/CORRESPONDENCE

Search patents outside U.S.*To the editor:*

I read with interest the cautionary article by Kathleen Madden Williams entitled "How to Avoid Patent Infringement" (*Bio/Technology* 12:297-298, March). Ms. Williams' caveat that "you can never be absolutely certain that all relevant patents have been identified" is most important, particularly in the U.S., where patents are only published when they are actually granted. Because it is extremely common to file continuation or continuation-in-part applications, and also because divisional applications are common, a patent may not issue on a given application for many years, and this creates considerable uncertainty as to whether there is a risk of infringement.

However, in the biotechnology field, applicants

usually lodge applications in other countries, almost all of which publish applications 18 months after their priority date. Therefore, a search of a general patent database, such as Derwent's World Patents Index, World Patents Index Latest, or INPADOC, will reveal patent applications and patents of U.S.-based applicants which have been published by the patent offices of other countries or by the International Bureau of the World Intellectual

Property Organization, a U.N. agency, under the Patent Cooperation Treaty. These databases also publish priority details, so the existence of a U.S. priority application can be ascertained, and a watch maintained for issue of a subsequent U.S. patent.

Not only can the existence of a pertinent U.S. application be ascertained in this way, it is also possible to use the progress of applications in countries which carry out rigorous examination of patent applications, such as Australia, Britain, the European Patent Office, etc., as an indicator of the prospects of the application in the U.S. proceeding to grant.

Similarly, not all applications in this field are lodged by U.S. parties, and periodical surveys or watches on applications of companies or institutions known to be active in the relevant field can give forewarning of possible competing patents in the U.S.

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Table omission*To the editor:*

In the article "106 U.S. Biopharmaceutical Firms Lose \$1.1 Billion" (*Bio/Technology* 12:333-335, April), the table of top 10 companies by revenue should have included Genzyme Corp. With \$270,371,000 in revenues in 1993, Genzyme should have been placed between Genentech and Alza, which were ranked second and third in the table you published.

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REASONS

"This is the most sophisticated sequencing equipment on the market. Now just pull the string and we'll start her up."

TB: An old enemy*To the editor:*

Mycobacterium tuberculosis scythed through generations in five continents without regard to the social position, wealth, or ability of its victims. Many, including young mothers, died from the disease in the 1940s and 1950s generating armies of affected relatives who, even now, still live in its shadow. At that time, there was no bereavement counseling facilities and family members were left to cope with tragic circumstances as best they could. As a consequence, and even half a century later, many will still be coming to terms with their situation. The legacy of their personal and social devastation echoes down the decades.

There is thus more at issue here than economic incentives for drug research and market size. The recollection of this affliction and its consequences has been imprinted on the consciousness of a legion of survivors. Among these are a large population subset who are either technically competent, politically influential, or more than usually affluent. The late President Nixon recalled, in his farewell speech to the White House staff in 1974, that his mother, Hannah, tended two of his brothers, who died of tuberculosis. Many of us have our own personal recollections and anniversary dates.

Concern about the resurgence of pathogenic microorganisms has also been expressed in your First Word (*Bio/Technology* 12:327, April) and 11 articles in the April 15 issue of *Science*. The pipeline may be empty but there is no shortage of determined volunteers to man the pumps and take the opportunity to lock horns yet again with the old enemy.

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