her association with Mr. Latker began during the 1973-77 period when she was the Assistant Secretary of Commerce for Science and Technology. She chaired the Government Patent Policy Committee and Mr. Latker chaired the University Patent Subcommittee. She learned of his accomplishments at the Department of Health, Education and Welfare and agreed to help develop them into a general government policy. Her continued support has helped Mr. Latker's ideas gain government and public acceptance.

Edward L. MacCordy is the Associate Vice Chancellor for Research at Washington University in St. Louis, and President of the National Council of University Research Administrators. He met Mr. Latker when he represented Washington University in negotiating one of the early Institutional Patent Agreements with the National Institutes of Health (NIH). He was closely involved with the University's computer and biomedical resarch programs--two rapidly advancing fields where patenting and commercialization of inventions produced with federal funding was particularly important. Concluding that the NIH policy should become government-wide he became an early and continuing advocate

of legislation in university community and with Congress. He has also been very active in helping the research universities develop the management capacity necessary to promote and transfer their inventions to industry.

Albert Gold is the Vice President for Finance and Administration, Desert Research Institute, University of Navada System. While in a similar position at the Rockefeller University, he was an early supporter of Mr. Latker's principles. He was particularly interested in the problems and business aspects of raising capital to develop government-funded university inventions. He was very active in building the university concensus for new policies and legislation. This concensus was an important ingredient in the enactment of P.L. 96-517.

Howard W. Bremer is the Patent Counsel for the Wisconsin Alumni Research Foundation. The University of Wisconsin has one of the longest and most successful records in the country of research collaboration with industry for the public benefit. As the WARF Patent Counsel for many years, Mr. Bremer has had an opportunity to observe the effects of both the old government patent policies and the new ones developed by Mr. Latker. He represented the University of Wisconsin in negotiating the first Institutional Patent Agreement with the National Institutes of Health. He participated actively in obtaining P.L. 916-517. Mr. Bremer was one of the founders of the Society of University Patent Administrators, is a past president of the Society, and was instrumental in obtaining the Society's Birch Award for Mr. Latker in 1983.

United States Senate

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WASHINGTON, D.C. 20510

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November 5, 1984

Dr. John F. Due
Chair, Senate Committee
on Hononary Degrees
University of Illinois
496 Commerce West
1206 South Sixth Street
Champaign, Illinois 61820

Dear Dr. Due:

I am pleased to add a strong second to the nomination of Mr. Norman J. Latker for an honorary degree from the University of Illinois. I first turned to him for help in September, 1977, on the basis of his strong record of accomplishment in transferring federally developed technology to the private sector.

He was then the Patent Counsel for the Department of Health, Education, and Welfare where he had developed the Institutional Patent Agreement. These agreements established the rights of universities to any inventions that might result from Department funding. Negotiated once for each university, they applied to all Department research grants and contracts on a blanket basis.

These agreements provided the uniformity and certainty that all parties need if an investment is to be made to convert an idea into a useful product. The agreements replaced an older, innovation killing process of Government ownership and case-by-case determining what rights a university might have in specific inventions after the inventions were made. The process had led the Government to be the country's largest patent-owner with a portfolio of 28,000 patents, almost none of which were being used to benefit the economy.

As a result of these agreements, more than 75 lifesaving inventions funded by HEW had been brought to the public market. The General Accounting Office had documented that prior to the Institutional Patent Agreement, virtually no inventions could be traced to any HEW R&D effort. The National Science Foundation had picked up the idea and was also using similar agreements.

Mr. Latker's concepts became a basis for Public Law 96-517, that I introduced along with Senator Birch Bayh and 14 others of my colleagues in September, 1978. This law extends the principle of contract ownership to small businesses,

universities and other nonprofit organizations on a Government-wide basis. These novel concepts were seen as a threat by many members of the Government patent attorney community and the Act would probably not have been used effectively had Mr. Latker not taken a strong stand in developing and implementing the Office of Management and Budget implementing regulations.

Thanks in large part to his continued efforts, the Act has been successful and has served as the basis for continued improvements in Government patent policy. President Reagan issued a Memorandum extending its principles to nearly all Government R&D contractors. The past Congress passed and the President has just signed an act that I introduced, improving P. L. 96-517 and codifying major elements of the OMB implementing regulations. My staff and I continued to rely on counsel in developing this legislation.

Mr. Latker is recognized through the research and legal communities as a leader in the field of patent law and technology transfer. He is often consulted in his role as expert by agencies and research institutions throughout the world. His list of publciations and presentations testify to his leadership in the field. He has spent his career instituting successful approaches to the transferring of federally-supported inventions to the public.

In addition to his vision and professional expertise, Mr. Latker's integrity and loyalty to the principles of our Government that he has shown as a public servant have made him an outstanding citizen. He has made a truly major contribution but in a field that few people know even exists. In my remarks during the recent Senate hearings on my legislation, I pointed out that with the Federal investment in research and development as great as it is, how well the results of the research are used must have a major effect on the national well being. Mr. Latker saw this and started acting on it over fifteen years ago. At that time, the use of Government-funded inventions was very poor. As a result of his efforts, the use has improved continuously.

Consistent with his professionalism, he has not tried to make himself into the public figure that his accomplishments might warrant. As a result, I believe it is particularly appropriate for the University of Illinois to recognize his work with an honorary degree.

Sincerely yours,

BOB DOLE
United States Senate

BD:dcp

Environmental Activities Staff
General Motors Corporation
General Motors Technical Center
Warren, Michigan 48090-9015

Betsy ANCKER-JOHNSON, Ph.D.
Vice President

November 9, 1984

Dr. John F. Due
Chair, Senate Committee on Honorary Degrees
University of Illinois
496 Commerce West
1206 South Sixth Street
Champaign, Illinois 61820

Dear Dr. Due:

I am delighted to learn that Norm Latker is among the candidates being considered for the award of an honorary degree. I am no less pleased to find myself numbered among those who, because of their long acquaintance with Norm, have been asked to share such personal observations and insights as may be of assistance to your committee in the course of its deliberations.

Norm first came to my attention more than a decade ago when he was the Patent Counsel to the Department of Health, Education and Welfare. My position as Assistant Secretary of Commerce for Science and Technology carried with it the obligation to chair an interagency committee known as the Committee on Government Patent Policy. Norm was already a member of this committee; indeed, he chaired a subcommittee dealing with university affairs. Almost from the very first moment of my tenure I began to hear about IPA's, short for Institutional Patent Agreements. IPA's were contractual arrangements which Norm had worked out between HEW on the one hand, and a number of research-oriented universities on the other. Each university which entered into an IPA with HEW obligated itself to establish a technology transfer mechanism; in return, the university became eligible to retain title to inventions which it made in the course of HEW-funded research, subject to a royalty-free license in the government.

The success of Norm's program in bringing the fruits of government-funded research to the marketplace was impressive: so impressive, in fact, that the concept underlying the IPA became the cornerstone for a legislative initiative which I sponsored on behalf of the Government Patent Policy Committee. Our first victory came in the form of the government patent policy provision of the Non-nuclear Energy Research & Development Act of 1974. The importance of this achievement resides in the fact that it reversed a thirty-year tradition of increasing governmental control over federally-funded proprietary technology. Norm's contribution to this endeavour was explicitly recognized by President Ford in a congratulatory letter which drew attention to Norm's role as legislative draftsman.

Since that time Norm has gone on to author, as well as to engineer the enactment of, the University and Small Business Patent Act of 1980, as well as the Government Research & Development Patent Policy Act which President Reagan has signed into law today. These accomplishments testify eloquently to Norm's perspicacity, his dedication, and most importantly to his skills as a lawyer and public administrator. What is not obvious is the fact that Norm carried on this struggle in the face of enormous personal risk. Rather than recount the extent of this risk in agonizing detail, I have elected to append to this letter a brief excerpt from a talk which I gave in 1982 to the Society of University Patent Administrators. I do this only to dispel any notion that I have inadvertently exaggerated the travail which Norm endured. His courage in the face of adversity, more than any other quality, entitles Norm to the unmatched esteem in which he is held by his friends, one of which I most certainly am.

Very truly yours,

Enclosure

EXCERPT FROM TALK GIVEN BY BETSY ANCKER-JOHNSON AT THE SOCIETY OF UNIVERSITY PATENT ADMINISTRATORS ANNUAL MEETING ON FEBRUARY 2, 1982

* * * * *

It is a tradition among employes everywhere, and among federal employes certainly, for a departing worker to be escorted to lunch on his final day by a coterie of his friends and office mates. Such occasions can range from the simply bittersweet to the hilarious. And sometimes, very rarely, they can be poignant beyond description. Norm Latker had been fired by Joe Califano and December 12, 1978 was his last day on the job. After 22 plus years of federal service he was being terminated without separation pay for alleged departures from official DHEW policy. I was working at Argonne National Laboratories during this period but arranged to be in Washington on that final day. There were just three of us for lunch, Norm, myself, and Dave Eden, my former special assistant at Commerce who was then with the Department of Energy. Our purpose, Dave's and mine, was to assure Norm of our continuing commitment to the joint undertaking, and more especially to one another. It was not a sad meeting, though the situation itself was grim. We were sustained by the conviction that the Civil Service Commission would ultimately set aside Norm's dismissal as illegal, restoring him to his post with full back pay. This eventually transpired, except that Norm got no back pay since his income as a private patent attorney during the layoff period far exceeded what he would have earned as a civil servant.

It would have helped had we known then that Califano himself would soon be dismissed by the President, and that the President would prove willing to sign into law a policy which Califano had dismissed Norm Latker for espousing.

* * * * *

WASHINGTON UNIVERSITY

ST. LOUIS, MISSOURI 63130

OFFICE OF THE ASSOCIATE VICE CHANCELLOR FOR RESEARCH

EDWARD L. MACCORDY

ASSOCIATE VICE CHANCELLOR
FOR RESEARCH

TELEPHONE
(314) 889-5889

November 9, 1984

Dr. John F. Due, Chairman
Senate Committee on Honorary Degrees
University of Illinois
Commerce West, 496
1206 South Sixth Street
Champaign, IL 61820

Dear Dr. Due:

The purpose of this letter is to present to you a strong and enthusiastic recommendation that the University of Illinois give special recognition to one of its most accomplished and deserving alumni, Norman Latker, by the award to him of an honorary degree. By my personal knowledge gained through a long professional association with Norm Latker I can attest to the fact that he is an outstanding and devoted public servant, a loyal alumnus, and a person of the highest moral standard who is, without question, a credit to the University of Illinois.

In his long and honorable career with the United States Government, Norm Latker stands out from his colleagues as a visionary, untiring in his efforts to create a productive relationship among Government agencies, the academic community, and private industry based on mutual respect and cooperation. Early in his professional career he recognized the potential of the research resources of the Nation's universities to make a greater direct and material contribution to the health and welfare of our society. He declined to participate in the prevalent adversarial relationship concerning technology transfer then existing between agencies of the Government and the research universities. Instead, although faced with considerable personal and professional risk and lacking both a solid statutory foundation and strong executive support, as an innovative and dedicated offical of the National Institutes of Health, and subsequently of the Department of Health, Education and Welfare, he embarked on the establishment of an equitable cooperative relationship with the academic community.

During the early years of this initiative, by his sincere acknowledgement of the interests of academic investigators and their institutions he was able to gain widespread trust and confidence among academic administrators. He provided constant encouragement to these administrators to develop the institutional policies and processes necessary for the effective transfer of new biomedical technology from the university laboratory to industrial firms able to mass produce and distribute it to society through established chanels of commerce. He instituted a new concept, the Institutional Patent Agreement, which allowed universities to retain ownership of

inventions derived from their NIH sponsored research and to manage such inventions with due regard to the interests of the public, the inventor, the university and the Government.

During the 1970's Norm Latker recognized the need for unequivical statutory authority vesting ownership in the university of university inventions derived from research supported by any agency of the Federal Government. He was instrumental in stimulating Congressional interest in such legislation and provided leadership in organizing university and business support for its passage. After years of untiring efforts and numerous temporary setbacks and disapointments, largely through the initiative and determination of Norm Latker a benchmark law, Public Law 96-517, was enacted. This law, the University Small Business Patent Act, marked the commencement of a new era in the productivity of university technology creation and transfer activities. Norm was instrumental in the drafting and approval by the Office of Management and Budget of strong and implementing regulations which for the first time provided a comprehensive, uniform and productive Government patent policy applicable to universities and small businesses.

As a direct and immediate result of Norman Latker's dedication and devotion to securing the maximum public benefit from the $5 billion annual Government investment in university research, a productive technology alliance has now been created involving the Federal Government, universities and private industry. We now see an upsurge in cooperative research between industrial and academic scientists and rapidly growing support by private industry of university research. The creativity of university scientists is being stimulated as never before and the benefits of their research are more rapidly and effectively being converted into useful products, processes and services for society. One individual, Norman Latker, can be clearly identified as being primarily responsible for initiating, and successfully pursuing action over the past two decades which has resulted in this new era of cooperation and research productivity. At this writing Norm Latker continues his efforts as an official of the Department of Commerce to prevent erosion of the statutory rights gained by universities and to further improve Government-University-industry cooperation in science and technology.

The University of Illinois has every right to be proud of its illustrious alumnus, Norman Latker. I therefore suggest to you that fitting recognition of his service and accomplishments should be made by the award of an honorary degree. It is extremely well deserved.

Sincerely yours,

Edward L. MacCordy

Edward L. MacCordy

DESERT RESEARCH INSTITUTE
University of Nevada System

Vice President for Finance and Administration

P.O. Box 60220
Reno, Nevada 89506
(702) 673-7315

November 7, 1984

Dr. John F. Due, Chair
Senate Committee on Honorary Degrees
496 Commerce West
1206 S. Sixth Street
Champagne, Illinois 61820

Dear Dr. Due:

It gives me great pleasure to write in support of the nomination of Mr. Norman Latker to receive an honorary doctor of laws from the University of Illinois, where I might note I spent two enriching years as a post-doc in the physics department in the early sixties.

I have been deeply involved in the management of patents and technology transfer in the university setting for over a decade. Major changes in Federal policy have taken place during this period. These changes have had an enormous positive impact both on our universities and on the nation as a whole. The transfer of technology from the university laboratory to the marketplace has been greatly enhanced. Norman Latker has played the key role in affecting these changes.

He has brought to bear a unique combination of skills in engineering, in law and in the art of technology transfer itself. From my vantage point as a university administrator, his achievements in applying these skills are most significant. In the early seventies he developed the, then, Department of Health, Education and Welfare's Institutional Patent Agreement (IPA). During this period I was with the Rockefeller University and entered into one of these early agreements. I can testify firsthand the almost revolutionary impact it had on the ability to commercialize university inventions in the pharmaceutical field.

Based on the model provided by the IPA, Latker worked tirelessly for nearly a decade to reform federal patent policy government-wide with regard to inventions made under federal sponsorship at universities. His dedication to this effort caused him to suffer the most outrageous of personal assults from an unsympathetic administration. His devotion to public service and high principle permitted him to persevere through these worst of times. In 1980 his imagination, dedication and perseverence were rewarded by Congress' enactment of new federal patent policy from which the universities and nation will benefit for decades to come.

Norman Latker exemplifies the finest meaning ot the phrase "public servant". It would reflect glory on his alma mater to recognize him with an honorary degree.

Sincerely,

Albert Gold
Vice President for Finance
and Administration

AG/ams

WISCONSIN
ALUMNI
RESEARCH
FOUNDATION

November 8, 1984

Dr. John F. Due
Chair of Senate Committee
on Honorary Degree
University of Illinois
496 Commerce West
1206 S. 6th St.
Champaign, IL 61820

Dear Dr. Due:

It is my pleasure to strongly endorse your committee's consideration of Mr. Norman J. Latker for the award of an appropriate Honorary Degree from the University of Illinois.

My association with Mr. Latker began in the early 1960's, and it is my observation that since that time he has moved with selfless determination, even, at times, in the face of considerable risk to his professional career, to champion the cause of innovation so that the public truly will benefit from the expenditure of Federal research dollars. It was his ability, through example and persuasion, and by mustering others who were of like persuasion, to convince many that the fruits of intellectual property arising from Federal grants and contracts were best transferred for public benefit through utilization of the patent system - or, in other words, by means of the Constitutional concept.

The end result of Mr. Latker's effort was, I believe, exemplified by the passage of Public Law 96-517 in 1980, which fundamentally permitted small businesses, universities, and other non-profit organizations to exercise the first right of ownership in any invention made under grants or contracts with an Agency of the Federal Government. The perceived advantages to flow from such Law have been realized in practice. Since the passage of that legislation, and because of the certainty of ownership of the inventions by the universities under that Law, additional research funds have been flowing to the university sector from private, primarily industrial, sources. Thus, the reliance upon Federal funding has been reduced and, therefore, the recent cutbacks in Federal funding have had a less severe impact upon the university research community.

It is my understanding that the Law has also substantially increased the number of universities and colleges engaging in a technology transfer activity utilizing the patent system. This conclusion is primarily drawn from inquiries for guidance which I have received and the observed dramatic increase in the membership of the Society of the University Patent Administrations, a professional society devoted to increasing the knowledge and ability of the university community to engage in the technology transfer function.

As will be evident from the foregoing remarks, Mr. Latker's continued perseverance in an unpopular cause has had profound and long term effects which can only be interpreted as being beneficial to the public interest. Mr. Latker's efforts and accomplishments are deserving of public recognition and I urge your committee to favorably consider awarding him an Honorary Degree.

Sincerely,

Howard W. Bremer

Howard W. Bremer

January 9, 1985

Dr. John F. Due
Chair, Senate Committee on
Honorary Degrees
University of Illinois
496 Commerce West
1206 South Sixth Street

Dear John,

I would like to endorse the nomination of Mr. Norman Latker for an honorary doctorate from the University of Illinois. Mr. Latker has been nominated for his leadership and pivotal role in clearing the way for development of the many discoveries made in research supported by federal funds. The importance of innovation and technical change to the national economy, welfare and defense is widely acknowledged. It is a complex area and one in which there is not often opportunity to have unequivocal and significant impact. Norman Latker's efforts have been singularly effective in reshaping federal policy on the matter of the handling of patents on inventions made under federal sponsorship. Mr. Latker recognized very early the nature of the problem in the federal policy, worked creatively and tirelessly to develop a climate and incentives for change, persisted through years of discouragement and even personal hardship because of his championship for this cause, and ultimately was reinstated with a rallying of support to his unswerving vision for change.

I believe the University of Illinois should be extremely proud of its graduate. He demonstrates some of the very best of the qualities we hope to instill in our students. He has made a substantial contribution to public administration at the national level and, even more importantly, has opened the door for the burgeoning university-industry relationships now developing all over the country. As an institution which has participated heavily in federally sponsored research for many years, and an institution which houses a brilliant and inventive faculty, Mr. Latker's contributions in the area of federal policy and public adminsitration pay special dividends. Recognizing his contribution by way of an honorary degree would signal our appreciation to him. I think awarding this honor to Norman Latker at this time is also important as this univrsity is embarking on new relationships with industry, is seeking to assist the state in developing its economy through its research efforts. I therefore heartily endorse the nomination of Mr. Latker and urge that it be given very careful consideration.

Sincerely,

Linda S. Wilson
Associate Vice Chancellor for Research
Associate Dean, The Graduate College

bcc: Thornton Parker

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

January 17, 1985

Dr. John F. Due
496 Commerce West
1205 S. 6th St.
Champaign, Illinois 61820

Dear John:

I learned from Assistant Secretary of Commerce, D. Bruce Merrifield, that Mr. Norman J. Latker has been been nominated for an Honorary Doctorate Degree from the University of Illinois. I am writing to support this nomination on the basis that Mr. Latker has been a leader in making constructive changes in our patent system to the end that it can facilitate technology transfer from our Federal and university laboratories to the private sectors for development.

One of my colleagues on the legal staff of the United States Department of Agriculture described Lacter's activities in this way: "But for his tenaciousness in the face of strong adversaries, sometimes acting as a block against him, the patent policies which he helped to forge never would have been enacted." He has been actively engaged in this effort for many years, the details of which are outlined in Assistant Secretary Merrifield's letter to you of November 13.

One of the reasons Mr. Latker's efforts are yielding greater results now is that he has gained the aggressive and constructive support of his colleagues in the Department of Commerce and, in addition, has been able to establish linkages with other departments of government that are concerned with support of research and the development of the technology that is urgently needed in the private sector if we are to maintain and enhance the competitive position of U.S. industry, business, and commerce in the global market. Although my experience is somewhat limited, I know of the commitment and dedication required for a person in Mr. Latker's position to "make a difference" in the development of policy, the enactment of new legislation, and in the formulation of regulations that lead to policy changes in an area as pervasive as U.S. patenting and procurement policy.

My best wishes for the New Year to you and Jean. Nolie and I are enjoying the Washington scene, and we find our activities sometimes demanding, but usually rewarding.

ORVILLE G. BENTLEY
Assistant Secretary
Science and Education

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Office of the Assistant Secretary for Science and Education
United States Department of Agriculture
Washington, D.C. 20250

Orville G. Bentley

January 17, 1985

TO: Tip Parker

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ORVILLE G. BENTLEY
Assistant Secretary
Science and Education