

STATEMENT OF CONSIDERATIONS

REQUEST BY HEXAGON LINCOLN INC. ("HEXAGON LINCOLN") FOR WAIVER OF DOMESTIC AND FOREIGN PATENT RIGHTS IN IDENTIFIED INVENTIONS DOE INVENTION NOS. S-143,975 AND S-143,976 MADE UNDER DOE CONTRACT NO. DE-FG36-08GO18062; W(D)2016-002

HEXAGON LINCOLN has requested a waiver of domestic and foreign patent rights of the United States of America to two subject invention numbered DOE S-143,975 and DOE S-143,976 ("Subject Inventions"). The Subject Inventions were made by HEXAGON LINCOLN in the performance of DOE contract number DE-FG36-08GO18062 to HEXAGON LINCOLN entitled "Design and Development of High Pressure Hydrogen Storage Tank for Storage and Gaseous Truck Delivery."

The Subject Inventions are both entitled tank frame and are ornamental designs for tank frames suitable for the transport and storage of high pressure gaseous fuels such as natural gas and hydrogen. The Subject Inventions are embodied and protected by U.S. Design Patent Nos. D637,785 and D646,452.

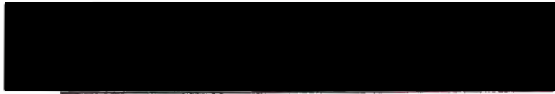
The period of performance of the contract was 1 July 2008 through 31 December 2015. The total cost of the contract was \$4,594,289. HEXAGON LINCOLN provided approximately 40% cost share.

HEXAGON LINCOLN has been producing high-pressure composite vessels for more than 50 years. Its vessels have been used in aircraft, missile, satellite and launch vehicle programs, including the Space Shuttle. HEXAGON LINCOLN is the world's largest manufacturer of type 4 compressed natural gas tanks. In 2006, HEXAGON LINCOLN began development of the largest all-composite commercial pressure vessel in the world. The vessel is used in regions that are not currently served by natural gas pipelines.

HEXAGON LINCOLN does not believe the granting of this waiver will negatively impact competition because the inventions are limited to ornamental designs that would not prevent others from offering competitive tanks.

The terms of this patent waiver are reflected in the attached confirmatory license to DOE from HEXAGON LINCOLN. The patent waiver is subject to the march-in and preference for U.S. industry provisions, as well as the U.S. Government license, comparable to those set out in 35 U.S.C. 202-204. Furthermore, the patent waiver is subject to the standard U.S. competitiveness provision in which HEXAGON LINCOLN agrees that any products embodying or made through the use of one of the Subject Inventions shall be manufactured substantially in the United States. HEXAGON LINCOLN will not license, assign, or otherwise transfer any of the Subject Inventions to any entity unless that entity agrees to these same requirements.

Upon evaluation of the waiver petition, in view of all the objectives and consideration set forth in 10 CFR 784, all of which have been considered, it is recommended that the requested waiver be granted.



Glen R. Drysdale
Patent Attorney
EERE

Date: 9-13-16

Based upon the foregoing Statement of Considerations and representations in the attached waiver petition, it is determined that the interests of the United States and the general public will best be served by a waiver of patent rights of the scope determined above, and therefore the waiver is granted.

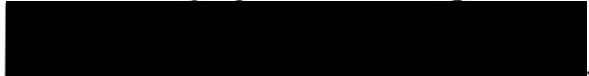
CONCURRENCE:

APPROVAL:



Suhita Satyapal
Office Director
Fuel Cell Technologies Office

Date: 3/22/17



Brian Lally
Acting Assistant General Counsel for
Technology Transfer and Intellectual
Property

Date: 4/4/17