DRAFT OUTLINE

1. U.S. Post-World War II Federal R&D Policy
- ***—Vannevar Bush***
- ***—Cold War, Sputnik, etc.***

2. Federal agencies and federal labs
- ***—Missions and perceived roles***
- ***—Patents and agencies' relationships with U.S. industry***

3. Congressional interest
- ***—Key Senate and House committees***
- ***—Key Hill figures***
- ***—Congressional Research Service - Issue Briefs***
- ***—General Accounting Office - Reports***

4. Federal technology transfer
- ***—The Sixties***
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- ***—The Eighties***
- ***—The Nineties***

5. Federal government-University links
- ***—NIH***
- ***—Commerce***
- ***—Defense***
- ***—NSF***

6. Technology transfer associations and organizations
- ***—SUPA (later AUTM)***
- ***—FLC***
- ***—Technology Transfer Society***
- ***—AFT2E***

7. Legislation
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- ***—Proposed Bills***
- ***—Executive Orders***

8. Personalities
- ***—Federal officials***
- ***—Political appointees***
- ***—Academic officials***
- ***—Others***

9. Seminal Documents

—Reports
—Official documents
—Articles

NORMAN J. LATKER

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TITLE:

Managing Attorney
Browdy and Neimark

EDUCATION:

B.S. Civil Engineering, 1953 from the University of Illinois
J.D., 1956 from the University of Illinois (U. of I.)
L.L.D., Honorary Doctor of Laws, 1985 from the U. of I.

Post graduate courses in electronics, advanced chemistry, biochemistry, and medicinal chemistry.

Judge Advocate General's Procurement Law School, University of Virginia, 1961.

EXPERIENCE:

BROWDY AND NEIMARK 1990 to Present

Managing Attorney

Responsible for the management of **BROWDY AND NEIMARK,** a 35 person law firm specializing since 1952 in intellectual property law including patents, trademarks, trade secrets, copyrights, unfair competition, and related licensing and litigation.

BROWDY AND NEIMARK is particularly noted for its involvement with the life sciences, including molecular biology, microbiology, immunology, pharmacology, and biomedical engineering. In addition to managing the firm, also pursues the prosecution of patent applications and license agreements for the firm.

MAXWELL COMMUNICATIONS CORPORATION, 1987 to 1989

Vice President, Legal and Technology Affairs, University Sciences and Engineering Technology (USET)

Responsible for identification of acquisition candidates for new Maxwell technology management corporation (USET) and design and development of an on-line technology database for commercial sale.

DEPARTMENT OF COMMERCE, 1982 to 1988

Director, Office of Federal Technology Management, Office of Productivity, Technology and Innovation

Responsible for the identification of problems that would affect the licensing and utilization of technology resulting from Federally-funded research. Government-wide administrative, legislative or regulatory positions developed and implemented.

SMALL BUSINESS ADMINISTRATION, 1980 to 1982

Assistant Chief Counsel for Patents and Research and Development

Responsible for the resolution of intellectual property, and research and development problems that affect small business through administrative, legislative or regulatory recommendations. (On loan to Office of Federal Procurement Policy, OMB to develop OMB Circular A-124.)

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Department Patent Counsel, Office of General Counsel
1965 - 1980

Responsible for administration of the Department's technology licensing and patent program including legal and administrative services relating to patents, inventions, copyrights and licensing of intellectual property resulting from the Department's multi-billion dollar research program.

National Institutes of Health, 1963 - 1965

Patent Counsel, Office of the Director

BEFORE 1963

Patent Examiner, U.S. Patent and Trademark Office.

Responsible for examining patent applications for inventions in the building arts.

Civil Engineer, Illinois State Highway Department

Responsible for inspection of bridges and highways for code compliance.

MAJOR PROFESSIONAL ACCOMPLISHMENTS:

- 1969 to 1975-Developed and implemented the Institutional Patent Agreement Policy and Regulations for Department of Health, Education and Welfare (DHEW). These served as precursor to the Bayh-Dole Act which established university technology management programs.
- Aided universities and other DHEW contractors in the delivery of over 75 health-related inventions to the marketplace and the licensing of many other inventions.
- 1963 to 1978-Managed the DHEW patent portfolio and technology licensing program.
- Architect of the Bayh-Dole Act, the University and Small Business Patent Act of 1980 (P.L. 96-517), which built on DHEW experience and established a national policy of small business and university ownership of technology resulting from federal research.
- 1980 to 1982-Developed the implementing regulations for the Bayh-Dole Act (OMB Circular A-124).
- 1982-Assisted the Senate Small Business Committee in the conception of the Small Business Innovation Development Act of 1982 (P.L. 97-207).
- Developed the President's Patent Policy Memorandum of 1983 which expanded contractor ownership policies to those not covered by the Bayh-Dole Act.
- 1984-Architect of P.L. 98-620, which extends and improves the concept of the Bayh-Dole Act.
- 1984 to 1987-Developed the implementing regulations for P.L. 98-620 (37 C.F.R. 401).

- 1982 to 1987-Designed and assisted in creating the "Office of Federal Technology Management" in the Department of Commerce.

- Architect of the Federal Laboratory Technology Transfer Act of 1986 P.L. 99-502, which extends the concepts of decentralized technology management of the Bayh-Dole Act to inventions made at Federally managed laboratories.

- 1987-Assisted in development of Executive Order 12591 "Facilitating Access to Science and Technology."

SPECIAL AWARDS:

Presidential Citation

For development of patent section of the Nonnuclear Energy Research and Development Act, 1974.

Small Business Administration

Outstanding Performance Citation, 1980

Department of Commerce

Secretarial Citation for development of President Reagan's February 18, 1983 memorandum on Government Patent Policy

Outstanding Performance Citations, 1984, 1985, 1986 and 1987

1983 Department Silver Medal for "contribution leading to new products, industries and jobs through the commercialization of Federally funded technologies."

1987 Department Bronze Medal for "passage of the Federal Technology Transfer Act of 1986."

University of Illinois

Chi Epsilon, National Civil Engineering Society for high Scholastic Achievement

Honorary Doctor of Laws, 1985 for "commitment and dedication to improving the national environment for research (which has) led to a national technology alliance involving the Federal government, universities, and private industry." (Copy Attached)

Association of University Technology Adminstrators (AUTM)

1983, "The Birch Award" for "unselfish commitment to establish and preserve the values of the technology transfer process."

The Association of Federal Technology Transfer Executives (AFT^{2}E)

July 13, 1994, "Vannevar Bush Award" for "outstanding contribution to the United States of America for creating the model for successful public and private technology partnership."

OTHER:

Guest Lecturer, 1980 to 1987, George Washington University Procurement Law - "Technology Transfer and Government Intellectual Property Policy"

INTERAGENCY EXECUTIVE AND LEGISLATIVE COMMITTEE AND COMMISSION SERVICE:

Chairman, Department of Commerce Interagency Committee to Implement the Federal Technology Transfer Act of 1986.

Chairman, Subcommittee on University Patent Policy of the Federal Council for Science, Engineering and Technology, 1971 to 1978.

Vice-Chairman, Subcommittee on Intellectual Property of the Federal Council for Science, Engineering and Technology, 1974 to 1978.

Technical Advisor on Intellectual Property and Research and Development to Subcommittee on the Constitution of Senate Judiciary, 1976 to 1980.

House Committee on Science and Technology's Workshop on Aid to the Handicapped, 1980 (recommendations resulted in Orphan Drug Act).

DHEW Interagency Committee on Significant Drugs with Little Commercial Value, 1978 (Recommendations lead to Orphan Drug Act).

Draftsman for the Patent Task Force for the Commission on Government Procurement, 1971.

Interagency Drafting Committee for Development of the Federal Property Management Regulations on Licensing of Government-Owned Inventions, 1980 to 1982.

Interagency Drafting Committee for Development of Standard Patent Rights Clauses for use in the Federal Procurement Regulations, 1971 to 1986.

PROFESSIONAL SOCIETIES:

American Bar Association
Federal Bar Association
American Intellectual Property Law Association
Licensing Executive Society
Association of University Technology Managers (AUTM)
Maryland Patent Law Association

BAR MEMBERSHIP:

Illinois, District of Columbia, U.S. Patent Office and United States Supreme Court

PUBLICATIONS, PRESENTATIONS, AND TESTIMONY:

"Washington in Review", Presentation to Society of University Patent Administrators, February, 1988.

"Commercializing the Results of Federal Research and Development", Testimony before the Senate Judiciary Committee, February, 1987.

"Public Law 98-620 Regulations", Presentation to Society of University Patent Administrators, June, 1986.

"Transfer of Technology Resulting from Government Funded Research", Presentation to Licensing Executive Society, May, 1986.

"Small Business Innovation Research Program", Testimony before U.S. House of Representatives Committee on Small Business, May, 1986.

"Federal Initiatives for Innovation," Presentation to American Intellectual Property Law Association, May, 1984.

"Technology Management", Presentation to Aerospace Industries Association of America, April, 1983.

"Current Status of Legislation Affecting the Licensing of Technology", Presentation to Licensing Executive society, October, 1980.

"The Philosophy of Different Policies on Disposing of Government Funded Inventions", Presentation to Government Patent Lawyers Association, April, 1979.

"The Ramifications of the Small Business and University Patent Procedures Act", Presentation to the 2nd Annual TechEx World Fair, March, 1979.

"The Impact of Laws and Regulations on the Innovation Process", Presentation to Society of University Patent Administrators, February, 1977.

"Current Government Patent Policy as Applicable to Universities and Nonprofit Organization", Presentation to American Patent Law Association, January, 1976.

"The Protection of Intellectual Property Under the Fourth Exemption of the Freedom of Information Act", Presentation to Academy of Pharmaceutical Sciences, November, 1975.

"Current Trends in Technology Transfer", Presentation to Third Annual University/Industry Forum Technology Exchange, February, 1975.

"Universities Opportunities and Responsibilities", Presentation to Conference on Technology Transfer, Case Western University, October, 1974.

"Science Policy Implications of DNA Recombinant Molecule Research", Testimony before U.S. House of Representatives committee on Science and Technology, May, 1977.

"Government Patent Policy", Testimony before U.S. House of Representatives Committee on Science and Technology, September, 1976.

"Utilization of Government-Owned Health and Welfare Inventions", Journal of the Patent Office Society, November, 1965.

PERSONAL:

Married to Carole H. Latker, Ph.D., Health Scientist Administrator, National Institutes of Health

Two Children:

Miriam E. Sell, M.D.

Richard E. Latker, Business Editor, Healthcare Publication, The Economist, Intelligence Unit, London, England

Citation of

UNIVERSITY OF ILLINOIS, MAY 19, 1985

NORMAN J. LATKER

for the

HONORARY DEGREE OF DOCTOR OF LAWS

Norman J. Latker, Director of the Office of Federal Technology Management Policy, U.S. Department of Commerce. Government administrator and public servant, your commitment and dedication to improving the national environment for research has led to a national technology alliance involving the federal government, universities, and private industry. You have worked tirelessly in various capacities as a respected public servant to institute change and improvement in U.S. patent laws. You prudently recognized the need for a better system of administration to enhance transfer of important inventions and research from universities to the private sector for commercial development. Your efforts for significant change in national policy for the betterment of the nation have earned you the widespread respect of your colleagues in the legal and academic communities. The University of Illinois is glad to join research institutions throughout the world which have recognized you as a leader in patent law and technology transfer. On recommendation of the Senate of the Urbana-Champaign campus, I present you to the President of the University for the honorary degree of Doctor of Laws.

Presentation by: Peter H. Hay, Dean of the College of Law, University of Illinois at Urbana-Champaign

30 Years of AUTM: SUPA's Role in the Bayh-Dole Legislation

By Jon Sandelin, Stanford University



Below is the second in a series of articles that highlight AUTM's history and growth as part of the celebration of 30 years of AUTM. Excerpts from these articles will be compiled into a commemorative publication and distributed at the 2004 Annual Meeting to be held March 4-6 in San Antonio, Texas.

Newly elected SUPA President Howard Bremer, Wisconsin Alumni Research Foundation, in a letter to the SUPA membership dated July 6, 1978, sent a copy of "the proposed bill for a uniform federal patent policy for small business, universities and nonprofit organizations for your review and comment." This appears to be the first emergence of what would eventually become the Bayh-Dole legislation, and thus the start of a campaign to advise on the content of the legislation and on obtaining support for its passage.

In an Aug. 14, 1978, letter to SUPA, Sen. Bob Dole began, "I should like to apprise you of my activities in the area of patent legislation and its relationship to the problems of transfer of technology." The letter continued by referring to "the unfortunate situation in HEW's biomedical technology program."

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By Patricia Harsche Weeks, Fox Chase Cancer Center

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30 Years of AUTM: SUPA's Role in the Bayh-Dole Legislation
By Jon Sandelin, Stanford University

Public Policy Update
By Jon Soderstrom, AUTM Vice President for Public Policy, Yale University

***2003 AUTM Journal* Poised for Release**

***AUTM Journal* Seeks Editorial Advisory Board Members**

Legal Highlights: Federal Circuit Decides *Bayer v. Housey*
By David L. Parker, Fulbright & Jaworski LLP

Business Students Rise to the Challenge at Texas A & M
By Amy Brundeen, Texas A&M University

New AUTM Special Interest Group Announced

Z-Cube Announces Seed-Stage Life Sciences Funding Opportunity

Eastern Region Update
By Frances Galvin, AUTM Vice President for Eastern Region, Fox Chase Cancer Center

Dole then explained his actions to correct that situation and wrote, "I plan to follow up the amendment by introducing, on Sept. 13, along with Sen. [Birch] Bayh, a bill which would establish a governmentwide patent policy."

On Oct. 10, 1978, in a letter from Bremer to the SUPA membership, it was announced that 15 senators "have already agreed to co-sponsor the bill." However, more sponsors were needed, so the letter was accompanied by a listing of all senators and the names and telephone numbers of the senators' staff. Bremer requested that any comments to improve the bill be sent to him and a committee "of our most experienced advisers" who would distill the comments into a consensus position. He also reported that the senators wished to obtain case histories for review by the Government Accounting Office "that have resulted in either delay or frustration of the technology transfer process due to government involvement in determining ownership or conditions of ownership."

Central Region Update
By Michael F. Moore, AUTM Vice President for Central Region, University of Minnesota

Canadian Region Update
By Marcel D. Mongeon, AUTM Vice President for Canada, McMaster University

Events of Interest

AUTM Calendar

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Contact Information

Archives...

There were parties strongly opposed to the Bayh-Dole bill, led, it seems, by Sen. Russell Long, who wrote a letter dated Feb. 20, 1980, giving his reasons why Bayh-Dole was a bad thing. He stated, "I am convinced that this bill is one of the most radical and far-reaching giveaways I have seen in the many years I have served in the United States Senate. S. 414 would allow a single company to monopolize a product invented with public funds. I adamantly oppose this concept and am convinced that the American public shares my belief—that title to publicly financed inventions should belong to the public." Long made a number of other arguments why Bayh-Dole would be a bad thing and also enclosed a statement by Adm. Hyman G. Rickover giving his reason for opposition to S. 414.

However, such opposition was in the minority, as S. 414 passed in the Senate quite comfortably. Dole, in a letter dated April 28 sent to SUPA, noted: "I am particularly pleased to inform you that S. 414, the University and Small Business Patent Procedures Act of 1980, passed the Senate on April 23 by a vote of 91 to 4." Dole went on to say, "In view of the problems that have arisen over the past 30 years from the

lack of a uniform patent policy and from the arbitrary decision making by individual federal agencies, I feel that the passage of S. 414 signifies a major step in the right direction toward easing the transfer of technology from the research stage to that of development, thus increasing American productivity from the decline it has entered."

In early December 1980, SUPA President Clark McCartney, University of Southern California, informed the membership of the passage by Congress of the Patent Law Act of 1980, to become widely known as the Bayh-Dole Act. Per McCartney, the next step (following signing of the law by President Jimmy Carter, which occurred on Dec. 14) was drafting of implementing regulations by the executive branch. McCartney urged SUPA members to actively participate in the review and comment stages of the process. And indeed, SUPA followed the implementation of the regulations very closely and played an active role in shaping the final product.

Other Key Events in AUTM's First Decade

Fighting the Urge to Merge

The idea of SUPA becoming a part of a larger, established and financially secure organization started as early as May 1975. At the SUPA 1976 Annual Meeting, a session entitled "LES and SUPA—Where Does SUPA Go From Here" was given. Prior to the meeting, SUPA members were advised, "One of the items which will be discussed at the annual meeting is the possibility of SUPA establishing a loose affiliation or perhaps becoming a division or section of an existing organization whose interests overlap or complement those of SUPA. Possible groups might be the Licensing Executives Society, the Society of Research Administrators or the National Council of University Research Administrators." However, nothing definitive resulted and the issue faded away until 1978.

In February 1978, Larry Gilbert, one of SUPA's founding members, raised the issue again, leading to a poll of the SUPA membership in May 1978. Of those who voted, 33 favored an affiliation with another organization and 28 opposed. However, despite this majority vote, there was apparently sufficient resistance to the idea within both SUPA and LES that nothing happened and the idea faded away for good.

Affiliate Members Added

In March 1976, the first application for membership from a person employed by a commercial firm was received. Under the bylaws, this would not be permitted. The applicant argued that he did have an

interest in university patents from the point of view of potential licenses for his company. The issue was presented to SUPA President Raymond Woodrow, Princeton University, who suggested an affiliated or associate membership category be created. The exact definition of this new membership category proved difficult, and it was not until 1978 that the affiliate membership category was approved.

On the Government Policy Scene

On Sept. 23, 1976, Woodrow testified before the Subcommittee on Domestic and International Scientific Planning and Analysis of the House Committee on Science and Technology with regard to university patents and federal grants and contracts. Thus, SUPA was now on the government policy-making radar screen, setting the stage for future SUPA interaction with government policy-setting groups.

AUTM Survey Teaser

The first formal survey of the SUPA membership was conducted in 1979 "to provide feedback concerning the actual commercial use to which recently university-derived inventions had been put." Clearly this was to provide data on the usefulness of university licensing efforts, which also was the motivation for starting the annual licensing surveys in 1990.

Next: AUTM Emerges.

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