

The Research Foundation
of State University of New York

University at Buffalo

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Sponsored Programs
Administration

December 8, 1992

April Bennett
Patent Assistant, Office of General Council
National Science Foundation
Room 501, 1800 G Street, NW
Washington, DC 20550

Enclosure B


RE: NSF Cooperative Agreement No. BCS9025010

Dear Ms. Bennett:


As you will recall, I was referred to your office by Sherry McGregor, to whom I was referred by Dionie Henry of NSF Grants and Contracts. I made an inquiry with Dionie Henry about language regarding the flow up of patent rights with subrecipients under the Cooperative Agreement referenced above. Dionie confirmed that our interpretation of the Federal regulations, which allowed the right to file on patents to flow from the subrecipient to the recipient and then to the National Science Foundation (NSF). Dionie had suggested that I have any subrecipients which questioned this interpretation call Sherry McGregor for confirmation. Thus, I called Sherry McGregor to make her aware that I would be referring people to her. I never actually spoke with Sherry McGregor, but received a telephone message that referred me to you. Per my telephone conversation with John Chester and yourself, I understand that the Office of the General Council for NSF has a different interpretation of the Federal regulations. Thus, I know understand that the subrecipient can only flow their right to file a patent to NSF. In addition, I understand that NSF is sympathetic to our position of asking for the ability to file a patent on an invention for which the subrecipient has waived its right to file a patent, based on the requirement for The Research Foundation of the State University of New York to take ". . . active (as well as passive) measures for technology transfer." (see Section III.A.1(7) of BCS9025010). At the suggestion of John Chester, I am writing to request advance approval from NSF to allow any subrecipient under the above mentioned Cooperative Agreement to voluntarily assign their right to file for a patent to The Research Foundation of the State University of New York if the subrecipient has decided to waive their right to file a patent. At this time of such an assignment, the subrecipient would send a letter to NSF referencing this advance approval.

Thank you for your cooperation in this matter and your consideration of this request.

Sincerely,


Eileen L. Hassett
Sponsored Programs Associate

cc: D. Henry, NSF G&C
K. Terry, UB TTO
I. Buckle, NCEER

Approved: 
Name: APRIL BENNETT
Title: PATENT ASSISTANT
Date: 12/11/92