

DECISION

29509
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-216511**DATE:** October 9, 1984**MATTER OF:** Industrial Co-Generation Systems**DIGEST:**

An allegation that a solicitation is improper because it could lead to the infringement of patents, licenses and proprietary data rights concerns issues for review by the courts, not by GAO under its Bid Protest Procedures.

Industrial Co-Generation Systems protests any award under invitation for bids (IFB) No. DABT15-84-B-0073, issued by the Department of the Army for a quantity of compact cell filter cassettes. Industrial asserts that it is the exclusive licensee for distribution of this product and that the product is covered by several patents. It seems to argue that the IFB therefore is improper because an award to another firm could lead to an infringement of its license and these patents, as well as its rights in certain proprietary data. We dismiss the protest.

Our Office will not consider protests that a patent or license infringement may result from performance under a contract awarded to another firm. Honeywell, Inc., B-211247, Apr. 12, 1983, 83-1 CPD ¶ 388. The exclusive remedy for a patent infringement by a government contractor is a suit against the government in the United States Claims Court. See VSI Corp., Aerospace Group, B-211024, Apr. 4, 1983, 83-1 CPD ¶ 352. Similarly, the possible improper use of proprietary information ultimately involves a dispute between two private parties. Such matters are for consideration by the courts, not our Office. SETAC Inc., 62 Comp. Gen. 577 (1983), 83-2 CPD ¶ 121.

The protest is dismissed.

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