

Mr. GORDON. Do I understand that you do not try to determine, at least on a preliminary basis, whether that patent may be or may not be valid—whether it looks valid or not?

Colonel SNYDER. At that point in time the procurement function is not aware of any patent that is reported and whether royalties are involved or payments. They are referred to DSA Headquarters where they are verified with the Patent Office. The patent involves many things, from processes to the compound itself. I think it would be imprudent for me to try to go into this. This is a very specialized field.

Mr. GORDON. You stated that you requested Riker Laboratories for detailed information on Titalac. Riker advised that the product was patented but agreed to provide that information.

Now, I thought that this information was provided when the patent is applied for. This is the justification for granting a patent monopoly. It is an exchange. We give you a patent monopoly for 17 years, you give the people of the United States information. So, anybody in the field could reproduce it once the patent expires.

Colonel SNYDER. Mr. Gordon, if I may, I would like to defer and get that information. I do not have the specifics.

Admiral ETTER. Could we provide it for the record?

(The subsequent information was received and follows:)

Patent data alone is inadequate for preparation of Essential Characteristics by the Defense Medical Materiel Board, or specifications by the Defense Personnel Support Center. Patents contain only those data on constituents and procedures that were available when the patent was filed. During the seventeen years of patent protection, processing or fabricating developments by the patent holder or licensees often significantly improve the product, but do not require modification of the patent. Additionally, patents do not provide data such as clinical studies, stability or packaging. If industry can be persuaded to provide this information, it results in a real dollar saving in development of procurement documentation.

Senator NELSON. May I ask a question? I am not exactly clear what the phrase "type classification" means actually. What does the word "type" mean as used in that phrase?

Admiral ETTER. Well, the type classification in this regard is a description of the drug, its ingredients, and in effect, its intended use. It is a type of drug, and we were standardizing, or asking for standardization of a type or class of antacid.

Senator NELSON. Are you using the word "type" in the generic sense? Does it refer to all drugs of the same compound regardless of how many there might be by various brand names and generic producers?

Admiral ETTER. It can be used in the generic sense but there are other things, as you well know, Senator, that take them out of the particular generic field and put into a local—into another source of drug, and in this instance, I think this applies here.

Captain Pflag, can you add any information? This is Captain Pflag of the Field Branch, Bureau of Medicine and Surgery, formally medical technical director of DPSC.

Captain PFLAG. Type classification in the generic sense, we are referring to standardization of a product.

Senator NELSON. But as I understand it, the branch or some com-