

STATEMENT OF CONSIDERATIONS

REQUEST BY INVENTOR FOR THE WAIVER OF DOMESTIC AND FOREIGN RIGHTS TO AN IDENTIFIED INVENTION ENTITLED "NOVEL SYSTEM FOR THE BIOCONTROL OF DISEASE-TRANSMITTING MOSQUITOS" USPTO APPL 62395791, DEVELOPED UNDER DOE CONTRACT NO. DE-AC52-06NA25396; DOE INVENTION DISCLOSURE NO. S-133,415 (IDEA 16-00104); DOE WAIVER NO. W(I) 2017-007

The Petitioner, Richard Sayre (sole Inventor), has requested a waiver of the Government's domestic and foreign patent rights in a subject invention entitled "Novel System for the Biocontrol of Disease-Transmitting Mosquitos" The invention was made by the Inventor while an employee of the Los Alamos National Security, LLC (LANS). LANS is the M&O contractor for the Los Alamos National Laboratories (LANL), a government-owned, contractor-operated (GOCO) facility, subject to DOE contract number DE-AC52-06NA25396 at the time the invention was made.

The subject invention relates to an organism that delivers a toxic molecule to mosquito larvae to prevent their development to adults and to prevent the replication of human disease agents in adult mosquitos. LANS, in writing, supports the Petitioner's request for title of this invention.

This invention was developed by Petitioner for a collaborative research proposal. Petitioner, prior to being hired by LANL in 2011, carried out preliminary work funded by the Gates challenge Exploration Program. (A co-proposer for the LANL proposal has been determined, and confirmed in writing by LANS, not to be an inventor.) The proposal was not funded and LANS has agreed in writing to release the technology to the Petitioner. No further LANL program funding, for or related to this technology has been approved nor is anticipated. On the other hand, Petitioner, has spent his own funds to prepare and file a US Provisional Patent Application. Furthermore, Petitioner plans and proposes to develop and commercialize this invention should he be granted title. Petitioner will also expend his funds to obtain the necessary patent protection as well as to provide incentive for commercial development of the invention.

This technology is not export controlled. Furthermore, the technology does not apply to the Naval Nuclear Propulsion Program or to the nuclear weapons programs or other nuclear or atomic energy defense activities of DOE.

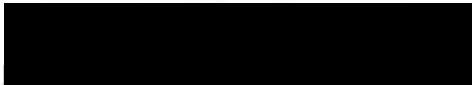
Petitioner has agreed to abide by 35 U.S.C. §§ 202, 203 and 204. Petitioner, as part of this petition, has agreed to the provisions of the U.S. Competitiveness Clause, which reads as follows: "The Petitioner agrees that any product embodying any waived invention or produced through the use of any waived invention will be manufactured substantially in the United States, unless Petitioner can show to the satisfaction of DOE that it is not commercially feasible to do so. In the event DOE agrees to foreign manufacture, there will be a requirement that the Government's support of the technology

be recognized in some appropriate manner, e.g., recoupment of Government investment, etc.” Furthermore, Petitioner has agreed to make this condition binding on any assignee or licensee. Petitioner will also abide by the Export Control laws and will require its licensees, if any, to do the same.

Granting the waiver is the only way to promote prompt commercial utilization and development of this invention. Petitioner Richard Sayre, with an approved FANI “Outside Activity Permission Request,” has founded and is chief science officer of a company, Little Fly Labs Inc., to commercialize this technology. Petitioner has considerable experience in this technology field, including multiple scientific papers. Petitioner Sayre intends to develop and market this needed health care-related technology. The Petitioner’s interest in obtaining title and actively seeking commercialization sufficiently satisfies DOE/NNSA’s technology transfer mission without the need to expend additional government funds.

New health-care and biotechnologies are being introduced to the market place at a very fast pace. Advances in this technological field can become obsolete within months. Based on this, it is not foreseen that the grant of this specific waiver would in any way cause a decrease in competition, cause an undesirable market concentration, nor place Petitioner in a dominant market position.

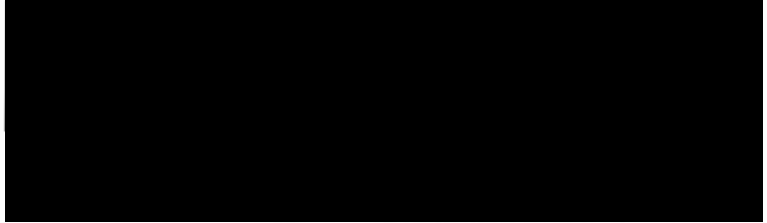
As such, upon evaluation of the Waiver Petition and in view of the objectives and considerations set forth in 10 CFR 784, all of which have been considered, it is recommended that the requested waiver be granted.


Arthur N Trausch
Patent Attorney, NNSA

Date:

6/7/2017

Based on the foregoing Statement of Considerations and the representations of 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 described above and, therefore, the waiver is granted.



CONCURRENCE:

Jim C Durkis
Patent Counsel
National Nuclear Security Administration

Date: 7 June 2017



APPROVAL:

Brian Lally
Assistant General Counsel
For Technology Transfer and
Intellectual Property (GC-62)
Department of Energy

Date: 7/11/17