THE UNIVERSITY OF UTAH

Office of the Director
Patent and Product Development
2045 Annex

December 13, 1978

Mr. Howard Bremer, President
SUPA
Wisconsin Alumni Research Foundation
614 North Walnut Street
Madison, Wisconsin 53705

Dear Howard:

This letter is responsive to your letter of December 6 requesting comment the Schmitt Senate Bill S 3627.

First, the good part: Page 11, 1st paragraph relates to confidentiality of information and the Freedom of Information and this clause should be entered into any patent bill.

The remainder of the bill is full of good intentions, but Sec. 203, WAIVER, leaves the determination of patent waivers up to the Agency head, and we wind up with the same problem facing us now, to wit, HEW gives us everything and Interior gives nothing. Thus, we end up with as many patent policies as there are agencies.

The remainder of my criticisms are in the nit picking category; for example page 4, paragraph 7 defines the inventor as one who has not agreed to assign his patent rights to the contractor. This seems to be contrary to the federal requirements for contractors.

Page 7, Sec. 202 calls for the contractor having to ask for a waiver at the time of disclosure. This will inevitably result in tardy disclosures which may then be buried, or never reported. Most waivers are requested after a reduction to practise.

I won't comment on the new burocracies which this bill would foster, since the marginal notes indicate someone else is properly raising this question.

Copy to McCartney 1/4/79

SALT LAKE CITY 84112

If I can be of further assistance, please advise, but my offhand opinion is that this bill merely muddies the water.

See you in Atlanta.

Sincerely,

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C. W. Martin, Director

CWM/mb

cc: William S. Partridge