

NIH BRANCH  
PUBLIC HEALTH DIV.  
OFFICE OF THE  
GENERAL COUNSEL

90 APR 19 AM 10:11

April 10, 1990

RECEIVED

NOTE TO MICHAEL J. ASTRUE

Re: Pasteur Documents

Attached for your information is a package containing the following:

(1) A letter dated May 12, 1986 from Russell Roberts, then the HHS FOI Officer, to Attorney James B. Swire, one of the lawyers then representing the Pasteur Institute in their dispute with HHS over the Gallo patents. As you will see, the letter indicates that HHS had provided Swire with 8,961 pages in reply to his FOI request. However, the letter denies his request for 26 documents totaling 210 pages.

As far as we can determine, the letter contains the most definitive list of what was denied to Pasteur during the course of the dispute.

(2) My division was not involved in this matter at the time the request was denied. However, several months ago BAL shipped us everything they had on the matter. A search of the former BAL files, Patent Branch files, Dr. Gallo's files, and NIH and PHS files has failed to turn up copies of a number of items on the list. This is understandable, given the fact that the matter was settled some years ago.

The items we have been able to locate are designated by a check mark. In some cases, only portions of an item were found.

From the descriptors I would think that with greater effort the items marked P on page 2 could be located or reconstructed. However, I would prefer to hold off on expending the effort pending further instructions from you.

(3) You will note that the items recently provided to Pasteur appear on page 3. I understand that, in light of the release to Pasteur, the Chicago Tribune reporter intends to renew his FOI request for these documents on the ground that they have now been made public. His request had previously been denied, although he obviously received copies from some other source.

Let me know if you have any questions.

Richard J. Riseberg

Attachments