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United States Senate
COMMITTEE ON FINANCE
WASHINGTON, D.C. 20510

September 24, 1980

Honorable Birch Bayh
Senator from Indiana
Room 363 RSOB
Washington, D. C. 20510

Dear Birch:

I am deeply concerned by the action of the House Governmental Affairs Committee in reporting H. R. 6933. I am reasonably sure this bill will be considered by the full House on Monday, September 29, and could come to the Senate as early as next week.

As you know, H. R. 6933 expands the scope of the Senate passed patent policy legislation, S. 414, to allow the give-away of the benefits of billions of dollars of public financed research to the largest and most dominant corporations in the United States. During consideration of S. 414, the Senate, by a vote of 60 to 34, rejected a similar amendment. You and I stood together in opposition to this anti-competitive and unwarranted proposal. During Senate consideration of S. 414, you repeatedly stated you would vigorously oppose any expansion of that legislation to include big business.

I am adamantly opposed to the House bill. I urge you to join with me in taking whatever steps are necessary to prevent this monopolistic provision from being included in the final form of any patent policy legislation.

Sincerely yours,

Russell Long

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MARCIA ATCHESON, GENERAL COUNSEL

United States Senate

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

September 26, 1980

The Honorable Russell Long
United States Senator
Washington, DC 20510

Dear Russell:

Thank you for your letter of September 24, 1980 alerting me to your concerns with the big business patent policy provisions of H.R. 6933. I agree with you that the problem of disposing of inventions made under government contract by big businesses is a very complex one that I have taken no position on myself.

The Senate Judiciary Committee in its hearings on S. 414, the University and Small Business Patent Procedures Act, investigated only the problems of universities and small businesses with government patent policy. Your concerns merit a full investigation by the Committee and I will look forward to working with you and your staff in seeking a solution to the problem.

My own strong conviction has been that the present patent policies unfairly discriminate against small businesses and universities who are denied patent rights routinely granted to larger contractors. Because small businesses and universities have such a distinguished record of producing innovative products this pattern is more than unfair--it adversely affects American innovation.

Therefore, I will offer an amendment to bring any House passed patent policy into conformity with that already passed by the Senate, which as you know is strictly limited to universities and small businesses.

As a former member of the Senate Small Business Committee you have an unusual sensitivity to the problems of innovative small businesses who are seeking to compete against dominant, big businesses. I hope that you will join with me and the other members of the Senate Judiciary Committee in resolving the present small business-university problem.

Sincerely,

Birch Bayh
United States Senator