

For Immediate Release

**GEORGIA COURT DECISION TO DISMISS APPEAL  
MAY CHILL ACADEMIC INNOVATION NATIONALLY**

*Judge's Refusal to Reconsider Restasis Inventor's Case Against UGA Research Foundation and Allergan Threatens Future of Academic Research, Says Plaintiff and Founder of IP Advocate.org*

ATLANTA, Ga. (Sept. 12, 2008) – A Georgia judge's refusal this week to overturn an April 2007 Summary Judgment dismissing the latest in a series of lawsuits against the University of Georgia Research Foundation (UGARF) and pharmaceutical giant Allergan, Inc. over botched royalty negotiations may have "a chilling effect on future academic innovation and threatens America's future competitive advantage," says the former UGA professor and veterinary ophthalmologist who invented the popular drug Restasis.

"For more than 200 years, research institutions like the University of Georgia have been at the cornerstone of American innovation and ingenuity and provided the foundation on which our nation's competitive advantage is built," said Dr. Renee Kaswan, the lead plaintiff in a series of lawsuits that have questioned how universities commercialize the results of academic research and challenged ownership and profits from the resulting intellectual property.

"America's rich history of invention relies on constant cooperation and collaboration between inventors, academic think tanks and commercial enterprises that bring new inventions to market," said Dr. Kaswan. "However, until the issues that form the foundation of my case and others like it are resolved there will continue to be a dark cloud of mistrust hanging over academics and their research institutions."

Although he did not comment on the reasons why he rejected the appeal, Clark County Superior Court Judge David Sweat in April 2007 dismissed Dr. Kaswan's

lawsuit because UGARF, which manages patents on behalf of the University, had the right to act without consulting its inventor – even if the foundation “made a bad deal.”

In 1985, Dr. Kaswan – then an assistant professor at UGA – patented a new treatment for chronic dry eye, an affliction that affects both dogs and humans. After Dr. Kaswan patented the drug, UGA licensed it, first for veterinary purposes and later, to Allergan, for use with humans. UGA, however, failed to correctly classify the ownership rights of the invention under its intellectual property policy. This failure led to ambiguity over who controls the licensing process, which Dr. Kaswan has charged allowed Allergan to exploit both her interests and those of the university after it received FDA approval to market Restasis to humans in 2002.

Dr. Kaswan further charged that Allergan fraudulently renegotiated its licenses with representatives of UGA in 2003 – without her participation or consent. The net result, the lawsuit claimed, was that the professor and the university were deprived of 90 percent of their share of licensing royalties, or as much as \$220 million in proceeds to the university.

Beyond the Georgia courtroom, Dr. Kaswan has taken her fight and the larger debate to a national audience as founder of IPAdvocate.org, an organization dedicated to bringing transparency to university technology commercialization and intellectual property policies, processes and procedures. Through this effort, Dr. Kaswan has uncovered a number of other cases in which academics or institutions were cheated out of royalty revenues due to inadequate policies, procedures and laws that protect the interests of all parties.

“When corporate sponsors work in fair collaboration with university researchers, everyone benefits,” said Dr. Kaswan. “What is lacking, however, is a system that provides incentives and protects the interests of all essential parties, including the inventors, universities and their administrations, corporate licensees and the public, which funds universities through their taxes and rightfully deserve to benefit from scientific advances.”

**About IP Advocate**

IP Advocate ([www.IPAdvocate.org](http://www.IPAdvocate.org)) is a non-profit organization that educates and empowers faculty researchers on patent rights and the process of commercialization – helping inventors protect their rights during the complex process of getting their invention from the lab to the people who need it. Founded by Dr. Renee Kaswan, inventor of the billion-dollar drug Restasis® and a former research professor at the University of Georgia, IP Advocate is a rich resource of information and best practices related to the commercialization of intellectual property. IP Advocate is a 501(c)(3) organization and is based in Atlanta.

**Media Contact**

Ken Greenberg  
Edge Communications, Inc.  
818/990-5001  
[ken@edgecommunicationsinc.com](mailto:ken@edgecommunicationsinc.com)

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