

CORRESPONDENCE

ADDITIONAL CARBOHYDRATES

To the editor:

I recently read with interest your article "What's Hot in Start-Ups" (*BioTechnology* 6:663-670, June '88). In it you state that BioCarb specializes in selling oligosaccharides. We do indeed sell oligosaccharides (and other glycoconjugates and related substances) through our wholly-owned subsidiary, BioCarb Chemicals, but this is not the main strategy of the BioCarb Group, which specializes in the chemical and biochemical aspects of carbohydrate research. No doubt we have not been selling ourselves effectively and indeed have not been forthcoming with an excess of press releases recently, so this lack of information is certainly our fault.

In your subsequent comments on Carbohydrates International, you wrote that "CHI recently announced that it was first to synthesize the carbohydrate sequences that make up the A, B, and O antigenic structures." I was very surprised at CHI's claim, since I was under the impression that Chembiomed/Prof. R. Lemieux had done precisely that over 10 years ago and had patented and published (*Chem. Soc. Rev.* 1978, 7:423-52) this work! Yours sincerely,

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PRIVATE PARTY??

To the editor:

I have a question about the completeness of the example-set that supports H. Garrett DeYoung's excellent article, "University and Industry in Agreement" (*BioTechnology* 6:906-910, Aug. '88).

My examination of the names of universities (cited as cooperators in the cases chosen) indicates that all were in a class we call "private" here at the University of Illinois at Chicago. Because there are admitted differences in the patent ownership policies of private vs. tax-assisted re-

search universities, we are ever-seeking comparisons amongst the different communities. I wish Mr. DeYoung's article could have included references to industrial firms' experience with public institution research units.

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PATENT PROBLEMS IN EUROPE

To the editor:

I read your August article on "Biotechnology Patents in Europe" (*BioTechnology* 6:911-913, August '88) with interest. Unfortunately, you seem to promote a misconception which I have found to be common in the United States.

The European Patent Convention does not permit the European Patent Office (EPC) "to grant patents valid in all European Community countries." Indeed, one could go further and state that EPC does not necessarily permit the European Patent Office to grant patents which are valid in any one particular EPC designated state. Until recently, Austria would not recognize claims to pharmaceutical products, for example. Similar problems now exist with Greece and Spain, regardless of the state of examination of a given case before the European Patent Office.

The critical point is that the subscribing countries to the European Patent Convention, while overlapping with the member states of the European Economic Community (the Common Market), are not the same. For example, Austria is an EPC country but is not a member of the EEC. Similarly, Ireland is an EEC country but is not a member of EPC.

This distinction has direct ramifications for patent protection in Europe. If, say, a United States company obtains EPC patent protection only, it will not—however many states are

designated—cover Ireland. If that same company then enters into a Know-How License which embraces all EEC states including Ireland, it is open to the licensee to apply that know-how in Ireland. Since such action is a deliberate act on the part of the EPC patentee company, it is almost certain that the patent protection achieved could not thereafter be used to prevent importation from Ireland of products validly marketed there under the License Agreement into any EPC countries which are also EEC countries.

Although there is a treaty in existence called CPC (Community Patent Convention), it is not yet in force or usable since it has not yet been ratified by sufficient countries. The intent of that treaty is ultimately to provide a means whereby a patent can be granted for all European Community Countries. That is, however, not so as yet.

Richard E. Bizley
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CITING COLLABORATORS

To the editor:

I would like to correct a misunderstanding that has occurred. The news article "Plant Biotechnology—Yet More Novelties" that appeared in your August issue (*BioTechnology* 6:865, August '88), describing my research on sugar esters from the wild tomato, *Lycopersicon pennellii*, failed to cite my collaborator on that project. Dr. Martha A. Mutschler (also in the Department of Plant Breeding at Cornell), was responsible for initiating, and continues to be actively involved in, the work on sugar ester biochemistry.

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