

Dated: April 17, 1998.

Jack Spiegel,

*Director, Division of Technology,
Development and Transfer, Office of
Technology Transfer.*

[FR Doc. 98-11112 Filed 4-24-98; 8:45 am]

BILLING CODE 4140-01-M

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

National Institutes of Health

**Prospective Grant of Exclusive
License: Use of Short WAP Promoter
in Mammary Tissue of Transgenic
Animals**

AGENCY: National Institutes of Health,
Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license worldwide to practice the invention embodied in: U.S. Patent Application Serial No. 08/246,259, filed May 19, 1994, entitled "Transgenic Animals Secreting Desired Proteins Into Milk" to the American Red Cross having a place of business in Rockville, Maryland. The patent rights in these inventions have been assigned to the United States of America.

The field of use will be the use of the invention for the production in transgenic animals of factor VIII, factor IX, fibrinogen, Protein C, and von Willebrand factor.

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before June 26, 1998 will be considered.

ADDRESSES: Requests for a copy of the patent applications, inquiries, comments and other materials relating to the contemplated license should be directed to: Leopold J. Luberecki, Jr., J.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Box 13, Rockville, MD 20852-3804; Telephone: (301) 496-7735, ext. 223; Facsimile: (301) 402-0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent application.

SUPPLEMENTARY INFORMATION: The patent application claims a transgenic, non-human mammal containing a gene that encodes a protein, the gene being under the transcriptional control of a mammalian milk protein promoter

which does not naturally control the transcription of the gene, the DNA sequence further including DNA enabling secretion of the protein. The promoter can be that of a milk serum protein, which includes the whey acid protein (WAP) or a casein protein. The invention permits the production of a desired protein in a living domesticated mammal, which is capable not only of producing the desired protein, but preferably of passing on the ability to do so to its female offspring. The present invention specifically includes an exogenous DNA sequence that has the 5' 2.6 kb promoter fragment of the mouse whey acid protein (WAP) gene.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: April 17, 1998.

Jack Spiegel,

*Director, Division of Technology Development
and Transfer, Office of Technology Transfer.*

[FR Doc. 98-11115 Filed 4-24-98; 8:45 am]

BILLING CODE 4140-01-M

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

National Institutes of Health

**Prospective Grant of Exclusive
License: Use of Long WAP Promoter in
Mammary Tissue of Transgenic
Animals**

AGENCY: National Institutes of Health,
Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license worldwide to practice the invention embodied in: U.S. Patent Application Serial No. 07/943,246, filed

September 10, 1992, entitled "Expression of Active Protein C in Mammary Tissue of Transgenic Animals Using a Long WAP Promoter" to Genzyme Transgenics Corporation, having a place of business in Framingham, Massachusetts. The patent rights in these inventions have been assigned to the United States of America.

The field of use will be the use of the invention for the production in transgenic animals of alpha interferon, alpha-1 proteinase inhibitor, angiogenin, antithrombin III, beta interferon, calf intestine alkaline phosphatase, cystic fibrosis transmembrane regulator, Factor X, glutamic acid decarboxylase, human growth hormone, human serum albumin, insulin, lactoferrin, longer acting tissue plasminogen activator, myelin basic protein, pro-insulin, prolactin, soluble CD4 HIV receptor, tissue plasminogen activator, the recombinant monoclonal antibody against Lewis Y antigen designated BR96, and the monoclonal antibody designated CTLA4 Ig.

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before June 26, 1998 will be considered.

ADDRESSES: Requests for a copy of the patent applications, inquiries, comments and other materials relating to the contemplated license should be directed to: Leopold J. Luberecki, Jr., J.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Box 13, Rockville, MD 20852-3804; Telephone: (301) 496-7735, ext. 223; Facsimile: (301) 402-0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent application.

SUPPLEMENTARY INFORMATION: The patent application claims a transgenic, non-human mammal containing an exogenous DNA sequence that has the 5' 4.2 kb promoter fragment of the mouse whey acid protein (WAP) gene, or a variant thereof, operably linked to a DNA sequence encoding an active polypeptide and a signal peptide, such that the WAP promoter is specifically active in mammary cells and the signal peptide is effective in directing the secretion of the polypeptide into the milk of the transgenic animal. The invention goes on to describe a process for the production of the polypeptide by using the promoter and the signal peptide to produce the desired polypeptide in the milk of the