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United States Senate

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON THE CONSTITUTION
WASHINGTON, D.C. 20510

April 5, 1979

Dear Friend:

On Friday, February 9, 1979, I reintroduced the University and Small Business Patent Procedures Act, which will allow universities, nonprofit organizations, and small businesses to retain patent rights on inventions made under federally-supported research. Twenty-four of my Senate colleagues have already requested to co-sponsor the bill, indicating the bill's broad bipartisan support.

Federal law currently prevents universities and small businesses from obtaining patent rights on products of research backed in any way by federal funds. This policy has effectively removed the incentive for private firms and institutions to develop or market the products of their federally-financed research. As a consequence, untold numbers of advances, some with great medical and scientific potential, have withered on agency shelves. The end result is a significant contribution to America's productivity slump and balance of payment deficits. This bill seeks to reverse the paralyzed condition of the patent procedures and to get the resulting products out into the marketplace.

The patent issue has had a particular impact on the black colleges and minority businesses across the country, where an already low level of involvement in government-funded research is aggravated by the disadvantages of the current patent procedures. This bill will not only lower patent barriers generally but will also encourage minority universities and small businesses to seek greater participation in government-financed research and development. Hopefully, institutions such as your own will be participants in this resulting trend.

It is important that supporters of this legislation inform their representatives in the Senate and House of the problems facing universities and small businesses who want the fruits of their government-supported research delivered to the marketplace. Only then can the American people benefit from the successes of this research.

The University and Small Business Patent Procedures Act is currently pending in the Senate Judiciary Committee. On April 11th and an undecided date in June the Committee will hold hearings on the bill, which I shall chair. With your active support I believe that we can pass this legislation and begin to remedy the problems of an ineffective patent policy.

For any additional information please call Joe Allen of my staff at (202)224-9263.

Sincerely,

Birch Bayh
United States Senator