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Strictly Personal and Confidential – Via FedEx

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

Re: Benefitting American Taxpayers for the Scientific Discoveries of Basic Research They Have Financed

This is a plea from a 229-member monthly public-policy study group that I have facilitated for the past 18 years. Its participants from around the country include many attorneys and professors.

As you are probably aware, the U.S. Government funds an incredible amount of basic research through the National Science Foundation, the National Institute of Health, the Defense Department, the National Aeronautics and Space Administration (“NASA”), etc., etc.

As you are probably also aware, the U.S. Government does not patent many of the discoveries that result from this research. Instead, companies both U.S.- and foreign-based are free to capitalize on these discoveries and, more importantly, they are free to conduct manufacturing based on these discoveries in low-wage countries such as China.

Accordingly, it is recommended that you announce a new policy accompanied by legislation, if necessary, that (A) the U.S. Government will patent all discoveries resulting from basic research that it funds, and (B) the U.S. Government will require licensees, whether U.S.- or foreign-based, to conduct in the United States any manufacturing operations utilizing the technology.

It is recognized that many of the discoveries resulting from research conducted by the Defense Department are kept secret, much like the famous Coca Cola formula is a "trade secret." However, it should be a small matter to provide that when defense secrets finally enter the public domain, they will automatically be subject at that time to a new patent owned by the U.S. government that will become part of the program described above.

Most importantly, in addition to vigorous enforcement of the U.S. Government's patents and trade secrets under the existing provisions of the TRIPS Agreement of the 164-member World Trade Organization (WTO) which includes China, the U.S. should insist that (A) every WTO country will ban imports of goods made with the U.S. government's technology without a license, and (B) imports of other goods by WTO countries from countries that use the U.S. government's technology without a license to produce goods for internal use or export to non-WTO countries, will be subject to seizure to pay both for the royalties that should have been paid on the goods used internally or exported to non-WTO countries and also for the lost wages of American workers.

Thank you for your consideration.

Respectfully submitted,

John S. Karls
JD, Harvard Law School, 1967
Who's Who in American Law, 1988-2003
Who's Who in America, 1988-2003
Who's Who in The World, 1994-2003