

President Lee C. Bollinger
Columbia University
Office of the President
202 Low Library
535 W. 116th St
MC 4309
New York, NY 10027

January 7, 2008

Re: Axel Patents and Cotransformation

Dear President Bollinger,

We at the Center for Genome Ethics, Law, and Policy, have recently concluded a case study of the Axel Patents, which were assigned to Columbia University and claimed a method discovered in Columbia's school of Microbiology in the 1980's. In the course of our research, we uncovered the fact that the National Institutes of Health (NIH) required Columbia University to send annual reports of the patents' revenues, licensees, and other developments. This was possible because the patents predated the Bayh-Dole Act, which would have removed the NIH's ability to enforce that requirement.

We have spent close to two years using the Freedom of Information Act (FOIA) to try to obtain these documents from the NIH. Our multiple efforts have been unsuccessful, largely due to our FOIA examiner's belief that the annual reports are private documents and therefore not subject to the FOIA. We are coming to you as a last resort. Because the Axel Patents were so successful, it would be invaluable to the wider intellectual property research community to see concrete numbers and trends of their success and dissemination. As of today, the only concrete financial data that we have on the Axel Patents is that they earned approximately \$790 million (that number was generously provided by Columbia's Michael Cleare, through Drs. Richard Nelson and Bhaven Sampat).

We have done a similar study of the Cohen-Boyer patents from Stanford University, and Stanford's Office of Technology Licensing was very forthcoming with year-by-year licensing and revenue data for their patent's 17-year term. It would be nice to demonstrate similar transparency from Columbia regarding the Axel Patents. As one of the issues that our paper addresses is university transparency with regard to intellectual property, we will cite this letter and your response to it in our final publication. We look forward to your response.

Sincerely,

Robert Cook-Deegan

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