



**National Aeronautics and Space Administration**

**Office of the Chief Engineer**

**Headquarters Office Work Instruction**

**INVENTIONS AND CONTRIBUTIONS BOARD HEADQUARTERS**

**OPERATIONS AND PROCEDURES**

Approved by: \_\_\_\_\_

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NASA Chief Engineer, Chair of the Inventions and Contributions Board

**Document History Log**

<b>Status (Baseline/ Revision/ Canceled)</b>	<b>Docu ment Revisi on</b>	<b>Effectiv e Date</b>	<b>Description</b>
Baseline		1/11/00	
Revision	A	4/26/00	Revisions reflect review of Headquarters Office Work Instruction (HOWI) to address Pre-Assessment Audit of Feb 2000, as follows: (1) editorial updates, (2) flow chart modifications.
Administrative Update	A	8/2/00	Administrative Update to change the Responsible Office from Code I (now known as the Office of International and Intergovernment Relations) to Code R (now known as the Aeronautics Research Mission Directorate) due to this function being transferred to Code R. Updated the cover page header and gave the document a new number. Old number was I018.
Revision	B	11/6/00	Revision to change Approved by from Code I to Code R and also to delete OER (Office of External Relations) from definitions and replace with OAT (Office of Aerospace Technology). This change also updates the actionee list in Section 6 and changes the location in Section 7 to RI (Research Integration Division).
Administrative Update	C	8/1/11	Administrative update to incorporate organizational changes
Revision	D	2/13/13	Administrative update to reflect procedural changes and legal counsel interpretation of ICB related Code of Federal Regulations (CFR). Expanded process description to make this procedure a comprehensive instruction for conducting ICB activities.

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## P. Preface

### P1. Background

The NASA Administrator in accordance with the National Aeronautics and Space Act of 1958, as amended, [(United States Code (U.S.C.) Title 51 Sections 20135 and 20136)] and the Code of Federal Regulations (CFR) (14 CFR Parts 1209, 1240, and 1245)] has established a program to recognize and reward innovation within the Agency and to address requests for patent rights waivers with large entities while ensuring that the best interests of the Government are protected. Toward this end the Administrator has delegated to the NASA Chief Engineer and the Inventions and Contributions Board (ICB) the responsibility for identifying, evaluating, and appropriately rewarding innovation within the Agency for significant contributions to aeronautical and space technology. Furthermore, the Administrator has delegated to the Agency General Counsel the responsibility for assuring patent rights co-owned by the with large entities are effectively developed while ensuring the best interest of the Government are protected.

This document describes the processes established by the Chief Engineer and the General Counsel to implement the Administrator's intent regarding recognizing innovation and assuring patent rights are developed. The Chief Engineer, the Office of the General Counsel with support from the Centers and the Agency's Technology Transfer organization work together via the Inventions and Contributions Board to serve as the administrative and adjudicative body to assess recommendations for Space Act Awards (SAA) and make recommendations to the General Counsel on the merits of Patent Waiver petitions. Members of the ICB are appointed by the Administrator from across the NASA organization.

In addition to these duties, the ICB evaluates candidate submissions for two Special Agency awards and makes recommendations to the sponsors. These Special Awards are the Invention of the Year (IOY) award which is sponsored by the Office of the Chief Engineer and the Office of the General Counsel and the Software of the Year (SOY) award which is sponsored by the Office of Safety and Mission Assurance (OSMA), the Office of the Chief Information Officer (OCIO), and the Office of the Chief Engineer.

The ICB is composed of NASA representatives with expertise in more than 40 fields of science and technology. The ICB Chair is appointed by the Administrator. The Board is assisted by four staff members. The staff members are the ICB Director, the ICB Chief Technologist (ICBCT), the ICB Records Manager (ICBRM), and the ICB Staff Specialist (ICBSS).

### P2. Legal Aspects

The Space Act outlines ICB operations, processes, procedures, and guidelines for determining Board Action Awards, Initial Awards, and patent waivers. The ICB may recommend awards be given to the technical contributors to NASA-funded inventions who are U.S. Citizens with Social Security numbers, or foreign inventors with Tax ID numbers issued by the Internal Revenue Service.

The ICB is covered under the following Federal Regulations:

1. National Aeronautics and Space Act (the Space Act), U.S.C. Title 51, Sections 20135 and 20136
2. Code of Federal Regulations - 14 CFR Part 1209, Subpart 4 (Inventions and Contributions Board)

3. Code of Federal Regulations - 14 CFR Part 1240, Subpart 1 (Awards for Scientific and Technical Contributions)
4. Code of Federal Regulations - 14 CFR Part 1245, Subpart 1 (Patent Waiver Regulation)

The ICB is referenced in the following applicable NASA documents:

1. NPD 1000.3 The NASA Organization
2. NPD 2091.1B Inventions Made by Government Employees
3. NPD 2092.1B Royalties and Other Payments Received by NASA from the Licensing or Assignment of Inventions (Revalidated 8/12/2008)
4. NPD 7120.4D NASA Engineering and Program/Project Management Policy

### P3. Foreword

Oliver Wendell Holmes believed that "a man's mind, once stretched by a new idea, never regains its original dimensions." In this spirit, NASA has produced innovations for which the ICB has distributed millions of dollars, recognizing technologies that have enhanced both the Nation's space program and quality of life. The ICB has issued over 98,000 awards to applicants from NASA, U.S. government agencies, industry, and academia.

## I. Conduct of Board Activities

### A. Key Personnel and Their Roles and Responsibilities

The ICB currently includes staff augmented by Center ALOs, Board Members, and other Agency personnel or contractors, as necessary. This team is responsible for executing the technical, financial, legal, and procedural requirements outlined in the Space Act, relevant sections of the CFR, NASA policies, and senior management guidance.

1. ICB Administrator: as described in the Space Act of 1958 and subsequent directives to be the Agency Administrator.
2. ICB Chair: performs operational and other oversight and management responsibilities for the ICB, as delegated by the Agency Administrator. Notifies Center Director(s) of the selection of their candidates for Invention of the Year and Software of the Year. Also in coordination with the ICB Director, may create new panels or dissolve existing panels to meet the requirements of law or new missions or initiatives.
3. ICB Acting Chair: is appointed by the ICB Chair when necessary to oversee operations at Board meetings in the absence of the ICB Chair.
4. NASA General Counsel: provides advice and guidance to the Administrator, the ICB Chair, the ICB, and all supporting staff with regard to operations and execution of ICB responsibilities. The OGC defines the criteria for the IOY Competition, selects the winners after consideration of ICB recommendations, and submits the Commercial IOY to the Intellectual Property Owners Association Education Fund Inventor of the Year competition, as appropriate.
5. ICB Legal Counsel: is appointed by the General Counsel to support operations and provide advice and guidance to the ICB and all supporting functions.
6. ICB Director: The Director is selected by the NASA ICB Chair or designated selecting official and works with all interested NASA personnel and communities of practice to ensure compliance with governing laws, policies, and management guidance. The ICB Director's duties are to:
  - a. Communicate the ICB mission, its importance to NASA and the Nation, and the roles of the ICB and supporting community in this mission.
  - b. Conduct senior management briefings, schedule ALO telecons and Center visits, update the ICB website (<https://nen.nasa.gov/web/oc/icb>), and work with various groups on NASA and non-NASA publications.
  - c. Manage budgetary guidelines, track budget execution to plan, and communicate budget status.
  - d. Collaborate with the NASA General Counsel on the receipt, review, and communication of all Patent Waiver petitions.

- e. Establish panels to review any existing ICB-governing laws, policies, and evaluation tools, create new awards within legal and policy constraints, and assist Centers with technical support.
7. ICB Chief Technologist: The ICBCT is selected by the ICB Chair or designated selecting official and is responsible for the coordination of award technical evaluations. The ICBCT's duties are to:
- a. Evaluate ICB-submitted awards for eligibility under pertinent laws, policies, and guidance.
  - b. Assist ICB members and ALOs with access to the NASA NTTS for ICB-related functions. (Appendix 2: Requesting ICB Reviewer Access to the NASA Technology Transfer System and Appendix 3: Inventions and Contributions Board Evaluators User's Guide to the NTTS).
  - c. Coordinate creation or changes made to the evaluation processes to assess nominations against Agency technology development priorities.
  - d. Conduct annual award competitions.
  - e. Oversee all aspects of the Board Award process.
  - f. Write/publish the ICB Annual Report (<https://nen.nasa.gov/web/oce/icb>).
  - g. Periodically update the ICB website.
  - h. Conduct ICB technology award briefings.
  - i. Establish Patent Waiver Panel meeting dates.
  - j. Distribute Patent Waiver Panel material to Panel members.
  - k. Provision ALOs, ICB members and panelists with access to the necessary software systems to conduct their duties with access to NTTS and ICONS.
8. The ICB Records Manager (ICBRM) and ICB Staff Specialist (ICBSS) perform the duties described below, per the instruction of the ICB Director.
- a. Board Meeting Responsibilities:
    - 1) The ICBRM and ICBSS attend all ICB meetings.
    - 2) The ICBSS transcribes and transmits draft meeting minutes to the ICB Director, ICBCT, and other ICB members for review.
    - 3) The ICBSS distributes approved, final meeting minutes to all Board members and Center ALOs.
    - 4) The ICBRM files Board meeting minutes on the appropriate site, which presently reside on the OCE share drive.
  - b. Patent Waiver ICBSS Responsibilities:
    - 1) Oversee entry of all complete Invention Waiver/Advance Waiver information into NTTS and ICONS.
    - 2) Set up individual folders for each Patent Waiver number (generated by ICONS) and company name.
    - 3) Send Invention Waiver/Advance Waiver Petitions, Questionnaires, Statement of Work, and support letters to ICBCT.
    - 4) After the ICB makes its recommendations prepare appropriate documentation for transmittal to OCE, OGC and/or petitioner.
    - 5) After Patent Waivers are granted send Instrument of Waiver (two copies), with Transmittal Letter, for signature to company.
    - 6) File signed Instrument of Waiver in application case file



- c. Additional ICBRM Responsibilities:
- 1) Verify that award release forms are in NTTS prior to exporting Board Awards for payment.
  - 2) Verify that ALO has submitted copies of Designation of Beneficiary for Deceased Civilian Employees before designating awards for deceased awardees for payment per current NASA policy.
9. ICB Members: are nominated by field Centers and approved by the Agency Administrator to execute the objectives of the ICB for a period of 3 years, however, their tenure maybe extended. ICB members may also be asked to serve on panels as may be considered necessary to discharge the responsibilities and perform functions of the Board
10. NTTS Specialist: Generate and distribute reports on the awards in the different phases to the ICB staff, exporting the awards out of NTTS and using the secure File Transfer Protocol to provide them to NSSC, generate award export reports and distribute them to the ALOs and ICB staff, and provide training ICB Staff on NTTS interfaces.
11. Award Liason Officers: are responsible for advocating the recognition of innovation at their respective Centers and validating that the Agency has an intellectual property interest in the specific technology topics identified meeting ICB criteria (see Space Act ALO Handbook for detailed description of activities and responsibilities).
12. SOY Panel: Appointed by the ICB Director and comprised of technical and software experts from the Centers and the SOY sponsors. Using the SOY call letter criteria, the SOY Panel reviews submitted nominations and forwards questions and comments to the ALOs. The ALO's gather responses from the submitting teams and provide this information to the SOY Panel. The ICBCT collects the information from the SOY Panel and provides it to the ICB to consider in their deliberations. Panel members may attend the SOY ICB meeting as nonvoting observers to provide expert advice to the ICB.
13. Patent Waiver Panel: Appointed by the ICB Director, this panel addresses petitions by NASA large entity partners for NASA to waive its right to inventions made under certain contracts or agreements. This Panel is comprised of ICB Staff and designated ICB members.
- B. Annual Cycle of Activities
1. ICB meetings are held nominally six times per year. The ICBCT releases the schedules at the beginning of each fiscal year. Generally, meetings are held at NASA Headquarters with Video Teleconferencing Systems (ViTS), audio teleconferencing (telephone), and WebEx (online computer display).
  2. The OGC typically sends out the annual NASA IOY Award call letter in October asking for nominations to be submitted in December. The Board usually meets to consider IOY nominations in February, to determine evaluation point scores for each of the Commercial IOY and Government IOY cases, and to make recommendations for Winning, Runner-Up, and Honorable Mention cases.

3. The SOY competition begins with the call letter typically issued in February, with nominations due in May. After receiving comments from the SOY Panel, the ICB typically will meet in June to hear SOY presentations and to evaluate the nominated cases.
4. Prior to each ICB meeting, the ICBCT posts the nomination packages in NTTS to be evaluated at the next ICB meeting, together with the ICBCT initial evaluation.
5. Special meetings of the entire ICB or of its panels or committees may be scheduled as needed.

#### C. Meetings

The ICB meets to formulate recommendations for the NASA Administrator regarding the granting or denial of Patent Waiver petitions, to grant monetary Board Action Space Act Awards, and to act on other issues as directed. Space Act Award cases include NASA Commercial and Government IOY cases, NASA SOY cases, and all other routine Board Action cases.

#### D. Format for ICB Meetings

The ICBCT establishes the agenda for each regular ICB meeting, in consultation with the ICB Director as needed. The agenda typically includes the following:

1. The ICB Chair calls the meeting to order and takes attendance.
2. Members vote to approve the minutes of the previous ICB meeting.
3. The ICB Director presents the report on the financial status and other items affecting ICB operations.
4. Panels, individuals, or special committees give optional reports and the Board considers special issues as necessary.
5. After discussion, ICB members vote to recommend to grant, conditionally grant, or deny Patent Waiver petitions, after consideration of recommendations from the Patent Waiver Panel.
6. The ICBCT presents to the Board a summary of each potential **Exceptional** Board Action case (i.e., an ICBCT evaluation score of at least 5,000 points per awardee) and each potential **Major** Board Action case (i.e., an ICBCT evaluation score of at least 2,000 points but less than 5,000 points per awardee). For each of these cases, the ICB members discuss possible adjustments, if any, to the initial evaluations and then vote on a final evaluation score. For any **Nominal** Board Action cases (i.e. ICBCT evaluation scores of at least 500 but less than 2,000 points per awardee), the ICB members may discuss adjustments to the Staff Evaluation scores and then vote for the final evaluation score for each selected case.
7. ICB members vote to accept the evaluation scores for any other Nominal or **No Award** cases for which the ICBCT's recommended scores were not changed.

8. The ICB Chair makes special announcements as needed, typically including the date of the next ICB meeting.
9. The ICB Chair adjourns the ICB meeting.

#### E. Invention of the Year

1. Sponsor: OGC and OCE.
2. Process: The OGC defines the criteria for the IOY Competition and the ICB Director, ICBCCT and OGC prepare the call letter (see Appendix 4) with sponsor input. The OGC sends the IOY call letter to all NASA Center Directors. The ALOs submit the required documentation. The ICBCCT validates the nominations meet the requirements. The ICB reviews the documentation and hears presentations by nominees. The ICB makes recommendations for the ranking of nominations and Government and Commercial winners to the General Counsel, who makes the final selections. The ICB Chair notifies the Center Director of winner and runner-up teams. The OGC may submit the Commercial IOY to the Intellectual Property Owners Association Education Fund Inventor of the Year Competition. The Center ALO coordinates the press releases.

#### F. Software of the Year

1. Sponsor: OCIO, OSMA, and OCE.
2. Process: The ICB Director, ICBCCT and ICBRM prepare the SOY call letter (Appendix 5) with sponsor input. The ICBRM sends the SOY letter via email to all NASA Center Directors. ALOs coordinate selection of Center nominations and submit required documentation. The ICBCCT verifies that nominations meet the requirements. The ICB scores nominees, establishes rankings, and forwards recommendations to the sponsors. The sponsors make the final selection. The ICB Chair notifies the Center Director of the winning team. The Center ALO coordinates the press releases.

#### G. Creation of New Competitions

The ICB can recommend the creation of new competitions to the OCE or receive guidance from the OCE to establish new competitions. Any such recommendations should include the financial, personnel, and administrative support from supporting organizations. The ICB will work with the sponsoring organization to develop competition criteria, a time line of activities, evaluation criteria, and an award recognition process.

## II. Patent Waivers

### A. Patent Waiver Requirements

Patent Waiver requests are submitted by a petitioner (typically a large entity contractor) as Advance Waiver petitions (14 CFR 1245.104), identified Invention Waiver petitions 14 CFR 1245.105, and/or Foreign Rights Waiver petitions (14 CFR 1245.106).

#### 1. Responsibilities of the ICB Regarding Advance Waiver Petitions

As proscribed in 14 CFR 1245.104 (b), Advance Waivers, the ICB shall review and make a recommendation to the Administrator regarding granting a petition for advance waiver of domestic rights (subject to specific terms and conditions, including a license to the Government and march-in rights) submitted prior to the execution of a contract or within 30 days after execution of the contract unless the Board finds the interest of the United States will be better served by restricting or eliminating all or parts of the rights of the contractor (petitioner) in one of the following situations:

- a. When the contractor is not located in the United States or does not have a place of business in the United States or is subject to the control of a foreign government;
- b. When a determination has been made by Government authority which is authorized by statute or Executive order to conduct foreign intelligence or counter-intelligence activities that the restriction or elimination of the right to retain title to any inventions made in the performance of work under the contract is necessary to protect the security of such activities; or
- c. Where the Board finds that exceptional circumstances exist, such that restriction or elimination of the right to retain title will better promote one or more of the following objectives:
  - 1) Promoting the utilization of inventions arising from federally supported research and development;
  - 2) Encouraging maximum participation of industry in federally-supported research and development;
  - 3) Ensuring that inventions are used in a manner to promote free competition and enterprise;
  - 4) Promoting the commercialization and public availability of inventions made in the United States by United States industry and labor; and
  - 5) Ensuring that the Government obtains sufficient rights in federally-supported inventions to meet the needs of the Government and protect the public against nonuse or unreasonable use of inventions.

#### 2. Supplemental Guidance Provided to the ICB by the Office of the General Counsel Regarding Advance Waivers

The Space Act states that the “Administrator may waive all or any part of the rights of the United States under this section with respect to any invention or class of inventions made or which may be made... in the performance of any work required by any contract.” To that end, the Agency Counsel for Intellectual Property (Borda), defined the phrase “invention or class of inventions” to mean that the petition for waiver *“must be directed to a single invention or to inventions directed to a particular process, machine, manufacture, or composition of matter, or to a narrowly-drawn, focused area of technology.”* This essentially was a policy which was developed in an effort to

have NASA more closely follow the terms of the statute. This statute does not give broad authority to waive totally unidentifiable (or unidentified classes of) future inventions.

Therefore, while 14 CFR 1245.104 does say that “[t]he provisions of this section apply to petitions for waiver of domestic rights to “any or all inventions [as defined by 14 CFR 1245.102(c), in a similar, though albeit slightly different, manner] which may be made under a contract,” this phrase does not mean that the only details required in an advance waiver petition to describe any invention or class of inventions to which the waiver applies is simply “any or all inventions which may be made under the contract.” As stated above, under the Space Act, the Administrator is only authorized to “waive all or any part of the rights of the United States under this section with respect to any invention or class of inventions.” The statute must be satisfied before the regulations can be applied. Thus, the phrase “any and all inventions” must be read in light of the terms of the Space Act, as well as NASA’s recent policy for interpreting this statute.

Therefore, it is NASA’s interpretation of our regulations, in light of the Space Act, that an advance waiver petition [and/or accompanying Statement of Work] must designate what these “any or all inventions” include, or may include, to ensure that NASA has the ability to evaluate what rights it may be waiving, or may want or need to retain (for example, to better support the broader commercial space industry), and also to ensure NASA is not waiving more rights than the statute permits, i.e., more than rights to “any invention or class of inventions” as now defined by NASA policy.

Additionally, it should be noted that the main purpose of the waiver is to facilitate commercialization of the technology, and once a waiver is granted the petitioner is required to file a patent application(s) and commercially use the subject invention. So identifying "inventions or classes of inventions" allows NASA to evaluate the petitioner's intended use and, if appropriate, to exercise our ability to waive only those fields of use that the petitioner will be commercializing.

### 3. Responsibilities of the ICB Regarding identified InventionWaivers

As proscribed in 14 CFR 1245.105, Waiver After Reporting Inventions, the ICB shall review and make a recommendation to the Administrator regarding the granting of a petition for waiver of domestic rights (subject to a license to the Government and march-in rights) to an individual identified invention which has been reported to NASA and which is not subject to an advance waiver, if the request is received within 8 months of first disclosure to NASA, unless the Board finds that one or more of the situations set forth in CFR 1245.104(b) exist (see, paragraph B(3) CORRECT REF.(i)-(v) above).

### 4. Responsibilities of the ICB Regarding Waiver of Foreign Rights

Pursuant to 14 CFR 1245.106, Waiver of Foreign Rights, the ICB will consider waiver of foreign rights in any designated country concurrently with a request for an advance waiver or identified invention waiver, or separately for a later requested individual identified invention and/or additional country. Petitions for waiver of foreign rights will normally be granted unless:

- a. The Board finds that the economic interests of the United States will not be served thereby; or unless

- b. in the case of a later requested individual identified invention waiver request, NASA has previously determined to file a patent application in the designated country.

## B. Waiver Process

1. Petitioners submit waiver petitions to either the Contracting Officer or Patent Representative (as set forth in their contracts).
2. Center Patent Counsel prepares a waiver request package in accordance with 14 CFR 1245.111. A typical waiver package includes a cover letter from the Center, the Contractor's Petition, a completed NASA Form 1523 for Advance Waivers ([http://server-mpo.arc.nasa.gov/Services/NEFS/NEF\\_PDFData/NF1523.pdf](http://server-mpo.arc.nasa.gov/Services/NEFS/NEF_PDFData/NF1523.pdf)), or 1524 for Invention Waivers ([http://server-mpo.arc.nasa.gov/Services/NEFS/NEF\\_PDFData/NF1524.pdf](http://server-mpo.arc.nasa.gov/Services/NEFS/NEF_PDFData/NF1524.pdf)), and supporting documentation describing the inventions and/or classes of inventions at issue (depending on the waiver type). This package is submitted to the ICB Director for review by the ICB.
3. The ICB Director forwards the request package to the ICBRM to obtain the waiver petition number from the ICBSS and establish a waiver petition file. All related correspondence to the waiver petition is maintained in the file and upon final resolution transferred to record retention in accordance with Appendix 17.
4. The ICBRM forwards a copy of the waiver petition to the ICBCT.
5. If the ICBCT determines the information provided in the waiver request package is not sufficient, the ICB Director is notified and appropriate action initiated with the recommending Center.
6. If the ICBCT determines the waiver request package contains all necessary information, then:
  - a. The ICBCT coordinates with the ICB Director to establish the Waiver Panel for initial review of waiver requests. The Waiver Panel is made up of members of the ICB. The ICBCT provides the waiver request and supporting information to the Waiver Panel.
  - b. The ICBCT schedules the waiver petition for final evaluation by the ICB.
7. In accordance with 14 CFR 114(a), Findings and Recommendation of the Board, the ICB will consider the petition, information provided (from interested party, Centers and Waiver panel), NASA policies and effects of the requested waiver of rights, guidance provided by the OGC in Section II.A of this document, and then, will vote to recommend to the General Counsel, to whom the Administrator's has delegated responsibility for waiver petitions, to (fully or partially) grant or deny the petition.
8. If the ICB votes to recommend the granting or partial granting of the waiver petition submitted. Appendix 6 contains examples of the documentation correspondence of ICB results as well sample transmittal letters to Office of General Counsel and the Petitioner. The ICBSS in coordination with the ICBRM, ICB Director, and ICB Chair prepare the appropriate Instrument Waiver Package (IWP) depending upon the ICB disposition of the request.

- a. The ICBSS prepares the IWP, including a Transmittal Letter to the OGC a Findings and Recommendation Memorandum addressed to the OGC, a Waiver Determination.
  - b. Upon receipt from the General Counsel of the executed Waiver Determination and the Instruments of Waiver, the ICBSS prepares for the ICB Directors signature the Patent Waiver Grant Letter to the Petitioner, forwarding the Instruments of Waiver to the Petitioner for their concurrence.
  - c. One copy of the executed Instrument of Waiver is returned to the ICB Director from the Petitioner, and placed in the waiver file.
9. If the ICB determines that the waiver petition should be denied:
- a. The ICBSS prepares the “notice of intent to recommend denial” letter to be sent to the Petitioner providing the basis for the intended recommendation to the Administrator. In accordance with the CFR1245.112-113, this letter sets forth the Petitioner’s right to request reconsideration by the ICB and, subsequently, a hearing should reconsideration be requested and denial still be the intended recommendation.
  - b. If the Petitioner fails to respond to the notice within the specified time period, the ICBSS initiates a notice of denial.
  - c. If the Petitioner responds to the ICB Director within the specified period with additional information supporting the request, this information will be forwarded to ICBCT for review by the ICB. If the ICB still intends to recommend denial or partial grant, the petitioner will be afforded the opportunity for an oral hearing coordinated through the OGC.
  - d. In light of the reconsideration or hearing, if the ICB changes their recommendation to full approval of the waiver petition then the actions described in paragraph II.8 a, b, and c are to be initiated.
  - e. The ICBSS will prepare an IWP, including a Cover Letter and Findings and Recommendation Memorandum addressed to the OGC (as delegate of the Administrator) (see Appendix XX), for signature by the ICB Chair, with all supporting information that had been obtained by ICB, including a summary of oral hearing, if any.
  - f. For inclusion in the IWP, the ICBSS also prepares a Determination Letter and, if needed, two copies of the Instrument of Partial Waiver, for review and signature by the General Counsel, should he concur with the recommendation.
  - g. Upon receipt of the Determination Letter from the General Counsel, the ICBSS prepares for the ICB Director’s signature a Denial or Partial Grant Letter to the Petitioner.
  - h. One copy of the executed Instrument of Partial Waiver (if any) is returned to the ICB Director from the Petitioner, and placed in the file.

### **III. Dispute Resolution**

The ICB Director may ask the ICB and its support partners (OCE, OGC, OCIO, OSMA, Office of the Chief Technologist) to convene a dispute resolution panel to discuss concerns raised regarding ICB activities. They may review and recommend resolution strategies on any technical, legal, financial, or professional protest dealing with any Space Act Award-related matters.

### **IV. Board Communication and Coordination**

The ICB uses various means to notify its communities of current activities, past achievements, and future plans, including:

#### **A. Center Award Liaison Officer Telecons**

The ICB has ALOs at each Center, who interface with the Center potential award applicants as they prepare award submissions. The Center ALO telecons are conducted nominally six times per year to serve as a clearinghouse of information on current ICB procedures, issues within the community, and future activities.

#### **B. Press Releases**

NASA routinely announces IOY and SOY awards through press releases. After the ICB Chair notifies the winning Center Director(s) of the award, the Center's ALO works with their Center Public Affairs/Communications Office to draft the press release. This release is sent to the ICB Director for coordinated review and release by the Headquarters Office of Communications, OGC.

#### **C. Annual Report**

The ICB annual report is compiled by the ICBCT at the conclusion of the fiscal year. This document is primarily an electronic publication, but may be printed. If printed, copies are sent to each Center ALO for distribution. The document includes:

1. Foreword by (and photo of) the ICB Chair. Foreword is drafted by the ICBCT and sent to the ICB Chair for approval.
2. Descriptions of the SOY and IOY and photos of the winners.
3. Descriptions of other Exceptional Awards.
4. Listing of ICB, and Panel(s) members.
5. Other appropriate topics.



#### D. Websites

The ICB has an external website (<http://www.nasa.gov/offices/oce/functions/inventions/index.html>) -and an internal website served from within the NASA Engineering Network (NEN) at <https://nen.nasa.gov/web/oce/icbl>. These websites are managed and maintained by the Jet Propulsion Laboratory (JPL) and funded by the OCE. The external website provides the public with ICB history, general award information and points of contacts. The internal website provides the NASA community with ICB history, detailed award information, ALO contact information, and announcements of competitions.

### V. Award Processing

**Budget management:** The ICB Director ensures that all current awards funds are used to maximum advantage, placing no liens on future year funds by following the Algorithm for Distribution of ICB Award Funds (Appendix 13).

**Payment Frequency:** NTTS Specialist schedules payment of awards (e.g. export) in the 4<sup>th</sup> quarter of the Fiscal Year upon notification by the ICB Director.

#### A. Initial Award Payment Procedure

1. The Center ALO creates Patent Application and Initial Software Release Awards based on the qualifying dates and submits them to the ICBSS's queue in NTTS for review (see Appendix 7 NASA Inventions and Contributions Board NASA Technology Transfer System Award Phases).
2. The ICBSS uses the Initial Award criteria in Appendix 8, Awards Matrix, to establish individual award amounts in NTTS.
3. The ICBCT checks for qualifying date, and scientific, technical and aerospace content in New Technology Report (NTR) abstracts and submits them to the ICBSS queue in NTTS for final review. The ICBCT either (1) cancels if information is incomplete, or (2) puts on hold to request additional information, or (3) approves.
4. The ICBSS verifies the innovator dollar amounts are those established in Appendix 8. After confirming the award amounts are correct the ICBSS submits the awards to the NTTS Specialist for export.
5. The actual release for payment (e.g. export in NTTS) of Initial Awards (patent application and initial software release) is made by the ICB Director upon determination that adequate funds are available to fund payment of Board Awards and Initial Awards. (NOTE: If the ICB Director is uncertain with regard to funds availability, Initial Award payments shall be deferred until such time the determination can be made that funds are available to adequately recognize the greater innovation level of the Board Awards).
6. Initial Award processing will commence at the beginning of the fiscal year and shall stop no later than June 30.

7. The NTTS Specialist schedules payment (export) of initial awards upon concurrence by the ICB Director.
8. The NASA Shared Services Center (NSSC) processes payments to awardees.

#### B. Board Awards Scoring and Payment Procedure

1. The ICBCT performs initial scoring of Board Award nominations in NTTS. (Appendix 9: NASA Technology Transfer Board Award Processing Procedures; and Appendix 10: Board Award Scoring Computations)
2. The ICBCT verifies that Board Award nominations are for aeronautical and space technologies. The ICBCT then assigns each Nominal Case for review by at least three Board members; the entire board reviews Major and Exceptional cases.
3. For SOY and IOY the ICBCT verifies the submissions meet the requirements of the respective call letters.
4. Each case accepted by the ICB is assigned a point value (see Appendix 10).
5. The ICB Director determines, in accordance with Appendix 13 Algorithm for Distribution of ICB Award Funds, the dollar to point value factor for Board Awards for the current Fiscal Year, and notifies the NTTS Specialist.
6. Using the point value information from the ICB Director, the NTTS Specialist calculates the dollar value of each Board Award as well as the amount to be paid to each awardee and provides this information to the ICB Director, the ICBCT, and the ICBRM. After the ICB Director approves the calculations, the ICBSS inputs the dollar amounts and ICB Award Types (Nominal, Major, Exceptional) into each individual board award. Once completed, the ICBSS notifies the NTTS Specialist, who creates reports that are sent to the ICB Director, ICBCT, and ICBRM for verification that the calculated dollar amount and ICB award type is correct for each board award. If all dollar values and ICB award types meet the approved calculations, the ICBSS submits the board awards to the NTTS Specialist for future export. If a dollar value does not match the approved amount, the ICBSS and the NTTS Specialist work together to correct the amount in NTTS.
7. After confirming award status and approval of all ICB meeting minutes, the ICBRM prepares the Award Determination signature package for the Administrator's signature. The ICBRM prepares a Form 117, Action Document Summary (Appendix 14), stipulating a review and concurrence by OGC and other offices as directed by the Executive Secretariat before being submitted to the Administrator for signature. The ICBRM follows Executive Secretariat guidance in preparing the signature package. The Administrator must sign an Award Determination document when any individual receives more than \$2,000, in accordance with the CFR (See sample, Appendix 14, Form 117 Award Determination Document example).
8. If Exceptional Award(s) are granted, the ICBRM includes the certificates to be signed by the Administrator with the signature package (See sample, Appendix 15, Award Certificates). The signature package includes:

- a. Enclosures tab: Include section 306 of the National Aeronautics and Space Act of 1958 and the 14 CFR Part 1240 behind the Enclosures Tab.
  - b. Background Tab: A summary of each case that was awarded either a Major or Exceptional Space Act Award is placed behind the Background Tab.
9. Using the export report provided by the NTTS Specialist, the ICBRM confirms each award for accuracy and completeness of awarded payment information. If there are any discrepancies either the NTTS Specialist or the Competency Center are contacted.
  10. ICBRM contacts the Center ALO to resolve any issues.
  11. Upon receipt of the signed Award Packages the ICBRM notifies the ICB Director, ICBCT, and the NTTS Specialists that these Board Awards are approved for payment (export).
- C. Award Payment Problem resolution:
1. The NTTS Specialist and ICBCT will work with the ALOs to resolve payment issues that may arise.
  2. Inability to locate Non-NASA Awardee:
    - a. In the situation where Non-NASA Awardee checks are returned or not cashed after an extended period of time (>120 days), the ALO shall make all reasonable attempts to locate Awardees. Reasonable attempts shall include but not be limited to (1) verifying information provided on the NASA Form 1329, (2) reprocessing award to identified address in the case of returned checks, (3) attempt contact by phone or email, or (4) contacting other awardees identified and Form 1329 to determine the individual's status and current address information.
    - b. Upon completion of the foregoing, the ALO shall notify the ICB Director summarizing actions taken to locate the Awardee and make a recommendation that the payment to the Awardee to canceled.
    - c. Upon review of actions taken, the ICB Director may (1) identify other actions to locate the Awardee, or (2) accept the ALO recommendation to cancel the payment to the Awardee and initiate the appropriate activities.
- D. Point of contact for NASA Employee payments:

Jill Wilson  
NASA EAST/HCW-ePayroll  
Marshall Space Flight Center  
Huntsville, Alabama  
Phone: (256) 961-1171  
Cell: (256) 797-2545  
e-mail: [jill.wilson@nasa.gov](mailto:jill.wilson@nasa.gov)

## E. Point of contact for Non-NASA Employee payments:

Jennifer Myers  
 NASA Shared Service Center  
 Lockheed Martin  
 Phone 877-677-2123 (Press 3 for Finance Support)  
 Fax 866-779-6772  
 e-mail jennifer.a.myers@nasa.gov

## F. Award Recognition Materials

1. ALOs print Nominal and Major Certificates from NTTS. Headquarters Document Services prepare the Exceptional Space Act Award Certificates as requested by the ICBRM. The unsigned certificate is included in the Purple Package for Administrator signature. (Appendix 15, Award certificates).
2. The SOY engraved plates and wooden boxes with inserts for the medallions are funded by the ICB's hosting organization (currently OCE) and supplied by:

C.Forbes, Inc.  
 12830 West Creek Parkway, Suite G  
 Richmond, VA 23238  
 POC: Donna Wade, (804) 784-7300 dwade@forbesinc.com

Prior to ordering the engraved plates and wooden boxes with inserts for the medallions, the ICBRM sends the list of winners, with their places of employment, the title of the software, and the award title to ALO(s) to proofread. An engraved plate is also ordered for the Center(s). The Center plate is engraved with the name of the Center, title of software, and the award title.

The engraving contractor uses the following guidance as a template for the engraved plate and inside the top lid of the wooden box:

JOHN A. SMITH  
 ABC COMPANY  
 (TITLE OF THE SOFTWARE)  
 [YEAR] NASA SOFTWARE OF THE YEAR

Or

NAME OF CENTER  
 (TITLE OF THE SOFTWARE)  
 [YEAR] NASA SOFTWARE OF THE YEAR

Upon verification by the ALO that award information is correct; a quotation is requested from C. Forbes, Inc. Upon acceptance of the quotation by the ICB Director the ICBRM initiates the procurement using the office credit card. The OCE financial representative with credit card authority provides the credit card billing information to the contractor. The contractor ships the completed plates and wooden box inserts c/o the ICBRM. The ICBRM

performs receiving inspection assuring all items are as ordered and initiating corrective actions if requirements have not been met. ICBRM places the medallions in the wooden boxes and mails to respective Center(s).

The ICBRM provides the engraving bill to the Financial Manager for verification against credit card charges.

The ICB medallions are stored at HQ in ICB Cabinet 1.

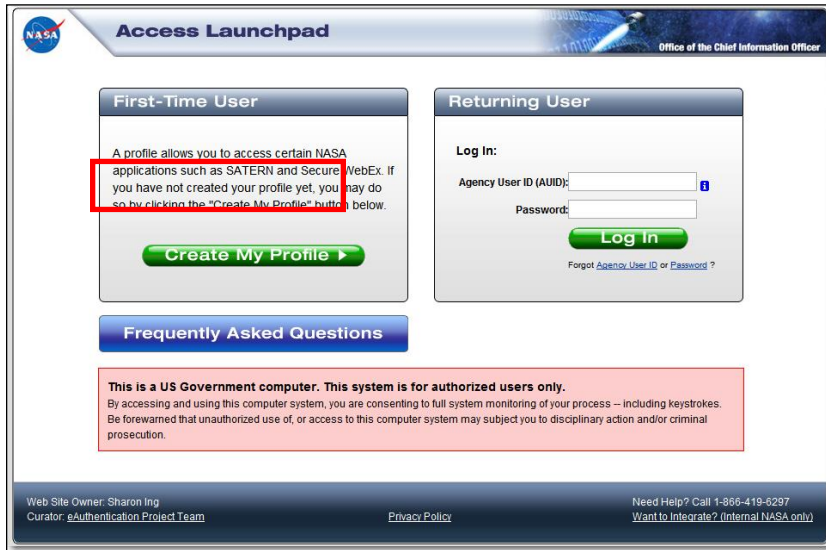
3. IOY – The Office of the General Counsel manages Center notification and winner recognition for the IOY.
4. ICB Award Ceremonies: The ICB Director coordinates with the Centers to determine the most appropriate venue for presentation of ICB awards.

## **VI. Appendices**

**Appendix 1: Definitions/Acronyms**

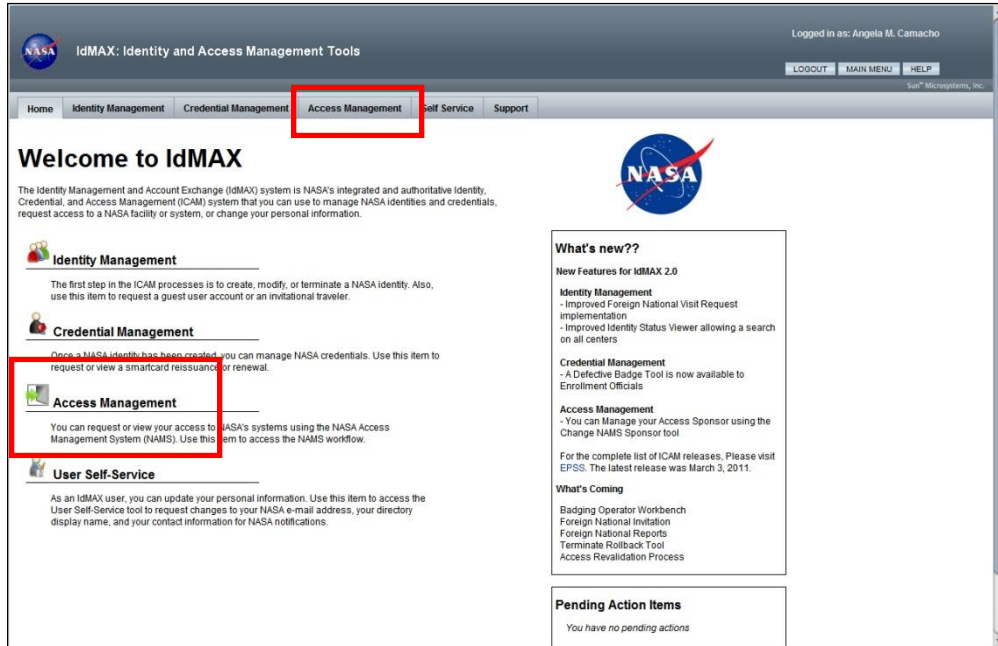
AAO	Account Authorization Official for NAMS
Advance ICR Waiver	Advance Invention Commercial Rights Waiver
ALO	Award Liaison Officer
ARMD	Aeronautics Research Mission Directorate
AUID	Agency User IDentification credentials
CFR	Code of Federal Regulations
CSSC	Communications Services Support Center
CT	Chief Technologist
HOWI	Headquarters Office Work Instruction
HQ	Headquarters, NASA Headquarters
ICB	Inventions and Contributions Board
ICBCT	Inventions and Contributions Board Chief Technologist
ICBE	ICB Evaluators
ICBRM	Inventions and Contributions Board Records Manager
ICBSS	Inventions and Contributions Board Staff Specialist
ICONS	Inventions and Contributions System
ICR	Invention Commercial Rights
IdMAX	NASA's system for managing access to computer resources
IOY	Invention of the Year
IOYA	Invention of the Year Award
IPOEF	Intellectual Property Owners Educational Foundation
ITAR	International Traffic in Arms Regulation
IWP	Invention Waiver Package
NAMS	NASA Access Management System- see <a href="http://itcd.hq.nasa.gov/nams.html">http://itcd.hq.nasa.gov/nams.html</a>
NASA	National Aeronautics and Space Administration
NPD	NASA Policy Directive
NPR	NASA Procedural Requirement
NSSC	NASA Shared Services Center
NTR	New Technology Report
NTTS	NASA Technology Transfer System
OCE	Office of the Chief Engineer
OCT	Office of the Chief Technologist
OGC	Office of the General Counsel
PM	Project Management
SAP	Systems and Applications Processes
SBU	Sensitive But Unclassified
SOY	Software of the Year
SOYA	Software of the Year Award
Std	NASA Standard
TRL	Technology Readiness Level
U.S.C.	United States Code
VPN	Virtual Private Network
ViTS	Video Teleconferencing System

## Appendix 2: Requesting ICB Reviewer Access to the NASA Technology Transfer System



**Note:** If you are a new user, click the “Create My Profile” button to create a new IdMAX account.

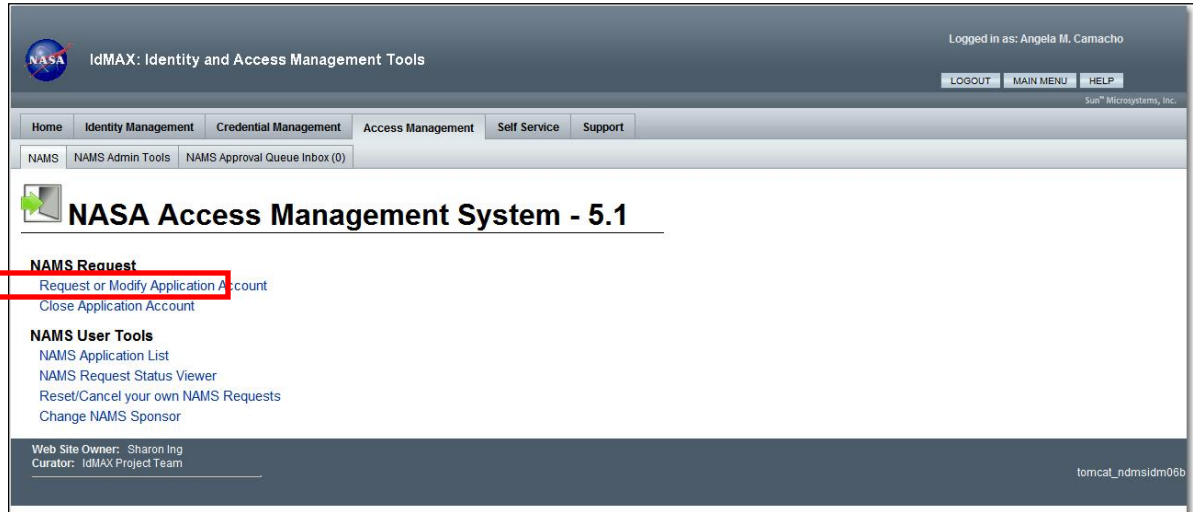
1. Click on the “Access Management” tab.



CHECK THE MASTER LIST at [http://nodis3.gsfc.nasa.gov/hq\\_Lib/hq\\_Doclist.htm](http://nodis3.gsfc.nasa.gov/hq_Lib/hq_Doclist.htm)  
 TO VERIFY THAT THIS IS THE CORRECT VERSION BEFORE USE



2. Click on the “Request or Modify Application Account” link.



**Note:** Once you’ve clicked on the “Request or Modify Application Account” link, you will be taken to one of two tabs on the NAMS Application Request page. If you are on the Applications tab, go to step 7. If you are on the Sponsor tab, follow steps 4-6.

3. Search for your Sponsor.
  - a. Type in the First Name and Last Name of the Sponsor.
  - b. Click the “Search” button.

**Note:** The Sponsor is an individual in your organization with responsibility to approve accounts while the Account Authorization Official (AAO) is accountable for ensuring that accounts are dispositioned.

**For a Civil Servant:** The Sponsor is the person who is the Reviewing Official of Record for the person's Performance Plan.

**For a Support Service Contractor:** The Sponsor is the person's immediate personnel supervisor within

the company's organizational structure.

**For a Virtual User:** The Sponsor is the Civil Servant who is requesting that an individual be granted access to Government IT resources.

**For a Visitor:** The Sponsor is the Civil Servant who has physical security accountability, granted by the local Physical Security Office, for the visitor during his/her visit onsite.

- Once your Sponsor has been found, click the "Select Sponsor" button.

### NAMS Application Request

Complete the User, Requester, Sponsor, and Applications information. Click the following link for instructions: [Instructions](#).

USER
REQUESTER
SPONSOR
APPLICATIONS

#### User's Sponsor:

[Who is a Sponsor?](#)

**OR search for the Sponsor:**

First Name

Last Name

Center

Limit Results

UUPIC

**Note: Only initially adjudicated users will be returned and displayed.**

[NED Search](#)

**Sponsor User Information**

UUPIC

Name

Center

Contact Information

#### Sponsor(s) Found

	▼ Last Name	First Name	Mi	Center	UUPIC	Company	Org Code
<input style="border: 2px solid red;" type="button" value="Select Sponsor"/>	ORANS	ROBIN	M	ARC	446926612	NASA	VP

- You will see your Sponsor selection at the bottom of the Sponsor tab.

### Current Request Information

**User:** Angela M. Camacho

**Requester:** Angela M. Camacho

**Sponsor:** ROBIN M. ORANS

6. Click on the Applications Tab.
  - a. Choose "All Centers" from the drop down.
  - b. Type "NTTS" in the Keyword text box.
  - c. Click the "Search" button.

**NAMS Application Request**

Complete the User, Requester, Sponsor, and Applications information. Click the following link for instructions: [Instructions](#).

USER REQUESTER SPONSOR APPLICATIONS

**Find Your Application:**

Center -- All Centers -- Keyword NTTS

Search Reset Query

7. Once the NTTS application has been found click the "Add to Request" button.

**NAMS Application Request**

Complete the User, Requester, Sponsor, and Applications information. Click the following link for instructions: [Instructions](#).

USER REQUESTER SPONSOR APPLICATIONS

**Find Your Application:**

Center -- All Centers -- Keyword NTTS

Search Reset Query

**Application(s) Found**

	Application Name	Description
Add to Request	NTTS	NASA Technology Transfer System application

8. Scroll down to see that the NTTS application has been added. Click the "Continue" button.

**Application(s) Being Requested**

**New Request**

NTTS Cancel

**Assigned Application(s)**

Application Resource Name	Modify
LARC RSA	Modify
LARC VPN	Modify
NTTS	Modify
AGCY0012 Basic Active Directory Account	Cannot Modify
Nomad Exchange Mailbox	Cannot Modify
ARC VPN Access	Modify

**Pending Application Request(s)**

None.

Continue Cancel

9. You will now be on the “Application Request Attributes for NTTs” page
  - a. Set your Urgency as “Normal”
  - b. Enter a “Request Justification”
    - i. Justification should state “NTTS Access for ICB Evaluator Account”
  - c. Select “ICBE” from the “Centers” section by clicking on ICBE in the “Available” box and moving it over to the “Selected” box by way of the “>” button highlighted below.
  - d. Click “Submit” button.

**Request Details**

Urgency  Normal  Priority  Emergency

**Available**

ARC  
DFRC  
GRC  
GSFC  
HQ  
JPL  
JSC  
KSC

**Selected**

ICBE

\* - indicates a required field.

10. Your application has been sent for sponsor approval.

### Appendix 3: ICB Evaluators User's Guide to the NASA Technology Transfer System (Version: 3-26-12)

#### Accessing ICB Case Material in NTTS

1. Open a Firefox browser and go to the web address <https://ntts.arc.nasa.gov>. You will be brought to the NASA Access Launchpad interface where you will log in using your Agency User ID (AUID) and password. (Image 1).



Image 1 – NASA Access Launchpad Interface

NOTE: NTTS can only be accessed from within the NASA network or through NASA's Virtual Private Network (VPN). If you have not already requested access to NTTS through IdMAX, please contact the NTTS Help Desk at 757-865-2233.

2. Once logged in through the NASA Access Launchpad, you will be brought to the NTTS IPP Portal page with the Board Award Review Module on the screen. (Image 2)

NOTE: The NTTS IPP Portal page should not be closed. You will need to come back to it.

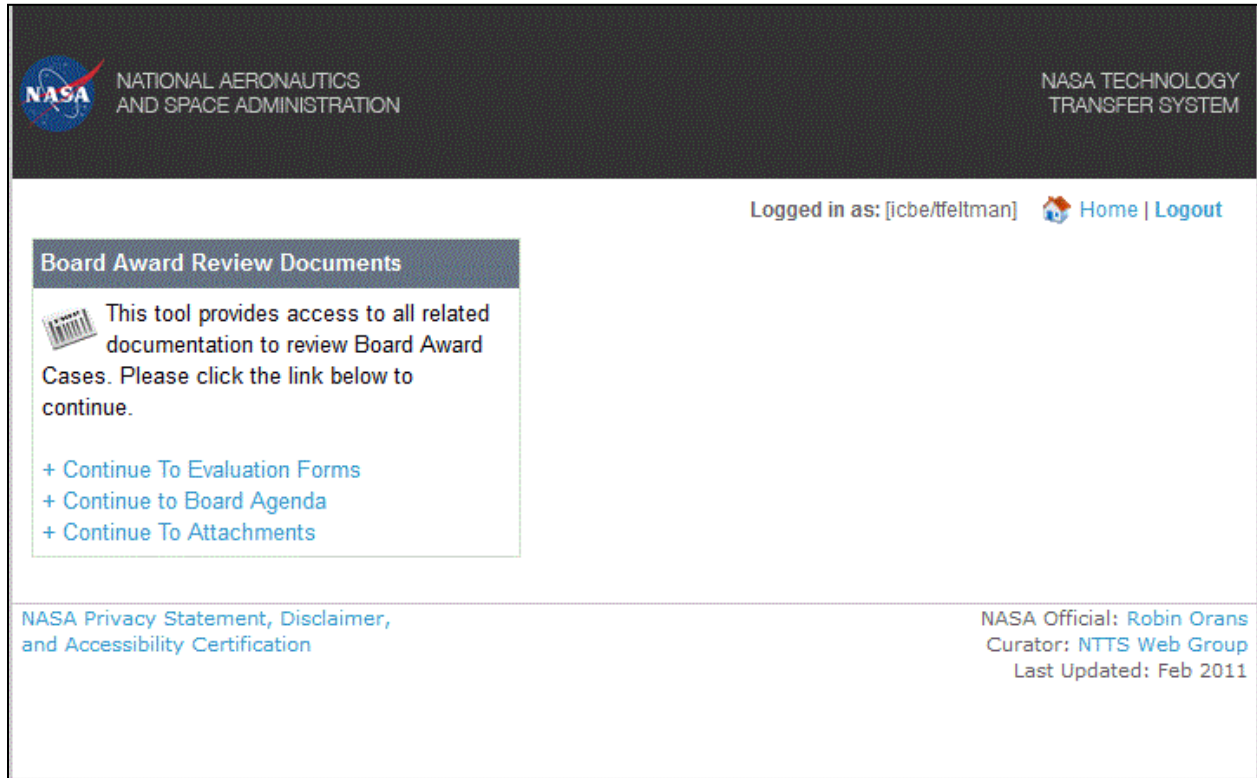


Image 2 – ICBE’s NTTS IPP Portal Page

3. Click on the” +Continue to Evaluation Forms” link (Image 2), this will take you to the interface to see all the evaluation sheets for any given Board Award based on Board dates. (Image 3)

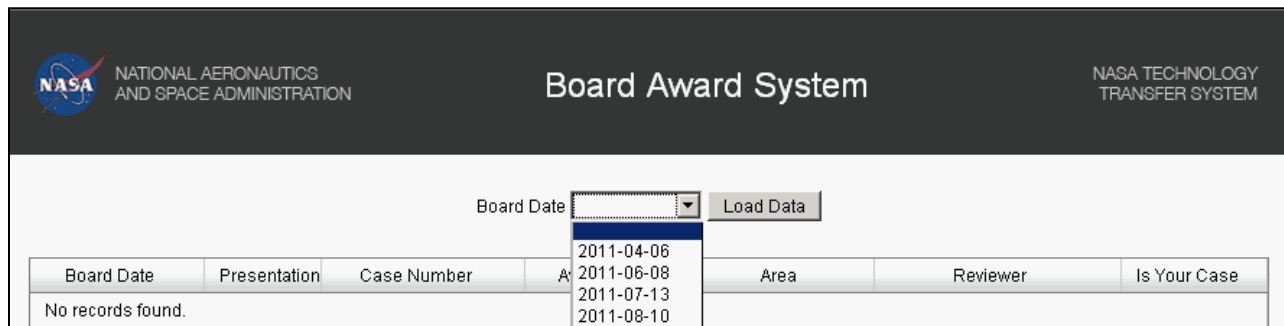


Image 3 – ICBE Evaluation Forms Interface

4. Click the Board Date drop down and choose the date that you would like to see the evaluation sheets and then click the “Load Data” button.
5. Below is an explanation of each column of data displayed on the Evaluation form interface (Image 4):

Board Date: the date of the Board Meeting that you chose in the Board Date drop down  
 Presentation: shows a check box if the case is to be presented in the Board Meeting  
 Case Number: the case number of the Board Award with a PDF link to the evaluation sheet  
 Award Type: the ICB Award Type

CHECK THE MASTER LIST at [http://nodis3.gsfc.nasa.gov/hq\\_Lib/hq\\_Doclist.cfm](http://nodis3.gsfc.nasa.gov/hq_Lib/hq_Doclist.cfm)  
 TO VERIFY THAT THIS IS THE CORRECT VERSION BEFORE USE



Area: the areas of expertise used to choose reviewers based on the technology  
 Reviewer: the names of the ICB reviewers chosen based on the areas of expertise

- 6. "Is Your Case" shows Yes or No tells you if you have been chosen to review that particular technology.

The screenshot shows the 'Board Award System' interface. At the top, there is a 'Board Date' dropdown menu set to '2011-07-13' and a 'Load Data' button. Below this is a table with the following columns: Board Date, Presentation, Case Number, Award Type, Area, Reviewer, and Is Your Case. The table contains four rows of data:

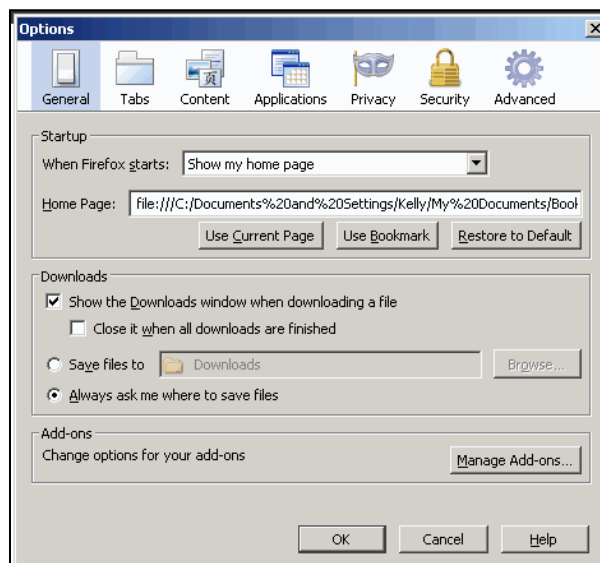
Board Date	Presentation	Case Number	Award Type	Area	Reviewer	Is Your Case
2011-07-13	<input checked="" type="checkbox"/>	ARC-16336-1	Nominal	Human Health, Safety, Life Support and Habitation Systems		
2011-07-13	<input checked="" type="checkbox"/>	DRC-009-008	Major	Aeronautics and Atmospheric Flight, Communication and Navigation		
2011-07-13	<input checked="" type="checkbox"/>	LEW-18624-1	Exceptional	Aerospace Propulsion Systems, Aeronautics and Atmospheric Flight, Modeling, Simulation, Information technology, AI and expert systems		
2011-07-13	<input checked="" type="checkbox"/>	GSC-15535-1	Major	Human Health, Safety, Life Support and Habitation Systems, Science Instruments, Observatories and Sensor Systems, Modeling, Simulation, Information technology, AI and expert systems		

Image 4 – ICBE Evaluation Forms Interface with data

- 7. To view the evaluation sheet for a specific technology, you will first have to change a setting in Firefox. Go to the IPP Portal Page and at the top of the browser window click on Tools – Options, then click on the General icon at the top of the options window. (Image 5) In the Downloads box select the "Always ask me where to save files" radio button and then click the "OK" button at the bottom of the window.

NOTE: If you would like to also set a specific folder on your hard drive as the location for downloaded files you can designate that in the same Download box in the options window, "Save files to." (Image 5)

NOTE: This download setting needs to be set this way so when you download the evaluation PDFs you will be able to rename them for each case before saving them on your hard drive. Each evaluation sheet that is downloaded is named "evaluation.pdf" so without renaming each one, you won't know which case the evaluation sheet is associated with unless you rename it.



CHECK THE MASTER LIST at [http://nodis3.gsfc.nasa.gov/hq\\_Lib/hq\\_Doclist.cfm](http://nodis3.gsfc.nasa.gov/hq_Lib/hq_Doclist.cfm)  
 TO VERIFY THAT THIS IS THE CORRECT VERSION BEFORE USE

Image 5 – Firefox Options Window

8. Once your browser settings have been changed, go back to the Evaluation Form Interface and click on the PDF Icon to the left of the case number. This will open the evaluation sheet for this case in a new browser window.  
 There will be a “Print to PDF” link in the upper right hand column for you to either open the evaluation sheet in PDF format or save it in PDF format to the desired location on your hard drive. (Image 6) If you save the file to your hard drive, rename it for each case reviewed.



Image 6 – Top of an Evaluation Form – Print to PDF link in upper right corner

9. To view the attachments/applications associated with each technology, go to the IPP Portal page and click on the link “Continue to Attachments.” (Image 2 on page 3 of this document)
10. Click the Board Date drop down and choose the date that you would like to see the case attachments and then click the “Load Attachment” button. (Image 7)

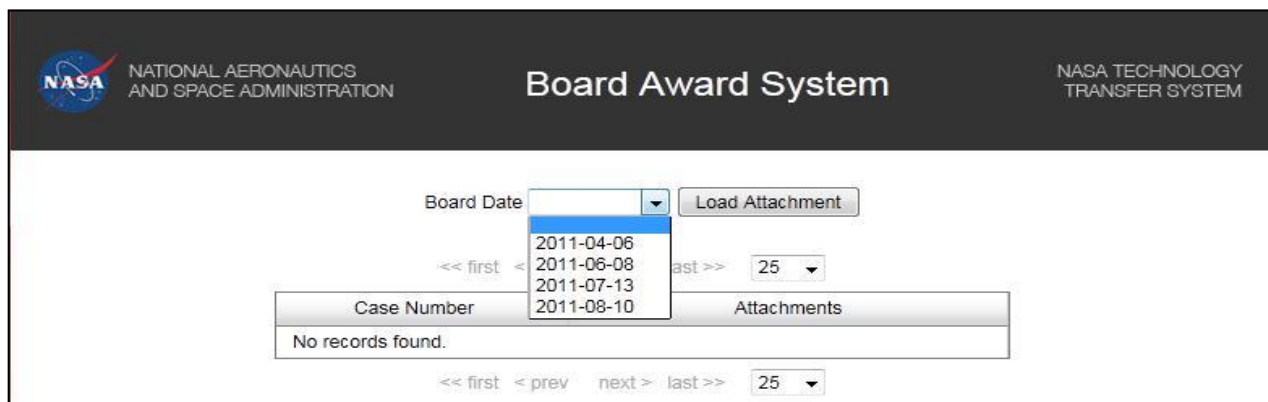


Image 7 – Attachments Interface



11. A list of attachments associated with the case number will be listed on the interface (Image 8)
12. Scroll down to the desired case number in the left hand column and click on the attachment/application name in the right hand column to review. (Image 8)

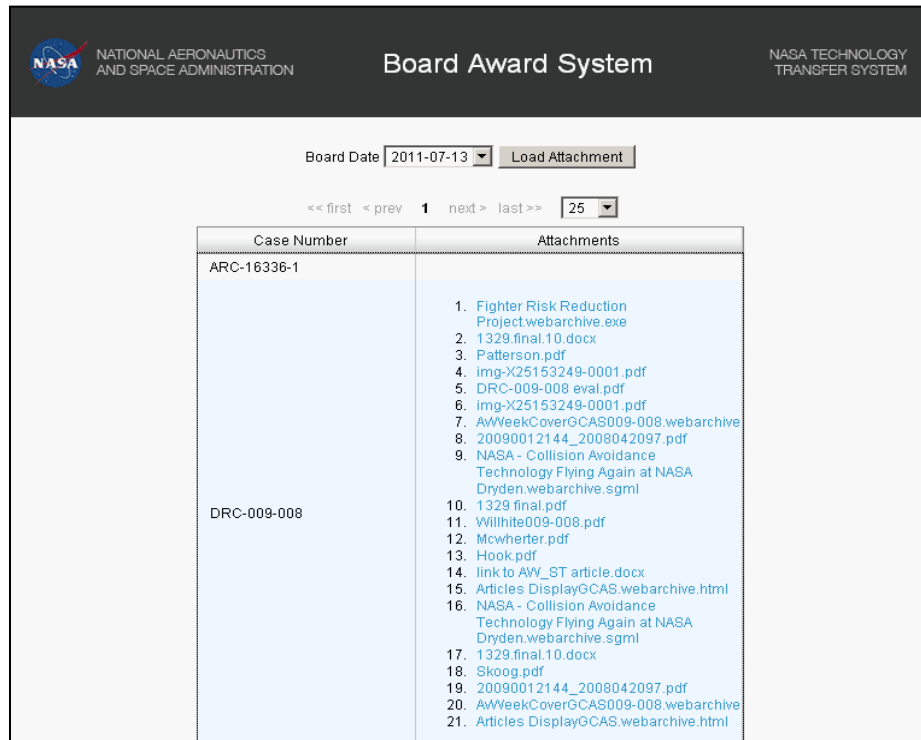


Image 8 – Attachments Interface with data

13. To view the agenda for any given board date, past or future, go back to the IPP Portal page and click on the link “Continue to Board Agenda.” (Image 2 of this document)
14. Click the Board Date drop down and choose the date that you would like to see, and then click the ‘Open Report’ button. (Image 9) This will open a new browser window with the agenda for the date chosen.

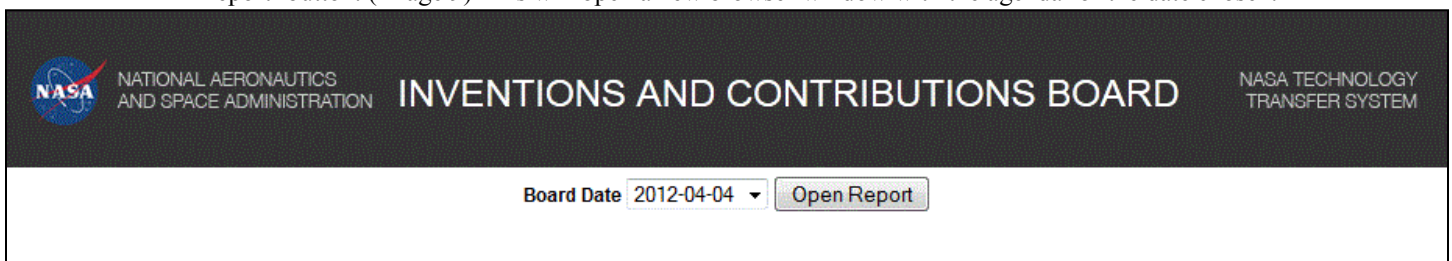


Image 9 – Board Agenda Interface

- 15. To print the agenda click on the 'Print to PDF' link in the upper right hand corner (Image 10). This will either open a PDF version of the current screen or it will open an interface asking if you would like to open the file or save it to your hard drive.

NASA CASE NO.	PRES CASE	TITLE	CONTRIBUTOR	EMPLOYER	%	AMOUNT
---------------	-----------	-------	-------------	----------	---	--------

Image 10 – Top of an Agenda – Print to PDF link in upper right corner

If you have any questions, please contact the NTTS Help Desk at 757-865-2233 or [ntts-support@lists.nasa.gov](mailto:ntts-support@lists.nasa.gov).

**Appendix 4: Sample Invention of the Year Call Letter**

[DATE]

Office of the General Counsel

TO: Directors, NASA Centers  
FROM: General Counsel  
SUBJECT: Invention of the Year Nominations for [YEAR]

The Office of the General Counsel is pleased to support NASA inventors through the Invention of the Year Awards Program. We offer two competitions: (1) the NASA Commercial Invention of the Year and (2) the NASA Government Invention of the Year.

The Invention of the Year Awards are an important part of the NASA patent program. The eligibility requirements for nominations are enclosed and the selection process will be conducted by a panel convened at Headquarters. The winners will be recognized at a ceremony to be held at [TBD] in [DATE] and will receive Space Act Awards from the NASA Inventions and Contributions Board.

The eligibility requirements for the NASA Commercial Invention of the Year Award are linked to the National Inventor of the Year event promoted by the Intellectual Property Owners Educational Foundation (IPOEF). Only inventions that were first commercialized to non-government customers during the last four years will be considered. The NASA Commercial Invention of the Year may be nominated by NASA for the National Award. Later in the year, the National Inventor of the Year is announced by the IPOEF and recognized at a reception in Washington D.C.

Eligibility for the NASA Government Invention of the Year Award is based on the impact a nominated technology has had on NASA's mission and on other government programs. While the technology may be sold commercially, the deciding factor for the Government Invention of the Year Award is government use.

You are invited to submit a maximum of two nominations, both of which will be considered for both Commercial and Government awards. Please submit your nominations electronically through your Center's Patent Counsel to the Space Act Awards Liaison Officer, using NASA Form 1329 or 1329A (Space Act Award Application).

Additionally, your Center's Awards Liaison Officer should ensure complete electronic submissions via the NASA Technology Tracking System (NTTS) by close of business [DATE].

[NAME]  
General Counsel

**Appendix 5: Sample Software of the Year Call Letter**

[DATE]

Office of the Chief Engineer  
 TO: Officials-in-Charge of Headquarters Offices  
 Directors, NASA Centers  
 FROM: Chief Engineer  
 Chief Safety and Mission Assurance  
 Chief Information Officer  
 Chief Technology Office  
 SUBJECT: Call for Nominations for the Annual NASA Software of the Year Award

As sponsors for the Annual NASA SOY Award, we are pleased to announce the call for nominations. This prestigious award is designed to recognize developers of exceptional software created for or by NASA and owned by NASA. Every NASA Center and Facility is cordially invited to participate in this competition. Awards include the NASA Software Medal, Inventions and Contributions Board (ICB) certificate(s), and monetary compensation.

The NASA ICB website (<http://www.nasa.gov/offices/oc/icb/index.html>) contains information about the yearly competitions (<http://www.nasa.gov/offices/oc/icb/reqs.html>). The enclosure contains eligibility information and describes the selection process. Nomination packages are due to the ICB by close of business [DATE]. The competition for the [YEAR] SOY Award will be conducted [DATE], at NASA Headquarters where the Software of the Year panel will hear presentations from inventors at Headquarters and virtually from inventors at other sites.

Excellence in software is vital to the Agency's leadership in developing aeronautics and space technologies and transferring them to other government organizations and industry. The SOY Award competition allows NASA to recognize Agency team members that set high standards for significant software development that is creative, useful, transferable, and of high quality. Please join us in fully supporting this year's competition.

[NAME]	[NAME]	[NAME]
Chief Engineer	Safety and Mission Assurance	Chief Information Officer

**Attachment**  
**Eligibility**

NASA is looking for innovative ***software*** itself, rather than projects or products that use routine software. Software techniques, methods, languages, and functions are advancing and the applications of these advancements are allowing NASA to do more with software than it could ever have done before. The NASA Software of the Year (SOY) Award is about finding and rewarding these advances. It is important that the software not only be technologically advanced and of high quality, but can also demonstrate that safety and reliability have been applied as required to make the software product(s) robust and safe to operate in accordance with NASA standards and directives available at <http://standards.nasa.gov/> and [http://nodis3.gsfc.nasa.gov/main\\_lib.cfm](http://nodis3.gsfc.nasa.gov/main_lib.cfm) respectively. The competition is open to author(s) of outstanding scientific and technical software that provides documentation it has:

- (1) been officially released by the project within the last 3 years. Note: Software may only be considered officially released after all experimental phases have been successfully completed to the satisfaction of the customer;
- (2) a current Technology Readiness Level (TRL) of 7 or higher;
- (3) a NASA intellectual property interest;
- (4) been supported, adopted, sponsored, or used by NASA;

- (5) made a significant scientific or technical contribution to the NASA mission;
- (6) is in a NASA Center's Software Inventory
- (7) been reviewed by the local NASA Safety and Mission Assurance organization regarding:
  - a. Software classification as defined by [NPR 7150.2A](#), Appendix E.
  - b. Safety criticality based on the Software Assurance Assessment as described in [NASA-STD-8739.8](#), Appendix A.
  - c. Software release status.
  - d. Software Engineering processes followed for development and acceptance based on a compliance matrix against applicable Center or Agency software requirements as described in [NPR 7150.2A](#), Appendix D.
  - e. If classified as safety critical, include the compliance matrix as described in [NASA-STD 8719.13](#) Appendix B, section 6.
- (8) The designated Center Engineering Technical Authority must sign off on the submitted software's compliance matrix against NASA's Software Engineering Requirements (i.e., approval of candidate's software compliance matrix against applicable NPR 7150.2A requirements).
- (9) demonstrated compliance with NASA security procedures per [NASA Policy Directive \(NPD\) 2810, NASA Information Security Policy](#).
- (10) demonstrated compliance to [Section 508 of the Rehabilitation Act of 1973, as amended 29 U.S.C. § 794 \(d\)](#).

NASA Centers, NASA Facilities (e.g., Independent Verification and Validation Facility, Wallops Flight Facility, White Sands Test Facility, Goddard Institute for Space Studies, Plum Brook Station), contractors, and supporting universities may participate.

#### **Entries**

Center Awards Liaison Officers (ALOs) shall submit entry packages electronically via the NASA Technology Transfer System (NTTS) by close of business May 14, 2012, and include the documentation listed in Table A. A scanned copy of the NASA Form 1329 Section II must also be submitted through the ALO, which shows the signatures of the official NASA technical management reviewers. The entry should be supplemented by evidence, such as letters from software users demonstrating the software's impact, degree of innovation, and suitability. All files and documentation must be organized and named as specified in the "Submission Guidelines" attached. This information will be the primary data used in the selection of the NASA SOY, and will be electronically submitted to the NASA ICB.

Each NASA Center will evaluate entries from its associated activities.

Each NASA Center or Facility may select and submit a nominee. NASA Centers may submit additional nominees if the entry was initiated by a Facility under its cognizance (e.g., GSFC could submit one entry for its Greenbelt main campus and another from the Wallops Flight Facility and/or the Independent Verification and Validation Facility).

#### **Deadlines**

Each NASA Center will forward its top selection(s) to the ICB by close of business [DATE].

#### **Judging**

Entries will initially be reviewed by a panel comprised of software experts from the NASA Field Centers, Headquarters and the Inventions and Contributions Board. Nomination representative(s) will have the opportunity to make a short presentation at NASA Headquarters on the morning of [DATE] or present via video/teleconference from another site. The exact schedule of presentations will be distributed after all nominations are received and qualified. An electronic copy of the final presentation, if any, should be provided to the NASA ICB by close of business [DATE]. The ICB will recommend winner(s) to the competition sponsors for approval by the Administrator, as directed by the Space Act of 1958.

NASA officials will present the award at ~~+~~[TBD]. With questions related to competition criteria contact the ALO at your NASA Center. You can find ALOs identified by site at <http://www.nasa.gov/offices/oce/icb/alos.html>.

### **Submission Guidelines**

Please submit all files electronically in the fewest number of zipped master files possible. The master files should be named “(CenterID) (Nominee Acronym) SOY Nom (#)” (e.g., “GRC LEWICE SOY Nom 1”). These master files should contain the following sixteen types of files, named as indicated:

1. The following are required files:
  - a. “(CenterID) (Nominee Acronym) 1329.pdf”, or  
“(CenterID) (Nominee Acronym) 1329A.pdf” (if reevaluation)
  - b. “(CenterID) (Nominee Acronym) 1329 Section II.pdf”
  - c. “(CenterID) (Nominee Acronym) Summary Evaluation Document.pdf”
  - d. “(CenterID) (Nominee Acronym) NPR 7150.2 Software Classification.pdf”
  - e. “(CenterID) (Nominee Acronym) NASA Std. 8739.8 Safety Criticality.pdf”
  - f. “(CenterID) (Nominee Acronym) NPR 2210 Release Status.pdf”
  - g. “(CenterID) (Nominee Acronym) NPR 7150.2 Software Compliance Matrix.pdf”
  - h. “(CenterID) (Nominee Acronym) NASA Std. 8719.13 Safety Compliance Matrix.pdf”
  - i. “(CenterID) (Nominee Acronym) Information Security Compliance.pdf”
  - j. “(CenterID) (Nominee Acronym) 508 Compliance.pdf”
2. “(CenterID) (Nominee Acronym)(awardee last name) Release” for each ICB Award Release.
3. “(CenterID) (Nominee Acronym) Reference Letters” and a unique identifier for up to 10 letters of recommendation/reference.
4. “(CenterID) (Nominee Acronym) Technical Publications” and a unique identifier for each technical publication, conference publication, and multimedia file.
5. “(CenterID) (Nominee Acronym) General Publications” and a unique identifier for each press release and general publication article.
6. “(CenterID) (Nominee Acronym) Project Documentation” and a unique identifier for each article of project-related documentation (e.g., user manuals, management plans, development documents).
7. “(CenterID) (Nominee Acronym) Web Links” file containing project website links.

Items in 1 and 2 above are required for each nomination; all other naming conventions should be used, where applicable, to document the software’s impact, innovation, and suitability to the NASA ICB. Submitted PDF’s should have selectable text if at all possible.

**Table A: Nomination Documentation**

File Type	Preferred Format	Alternate Format
Documents	Text selectable Portable Document Format (.pdf)	Microsoft Word (.doc, .docx)
Graphics	JPEG Image File (.jpg)	Portable Network Graphic (.png)
Spreadsheets	Microsoft Excel (.xls, .xlsx)	
Presentations	Microsoft PowerPoint (.ppt, .pptx)	
Audio	MP3 Audio File (.mp3)	
Video	Windows Media Video (.wmv)	Apple QuickTime Movie (.mov) or MPEG-4 Video File (.mp4)
World Wide Web	HyperText Markup Language (.htm, .html)	

All audio, video, and executable files, including video embedded in presentations, must be compatible with both Windows and Macintosh platforms. Documents, files, and handouts that include Sensitive But Unclassified (SBU) or International Traffic in Arms Regulations (ITAR) information should be avoided. Source code files should not be submitted.

## Appendix 6a: ICB Findings and Recommendations Memorandum to the Office of General Counsel Grant Petition Template

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PETITIONER: [NAME]  
 DESCRIPTION: [NAME]  
 Space Act Agreement  
 RFP/CONTRACT NUMBER: [NUMBER]  
 WAIVER REGULATIONS: § 1245.104 and § 1245.106  
 WAIVER NUMBER: (A)W-0000  
 DECISION: Grant

### FINDINGS AND RECOMMENDATIONS OF THE INVENTIONS AND CONTRIBUTIONS BOARD

The petitioner, [COMPANY NAME], is a contractor of the National Aeronautics and Space Administration (NASA) under Contract [NUMBER]. The petition was submitted after contract execution for waiver of domestic and foreign rights of the United States to all inventions, which are made under such contract that may result from the above-identified proposal. The request for waiver of rights was submitted in accordance with § 1245.104, Advance Waiver of Domestic Rights, and § 1245.106, Waiver of Foreign Rights, of the NASA Patent Waiver Regulations 14 CFR 1245.104 et seq. The petition was considered by a panel of the Inventions and Contributions Board on [DATE], and Inventions and Contributions Board (ICB) on [DATE].

This contract is related to [BRIEFLY DESCRIBE PROGRAM AND STATEMENT OF WORK].

The Board does not find exceptional circumstances in this case such that restriction or elimination of the petitioner's right to title will better promote one or more of the following objectives:

- (i) Promoting the utilization of inventions arising from federally supported research and development;
- (ii) Encouraging maximum participation of industry in federally supported research and development efforts;
- (iii) Ensuring that inventions are used in a manner to promote free competition and enterprises;
- (iv) Promoting the commercialization and public availability of inventions made in the United States by United States industry and labor;
- (v) Ensuring that the Government obtains sufficient rights in federally supported inventions to meet the needs of the Government and protect the public against nonuse or unreasonable use of inventions.

Under the provision of § 1245.106 of the NASA Patent Waiver Regulations, the petitioner has requested waiver of foreign rights in [NAME OF FOREIGN COMPANY]. The waiver regulations provide that waiver of foreign rights will normally be granted in the designated countries unless the Board finds that the economic interests of the United States would not be served thereby. The Board is unable to make such finding.

The Board concludes that the interests of the United States would best be served by waiver of rights to all inventions which may be made in the performance of work under the contract and recommends that the petition for waiver of domestic and foreign rights be granted.

\_\_\_\_\_  
Date

\_\_\_\_\_  
[NAME]  
Chair, Inventions and Contributions Board

**Appendix 6b: ICB Findings and Recommendations Memorandum to the Office of General Counsel – Partial Grant Petition Template**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PETITIONER:

INVENTION TITLES:

WAIVER REGULATIONS: § 1245.105 and § 1245.106

CONTRACT NUMBER:

WAIVER NUMBER:

DECISION: Partial Grant

FINDINGS AND RECOMMENDATIONS OFTHE INVENTIONS AND CONTRIBUTIONS BOARD

The petitioner, *COMPANY NAME*, is a contractor of the National Aeronautics and Space Administration under Contract \_\_\_\_\_. A petition was made for waiver of domestic and foreign rights of the United States in the invention described below. The invention was made in the performance of work under the above-identified contract and in the manner specified in § 20135 of the National Aeronautics and Space Act as determined by the Administrator. The request for waiver of rights was submitted in accordance with § 1245.105, Waiver after Reporting Inventions, and § 1245.106, Waiver of Foreign Rights, of the NASA Patent Waiver Regulations 14 CFR 1245.100 et seq. The petitions were considered by a panel of the Inventions and Contributions Board on \_\_\_\_\_, and placed on the agenda for the Board meeting on \_\_\_\_\_.

The invention at issue is related to \_\_\_\_\_, and is entitled: " \_\_\_\_\_" (NASA Case #); and was made under contract \_\_\_\_\_ (hereinafter "subject invention"). Section 1245.105 of the NASA Patent Waiver Regulations provides that the Board will normally recommend the grant of waiver of domestic rights in an identified invention unless exceptional circumstances exist, such that restriction or elimination of the right to retain title will better promote one or more of enumerated objectives, which are set forth below. The Board does find such exceptional circumstances in this



case, such that they recommend the restriction of the petitioner's right to title in the subject inventions.

The Board's proposed recommendation to partially grant the waiver petition, as described below, is based on the grounds that the Board, pursuant to 14 CFR§ 1245.105, found the interests of the United States will be better served by this restriction. Specifically, the Board reviewed the facts and circumstances surrounding the development of the subject invention, and found that exceptional circumstances exist such that this restriction on the granted waiver of rights will better promote at least one of the following objectives:

(i) Promoting the utilization of inventions arising from federally supported research and development;

(ii) Encouraging maximum participation of industry in federally-supported research and development;

(iii) Ensuring that inventions are used in a manner to promote free competition and enterprise;

(iv) Promoting the commercialization and public availability of inventions made in the United States by United States industry and labor; and

(v) Ensuring that the Government obtains sufficient rights in federally supported inventions to meet the needs of the Government and protect the public against nonuse or unreasonable use of inventions.

*SAMPLE JUSTIFICATION:*

In making this determination, the Board considered the totality of the known circumstances surrounding the development of the subject invention, including the commercialization fields which *COMPANY NAME* and \_\_\_\_\_ joint owners of the subject invention, appeared most interested in utilizing this technology, and the contribution of each of these parties to the subject invention's development and patent protection.

In particular, it was noted from information provided by *COMPANY NAME*, that *COMPANY NAME* has an on-going Independent Research & Development effort to leverage this technology for commercial products in applications such as \_\_\_\_\_. Based on other information received, the Board determined that \_\_\_\_\_ was especially interested in the field of \_\_\_\_\_. Additionally, it was noted that \_\_\_\_\_ was prepared to actively commercialize the subject invention, as evidenced by their high level of investment in the development of this invention and their filing of a patent application on it.

In accordance with 14 CFR 1245.112(a) *COMPANY NAME* was provided written notice of the Board's proposed recommendation to the NASA Administrator that their invention waiver petition be

partially granted, and the grounds therefor. Additionally, in this notice *COMPANY NAME* was advised of their right to request reconsideration of the proposed recommendation. No such reconsideration request was received by the Board from *COMPANY NAME*. A copy of the certified letter, which was mailed to *COMPANY NAME* on \_\_\_\_\_, is included herewith.

The Board concludes that the interests of the United States would best be served by the grant of a partial waiver of rights and therefore recommends that the petition for waiver of domestic and foreign rights be granted in all fields of use with the sole exception of the field of manufacturing of vehicles (defined as the production of commercial vehicles, such as cars, trucks, and transportation buses and related components).

\_\_\_\_\_  
Date

\_\_\_\_\_  
[NAME]  
Chair, Inventions and Contributions Board

**Appendix 6c: ICB Findings and Recommendations Memorandum to the Office of General Counsel – Deny Petition Template**

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PETITIONER: \_\_\_\_\_

DESCRIPTION: \_\_\_\_\_

RFP/CONTRACT NUMBER: \_\_\_\_\_

WAIVER REGULATIONS: § 1245.104 [and 1245.106]

WAIVER NUMBER: AW-\_\_\_\_\_

DECISION: Denial

FINDINGS AND RECOMMENDATIONS OF  
THE INVENTIONS AND CONTRIBUTIONS BOARD

The petitioner, \_\_\_\_\_ is a contractor of the National Aeronautics and Space Administration under Contract \_\_\_\_\_. The petition was submitted \_\_\_\_ contract execution for waiver of domestic rights of the United States to all inventions which are made under such contract that may result from the above-identified proposal. The request for waiver of rights was submitted in accordance with § 1245.104, Advance Waiver of Domestic Rights, of the NASA Patent Waiver Regulations 14 CFR 1245.104 et seq. and \_\_\_\_\_. The petition was considered by a panel of the Inventions and Contributions Board on \_\_\_\_\_ and placed on the agenda for the Board meeting on \_\_\_\_\_.

The work to be performed under the contract is \_\_\_\_\_ that provides support to the Agency's \_\_\_\_\_ Program. The governing statement of work \_\_\_\_\_. This contract is related to \_\_\_\_\_ Program.

No determination has been made by a Government authority which is authorized by a statute or Executive Order to conduct foreign intelligence or counter-intelligence activities that the

restriction or elimination of the right to title in any inventions made in the performance of work under the contract is necessary to protect the security of such activities.

Section 1245.104 of the NASA Patent Waiver Regulations provides that the Board will normally recommend grant of a request for advance waiver of domestic rights unless the interest of the United States Government will be better served by restricting or eliminating all or part of the rights of the contractor under certain defined circumstances, including where the Board finds that exceptional circumstances exist which will better promote defined objectives.

The Board does find exceptional circumstances in this case such that restriction or elimination of the petitioner's right to title will better promote one or more of the following objectives:

- (i) Promoting the utilization of inventions arising from federally supported research and development;
- (ii) Encouraging maximum participation of industry in federally supported research and development efforts;
- (iii) Ensuring that inventions are used in a manner to promote free competition and enterprises;
- (iv) Promoting the commercialization and public availability of inventions made in the United States by United States industry and labor;
- (v) Ensuring that the Government obtains sufficient rights in federally supported inventions to meet the needs of the Government and protect the public against nonuse or unreasonable use of inventions.

The existing exceptional circumstances are \_\_\_\_\_. Due to these circumstances it is believed the denial of the petition for waiver of domestic rights better promotes NASA's current objective to \_\_\_\_\_.

***[AND IF FOREIGN RIGHTS ARE REQUESTED, AND ARE TO BE DENIED include:]***

Section 1245.106 of the NASA Patent Waiver Regulations provides that the Board will normally recommend the granting of a request for advance waiver of foreign rights, in any designated country, unless the Board finds that the economic interests of the United States will not be served thereby.

In light of the above stated exceptional circumstances and objectives, it is believed U.S.

economic interest will best be served by the denial of the present petition for advance waiver of foreign rights.

In light of the above, the Board concludes that the interests of the United States would best be served by retaining rights to all inventions which may be made in the performance of work under the contract and recommends that the petition for waiver of domestic and/or foreign rights be denied.

**OR—IF DENIAL BASED ON SCOPE OF CONTRACT- USE ALTERNATE PARAGRAPHS:**

Section 20135(g) of the National Aeronautics and Space Act authorizes the Administrator to waive all or any part of the rights of the United States with respect to any invention or class of inventions made or which may be made by any person or class of persons in the performance of any work required by any contract of the Administration if the Administrator determines that the interests of the United States will be served thereby.

To fall within this authority NASA has determined that a petition for waiver must be directed to a single invention or to inventions directed to a particular process, machine, manufacture, or composition of matter, or to a narrowly-drawn, focused area of technology. Based on this determination, the Board finds that the scope of the present waiver petition is broader than permitted by the statute, as it appears to encompass a wider breadth of technology.

In light of the above, the Board concludes that NASA does not have the statutory authority necessary to grant the present petition for waiver of domestic and/or foreign rights, therefore the Board recommends that the present petition be denied.

Date

[NAME]

Chair, Inventions and Contributions Board

**Appendix 6d: Transmittal Template of ICB Recommendation to the OGC to Grant  
(Advance) Waiver Petition**

[DATE]

(A)W-0000

TO: General Counsel

FROM: Chair, Inventions and Contributions Board

SUBJECT: Petition for (Advance) Waiver of Domestic and Foreign Rights; ICB Recommendation to Grant

**DISCUSSION**

The [COMPANY NAME] has requested advance waiver of domestic and foreign rights in all inventions, which arise from the [CONTRACT NUMBER], [CONTRACT NAME]. The goals of the [CONTRACT NAME] investments are to [DESCRIPTION OF CONTRACT SCOPE]. Waiver of foreign rights has been requested in [NAME(S) OF FOREIGN COUNTY].

The NASA Patent Waiver Regulations 14 CFR 1245.104 et seq. provide that a request for waiver will normally be granted unless exceptional circumstances are found such that restriction or elimination of the right to retain title will better promote the interests of the United States as defined by certain criteria set out in the Regulations. The Board does not find exceptional circumstances in this case. The following language has been incorporated into the Instrument of Waiver for the above-named waiver:

Notwithstanding any other provision in this Instrument of Waiver, if a Government employee is a co-inventor on the invention covered by this Instrument of Waiver, then the waiver recipient and the United States Government shall be co-owners of the invention. As co-owners, both parties agree to negotiate in good faith with respect to (1) the cost of obtaining and maintaining any patents, (2) the exploitation of the invention (including the possibility of providing exclusive rights to the waiver recipient), and (3) the sharing of any licensing revenue. Nevertheless, if both parties fail to agree, then each co-owner may act separately to the extent permitted by law.

**RECOMMENDED ACTION**

The ICB recommends approval of the attached Determination, and the Instrument of Waiver (in duplicate), effecting grant of the petition for waiver of domestic and foreign rights.

**BACKGROUND MATERIALS**

TAB A: Petition for Waiver

TAB B: Findings of Fact and Recommendation of the Inventions and Contributions Board

[NAME]

Director, Inventions and Contributions Board

Enclosures

**Appendix 6.e: Transmittal Template of ICB Recommendation to the OGC to Partially Grant (Advance) Waiver Petition**

[DATE]

(A)W-0000

TO: General Counsel

FROM: Chair, Inventions and Contributions Board

SUBJECT: Petition for Advance Waiver of Domestic and Foreign Rights; ICB Recommendation to Partially Grant the (Advanced) Waiver

**DISCUSSION**

The [COMPANY NAME] has requested advance waiver of domestic and foreign rights in all inventions, which arise from the [CONTRACT NUMBER], [CONTRACT NAME]. The goals of the [CONTRACT NAME] investments are to [DESCRIPTION OF CONTRACT SCOPE]. Waiver of foreign rights has been requested in [NAME(S) OF FOREIGN COUNTRY].

The NASA Patent Waiver Regulations 14 CFR 1245.104 et seq. provide that a request for waiver will normally be granted unless exceptional circumstances are found such that restriction or elimination of the right to retain title will better promote the interests of the United States as defined by certain criteria set out in the Regulations. The Board found that exceptional circumstances do exist and recommend a partial granting of the waiver petition in this case. The following language has been incorporated into the Instrument of Waiver for the above-named waiver:

Notwithstanding any other provision in this Instrument of Waiver, if a Government employee is a co-inventor on the invention covered by this Instrument of Waiver, then the waiver recipient and the United States Government shall be co-owners of the invention. As co-owners, both parties agree to negotiate in good faith with respect to (1) the cost of obtaining and maintaining any patents, (2) the exploitation of the invention (including the possibility of providing exclusive rights to the waiver recipient), and (3) the sharing of any licensing revenue. Nevertheless, if both parties fail to agree, then each co-owner may act separately to the extent permitted by law.

**RECOMMENDED ACTION**

The ICB recommends partial granting of the attached Determination, and the Instrument of Waiver (in duplicate), effecting partial granting of the petition for waiver of domestic and foreign rights.

**BACKGROUND MATERIALS**

TAB A: Petition for Waiver

TAB B: Findings of Fact and Recommendation of the Inventions and Contributions Board

[NAME]

Inventions and Contributions Board Director

Enclosures

**Appendix 6.f: Transmittal Template of ICB Recommendation to the OGC to Deny  
(Advance) Waiver Petition**

[DATE]

(A)W-0000

TO: General Counsel

FROM: Chair, Inventions and Contributions Board

SUBJECT: Petition for (Advance) Waiver of Domestic and Foreign Rights; ICB Recommendation to Deny  
(Advance) Waiver Petition**DISCUSSION**

The [COMPANY NAME] has requested advance waiver of domestic and foreign rights in all inventions, which arise from the [CONTRACT NUMBER], [CONTRACT NAME]. The goals of the [CONTRACT NAME] investments are to [DESCRIPTION OF CONTRACT SCOPE]. Waiver of foreign rights has been requested in [NAME(S) OF FOREIGN COUNTRY].

The NASA Patent Waiver Regulations 14 CFR 1245.104 et seq. provide that a request for waiver will normally be granted unless exceptional circumstances are found such that restriction or elimination of the right to retain title will better promote the interests of the United States as defined by certain criteria set out in the Regulations. The Board does not find exceptional circumstances in this case.

**RECOMMENDED ACTION**

The ICB recommends denial of the petition of (Advanced) Wavier request.

**BACKGROUND MATERIALS**

TAB A: Findings of Fact and Recommendation of the Inventions and Contributions Board

[NAME]

Director, Inventions and Contributions Board

Enclosures



**Appendix 6.g Office the General Counsel Grant Award Determination Template**AW<sup>1</sup> or W<sup>2</sup>-0000 DETERMINATION

Pursuant to the authority vested in the Administrator of the National Aeronautics and Space Administration by § 20135(g) of the National Aeronautics and Space Act of 1958, and the Administrator's delegation of authority to the General Counsel to sign attestations of determinations of grant or denial of waiver of title to inventions and to execute instruments of waiver, NPR1000.3A, Chapter 4.12.2, "Responsibilities" of the General Counsel, this petition submitted by [COMPANY NAME] for waiver of domestic and/or foreign rights of the United States in the invention [INVENTION NAME] under contract [NUMBER, NAME] is hereby granted in accordance with the recommendations of the Inventions and Contributions Board and subject to the conditions and reservations of the Instrument of Waiver.

\_\_\_\_\_  
Date\_\_\_\_\_  
[NAME]  
General Counsel

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<sup>1</sup> AW- Advanced Waiver Petition Number assigned from ICONS

<sup>2</sup> W- Waiver Petition Number assigned from ICONS

**Appendix 6.h: Transmittal Letter to Company Notifying of Partial Granting of Patent Waiver Template**

DATE

Office of the Chief Engineer

Mr./Ms. Contract Manager

Company Name

Company Address

Subject: **NOTICE** of Proposed Recommendation to Partially Grant the Petitions for Waiver of rights to the inventions: "Invention Name" (*NASA Case #*), that were made under contract \_\_\_\_\_

Mr./Ms. \_\_\_\_\_:

The Inventions and Contribution Board (hereinafter "the Board") is hereby providing *Company Name* written notice, in accordance with the Code of Federal Regulation, §1245.112(a), that the Board proposes to recommend to the NASA Administrator that the above-referenced petition for waiver of domestic and foreign rights to the above-identified subject invention made under contract \_\_\_\_\_ be granted with restrictions.

Specifically, the Board proposes to recommend the petition be granted in all fields of use with the sole exception of the field of \_\_\_\_\_. The reasons for this proposed recommendation are set forth below.

In light of this determination to recommend a partial grant of your petition, *Company Name* has the following rights under 14 CFR §1245.112:

- (1) *Company Name* may, within **15 days** from receipt of this notification, request reconsideration by the Board.
- (2) If reconsideration is requested, *Company Name* shall, within **30 days** from the date of the request for reconsideration, file a reconsideration statement setting forth the points, authorities, arguments, and any additional material on which it relies.
- (3) Upon filing of the reconsideration statement, the petition will be assigned for reconsideration by the Board upon the contents of the petition, the record, and the reconsideration statement submitted by *Company Name*.
- (4) The Board, after its reconsideration, will promptly notify *Company Name* of its proposed recommendation to the Administrator.

The Board's proposed recommendation to grant the waiver petition as described above is based on the grounds that the Board, pursuant to 14 CFR§ 1245.105, found the interests of the United States will be better served by this restriction. Specifically, the Board reviewed the facts and circumstances surrounding the development of the subject invention, and found that exceptional circumstances exist such that this restriction on the granted waiver of rights will better promote at least one of the following objectives:

- (i) Promoting the utilization of inventions arising from federally supported research and development;
- (ii) Encouraging maximum participation of industry in federally-supported research and development;
- (iii) Ensuring that inventions are used in a manner to promote free competition and enterprise; (iv) Promoting the commercialization and public availability of inventions made in the United States by United States industry and labor; and
- (v) Ensuring that the Government obtains sufficient rights in federally supported inventions to meet the needs of the Government and protect the public against nonuse or unreasonable use of inventions.

**SAMPLE JUSTIFICATION:**

In making this determination, the Board considered the totality of the known circumstances surrounding the development of the subject invention, including the commercialization fields which *Company Name* and \_\_\_\_\_, joint owners of the subject invention, appeared most interested in utilizing this technology, and the contribution of each of these parties to the subject invention's development and patent protection.

In particular, it was noted from information provided by *Company Name*, that *Company Name* has an on-going Independent Research & Development effort to leverage this technology for commercial products in applications such as \_\_\_\_\_. Based on other information received, the Board determined that \_\_\_\_\_ was especially interested in the field of \_\_\_\_\_.

as defined above. Additionally, it was noted that \_\_\_\_\_ was prepared to actively commercialize the subject invention, as evidenced by their extremely high level of investment in the development of this invention and their filing of a patent application on it.

In light of the above, the Board proposes to recommend to the NASA Administrator that your petition for waiver of domestic and foreign rights to the subject invention be granted with restrictions, as explained above.

If you wish to submit a request for reconsideration please send it, within the requisite 15 day time period, by Certified Mail to the undersigned at NASA Headquarters, Mail Suite 6X74,

300 E Street SW, Washington, DC 20546-0001. If such request is not made within this time period, we will proceed with providing our current recommendation to the NASA Administrator.

Respectfully,

[NAME]

Director, Invention and Contribution Board

CC: Attorney for Petitioning Company

CC: Contracting Officer

CC: Contracting Officer's Technical Representative

CC: Center Patent Counsel

**Appendix 6.i: Transmittal Letter to the Company Denying Patent Waiver Application Template**

COMPANY NAME

COMPANY ADDRESS

Subject: Notice of Proposed Recommendation to Deny Petition for Advance Waiver of Rights to  
Inventions that may be made under contract \_\_\_\_\_ [Your ref.:  
\_\_\_\_\_ NASA Solicitation/Contract Number \_\_\_\_\_]

Ms./Mr. \_\_\_\_\_ :

The Inventions and Contribution Board (hereinafter “the Board”) is hereby providing Petitioner *COMPANY NAME*, written notice, in accordance with the Code of Federal Regulation, §1245.112 (a), that the Board proposes to recommend to the NASA Administrator that the above-referenced petition for advance waiver of rights to any of the inventions that may be made under contract \_\_\_\_\_ be denied. The reasons for this proposed recommendation are set forth below.

In light of this determination to recommend a denial of the petition, *COMPANY NAME*. has the following rights under 14 CFR §1245.112:

- (1) *COMPANY NAME* may, within 15 days from receipt of the notification, request reconsideration by the Board.
- (2) If reconsideration is requested, *COMPANY NAME* shall, within 30 days from the date of the request for reconsideration, file a reconsideration statement setting forth the points, authorities, arguments, and any additional material on which it relies.
- (3) Upon filing of the reconsideration statement, the petition will be assigned for reconsideration by the Board upon the contents of the petition, the record, and the reconsideration statement submitted by *COMPANY NAME*.
- (4) The Board, after its reconsideration, will promptly notify *COMPANY NAME* of its proposed recommendation to the Administrator.

*SAMPLE JUSTIFICATION for SOW being Too Broad:*

The Board’s proposed recommendation to deny the waiver petition is based on the fact that the \_\_\_\_\_ contract is a very broad umbrella IDIQ contract encompassing a wide variety of \_\_\_\_\_ technologies and \_\_\_\_\_ technologies, which potentially include many classes of inventions developed at numerous NASA Centers, including among others:

\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_. The Board has determined that this contract is not a proper candidate for an advance waiver request of either domestic or foreign rights, but rather individual waiver petitions for identified inventions should be submitted.

To explain, the National Aeronautics and Space Act (51 U.S.C. §20135 (g)) states that “the Administrator may waive all or any part of the rights of the United States... with respect *to any invention or class of inventions* made or which may be made by any person or class of persons in the performance of any work required by any contract of the Administration if the Administrator determines that the interests of the United States will be served thereby.” To meet the statutory standard of “any invention or class of invention,” a petition for waiver must be directed to a single invention or to inventions directed to a particular process, machine, manufacture, or composition of matter, or to a narrowly-drawn, focused area of technology. The subject waiver request is for “any inventions made” under the \_\_\_\_\_ contract, however, because of the vast scope of this particular contract, NASA is unable to determine what “invention or class of inventions” would be covered, and in fact, expect a multitude of inventions, in a variety of classes will likely result from this contract. It was therefore determined that the granting of an advance waiver for the domestic and foreign rights requested would be inappropriate under the current circumstances. Rather it has been determined that the submission of individual waiver petitions for identified reported inventions, under 14 CFR §§1245.105 and 1245.106, would be the appropriate mechanism for waiver requests under the current circumstances.

If you wish to submit a request for reconsideration please send it, within the requisite 15 day time period, by Certified Mail to the undersigned at NASA Headquarters, Attention, Director, Inventions and Contributions Board, Mail Suite 6M20, 300 E Street SW, Washington, DC 20546-0001. If such request is not made within this time period, we will proceed with providing our current recommendation to the NASA Administrator.

Respectfully,

[NAME]

Director, Invention and Contribution Board

CC:

Center: Contracting Officer

Center Patent Counsel

**Appendix 6.j: Office of General Counsel Instrument of Waiver Template**

INSTRUMENT OF WAIVER (Domestic and Foreign Rights)

PETITIONER: The Unknown Company

WAIVER CASE NUMBER: (A)W-0000

CONTRACT NO: [NUMBER]

AGREEMENT FOR: [CONTRACT NAME]

WHEREAS, the above-identified contract number (hereinafter referred to as the "the contract") is subject to Section 305 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457, hereinafter referred to as "the Act"); and

WHEREAS, the above-identified contract contains a property rights in inventions clause which provides that any invention made in the performance of work under such contract shall be presumed to have been made in the manner specified in paragraphs (1) or (2) of Section 305 (a) of the Act; and

WHEREAS, the petitioner (hereinafter referred to as the "waiver recipient") has filed a Petition for Waiver of Rights of the United States to any inventions that may be made under said contract, in conformance with the National Aeronautics and Space Administration (NASA) Patent Waiver Regulations 14 CFR Part 1245, Subpart 1, and more specifically, under Section 1245.104, Advance Waivers and Section 1245.106, Waiver of Foreign Rights; and

WHEREAS, the Administrator of NASA has determined that the interests of the United States of America will be served by this Waiver;

NOW THEREFORE, subject to the acceptance of the Conditions of Reservations hereinafter specified:

WAIVER

1. The Administrator waives the property rights of the United States Government in the United States of America, and in the following countries: [COUNTRY NAME] and hereby conveys to the waiver recipient the entire right, title, and interest in and to each petitioned invention which may be conceived or first actually reduced to practice in the performance of work under the above-identified contract, or under any change, modification or supplemental agreement thereto, so long as the purpose of the contract or the scope of work to be performed is not substantially changed subject, however, to the Conditions and Reservations set forth below.

CONDITIONS

2. This waiver is granted pursuant to the provisions of the NASA Patent Waiver Regulations and is subject to the conditions prescribed therein and as specifically provided below:

(a) This waiver shall apply only to inventions reported under the applicable terms of the SAA and which are designated within 6 months (or such longer period as expressly approved by NASA) of reporting as being an invention on which the waiver recipient elects title to the invention and intends to file a U.S. patent application. The waiver shall extend to the claimed invention of any division or continuation of the patent application filed on the reported invention provided the claims of the subsequent application do not substantially change the scope of the reported invention.

(b) The waiver of rights granted herein shall be voidable at the option of the Administrator,

unless the waiver recipient:

(1) With respect to domestic rights, files or causes an application for U.S. Letters Patent to be filed within 1 year from notification to NASA of election of title (or such longer period as expressly approved by NASA) disclosing and claiming the invention and includes within the first paragraph of the specification following the abstract, the statement:

The invention described herein was made in the performance of work under NASA Space Act Agreement No. NNK2012000 and is subject to the provisions of Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457).

(2) With respect to foreign rights, files or causes to be filed a patent application in such countries identified in Paragraph (1), above, within 10 months from the date that a corresponding U.S. patent application has been filed, or 6 months from the date a license is granted by the Commissioner of Patents and Trademarks to file foreign patent applications where such filing has been prohibited by a Secrecy Order, or such longer periods as may be expressly approved by NASA.

(3) Furnishes to the Chairperson of the NASA Inventions and Contributions Board or to the patent representative designated in the SAA the filing date, serial number, and title of the waived invention and upon request a copy of any domestic or foreign patent application including an English version if filed in a language other than English, and a copy of the patent or the patent number and issue date.

(4) Delivers to the Chairperson a duly executed and approved license to the Government, prepared by the Government, fully confirming of all the rights domestic and foreign to which the Government is entitled pursuant to the Reservations, specified below.

(5) With respect to any country in which the waiver recipient decides not to continue prosecution of any application, to pay maintenance fees on, or defend in reexamination or opposition proceedings on a patent on a waived invention, the waiver recipient shall notify the patent representative within sufficient time for NASA to continue prosecution, pay the maintenance fee or defend the reexamination or opposition, and upon written request, convey title to NASA and execute all papers necessary for NASA to proceed with the appropriate action.

(6) During the term of the patent, the petitioner files a utilization report with the Chairperson, upon NASA's written request, not more often than annually setting forth in detail the steps taken by the waiver recipient or its licensees or assigns regarding the progress, development, application, and commercial use being made and that is intended to be made of the waived invention.

(7) Notifies the Chairperson prior to any transfer of principal rights in such invention to any party, and identifies such party by name and address.

(8) Grants any license which the Administrator may require pursuant to the RESERVATIONS specified below.

### RESERVATIONS

3. (a) License to the Government. Any invention for which waiver of domestic and foreign rights has been granted herein shall be subject to the reservation of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of the invention throughout the world by or on behalf of the United States Government or any agency thereof, or any foreign government pursuant to any existing or future treaty or agreement with the United States.

(b) March-in rights. With respect to any invention for which waiver is granted herein, NASA has the right in accordance with 14 CFR 1245.117 to require the waiver recipient, an assignee or exclusive licensee of the invention to grant a nonexclusive, partially exclusive, or exclusive license



in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the waiver recipient, assignee, or exclusive licensee refuses such a request, NASA has the right to grant such a license itself if NASA determines that:

(1) Such action is necessary because the waiver recipient or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the invention in such field of use;

(2) Such action is necessary to alleviate health or safety needs which are not reasonably satisfied by the waiver recipient, assignee, or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the waiver recipient, assignee, or their licensees; or

(4) Such action is necessary because the agreement required by paragraph (b) below, has not been obtained or waived or because a license of the exclusive right to use or sell the invention in the United States is in breach of such agreement.

(a) The waiver of rights granted herein shall be voidable at the option of the Administrator, unless the

(b) Preference for United States Industry. With respect to any particular invention, the waiver recipient agrees that neither it nor any assignee will grant to any person the exclusive right to use or sell such invention in the United States unless that person agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by NASA upon a showing by the waiver recipient or its assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

(c) Additional reservations: Notwithstanding any other provision in this Instrument of Waiver, if a Government employee is a co-inventor on the invention covered by this Instrument of Waiver, then the waiver recipient and the United States Government shall be co-owners of the invention. As co-owners, both parties agree to negotiate in good faith with respect to (1) the cost of obtaining and maintaining any patents, (2) the exploitation of the invention (including the possibility of providing exclusive rights to the waiver recipient), and (3) the sharing of any licensing revenue. Nevertheless, if both parties fail to agree, then each co-owner may act separately to the extent permitted by law.

#### EXECUTION

4. This waiver shall be valid only after the appended Acceptance and Agreement has been duly executed by the waiver recipient and an executed copy promptly returned to the Chairperson, Inventions and Contributions Board, National Aeronautics and Space Administration, Washington, DC 20546.

Signed at [NAME OF CITY] this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[NAME]  
General Counsel

#### ACCEPTANCE AND AGREEMENT

The waiver recipient agrees that any particular invention reported as having been made under the above-identified contract was made in the performance of work under said contract by a person or persons described in paragraphs (1) or (2) of Section 305(a) of the Act and under the conditions therein described.

With respect to any particular invention the waiver recipient further agrees that in the event it acknowledges that the conditions upon which this waiver is based have not been satisfied, or in the event the Administrator voids this waiver where conditions of paragraph two above have not been met, it will deliver to the Administrator the property rights waived above, including the instrument of waiver, upon request, and an instrument of assignment for any patent application or any patent which may have been filed thereon, and that failing to deliver to the Administrator such duly executed assignment, the Administrator may prepare a decision voiding the waiver of rights which shall operate to restore title to the United States to said invention. Such decision shall be conclusive evidence as to the title of the United States to said invention and that the Commissioner of the Patent and Trademark Office shall be authorized upon the filing of said decision to record the title to said invention, patent application or patent, as applicable, in the name of the United States.

Waiver Recipient:

The waiver recipient accepts this waiver subject to all the terms and conditions set forth herein and has caused this instrument to be executed and attested by its duly authorized representative(s) this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ with the intent to be legally bound thereby.

Waiver Recipient

By: \_\_\_\_\_

Title

**Appendix 6.k: Office of the General Counsel Instrument of Partial Waiver Template**

## INSTRUMENT OF PARTIAL WAIVER

(Domestic and Foreign Rights)

PETITIONER:

WAIVER CASE NUMBERS: W-

RFP/CONTRACT NUMBER:

TITLE OF INVENTIONS (NASA CASE NUMBER):

INVENTORS:

WHEREAS, the above-identified subject invention was made in the performance of work under the above identified contract, and are subject to Section 20153 of the National Aeronautics and Space Act (51 U.S.C.20135, hereinafter referred to as "the Act"); and

WHEREAS, the petitioner (hereinafter referred to as the "waiver recipient") has filed a Petition for Waiver of Rights of the United States for said subject invention in conformance with the National Aeronautics and Space Administration (NASA) Patent Waiver Regulations 14 CFR Part 1245, Subpart 1, and more specifically, under Section 1245.105, Waiver After Reporting Inventions and Section 1245.106, Waiver of Foreign Rights; and

WHEREAS, the Administrator of NASA has determined that the interests of the United States of America will be served by this Waiver;

NOW THEREFORE, subject to the acceptance of the Conditions of Reservations hereinafter specified:

PARTIAL WAIVER

1. The Administrator waives the property rights of the United States Government to the subject invention in the United States of America, and in the following countries:

\_\_\_\_\_, and hereby conveys to the waiver recipient the entire right, title, and interest in and to the subject invention in all fields of use with the sole exception of the field of \_\_\_\_\_, subject, however, to the Conditions and Reservations set forth below.

CONDITIONS

2. As to the subject invention, this waiver is granted pursuant to the provisions of the NASA Patent Waiver Regulations and is subject to the conditions prescribed therein and as specifically provided below:

(a) The waiver shall extend to the claimed invention or any division or continuation of the patent application filed on the reported invention provided the claims of the subsequent application do not substantially change the scope of the reported invention.

(b) The waiver of rights granted herein shall be voidable at the option of the Administrator, unless the waiver recipient:

(1) With respect to domestic rights, files or causes an application for U.S. Letters Patent to be filed within 1 year from the granting by the Administrator of this waiver disclosing and claiming the invention, and including within the first paragraph of the specification following the abstract, the statement:

The invention described herein was made in the performance of work under NASA Contract No. \_\_\_\_\_ and is subject to the provisions of Section 20135 of the National Aeronautics and Space Act (51 U.S.C. 20135).

(2) With respect to foreign rights, files or causes to be filed a patent application in such countries identified in Paragraph (1), above, within 10 months from the date that a corresponding U.S. patent application has been filed, or 6 months from the date a license is granted by the Commissioner of Patents and Trademarks to file foreign patent applications where such filing has been prohibited by a Secrecy Order, or such longer periods as may be expressly approved by NASA.

(3) Furnishes to the Chairperson of the NASA Inventions and Contributions Board or to the patent representative designated in the contract a copy of such application including the filing date, serial number, and title of the waived invention, and upon request a copy of any domestic or foreign patent application including an English version if filed in a language other than English, and a copy of the patent or the patent number and issue date.

(4) Delivers to the Chairperson a duly executed and approved instrument, prepared by the Government, fully confirming of all the rights domestic and foreign to which the Government is entitled pursuant to the Reservations, specified below.

(5) With respect to any country in which the waiver recipient decides not to continue prosecution of any application, to pay maintenance fees on, or defend in reexamination or opposition proceedings on a patent on a waived invention, the waiver recipient shall notify the patent representative within sufficient time for NASA to continue prosecution, pay the maintenance fee or defend the reexamination or opposition, and upon written request, convey title to NASA and execute all papers necessary for NASA to proceed with the appropriate action.

(6) During the term of the patent, the petitioner files a utilization report with the Chairperson, upon NASA's written request, not more often than annually setting forth in detail the steps taken by the waiver recipient or its licensees or assigns regarding the progress, development, application, and commercial use being made and that is intended to be made of the waived invention.

(7) Notifies the Chairperson prior to any transfer of principal rights in such invention to any party and identifies such party by name and address.

(8) Grants any license which the Administrator may require pursuant to the RESERVATIONS specified below.

### RESERVATIONS

3. (a) License to the Government. With respect to the subject invention, the partial waiver of domestic and foreign rights granted herein shall be subject to the reservation of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of the invention throughout the world by or on behalf of the United States Government or any agency thereof, or any foreign government pursuant to any existing or future treaty or agreement with the United States.

(b) March-in rights. With respect to the subject invention, NASA has the right in accordance with 35 U.S.C. 203 and 210, and with the procedure set forth in 37 CFR 401.6 to require the waiver recipient, an assignee or exclusive licensee of the invention to grant a nonexclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the waiver recipient, assignee, or exclusive licensee refuses such a request, NASA has the right to grant such a license itself if NASA determines that:

(1) Such action is necessary because the waiver recipient or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the invention in such field of use;

(2) Such action is necessary to alleviate health or safety needs, which are not reasonably satisfied by the waiver recipient, assignee, or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the waiver recipient, assignee, or their licensees; or

(4) Such action is necessary because the agreement required by paragraph (c) below, has not been obtained or waived or because a license of the exclusive right to use or sell the invention in the United States is in breach of such agreement.

(c) Preference for United States Industry. The waiver recipient agrees that neither it nor any assignee will grant to any person the exclusive right to use or sell the subject invention in the United States unless such person agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by NASA upon a showing by the waiver recipient or its assignee that reasonable but unsuccessful efforts have been made to grant licenses on

similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

(d) Additional reservations: None.

#### EXECUTION

4. This partial waiver of rights shall be valid only after the appended Acceptance and Agreement has been duly executed by the waiver recipient and an executed copy promptly returned to the Chairperson, Inventions and Contributions Board, National Aeronautics and Space Administration, Washington, DC 20546.

Signed at Washington, DC this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[NAME]

General Counsel

#### ACCEPTANCE AND AGREEMENT

The waiver recipient agrees that the invention identified above was made under the above-identified contract in the performance of work under said contract by a person or persons described in

subparagraphs (1)(A) or (1)(B) of Section 210135(b) of the Act and under the conditions therein described.

The waiver recipient further agrees that in the event it acknowledges that the conditions upon which this partial waiver is based have not been satisfied, or in the event the Administrator voids this partial waiver where conditions of paragraph 2 above have not been met, it will deliver to the Administrator the property rights waived above, including the instrument of waiver, upon request, and an instrument of assignment for any patent application or any patent which may have been filed thereon, and that failing to deliver to the Administrator such duly executed assignment, the Administrator may prepare a decision voiding the waiver of rights which shall operate to restore to the United States title to said invention. Such decision shall be conclusive evidence as to the title of the United States to said invention and that the Commissioner of the Patent and Trademark Office shall be authorized upon the filing of said decision to record the title to said invention, patent application or patent, as applicable, in the name of the United States.

The waiver recipient accepts this partial waiver subject to all the terms and conditions set forth herein and has caused this instrument to be executed and attested by its duly authorized representative(s) this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ with the intent to be legally bound thereby.

Attestation by Waiver Recipient

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Appendix 6.I: Final Letter to Petitioner Denying Waiver Template**

DATE

COMPANY NAME  
COMPANY ADDRESS

Dear Ms. /Mr. \_\_\_\_\_s:

**RE:** Notice of NASA Administrator's acceptance of the Inventions and Contributions Board's Recommendation to Deny Petition for Advance Waiver of Rights to Inventions that may be made under contract \_\_\_\_\_

In furtherance of our letter dated \_\_\_\_\_, the Inventions and Contributions Board (hereinafter "the Board") is hereby providing Petitioner *COMPANY NAME*, written notice, in accordance with Title 14 the Code of Federal Regulation, section 1245.115, that the NASA Administrator accepted the Board's recommendation to deny the above referenced waiver petition.

*SAMPLE JUSTIFICATION for too Broad Contract*

The Administrator's determination to deny was premised on NASA's limited waiver authority under the National Aeronautics and Space Act (51 U.S.C. §20135 (g)), which states that "the Administrator may waive all or any part of the rights of the United States... with respect *to any invention or class of inventions* made or which may be made by any person or class of persons in the performance of any work required by any contract of the Administration if the Administrator determines that the interests of the United States will be served thereby."

The \_\_\_\_\_ contract is a very broad umbrella IDIQ contract encompassing a wide variety of \_\_\_\_\_ technologies. It was therefore determined that your petition does not fall within the scope of NASA's statutory authority, as it potentially including more than one invention and class of inventions. Therefore, as was explained in greater detail in our \_\_\_\_\_ letter, it was determined that this contract is not a proper candidate for an advance waiver request of either domestic or foreign rights, but rather individual waiver petitions for identified inventions should be submitted.

If you wish any further information on this action, please contact me.

Sincerely,

[NAME]  
Director, Inventions and Contributions Board

CC: Center Contracting Officer  
Center Chief Counsel



## Appendix 7: NASA Technology Transfer System Award Phases

The ICB uses the NASA Technology Transfer System (NTTS) to administer the awards process.

**Phase One** – This phase is a placeholder for new awards while the ALO is gathering information for ICB review. An ALO creates a new Patent, Software, or Board award for submission. Phase one Tech Brief records can be created for certificate printing, but go directly to Phase 8 for printing by the ALO.

### **Phase Two** –

**ALO:** An award is being reviewed for payment. The award is submitted from Phase One to Phase Two by the ALO checking the “Info to HQ” check box in the innovator sub-form. If an ALO does not desire to submit the award for review or finds a problem with the award, he/she can un-check the “Info to HQ” box and move the award back into Phase One.

**ICB: Initial Review** - ICBSS reviews initial awards for payment by verifying the number of innovators in the case does not exceed that allowed by Appendix 8. The ICBSS verifies or enters the appropriate initial award monetary amount per Appendix 8 of this document. For Board awards, the ICBSS enters the validated point value as recorded in the ICB meeting minutes, the Board Date, and the award level for the Board awards in this phase (i.e., Nominal, Major, Exceptional). The award is then submitted to the next phase of the review process (Phase Three A).

### **Phase Three** – There are 3 parts to Phase Three.

**Three A: (ICB Only) Technical Review** – The ICBCT verifies that each initial award has an aerospace use and an awardable event date (patent application date, software release date, etc.) that matches the type of award. Board awards have been validated prior to entering this phase, so they are approved by the ICBCT for the next phase.

**Three B: (ICB Only) Final Decision Review** – ICBSS verifies that all awards have the correct monetary amounts, award types, board dates, etc. This phase allows for corrections/additions to the NTTS fields previously submitted in Phase Two or Phase Three A. Awards are held in this phase until the ICB Director approves them to be submitted for payment. Once approved, the awards move to Phase Three C to be exported for payment or to Phase Eight for certificates, as appropriate.

**Three C: (NTTS Help Desk Only) Export Queue** – This is the final review phase of an award before it is exported to the NSSC for payment. Awards are held in this queue until ICB management informs the NTTS Awards Specialist that the awards can be exported to the NSSC and how much money is available for the export. This phase is also a verification phase where the award winner’s name and address is checked to ensure they meet the NSSC’s formatting requirements.

**Phase Four: Exported Awards** – This is the phase for all the awards that have been exported to NSSC and paid.

**Phase Five and Six: Storage for Cancelled Legacy (TechTracS) Awards** – This is the phase for Awards marked as cancelled or not to be paid in the legacy system which was used prior to NTTS (marked as Phase Three in that system) is maintained in Phases five and six. The phase changed in the migration from the legacy to the current system to avoid confusion with the current award process. These phases also hold Board awards that were marked “No Award” and had zero dollar amounts after review.

**Phase Seven: ALO Holding Bin** – ALOs use this phase when the Center does not want to process the award, but also doesn’t want to lose the data, designated using a check box at the bottom of the individual award that is only available to ALOs. It changes the award to Phase Seven to remove it from the Phase One list. To reinstate the nomination in the future, the ALO can un-check the box to put the award back in Phase One.

**Phase Eight: Non-Monetary Certificates** - This phase supports the printing of certificates for non-monetary awards. The ALO can move awards to this phase from the innovator sub-form only while the award is in Phase One. The ICB also can move awards to this phase from the Phase Three B interface.

**Appendix 8: Awards Matrix**

<b>Type</b>	<b>Authority (see Note 1)</b>	<b>Criteria</b>	<b>Recommended Amount</b>	<b>Recommended Limits (see Note 2)</b>	<b>Supplemental Award</b>
Patent Application Initial Award	14 CFR §1240.105(b)	Filing of a U.S. patent application; also, issuance of a continuation-in-part or divisional patent application.	\$1,000 to sole inventor; \$500 to each joint inventor up to a maximum of \$5,000 per patent.	Total Maximum Initial Award: \$5,000 (per 14 CFR §1240.105(g)).	Based on evaluation of technical and commercial merits of invention. (Authority: 14 CFR §1240.105(b).
Software Release Initial Award	14 CFR §1240.105(c)	Release (or “dissemination”) of software that meets all criteria of 14 CFR 1240.105(c)(1)-(4).	\$1,000 to sole innovator; \$500 to each joint innovator up to a maximum of \$5,000 per software release.	Total Maximum Initial Award: \$5,000 (per 14 CFR §1240.105(g)).	Based on evaluation of technical and commercial merits of innovation. (Authority: 14 CFR §1240.105(c)
Tech Brief Initial Award	14 CFR §1240.105(e)	Approval by a Center of publication in a NASA Tech Brief.	Certificate		Based on evaluation of technical and commercial merits of innovation. (Authority: 14 CFR §1240.105(e)
“Significant Value” Award (Board Award)	14 CFR §124.106	Meets criteria of 14 CFR §1240.104(b).	Contribution must be used in a NASA program, or adopted or sponsored or supported by NASA.	Evaluation based on significance of value [of contribution] in conduct of aeronautical or space activities. Award granted following evaluation that award value is at least \$500.	N/A

**Notes:**

(1) Primary authority for conferring awards is Section 306 of the 1958 Space Act. The Space Act limits awards to a maximum of \$100,000 unless the Administrator reports a higher amount to the appropriate Congressional committee.

(2) The Administrator may elect monetary or non-monetary awards for future awards based on available funds.

## **Appendix 9: NASA Technology Transfer System Board Award Processing Procedures**

- 1) Sort cases by Info to HQ Date to process.
- 2) Read all submitted material and abstract.
- 3) Edit abstract to include points most pertinent to scoring.
- 4) Research related previous Board awards cases.
- 5) Score case.
- 6) Check case value for award level.
- 7) Select Board Date.
- 8) Check "Ready for Board".
- 9) During meeting, adjust scores as requested by the Board members.

### Appendix 10: Board Award Scoring Computations

Technology Tracking Number:

Case Title:

Board Award Scoring Tool

Approved simplified scoring scheme with all scores 0-10 and weightings to total = 100,000 points

SIGNIFICANCE				Subtotals
<i>Area</i>	<b>choose 0-10</b>	x Weighting		
Aerospace	10	200		2000
Science/Tech	10	200		2000
Humanitarian	10	200		2000
TECHNOLOGY READINESS LEVEL (TRL):				
Concept(0) to Operations	<b>choose 0-10</b>	x Weighting		
Complete (10)	10	40		400
ASSESSMENT OF USE				
<i>Category</i>	<b>choose 0-10</b>	x Weighting		
NASA/Gov't Present	10	80		800
NASA/Gov't Potential	10	40		400
Industry Present	10	160		1600
Industry Potential	10	80		800
			Subtotal:	10000
CREATIVITY				
Multiplying Factor based	<b>choose 0-10</b>			
Between 0 and 10	10			
			Final	
			Subtotal:	100000
			Minus	
			Previous	
			Awards	0
			<b>TOTAL</b>	
			<b>Award</b>	
			<b>Amount:</b>	<b>100000</b>

**SIGNIFICANCE (user) / IMPACT (non user)**

	<b>Aerospace</b>	<b>Science/Tech Discovery</b>	<b>Humanitarian</b>
1	New application of a design	New Theory/Process/Device (TPD)	Convenient
2	Minor change to dominant design	Affects narrow field slightly	Many do fine w/out it
3	Change component of dominant design	New TPD is accepted	Nice to have
4	Change large part of dominant design	New TPD med acceptance	Really nice to have
5	Major impact on dominant design	Widely accepted TPD	If adopted not unadopted
6	Major/new capability for dominant design	Major acceptance for TPD	Highly desirable
7	New capability for dominant design	TPD becomes prevalent	Almost a necessity
8	Max change same dominant design	TPD is ubiquitous	Most see as necessity
9	Game-changing, new dominant design	TPD changes field of technology	A necessity
10	Totally new capability	TPD is fact/standard practice	Life-saving

**Development or TRL (Technology Readiness Level) Definitions**From [http://esto.nasa.gov/files/TRL\\_definitions.pdf](http://esto.nasa.gov/files/TRL_definitions.pdf) or[http://www.nasa.gov/topics/aeronautics/features/trl\\_demystified.html](http://www.nasa.gov/topics/aeronautics/features/trl_demystified.html)

TRL0	Concept Only
TRL1	Basic principles reported
TRL2	Technical concept formulated
TRL3	Analytical/experimental proof-of-concept
TRL4	Validated in lab environment
TRL5	Validated in relevant environment
TRL6	Prototype demo end2end environment
TRL7	System prototype demonstrated in an operational environment
TRL8	Mission qualification demonstration in an operational environment
TRL9	Successful mission operations
L10	Mission completed or validated discovery
ASSESSMENT OF USE	User Metric
1	A single user (\$1)(niche)
2	Up to 20 users
3	50
4	100
5	500(\$500M)(50%)(500 refs)
6	1000
7	10000

8	100000
9	250000
10	Everyone in field (\$1B)

<b>CREATIVITY (Evolutionary to Revolutionary)</b>	<b>Suggested definition</b>
1	New application of existing technology
2	New application with a tweak
3	Simple, logical advance
4	Simple, non-obvious advance
5	Moderate, logical advance
6	Moderate, non-obvious advance
7	Substantial, large step
8	Large, non-obvious advance
9	Revolutionary/Disruptive Technology
10	Genius/Revolutionary New Technology

### Appendix 11: NASA Form 1329 Inventions and Contributions Board Award Questionnaire

**A suggested maximum form length is six pages. Consult your Awards Liaison Officer for guidance. A list of awards liaison officers is maintained at <http://icb.nasa.gov>**

1. Please indicate the NASA assigned New Technology Report number (i.e. "ABC-12345"):
2. What is the name of the innovation?
3. Please list prior Inventions and Contributions Board Award amounts and award dates for this technology.
4. Provide a brief description of the invention and indicate the aspects which are novel compared to the state of the art.
5. Please explain how the innovation is significant to:
  - a. the field of aerospace.
  - b. science and technology in general.
  - c. humanitarian aspects of life.
6. Please indicate the Technology Readiness Level (see [http://www.nasa.gov/topics/aeronautics/features/trl\\_demystified.html](http://www.nasa.gov/topics/aeronautics/features/trl_demystified.html)).
7. What are the government use(s) and/or potential use(s)?
8. Describe the non-government use(s), academic use(s) and/or potential.
9. How revolutionary and creative is this innovation compared to the current state of the art?
10. Please list the patent number, type, and date of application and/or issuance.
11. Please list the contributors and the percentage each contributed to the development of this technology.
12. Dated Signatures:

X

Applicant

X

Awards Liaison Officer

X

Evaluator

X

Evaluator's Supervisor

X

Other Signature

**Appendix 12: Inventions and Contributions Board Award Release**

**Release for Award from the NASA Inventions and Contributions Board**

**Case No.:** \_\_\_\_\_

**Case Title:** \_\_\_\_\_

**Type of Award:** \_\_\_\_\_

Scientific and technical contributions to NASA which have significant value in the conduct of aeronautical and space activities may be eligible for monetary awards under the administration of the Inventions and Contributions Board.

The National Aeronautics and Space Act, 51 U.S.C. §20136(c), requires a release of certain claims by each awardee as a condition for receiving the award, as follows:

I hereby release all claims that I may have to receive any compensation (other than awards authorized under 14 C.F.R. Subpart 1240.1, Awards for Scientific and Technical Contributions) from the United States Government for use of the contribution or any element thereof at any time by or on behalf of the United States, or by or on behalf of any foreign government pursuant to any existing or future treaty or agreement with the United States, within the United States, or at any other place.

I understand that this release does not prevent me from receiving a share of any royalties I may otherwise be entitled to receive if my contribution is licensed as a Government Owned Invention under 37 C.F.R. Part 404.

**Printed Name:**  
\_\_\_\_\_

**Signature:**  
\_\_\_\_\_

**Employer:**  
\_\_\_\_\_

**Position:**  
\_\_\_\_\_

**Date:**  
\_\_\_\_\_



## Appendix 13: Algorithm for Distribution of Inventions and Contributions Board Award Funds

This section is to be used by the ICB members and the ICB Staff in determining the amount to be paid for all Initial and Board Awards. The NASA Chief Engineer, the Administrator's designee for management of the Inventions and Contributions Board, ensures that awards are selected in such a manner as to reward the highest levels of innovation and creativity in the year in which they are evaluated. In so doing the Chief Engineer determines and documents in this appendix the award priorities and the amounts and methodology for making the awards to individuals. These award priorities and amounts as listed in Sections 1 and 2 of this document are in effect until changed by the Chief Engineer.

### 1. Initial Awards:

- 1.1 Patent Application: \$1,000 for single applicant or \$500 per person up to \$5,000 per patent for multiple applicants.
- 1.2 Initial Software Release: \$1,000 for a single award or \$500 per person up to \$5,000 total for the first official release of new software
- 1.3 Non-monetary Certificates of Recognition Initial Awards recognize publications approved for release to *NASA Tech Briefs* and software revisions to programs already recognized through the Initial Award process.

2. Board Award Amount Determination Algorithm: This algorithm is used to determine the amount available for distribution to Board Awards in a Fiscal Year and the amount to be paid any individual recipient.

### 2.1 PROCESS:

$$D_c = (B/P)$$

$$P_o = P_n * D_c$$

Where:

$D_c$  = dollar amount per Board Award point. It is calculated by dividing the total number of points assigned Board Awards during the review period a fiscal year review (P) period into the total dollars available for Board Awards (B).

$P$  = (total number of points summed for all cases for IOYAs, SOYAs, or Routine Board Action Awards evaluated during the fiscal year review period), and

$B$  = (total ICB funds remaining after administrative expenses and Initial Awards are paid. After calculating  $D_c$  for the Fiscal Year, that amount is then multiplied by the point total assigned to each individual case to determine the total amount paid for each case. )

$P_n$  = (total points assigned by the ICB to any individual case)

$P_o$  = (total payout to any individual case. This amount is then distributed based upon the percentage of contribution by case participants taken the NASA Form 1329 Section 5 for the respective case.)

NOTE: (1) Total payments for any case shall not exceed \$100,000 without the approval of the Administrator. Should the calculated payout for a case exceed \$100,000, all Board Award processing should be stopped immediately and the ICB Director notified. The ICB Director will then notify the ICB Chair and the appropriate course of action determined. (2) The ICB Director shall also be notified if the calculated award amount for any case is  $< \$500$ . The ICB Director shall notify the ICB Chair and the appropriate course of action determined.

## 2.2 Examples:

1. Low Funds Availability; Low Points Awarded - If the total ICB funds remaining after paying Initial Awards and administrative expenses is \$455,000 ( $B = \$455,000$ ) and the total number of points for all cases is 256,000 ( $P = 256,000$ ), then dividing the total funds by the total points yields the amount per point ( $\$455,000/256,000 = \$1.77$ ), times the number of points assigned to a case yields the total award value per award ( $P_n * \$1.77 = P_o$ ).

2. High Fund Availability; High Points Awarded - If the total ICB funds remaining after paying Initial Awards and administrative expenses is \$600,000 ( $B = \$600,000$ ) and the total number of points for all cases is 632,000 ( $P = 632,000$ ), then dividing the total funds by the total points yields the amount per point ( $\$600,000/632,000 = \$0.95$ ), times the number of points assigned to a case yields the total award value per award ( $P_n * \$0.95 = P_o$ ).

### Appendix 14: Form 117 Action Document Summary Routing for Award Determination [Example]

1. CONCURRENCES					
DIRECTORATE/OFFICE	SIGNATURE	DATE		DIRECTORATE/OFFICE	SIGNATURE
		IN	OUT		
Mike Ryzchikewitsch	<i>[Signature]</i>	9/21		Charlie Bolden	<i>[Signature]</i>
Michael Wholley	<i>[Signature]</i>	10/1		Original Signed by Charles F. Bolden Jr. <i>[Signature]</i>	10/14
Executive Secretary	<i>[Signature]</i>	10/10			
Art Maples	<i>[Signature]</i>	10/12			
Chris Scolze	<i>[Signature]</i>	10/13			
Rick Keegan	<i>[Signature]</i>	10/13			
Rebecca Keiser	<i>[Signature]</i>	10/13			
David Radzanowski	<i>[Signature]</i>	10/13			
Lori Garver	<i>[Signature]</i>	10/13			
2. ACTION OFFICER		2a. DIRECTORATE/OFFICE		2b. PHONE	2c. DATE
Anthony J. Mataro		Office of the Chief Engineer		(202) 358-1111	09/09/2011
3. TYPIST		TYPIST'S PHONE		4. QUALITY CONTROL LIAISON	4b. PHONE
Inna Busler		(202) 358-0558		Carla Boyd	(202) 358-1825
5. ADMINISTRATOR'S HATS CONTROL NO.		6. DUE DATE		7. SUBJECT	
A/2011-01141				Recommendation for Space Act Awards - ICB Meeting, July 20, 2011	
8. EXECUTIVE SUMMARY				10. QUALITY REVIEW	
ENCLOSED					
9. SPECIAL INSTRUCTIONS (Use this section to provide information or special guidelines that are not indicative for processing routine "A" packages.)				INITIALS	DATE
<i>[Handwritten: Charles Bolden encm 9/30/11]</i>				<i>[Signature]</i>	10/26/11


**Appendix 14: Form 117 Action Document Summary Routing for Award Determination  
Preparation Instructions con't.****INSTRUCTIONS**

This form must be used and completed as stated in NPR 1450.10, "NASA Correspondence Management and Communications Standards and Style."

These numbered guidelines correspond to the numbered blocks on the reverse of this form.

1. Enter the directorate/office of the program and/or functional office of concurring officials. This first entry must be a signature (AA or designee) for the Action Office. Concurring officials must sign their full name and enter the dates that the package arrived and left their office.
2. Enter the Action Officer's name, directorate/office, telephone number, and the date the Action Officer signed the ADS. (The Action Officer is the person responsible for preparing the content of the document.)
3. Enter the typist's name and telephone number.
4. Enter the Quality Control Liaison's name, telephone number, and the date that the Quality Control Liaison reviewed the package. (The Quality Control Liaison has been designated as the point of contact between the Action Office and the Executive Secretariat to ensure quality communications.)
5. If applicable, enter the Administrator's HATS control number.
6. If applicable, enter the date that the response is due.
7. Enter the subject of the document.
8. State the purpose/significance of the correspondence. The Executive Summary must explain what the Action Office is proposing and why it must be signed by the Administrator or one of the Principals in the Office of the Administrator. Include pertinent information such as associated costs, program resources, deadlines, strategic impact, or issues associated with the President's Management Agenda.
9. Provide any special guidelines that are not routine in processing the "A" package such as deadlines and special requests.
10. Reserved for Correspondence Analysts, Executive Secretariat.

**Appendix 14: Form 117 Action Document Summary Routing for Award Determination Sections 8, 9, and 10 [Example] con't.**

 National Aeronautics and Space Administration	<h2>Executive Summary</h2>	HATS CONTROL NO.
		DUE DATE

**SUBJECT TITLE:** Recommendation for Space Act Awards - ICB Meeting, June 27, 2012

The Inventions and Contributions Board (ICB) met on June 27, 2011, and recommended that the Administrator approve one Exceptional and five Major Space Act Awards in accordance with the enclosed National Aeronautics and Space Act of 1958, as amended, and the 14 CFR Part 1240.

The Ames Research Center (ARC), Goddard Space Flight Center, Glenn Research Center, Jet Propulsion Laboratory (JPL), Johnson Space Center, and Langley Research Center Award Liaison Officers have certified that their senior management have reviewed the cases before they were presented to the ICB.

The Administrator is being requested to approve per the enclosed CFR, "Upon a determination by the Board that a contribution merits an award, the Board will recommend to the Administrator or a designee the terms and conditions of the proposed award, including a specific amount and distribution thereof for any multiple contributors." Also, per the same CFR, the Administrator must sign when any individual receives more than \$2,000. Also, all award contributors have signed a release form in compliance with 42 U.S.C. 2458 (b)(1) and 14 C.F.R. 1240.111.

Also enclosed for the Administrator's signature are three Exceptional Space Act Award certificates.

Note 1: These cases represent NASA's 2012 Software of the Year submissions. The winners are JPL's QuakeSim 2.0 and ARC's NASA App.

Note 2: Based on the money available this fiscal year for Space Act Board Awards the new ICB award calculation algorithm was used (for the first time), and the technical evaluation points were multiplied by a factor of 1.493 to result in the dollar values being recommended by the ICB for payment to the innovators.

NHQ FORM 117 AUG 04 PREVIOUS EDITIONS ARE OBSOLETE. ENCLOSURE

**Appendix 14: Form 117 Award Determination Document [Example] con't.**

Pursuant to the authority vested in the Administrator of the National Aeronautics and Space Administration by Section 20136 of the National Aeronautics and Space Act, as amended, and upon recommendation of the Inventions and Contributions Board, one Exceptional and five Major Space Act Awards for scientific or technical contributions having significant value in the conduct of aeronautical and space activities are granted:

1. \$42,103 Exceptional Space Act Award to [AWARDEE NAME(S)] (\$25,262) of [ORGANIZATIONAL NAME(S)], [AWARDEE NAME(S)] (\$14,736) of the [ORGANIZATIONAL NAME], and [AWARDEE NAME(S)] (\$2,105) of [ORGANIZATIONAL NAME] for [AWARD NAME] (AWARD NUMBER).
2. \$28,670 Major Space Act Award to [AWARDEE NAME(S)] of the [ORGANIZATIONAL NAME]; [AWARDEE NAME(S)] of [ORGANIZATIONAL NAME]; [AWARDEE NAME(S)] of [ORGANIZATIONAL NAME]; and [AWARDEE NAME(S)] of [ORGANIZATIONAL NAME] (\$2,867 each) for [AWARD NAME] 2.0 (AWARD NUMBER).

**Appendix 14: Form 117 Award Detailed Description [Example] con't.**

[AWARD NAME]  
(AWARD NUMBER)

[EXCERPT AWARD DESCRIPTION FROM NTTS]

### Appendix 15: Award Certificates

National Aeronautics and Space Administration

Rectangular Snip



NASA presents this

### SOFTWARE INITIAL AWARD

to {insert Name}

For contributing to the development of scientific or technical software, which has been approved for release by NASA, entitled {insert Case Title and Number}.

\_\_\_\_\_  
Chairperson, Inventions and Contributions Board

\_\_\_\_\_  
Type date here  
Date

National Aeronautics and Space Administration



NASA presents this

### Patent Application Initial Award

to {insert Name}

For your invention, which is the subject of a patent application entitled {insert Title of Patent Application}, NASA Docket Number {insert Docket No.}, filed with the United States Patent and Trademark Office.

\_\_\_\_\_  
Chairperson, Inventions and Contributions Board

\_\_\_\_\_  
Type date here  
Date



National Aeronautics and Space Administration



NASA presents this

## Divisional Patent Initial Award

to {insert Name}

For your invention, which is the subject of a Divisional Patent entitled {insert Title of Patent}, Patent Number {insert Patent Number}, which has been granted by the United States Patent and Trademark Office.

\_\_\_\_\_  
Chairperson, Inventions and Contributions Board

\_\_\_\_\_  
Type date here

\_\_\_\_\_  
Date

National Aeronautics and Space Administration



NASA presents this

## Continuation-in-Part Patent Initial Award

to {insert Name}

For your invention, which is the subject of a Continuation-in-Part Patent entitled {insert Title of Patent}, Patent Number {insert Patent Number}, which has been granted by the United States Patent and Trademark Office.

\_\_\_\_\_  
Chairperson, Inventions and Contributions Board

\_\_\_\_\_  
Type date here

\_\_\_\_\_  
Date

National Aeronautics and Space Administration



NASA presents this

## SPACE ACT AWARD

to {insert Name}

For the development of a significant scientific or technical contribution, entitled {insert Case Title and Number}, that has been determined to be of value in the conduct of an aeronautical or space activity of NASA.

\_\_\_\_\_  
Chairperson, Inventions and Contributions Board

\_\_\_\_\_  
Type date here

Date

National Aeronautics and Space Administration



NASA presents this

## MAJOR SPACE ACT AWARD

to {insert Name}

For the development of a significant scientific or technical contribution, entitled {insert Case Title and Number}, that has been determined to be of major value in the conduct of an aeronautical or space activity of NASA.

\_\_\_\_\_  
Chairperson, Inventions and Contributions Board

Type date here  
\_\_\_\_\_  
Date

National Aeronautics and Space Administration



NASA presents this

## EXCEPTIONAL SPACE ACT AWARD

to {insert Name}

For the development of a significant scientific or technical contribution, entitled {Insert Case Title and Number}, that has been determined to be of exceptional value in the conduct of an aeronautical or space activity of NASA.

\_\_\_\_\_  
NASA Administrator

\_\_\_\_\_  
Date

**Appendix 16: Records Retention (in accordance with NPR 1441.1D)**

<b>Record Identification</b>	<b>Owner</b>	<b>Location</b>	<b>Record Media: Electronic or Hard Copy</b>	<b>Schedule Number and Item Number</b>	<b>Retention/Disposition</b>
Completed Case File	ICB Director	NTTS	Electronic Copy	Schedule 1, Item 16D	Permanent retention
Board Minutes	ICB Director	OCE	Hard Copy	Schedule 1, Item 16A1	Permanent Transfer to National Archives and Records Administration when 5 years old.
Board Minutes	ICB Director	OCE	Electronic Copy	Schedule 1, Item 16A1	Permanent retention
Transmittal Letter	ICB Director	OCE	Hard Copy	Schedule 10, Item 5	Destroy in 3 years
Signed Approval Package	ICB Director	OCE	Hard Copy	Schedule 10, Item 5	Destroy in 3 years