TECHNOLOGY TRANSFER COMMUNITY NEWSLETTER

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ETT Project Passes First Milestone

David Vismer, Sapient

Over the past several months, we have seen the launch of the ETT project, and the completion of the first formal phase, Business Process Modeling. Working groups, comprised of technology transfer community members from across the NIH and focus groups, made up of experts in fields such as agreements, patent prosecution, royalties, and marketing have met dozens of times to define the overall business process that all NIH institutes and centers share, and the differences that make each group's process unique.

Over the coming weeks, the ETT Project Governance Group (PGG) will be validating and refining these business processes, as well as defining the core feature set that any new system must have in order to meet the needs of the NIH community. The ETT project team will then use these artifacts to review and score a number of candidate systems that are available and, with the input of the PGG, select the application that will form the core of the ETT system.

Once a core system has been selected, the development team will work under the oversight of the PGG to install, configure and customize the selected system to implement the initial set of features. The PGG will prioritize and group additional features not included in the initial release to allow the Office of Technology Transfer to facilitate the implementation of these features on an ongoing basis throughout the life of the system.

If you have any questions about the project, or would like to volunteer your time to participate in future working groups, please ask your supervisor to reach out to the ETT Project Governance Group for more information.

In This Issue

New Web Portals Improve Transparency and Usability

David Vismer, Sapient

Two new web applications, recently opened up to the technology transfer community and to external partners, are delivering an immediate increase in efficiency, as well as providing a solid core to which additional improvements can be added in the future. The IC Web Accessible Reporting Portal and the long awaited Law Firm Portal were released in the fourth quarter of 2017 and have seen increasing use as awareness increases.

The IC Web Accessible Reporting Portal (WARP), available at https://NTTRP.nih.gov, provides real-time, online access to all NIH TechTracS data, using table-specific and global queries, as well as standardized reports. The Law Firm Portal (LFP) provides a platform for correspondence with contracted law firms and for the electronic submission of deliverables, and is monitored by the OTT Docketing Group.

Replacing a combination of email correspondence and SharePoint document storage, the new Law Firm Portal provides convenience and automation to patent prosecution and docketing specialists within the NIH technology transfer community. Shifting the responsibility for estimate entry to the law firms reduces NIH staff time and eliminates redundant effort and automation of uploads to TechTracS streamlines processes that used to require multiple steps and multiple systems. The new interfaces also provide increased transparency as status changes occur in the system.

The IC Web Accessible Reporting Portal provides new functionality which was unavailable before, allowing users to directly query TechTracS data and to search for terms across the entire system. The portal's new tab navigation provides a more intuitive user experience than TechTracS, and those individuals not familiar with TechTracS, or less comfortable with its navigation, should find it easier to obtain the information they need.

We look forward to working with all members of the NIH Technology Transfer community as we continue to refine and expand the capabilities of these new tools.

"How can NIH assess a biotech start-up's capabilities to complete a project for a license agreement?"

This can be challenging as generally a start-up won't typically be "completing" even a successful project but rather starting the initial work prior to being acquired or sublicensing to a larger firm for the costly later stages of development. Start-ups also have a high failure rate but then so do the early stage technologies being licensed to them so in a sense the relative risks to both parties are comparable. In terms of capabilities, we would look at the track record and experience of the start-up founders, the funds raised to date, the commercial development plan for the technology and perhaps letters of interest or support from collaborators or potential funders. It is an inexact science and a new start-up wouldn't necessarily be considered a "partner of choice" but often the only option for early stage projects. Some of NIH's largest hits (Taxus®, Prezista®) have originated with license agreements to small start-up companies.

Have your own licensing question or a discussion topic for an upcoming Licensing Forum session?
Just ask Steve!

Steve Ferguson, NIH-OTT

New Spotlight Section on OTT Website to Highlight IC Activities
Ajoy Prabhu, NIH-OTT

OTT Marketing has started a new "spotlight" series on the front page of the official website. This section will highlight various IC initiatives that directly or indirectly move technology transfer forward. The very first one was a brief about the NCATS BrIDGs program; currently the NeuroBioBank is featured. OTT Marketing plans on adding other such stories over the coming months.
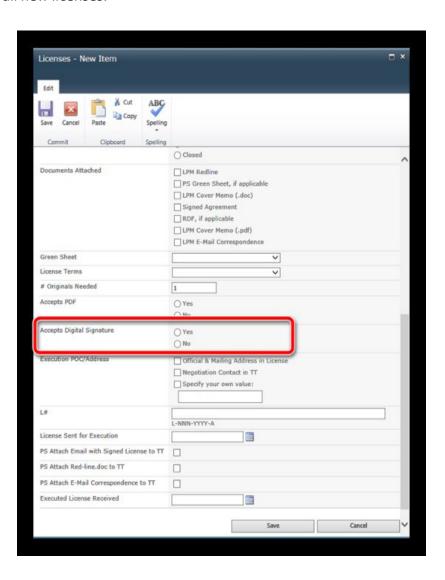
Once there is a larger set of such programs on the website, OTT Marketing is planning on categorizing them by ICs, and listing them within IC-specific pages. The idea is to build a repository of IC-specific, Intramural NIH programs that enhance the NIH brand.

If you would like to feature an Intramural program from your IC or have other ideas about what could be highlighted in the Spotlight section, please contact Ajoy Prabhu at ajoy.prabhu@nih.gov.

New Field in the Licenses Section of SharePoint
Mitchell Ha, CIT

A new field named "**Accepts Digital Signature**" has been added to the Licenses portion under the Pre-Execution stage. It is located below the **Accepts PDF** field and will default to blank for all new licenses.

SharePoint

Do You Get Requests from Licensees for the NIH Tax ID Number?
Karen Rogers, NIH-OTT

If so, you should know that the OTT Royalties Administration Unit posts an updated and signed W-9 Form on the OTT Web Site at the following location: https://www.ott.nih.gov/royalty/payment-center. The link is within the Royalties Payment Center section of the site. Feel free to provide the link or forward the form directly to licensees for the payment of royalties.

Royalties

OGC Review of HHS Licenses
Richard Rodriguez, NCI

Following up on an issue related to our internal policy on what licenses OGC reviews and the parameters that trigger that review — The previous policy stated that OGC would review: 1) all exclusive licenses, including IIAs; 2) any nonexclusive licenses that had upfront royalties equal to or greater than $50K and 3) any licenses with changes to the model language that might affect Government rights or obligations.

As you know, given the reorganization, many procedures and policies were reviewed and updated to accommodate our new organizational structure. After looking at this set of criteria for the review of licenses by OGC, it occurred to me that it might be a good idea to look at this policy. This matter has been discussed with several TDCs. It was also discussed at the Technology Transfer Policy Board (TTPB), and their recommendation was to proceed and update the policy.

After some final consideration by Dale, the revised policy is provided below:

1. OGC review is required for:

    a. all exclusive licenses; however, interinstitutional licenses are excluded, unless changes to the model license language might affect the Government's legal rights or obligations; or

    b. nonexclusive licenses where single cumulative execution royalties are equal to or greater than $150,000*; however, nonexclusive licenses where cumulative execution royalties are equal to or less than $150,000 must be reviewed if changes to the model license language might affect the Government's legal rights or obligations.

2. While this policy must be followed, OGC welcomes discussions about any other license issue(s) that an IC might find helpful.

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*OGC has an interest in knowing what types of technologies are being licensed for royalty terms that meet a certain dollar threshold, which serves as a rough proxy of their value to the agency.

NCI Start-Up Program 2.0
Richard Rodriguez, NCI

The NCI Technology Transfer Center is offering a term-limited, exclusive Start-Up Evaluation Option License to start-up companies developing early-stage vaccine, therapeutic, device, and certain diagnostic technologies stemming from the Intramural program at NCI and certain other Institutes serviced by TTC.

Qualifying companies must meet the following criteria at the time their License Application is submitted:
1. less than 5 years old;
2. have less than $5 million in capital raised;
1. have fewer than 50 employees.

Features of this Start-up Evaluation Option License include:
*   2-year exclusive evaluation period;
* $5,000 up front execution royalty;
* $5,000 patent reimbrusement royalty due one year after the effective date;
*   NCI (or its client Institute) continues to pay ongoing patent expenses during the 2-year evaluation period;
*   Option to convert to an Exclusive Patent License - not automatic, but conditioned upon a) meeting the milestones in the Option Agreement and b) a revised Commercial Development Plan that supports commercial advancement of the technology.

Detailed information about the NCI Start-Up Program 2.0, including a listing of eligible technologies, may be found at https://techtransfer.cancer.gov/partnering-with-nih/licensingagreements/exclusive-licenses/start-exclusive-licenses.

Please forward articles and newsletter suggestions to Jill Roering at roeringj@mail.nih.gov.