



DEPARTMENT OF HEALTH & HUMAN SERVICES

Barbara McKersy

Office of the Secretary
Office of the General Counsel

1997 MAR 26 A 9:27

Public Health Division
Room 2B-50, NIH Bldg. 31
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March 24, 1997

Lloyd N. Cutler, Esquire
Wilmer, Cutler and Pickering
2445 M Street, N.W.
Washington, DC 20037

Dear Mr. Cutler:

This is to acknowledge receipt of the recent letter from you and former Senator Birch Bayh to Secretary Shalala requesting that the Federal Government exercise its march-in rights pursuant to 35 U.S.C. § 203 in connection with certain patents owned by Johns Hopkins University and licensed to various private companies.

The authority to exercise march-in rights in connection with grants and contracts from the National Institutes of Health (NIH) has been delegated to the NIH Director, Dr. Harold Varmus. Accordingly, your request is being handled by the NIH. On March 21, the NIH forwarded a copy of your march-in request to Johns Hopkins for comment consistent with 37 CFR § 401.6(b). We appreciate your offer to meet with us, but believe that such a meeting would be more productive after we have more information.

Sincerely,

Robert B. Lanman
NIH Legal Advisor