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Patents; University Sues Inventor Of Retin-A

By EDMUND L. ANDREWS

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The University of Pennsylvania announced this week that it was suing the drug's inventor, Dr. Albert M. Kligman, as well as the Johnson & Johnson Company. The university charges that Dr. Kligman, a professor of dermatology at its school of medicine, violated his employment contract and the school's conflict-of-interest policies by striking an independent deal with Johnson & Johnson.

The controversy could shed light on the increasingly complicated commitments between a university and its faculty, since both sides are becoming more aggressive about commercializing technologies developed on campus.

The university claims the right to virtually all patents acquired by students and faculty members if they were working on university time and in the university. When Dr. Kligman developed Retin-A as an acne cream in 1967, the university signed a licensing agreement with both him and Johnson & Johnson.

The current dispute erupted when Dr. Kligman, purportedly without telling the university, obtained a separate patent in 1986 on using Retin-A to fight wrinkles and struck a second deal with Johnson & Johnson. The university contends that Dr. Kligman made his discovery as a university employee, and that the company "intentionally interfered" with his contractual obligations.

Dr. Kligman was out of the country and could not be reached for comment. Robert Kniffin, a spokesman for Johnson & Johnson, said, "We believe the case is without merit and that we will prevail in court."

The patent at issue, awarded to Dr. Kligman, is 4,603,146.