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DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

The General Counsel
Washington DC 20201

June 18, 1992

The Honorable Harry F. Manbeck, Jr.
United States Department of Commerce
United States Patent and Trademark Office
Washington, DC 20231

Dear Commissioner Manbeck,

Last year the National Institutes of Health (NIH) filed patent applications for a large number of human genetic sequences identified in the NIH laboratories. I have concluded that a large portion of applications do not satisfy the threshold legal requirements for an invention because they do not describe the use or function of the sequences. Secretary Sullivan is currently consulting with other executive branch officials as to how to proceed with regard to the NIH applications. Accordingly, I respectfully request that, pursuant to Patent Rule 1.103, the Patent and Trademark Office suspend further consideration of these applications until Secretary Sullivan determines whether he wishes to seek patent protection for any of the sequences covered by pending NIH applications.

I thank you in advance for your prompt attention to this matter. Please do not hesitate to contact me at 245-7741 if I can provide you with any additional information.

Sincerely,

Michael J. Astrue
General Counsel