

Update From DC Panelists

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FLC Mid-Atlantic Regional Meeting
“DC Update”

Richmond, VA
October 6, 2010

Overview

- **Congressional Actions**
- **Administration Actions**
- **Judicial Actions**



CRS Technology Transfer Report

(November 2009)

Highlights:

- Current federal tech transfer efforts;
- Role of the FLC;
- Legislative History

Summary:

“At issue is whether incentives for technology transfer remain necessary, **if additional legislative initiatives are needed to encourage increased technology transfer**, or if the responsibility to use the available resources now rests with the private sector.”

“As the 111th Congress makes decisions concerning funding for R&D, the role of the federal government in technology transfer, technology development, and commercialization **might be expected to be explored further.**”

(<http://www.aaas.org/spp/cstc/stc/index.shtml#CRS>)

Tech Transfer Hearing(s)

(June 2010: Focus on University Tech Transfer)

- **House Science and Technology Committee
Subcommittee on Research and Science Education**
Focused on university tech transfer
 - Recommendations for federal labs:
 - Require that license agreements executed for subject technologies become publicly accessible
 - Use jobs created, capital raised -- not #patents -- for metrics
 - Provide federal researchers with sabbatical, leave-of-absence, programs to start companies
 - Others

- **From the hearing charter:**

“Technology and Innovation Subcommittee [also within the House S&T Committee] [intends to carry out a comprehensive review of the Bayh-Dole and Stevenson-Wydler Technology Innovation Acts](#) later this year.”

Legislation

■ **FY 2011 Budget**

- CR through December 3, 2010 (HR 3081)

■ **SBIR/STTR Reauthorization**

- CR through January 31, 2011 for both (HR 3839)

■ **America COMPETES Reauthorization**

- House passed in April
- Senate passed out of committee in July

■ **Patent Reform Bills**

- Introduced House & Senate, 3/3/09 (S. 515; HR. 1260)
- Compromise managers amendment (Summer 2010)
- Senator's (25) letter urging vote (September 2010)

White House Working Group on Innovation & Entrepreneurship

- **Co-Lead: OSTP (Aneesh Chopra) and NEC (Ginger Lew)**
 - “Policy” deliverables by Fall 2010
- **4 Subgroups**
 - Access to Capital -- focus on private funding available for innovation and entrepreneurship
 - SBIR – focus on USG funding to others
 - Proof of Concept Centers – focus on university tech transfer
 - Federal Lab Tech Transfer – focus on fed lab tech transfer (status ??)

Miscellaneous

Selected Items of Interest

■ Administration's Open Govt Initiative and T2 (Dec 2009)

- HHS, DOE, DOC, USDA, NASA
- Data streaming initiative

“...increasing access to information on 1) new [technologies available for commercial licensing](#), 2) Cooperative Research and Development ([CRADA](#)) awards and opportunities, 3) Small Business Innovation Research ([SBIR](#)) awards and opportunities, 4) Small Business Technology Transfer ([STTR](#)) awards and opportunities, and 5) projects sponsored through grants and contracts.”

■ WH WGI&E: RFI on proof of concept centers (Mar 2010)

Sought comments on:

1. how to encourage commercialization of university research
2. whether POCCs can be a means of stimulating the commercialization of early-stage technologies by bridging the ‘valley of death’

Miscellaneous

(continued)

Selected Items of Interest

- **DOC: Initiated study on federal lab tech transfer (Aug 2010)**
Science Technology Policy Institute
- **NSF, NIH, OSTP: STAR METRICS (Ongoing from pilot)**
To measure the impact of federally-funded research on employment, knowledge creation and health outcomes.
Phase I: jobs from ARRA
Phase II: *Economic growth; Workforce outcomes; Scientific outcomes; Social outcomes*

Federal T2 Summary Report

(FY 2008, Department of Commerce, Issued March 2010)



	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
CRADAs, total active in FY	6,015	5,947	7,268	7,326	6,923
New inventions disclosed in FY	5,454	4,771	5,193	4,486	4,365
Patent applications filed in FY	1,768	1,745	1,912	1,825	1,938
Patents issued in FY	1,391	1,012	1,284	1,405	1,272
Licenses, total active in FY	7,567	9,577	10,186	10,352	11,098
New, executed in FY	1,535	1,824	1,495	1,463	1,377
Income from licenses, (\$\$M)	\$99.5	\$144.9	\$138.7	\$149.9	\$170.9

****Also includes multiple examples of downstream outcomes for all agencies (reporting since 2001)**

FY 2012 Budget Guidance

(OMB Memorandum – June 8, 2010)

“...the President has requested that each non-security agency submit a **budget request five percent below the discretionary total provided for that agency for FY 2012 in the FY 2011 Budget**. This will allow the President’s Budget to accomplish an overall non-security discretionary freeze even while providing funding for new initiatives and any contingencies that arise over the coming months.”

Encouraging cross-agency collaboration to meet these goals (e.g., in some science research areas like climate research, clean energy, STEM, etc.)

FY 2012 S&T Priorities

(OMB Memorandum – July 21, 2010)

Agency budgets should explain how resources will be directed – consistent with mission – to S&T activities “that **address six challenges and strengthen six cross-cutting areas** that underlie success in addressing all of these challenges.”

Challenges to be met ...:

- Promoting sustainable economic growth and job creation
- Defeating the most dangerous diseases and achieving better health outcomes ...
- Moving toward a clean energy future to reduce dependence on energy imports...
- Understanding, adapting to, and mitigating the impacts of global climate change
- Managing sustainable use of land, fresh water, and oceans (food, biofuels, etc.)...
- Developing the technologies to protect our troops, citizens, and national interests

... Requiring strengthening efforts in these cross cutting areas:

STEM
Collaborations

Research universities and other labs
Entrepreneur-friendly policy

Infrastructure
Capabilities in space

FY12 S&T Priorities

(OMB Memorandum - Continued)

“Agencies should encourage and rigorously evaluate new approaches to supporting multidisciplinary research, such as the convergence of bio-, info-, and nanotechnologies; **and new approaches for accelerating technology commercialization and innovation**, including incentive prizes, university-industry partnerships, proof-of-concept centers, and regional innovation clusters.”

(Recall WH Working Group on I&E)

“Agencies ... should develop and sustain **datasets to better document Federal science, technology, and innovation investments and to make these data open to the public in accessible, useful formats.**”

(Recall Open Govt Initiative - Data.Gov)

Update on Select Court Decisions

(Implications for Bayh-Dole and Methods Patents)

- **Bilski - v - Kappos:** Concerned denial by USPTO for a business methods patent (did not meet eligibility standards)

SC Decision: Affirmed that Bilski's method was not the type of innovation that may be patented ... but provided little clarity (according to some) on what is patentable

- **USPTO issued guidance for comment (see PTO web site)**

- **Stanford - v - Roche:** Concerned IP ownership of industry-sponsored and university-conducted research

Court of Appeals: 'Will assign and do hereby assign' (researcher agreement with Roche-owned firm) trumps 'agree to assign' (researcher agreement with university).

- **University groups file amicus briefs highlighting potential implications for Bayh-Dole if the decision holds (Spring)**
- **Solicitor General files amicus brief (Sept)**

advancing federal research and technology

2011 FLC National Meeting

(Nashville, TN; May 2–5, 2011)



the national meeting of the federal laboratory consortium for technology transfer

YOU'RE IN T2 COUNTRY!

2011 FLC national meeting

NASHVILLE

tennessee
may 2-5, 2011

The Technology Transfer Event of the Year

- Technology Transfer Training*
- Technology Transfer Awards*
- Technology Transfer Town Hall Meeting*
- Science and Technology Policy*
- Industry Perspectives*
- Energy and Technology Transfer*
- Agency Meetings*
- FLC Tech Fair*

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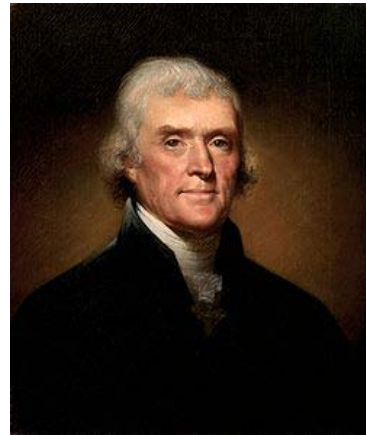
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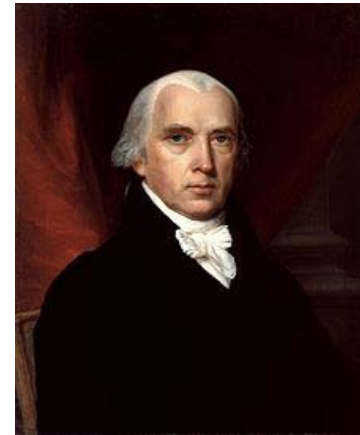
Virginia – DC Quiz (Presidents Born in Virginia)



George Washington



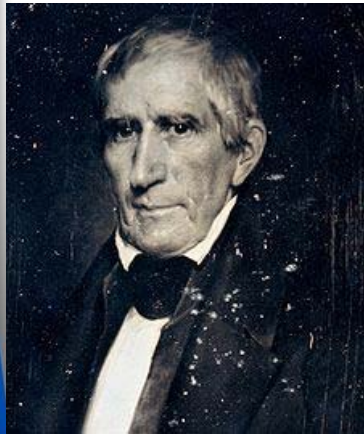
Thomas Jefferson



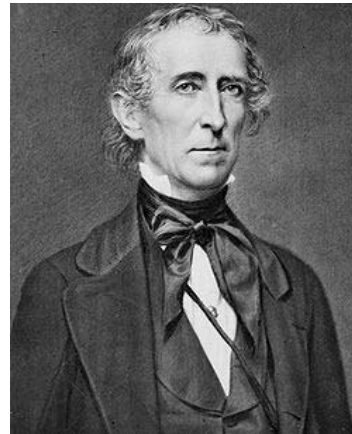
James Madison



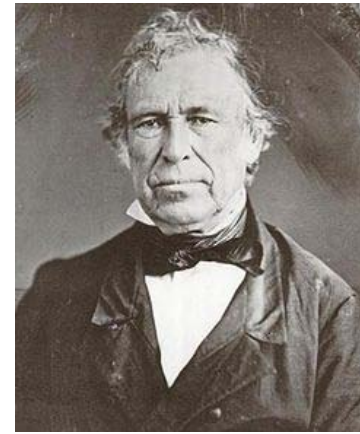
James Monroe



W. H. Harrison



John Tyler



Zachary Taylor



Woodrow Wilson