



The University of Georgia

Office of Legal Affairs

BY HAND DELIVERY

December 9, 2003

This letter was written while UGARF was negotiating the buy down. The last thing they wanted was an appeal of the classification. They knew the invention was not classified so they seriously distorted the truth to insure IP Policy committee would not review the classification of Dr. Kaswan's invention.

MEMORANDUM

TO: Members of the Intellectual Property Committee
FROM: Stephen M. Shewmaker
Executive Director for Legal Affairs
RE: Petition to Intellectual Property Committee - I

sm
This report was for a different invention. The invention Dr Kaswan was appealing was never classified.

In a letter dated December 2, 2003, Dr. Renee L. Kaswan, a former professor in the College of Veterinary Medicine, petitioned you as a member of Intellectual Property Committee to consider and interpret policy, and to reclassify an invention that was the subject of an Invention Report submitted to University of Georgia Research Foundation in 1984. This memorandum is to provide you with information to clarify University policy relating to this intellectual property dispute.

First, the dispute between Dr. Kaswan and the University of Georgia Research Foundation is a matter that is currently in litigation. The issues raised in her letter of petition are the same matters that are currently being adjudicated in a court of law. Consequently, I recommend that the Intellectual Property Committee defer to the judicial process that was initially chosen by Dr. Kaswan to resolve this issue.

Second, Dr. Kaswan has been advised by Dr. Gordhan L. Patel, Vice President for Research and Associate Provost, as well as an attorney for the University of Georgia Research Foundation, that she has no right of appeal under the University of Georgia Patent Policy, which was in effect at the time Dr. Kaswan signed the Invention Report, or the current University of Georgia Intellectual Property Policy. I have attached two letters concerning her right of appeal of this matter which are based upon a clear reading and interpretation of University policy, not any bad faith or animus towards Dr. Kaswan.

Based upon the fact that this matter is currently in litigation and because Dr. Kaswan has no right of appeal under University policy, no action is required by the Intellectual Property Committee regarding Dr. Kaswan's letter of petition.

"UGARF had sued Dr. Kaswan, she hadn't even countersued them, so clearly SHE did not CHOOSE the judicial process, UGARF did that." " Mr. Shewmaker is lying to the review committee members."

There are no exceptions in the policy on who can appeal a invention which has not been classified.

Members of the Intellectual Property Committee
December 9, 2003
Page 2

If you have any questions or need additional information, please contact S. Elizabeth Bailey, Associate Director for Legal Affairs, at 542-0006.

Attachments

Cc: Michael F. Adams, President
Gordhan L. Patel, Vice President for Research and Provost

Feb 13 2008 12:00AM KBVisions

404-252-7816

p.3

Intellectual Property Committee Members

Joseph H. Bouton
Ctr Applied Genetic Tech
111 Riverbend Road
Campus

Robert Fincher
VP Office for Research
630 Boyd Graduate
Campus - 7411

Jean-Pierre Piriou
Department of Romance Languages
213 Gilbert Hall
Campus - 1815

Gary K. Bertsch
International Affairs
120 Holmes/Hunter Academic Building
Campus - 6109

Joe W. Crim
Cellular Biology
724 Biological Sciences Bldg.
Campus - 2607

Sylvia J. Hillyard Pannell
Drama and Theatre Department
301 Fine Arts Building
Campus - 3154