

**RECOMBINANT VERSUS RIBOSOMAL**

To the editor:

We have been concerned for some time about the developing tendency to misuse the abbreviation "rDNA" for recombinant DNA, rather than ribosomal DNA. Thus we were dismayed to see this error appear prominently in an article by S. Molin, et al. (*Bio/Technology* 5:1315-1318, Dec. '87). Recently, Dr. R. C. King (*Nature* 322:780, 1986) suggested that "rt" be used to abbreviate "recombinant." We support this idea as the least open to confusion, and suggest that your editors, authors, and referees require that "rt" be used to abbreviate recombinant DNA or RNA, and that "rDNA," "rRNA," and "rProtein" be reserved for ribosomal species.

Terry L. Helsler  
Dept. of Chemistry  
Carol A. Ryder  
Dept. of Biology  
State University College  
Oneonta, NY 13820-1381

*What we have here is a conflict of convention rather than an outright error. When we have consensus, we'll follow it. Readers?*

—Eds.

**PATENTING DEFENDED**

To the editor:

While I agree that trade secret protection is a viable concept in biotechnology law, I believe it is vitally important to clarify several misconceptions about patent protection that were perpetuated in "The emergence of trade secret protection in biotechnology" (*Bio/Technology* 6:130-131, Feb. '88).

Most significantly, there is no distinction between a method patent and a process patent. The current Patent Act defines "process" as "process, art or method." Hence, a novel, nonobvious, useful method is in fact eligible subject matter for patent protection. From my experience in preparing and prosecuting biotech patent applications, most of these innovations are relatively straightforward with respect to their eligibility as statutory subject matter.

While it is indeed important to file all patent applications in a timely fashion, there is no "race" to the U.S. Patent Office between inventors. Unlike most foreign countries, the United States does not have a "first-to-file" system. On the contrary, the applicant who is able to prove priority of invention is awarded the patent.

This policy underscores the need to maintain accurate research and development records.

Although the Patent Office struggled initially with the concept of "enablement" and the requirement for providing a sample of biological materials, the procedure and policy considerations in making a deposit are now fairly well established.

Granted, "business plans" and "mental steps" are generally not patentable. But although it is sometimes difficult to ensure that an allowed patent claim is broad enough to prevent a clever competitor from "designing around the patent," on balance this is certainly no more difficult than restricting the dissemination of confidential information by current and former employees. Thus, in most cases, it is wiser to place one's confidence in the United States Patent System—which has withstood nearly 200 years of scrutiny—than in all-too-often-broken promises of confidentiality.

Robert L. Kelly  
Patent Attorney  
Cullen, Sloman, Cantor,  
Grauer, Scott & Rutherford, P.C.  
2400 Penobscot Building  
Detroit, MI 48226-4282

**ADVERTISERS INDEX**

American Bionetics	242, 270	Lab-Line BioEngineering Ltd.	309
Amicon Div, W.R. Grace & Co.	253, 255	E. Merck	279, 321
Applied Biosystems, Inc.	233	Netherlands	234
Berkeley Antibody Company, Inc.	300	New Brunswick Scientific	Cov. 2
Bio-Rad	273, 275	Olympus Corporation	251
Biotech Park	257	Online International Ltd.	299
The Biotechnology Compliance Conference	265	Pan Labs, Inc.	309
Braun Biotech	236	Pharmacia LKB	
Celltech Ltd.	245, 262	Biotechnology Inc.	312, 313
Charles River Biotechnical Svcs., Inc.	Cov. 4	Rohm Pharma	Cov. 3
Cole-Parmer Instrument Company	319	Sartorius Filters Inc.	238
Dakopatts	306	Schleicher & Schuell, Inc.	248
Dupont	316, 317	Scripps Laboratories	306
ECC International	254	Sheffield Products Inc.	260
Hi-Tech Scientific Limited	241, 247	Sybron/Gamajet	240
domnick hunter	278	Verax Corporation	305
		Arthur Young	258

This index is provided as an additional service. The Publisher assumes no liability for errors or omissions.