Briefing

Laser Wars in Court: Gould *v.* Bell Telephone

Old priority fights never die, it seems, particularly if they involve Gordon Gould's claim to have been one of the first to patent a laser. The legal quarrels over this issue intensified and multiplied this summer, beginning with a subpoena served on Bell Laboratories on 23 June. The subpoena was obtained by Gould's attorney, Richard Samuel, who went to court to gain access to notebooks from the 1950's kept by former Bell employee and Nobel winning physicist, Arthur Schawlow. With his brother-in-law Charles Townes, also a Nobelist, Schawlow is credited with having pioneered the development of the laser.

Gould, who was a student in the Columbia Radiation Laboratory where Townes taught in the 1950's, filed a patent on the laser in 1959. After nearly two decades of legal wrangling, Gould won a patent in 1977 for a device called "an optically pumped laser amplifier." Two years later, he won a related patent on industrial applications of the laser. Several companies that have invested in Gould's claim are now demanding that laser makers and users pay royalties retroactively to 1977 or 1979. Gould and his partners won a suit against a small California company in March, forcing it to pay royalties (*Science*, 23 April, p. 392). They plan to go to trial against a larger company, Control Laser, in Florida on 13 September. Another case filed in Chicago against Lumonics, Ltd. and General Motors is proceeding slowly. But on 11 August GM said it was dropping out and recognized Gould's patent.

One of Gould's continuing legal problems will be to establish that his claims are not preempted by the work of Schawlow and Townes. While they were associated with Bell Laboratories in 1958, the brothers-in-law designed a laser patent which the government recognized as valid and granted to Bell in 1960. The patent courts have ruled that this claim predates some parts of Gould's claim, but the courts have not finally settled the question of whether or not all three physicists have patented an identical concept. Gould's attorney has subpoenaed documents from Bell Laboratories in order to fish for data that will support his thesis: to wit, that Schawlow obtained some of his knowledge about lasers from Townes, who had obtained it from Gould.

A month after Bell was served with this subpoena, AT&T sued Gould and his partners in the U.S. District Court in New York City, charging that their patent is invalid. On behalf of Bell and Western Electric, AT&T asked for a summary judgment against Gould, saying his patent had been anticipated by the Schawlow-Townes patent.

Gould's attorney countersued a week later, charging AT&T with engaging in a monopolistic campaign to destroy Gould's reputation and patents. The trial date has not been set, but in the meantime, Bell is complying with the subpoena.—***Eliot Marshall***

A-21 Rules Take Effect

After loud complaints from some academic scientists, the Office of Management and Budget (OMB) has completed a revision of its infamous Circular A-21, which specifies in opaque detail how the universities must account for the way they spend government research grants. The new version, which was published in the 3 August *Federal Register* and takes effect immediately, is almost identical to a draft proposed by OMB last January (*Science*, 5 February, p. 642).

The chief complaint against A-21, which was last revised in 1979, is that it requires researchers to report in detail how they divide their time between research, teaching, university administration, and other tasks. The new version seeks to limit such reporting only to work funded by the federal government, and it would permit persons "with suitable means of verification" rather than researchers themselves to fill out these effort reports.

The revised A-21 also permits the universities to choose between three methods of documenting costs. They may also be able to use statistical sampling instead of detailed accounting to document some overhead costs, such as time spent by faculty on administration. These changes have not satisfied everyone. In general, however, university administrators have welcomed the revisions because they provide more flexibility in documenting costs.—***Colin Norman***

A Surprise on Pesticides

Lobbyists for the pesticide industry must have been surprised by the hostile reception their proposals received in the House of Representatives on 11 August. In a series of voice votes, the House spurned several industry-initiated modifications of the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) and voted to ban toxaphene, one of the most widely used pesticides, as a suspect carcinogen.

The ban was proposed by Representative Sidney Yates (D–Ill.), who said that the Environmental Protection Agency (EPA) had been dithering for 5 years over the chemical. "They know it is carcinogenic," he said. "Their scientists have asked those on the upper echelons to ban toxaphene. EPA has delayed it." No one rose from the floor to take issue with Yates' interpretation.

Later, the House excised a portion of the bill that would have limited the review of pesticide health and safety data by scientists (*Science*, 6 August, p. 515). The chief foe of the provision was Representative Elliott Levitas (D–Ga.), who noted that it was also opposed by many members of the scientific community. Assistance was provided by Representative Albert Gore (D–Tenn.), who said that the public would be appalled if it realized that attempts were being made to restrict rather than expand the "access to data necessary to establish the degree of risk related to chemicals being put into the environment."

In addition, the House voted to retain the right of states such as California to regulate pesticides more strictly than the federal government. Industry has been upset because California has asked for health and efficacy data not requested by EPA, and proposed that in the future all such demands be approved by EPA. Levitas considered it a test of states' rights. "Why should the Commissioner of Agriculture of the state of Georgia crawl up to Washington and beg the Administrator of the U.S. Environmental Protection Agency to let him have information the EPA did not get?" he asked, to general approval.

The Senate will soon consider versions of the bill that are much more to the industry's liking.

—***R. Jeffrey Smith***

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