

FLC Washington DC Office

Gary K. Jones
FLC DC Rep

FLC Northeast Regional Meeting
“DC Update”

Fishkill, NY
September 21, 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

■ SBIR/STTR Reauthorization

- CR through end of September 2010 for both

■ 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 amendment (summer 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’

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

FY 2012 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 associations filed brief in spring highlighting potential implications for Bayh-Dole if the decision holds (see aaup.edu web site)**

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

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2011 FLC national meeting

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may 2-5, 2011

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- 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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advancing federal research and technology

FLC Washington DC Office

(Farragut Square)

Federal Laboratory Consortium for Technology Transfer

1001 Connecticut Avenue, NW
Suite 735
Washington, DC 20036

Phone: 202-296-7201

Fax: 202-296-7203

gkjones@federallabs.org

www.federallabs.org



www.federallabs.org

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New York Statues in the Capital



- **George Clinton
(1739 - 1812)**
- **1st Gov (1777 – 1795;
1801 - 1804)**
- **VP (under T. Jefferson &
J. Madison)**

- **Robert Livingston
(1746 – 1813)**
- **Prominent Statesman**
- **Chancellor (NY); Secretary
of Foreign Affairs (US);
Minister to Paris (neg.
Louisiana Purchase)**