

From: Walt Chambliss
Sent: Wednesday, October 27, 2010 11:12 AM
To: HumanitarianProgram
Subject: University Of Mississippi Comments to the Federal Register Notice

Please find attached our comments. Thanks, Walt

Walter G. Chambliss, Ph.D.
Director of Technology Management
Professor of Pharmaceutics
100 Barr Hall
University of Mississippi
University, MS 38677
662 915-7134
fax 662 915-8825

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University of Mississippi

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Office of Research & Sponsored Programs
Division of Technology Management
100 Barr Hall
University, MS 38677
(662) 915-1604
Fax: (662) 915-8825
techgmt@olemiss.edu

October 27, 2010

To: HumanitarianProgram@uspto.gov

Thank you for the opportunity to provide comments to the September 20, 2010 Federal Register Notice entitled: "Request for Comments on Incentivizing Humanitarian Technologies and Licensing through the Intellectual Property System". The University of Mississippi has a major research program in the National Center for Natural Products Research in the School of Pharmacy to develop drugs for neglected diseases, and is the owner of pending and issued patents in the field. Other researchers on campus are working on technologies that promise to reduce the risk of disasters in developing countries such acoustic sensors to detect weaknesses in levies and dams. We therefore are aware of the need for incentives to encourage commercial development of these technologies and support USPTO's efforts. We do not have direct experience with an *ex parte* reexamination and therefore are unable to provide specific comments to **Questions 1 – 10**.

Question 11 is of more concern to our research efforts and we are providing comments to two parts of the question.

A. Should vouchers to accelerate initial examination rather than reexamination be offered for technologies addressing humanitarian needs?

The cost (time and money) to obtain patent protection for a new pharmaceutical compound to treat malaria is the same as for a new pharmaceutical compound to treat diabetes, yet the commercial potential, and hence our ability to license the patent rights to a pharmaceutical company, are dramatically different. Although we do not prioritize our patent application portfolio based on the size of the market, we have had to abandon the prosecution of a number of patent applications due to budget constraints unless the patent rights were already licensed to a commercial partner. Since it is easier for a university to license the patent rights of an issued patent than of a pending patent application, an accelerated initial review would enhance our chances of commercializing technologies for humanitarian needs. We therefore encourage the USPTO to develop an accelerated initial examination of patent applications covering technologies for humanitarian needs.

B. Are there other pro-business strategies that the Department of Commerce or the USPTO should pursue in future programs to incentivize humanitarian research and development and/or best practices for intellectual property with humanitarian uses?

The major out-of-pocket cost of patent prosecution is patent attorney fees. The availability of patent attorneys who would work on humanitarian cases pro bono or at a discounted fee structure would be a tremendous incentive. The Department of Commerce or the USPTO could facilitate the formation of a pool of qualified patent attorneys. The USPTO could

also waive or discount prosecution and maintenance fees beyond small entity discounts as an added incentive.

Finally, the Department of Commerce could provide a source of funds to support proof-of-concept studies. These funds would be available on a competitive basis to non-profits and small businesses to develop technologies for humanitarian needs.

Sincerely,

A handwritten signature in black ink, appearing to read "Walt CW", with a long, sweeping horizontal stroke extending to the right.

Walter G. Chambliss, Ph.D.
Director of Technology Management