DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20201

JAN 24 1979

Our Reference : K-23-77
Your Reference: T-326

Mrs. Esther Schmidt
Deputy Manager
Yeda Research and Development Co. Ltd.
Post Office Box 95
Rehovot, Israel

Dear Mrs. Schmidt:

Reference is made to the report of an invention entitled "Undecapeptide and Tumour Assay" which was developed at the Weizmann Institute of Science by Professors Michael Sela and Ruth Arnon with support from National Institutes of Health contract NO1/CB-23800/SA4. Reference is also made to your petition that Yeda Research and Development Co. Ltd. of the Weizmann Institute (hereinafter sometimes referred to as Yeda) be permitted to retain and administer the principal rights in patent application S.N. 749,093 which was filed on the invention on December 1, 1976.

The standards for determining whether to grant rights to an invention greater than a non-exclusive license are provided in the Code of Federal Regulations in volume 41, section 9. Specifically they provide that when an invention results from a contract and is directly related to the subject matter of that contract such greater rights can, absent special circumstances that do not exist here, be granted only when the grant is necessary to call forth the private risk capital necessary to bring the invention to the point of practical application or if the contribution of the Government is small compared to that of the contractor. Our authority to grant such greater rights is limited by these regulations, and we can grant them only when it is demonstrated that one of these requirements is met.