Kristin Ta: Thank you for joining us for today's presentation on Inventions, Patents, Reports to NIH, and Other Intellectual Property Considerations. My name is Kristin Ta. I'm the senior advisor in the office of policy for extramural research administration, and I'll be your moderator for the next 45 minutes. I'm pleased to present our presenters and panelists, Mary Fran Deutsch and Scott Cooper. The format today will include a very brief presentation followed by Q and A with our presenters. So with that, I'll turn that over to you, Scott and Mary Fran. Don't forget to unmute, Scott.

Scott Cooper: Okay great. Next slide, please? Okay, hello, everybody. Today we're going to have an informal conversation about intellectual property and I'm going to answer your questions about intellectual property, Bayh-Dole Act, inventions, patents, reporting compliance and timelines for reporting in the iEdison system. We're going to discuss where to get information to appropriately manage your inventions, patents, reporting and other resources developed with NIH funds. Discuss why and how to safeguard your intellectual property rights and discoveries and inventions that were made with NIH funds, understand grantees' rights and obligations and the government rights and obligations and inventions made with NIH funds, and learn how and where to report inventions to NIH. We're going to start with just a few introductory slides and then we'll head directly into our Q and A session. The Bayh-Dole Act. This is where everything begins. The Bayh-Dole act was enacted in 1980, there have been few changes since 1980, with the most recent in 2018. The NIH implementation for all subject inventions regarding new NIH grant funding stems from the Bayh-Dole Act, and again, it was revised in 2018. It applies to most federal funding agreements and it sets forth the rights and responsibilities of you, the granteed contractors, and the government for inventions and discoveries made in whole or in part with federal funds. Next slide? So the policies and objectives for the Bayh-Dole Act and federal funding agreements. Initially the Bayh-Dole Act was intended primarily as an economic stimulus. So the idea was to use the patent system to promote using inventions that rise ... that arose from federally supported research or development. It encouraged participation from small businesses and required preference in licensing from nonprofit organizations. Promoted collaboration between commercial concerns and nonprofit organizations. In short, inventions were used in a way to promote free competition and enterprise, without unduly encumbering future research and discovery. It promoted the commercialization and public availability of inventions that were made with federal support and ensured the government obtained sufficient rights and federally supported inventions. Hopefully with your questions and answers we'll get an opportunity to touch on many, if not all, of these policies and objectives that were intended from the Bayh-Dole Act. Thank you. Here are some resources, but this is not inclusive. It's not all-inclusive, but this is a good place to start for you, if you have any questions or concerns regarding the Bayh-Dole Act, the iEdison system, data sharing, and so forth. And thank you and now I'll turn it over to you, and hopefully you got some questions and answers for us, or questions. We'll have the answers. You have the questions.

Kristin Ta: So feel free to enter any questions into the Q and A box at the bottom of the screen and then we can get them answered by our panelists.

Scott Cooper: No questions yet, Kristin?

Kristin Ta: Not just yet.

Scott Cooper: Okay.

Kristin Ta: Ah, there we go.

Scott Cooper: Oh, good.

Kristen Ta: So here's one and I'm not sure you'll be able to answer it but hopefully we can talk a little bit about it. How does Bayh-Dole translate to other transaction authority actions?

Scott Cooper: Mary Fran? You know the answer to this one?

Mary Fran Deutsch: Well other ... Under the other transaction authorities, think of it as a hybrid. It's not a contract. It's not a grant. So you want to look at the terms and conditions of the award so always go back to the terms and conditions of your award. Whatever it is. Grant, contract or other transaction authority. That's your governing document.

Kristin Ta: Yep. And I would just add to that, that unlike grants there's no policy statement specific to OTs. So like Mary Fran said, those are definitely going to vary based on the terms and conditions of the agreement. All right. The next question we have is when do you have to report in iEdison?

Scott Cooper: That's a very good question. So what the [Indistinct] says about reporting to the federal government, is that you must report when you have a subject invention, a subject invention is an invention that is made with federal dollars. And you must report either created or first reduced to practice so when you have that thing, that invention that you created, if you've either created it or gotten it to a point where it can be reduced to practice that's when you would report to us.

Kristin Ta: Kind of a similar question to that. Are you required to report a provisional patent through iEdison?

Scott Cooper: Yes. Since the 2018 revisions to the Bayh-Dole Act, provisional applications are required to be reported via iEdison.

Kristin Ta: Is there a good step-by-step guide for folks that they can share with faculty on how to report their inventions?

Mary Fran Deutsch: Yes, Kristin, there's a real good step-by-step guide if you look in the iEdison website, under help you'll see lots of tools including a reporting timeline which is a real good initial step-by-step.

Scott Cooper: There's also a user guide for those who are unfamiliar with the iEdison system. The user guide is a step-by-step guide with screenshots and it can walk you through from registration, right down through reporting.

Kristin Ta: Great. We have a question here about specific requirements so is there any guidance on IP compliance reporting for P, T, K, and F awards? Are they reportable? The terms and conditions often do not explain these reporting requirements.

Scott Cooper: Right. So fellowships are not reportable and any award that is primarily for the purpose of education is not reportable under the Bayh-Dole Act. And sometimes that can be a little bit iffy with Ks, and I would recommend that you contact us, if you have any specific questions about a K award.

Kristin Ta: Okay. For awards to foreign institutions, is there anything in particular that recipients need to be aware of that might be different for a foreign institution?

Mary Fran Deutsch: The regulations apply to foreign awardees, and sometimes that catches them by surprise, but it shouldn't because they should be looking at the terms and conditions of their awards. And one of the just area to have on your radar is we have ... we impose terms and [Lost Signal]

Scott Cooper: Okay, Kristin, can you repeat the question, please?

Kristin Ta: Sure, so I asked a question about for foreign institutions. Is there anything in particular they need to be aware of?

Scott Cooper: Uh, I would just be aware of that Bayh-Dole recording invention and patent report reading is applicable to foreign organizations just as it is for domestic organizations unless there's something different in your funding opportunity announcement that somehow exempts you from reporting under Bayh-Dole.

Kristin Ta: Okay, looks like Mary Fran is back. So. We have a question about patents. So what is the beginning to the process of getting a patent?

Scott Cooper: Okay, so this ... there are a couple of answers to that question. Many times the beginning of the patent process starts with first having that invention and then you can apply for a patent via the US Patent and Trademark Office, and that can be done either with a provisional patent application which is very very simple, and kind of puts a flag in the stand giving you a date, basically a date that shows that you've claimed a priority date for your patent application. That usually leads to a nonprovisional patent application, which is a lot more formal than a provisional patent application. That nonprovisional patent application is going to have formal claims. It's going to have diagrams. It's going to have, perhaps, some data. So you go from invention to provisionals, which are optional, to nonprovisional patent applications.

Kristin Ta: Great. And we have another question here about what needs to be reported so it says, Per our understanding for reporting, is that this includes all IP developed, included copyrightable materials. For example a software platform developed from grant funds. So this is not just for those which patent applications were submitted. Mary Fran, you're muted.

Mary Fran Deutsch: ... Muted when I came back. Sorry, it muted me again. So that's not exactly correct, because you have to look at the definition of the subject invention is under the regulations. It's something that is, or may be, patentable. And software is a great example because software can be patentable but often isn't. But also, then I want to refer you to NIH's research tools policy and sharing policy. So it may be initially reportable. You have a subject invention, but you may choose not to patent it, and then for NIH, you can just tell us that it is a nonpatentable material or research tool. But you're going to continue to give us annual utilization reports on it.

Scott Cooper: And copyrights are not reportable because they may not be patentable, or are not patentable.

Mary Fran Deutsch: And then you have to dig a step deeper, and say Okay, I have a copyright on an article, but the article describes my invention. The article describes what is, or may be, patentable. And then at that point you may have a reportable subject invention depending on the investigators' publications.

Kristin Ta: So another question we have is, is it good practice to work with your technology transfer office to do your reporting in iEdison?

Mary Fran Deutsch: Not only is it a good practice, that's the way to do it, okay. Because you as the investigator are not responsible for reporting to us. The particular terms of Bayh-Dole apply to the institution, so they're the ones we're looking to report, but you have to assist them. They can't do it without you. So that depends on you promptly disclosing to them your invention, what it is, cooperating with them and providing the details and keeping them up to date on what's going on and communicating. If you have new data and you'll be working with them in the patent process. But of all the responsibilities that you have as an investigator, reporting in iEdison is not one of them.

Kristin Ta: So that actually feeds to a couple other questions we had so I think you just answered this one for us. So in terms of who's actually submitting the report in iEdison, that's the institution versus the PI themselves. Correct?

Mary Fran Deutsch: Yes, correct.

Kristin Ta: Great. And then we also have a question about subawards. So if our PI is a subawardee from another organization and has an invention to report, who's responsible for that reporting in iEdison, the PI on the subaward or the PI on the prime award?

Mary Fran Deutsch: This is an interesting area and you have to work together. Under Bayh-Dole, if your subawardee is responsible for the invention ... It was their idea, under their subaward. Subawardees have their own rights under Bayh-Dole and those rights don't automatically go to the prime awardee so you have to work together so the subawardee's institution would report the invention but then they have to communicate that there is an invention to the prime awardee so that they can fill out all the other required reporting, the annual progress report, the final progress report, because there's those checkboxed questions that say, is it their invention? Yes or no? Your prime awardee's not going to know what to check if you're not in communication with them.

Kristin Ta: Great. And then you mentioned a few minutes ago that annual utilization reports so the question about that ... Are the annual utilization reports just due once per year for the entire organization's patent portfolio, or does each patent have a utilization report [Indistinct].

Scott Cooper: Each invention has a utilization report that is due annually. So the utilization report is tied to invention, not necessarily your patent. So if you have an invention, and you may never even wish to file for patent protection, or you're not sure whether you're going to file for patent protection, as soon as you elect title in the iEdison system, meaning that you want to keep it and you have the intention of doing something with it that's when your utilization reporting requirement kicks in.

Kristin Ta: Great. We have a couple more questions in here. So folks, if you still have questions feel free to enter them in the Q and A box so that we can answer them. The next one is is a final invention report required on a current award when a competing renewal or type 2 is funded or just a reporting obligation just get carried forward to the end of that competing renewal?

Mary Fran Deutsch: The final invention statement again depending on the ... You're formally at the end of a grant. Let me put it that way. So you're formally at the end of an award. That's when you have a final invention statement due. Okay? And you're going to report what you have at that point. Okay. And if you get the competing renewal then you will have at the formal end. So you're going to look at your noticeable award again and the formal beginning and the formal end. When you're at the formal end of an award segment, that's when your final invention statement is due.

Kristin Ta: Right, so just like your other close-out reports would be when the project period is actually ending.

Scott Cooper: Right. And let me, let me just say another thing about filing invention statements. Kristin. A lot of folks believe that with final invention statement is the end of your reporting responsibilities because it's final, right? Well, that's not true. Your final investment statement is submitted based upon your grant, and you would list all the inventions that were created under that grant. The iEdison system is the flip side. That's the invention side of your reporting whereas your final investment statement is your grant side of reporting. So when you file a final invention statement, if there's an invention on it, you then have to report that invention in the iEdison system. In the iEdison system, is where her invention, you list all the grant numbers that funded that invention. So invention-side, final invention statement per grant, invention-side, is the invention side, is where you report the invention and you list all the grant numbers under that invention.

Mary Fran Deutsch: And, ideally, before you complete the final invention statement, your technology transfer office should already know about the invention. And should be working closely with you in submitting that form to us. Because it asks for information about was it reported in iEdison. Basically it asks on behalf of the department of Health and Human Services. So you need to be in close touch with them the minute you think you have an invention. So that final invention statement should not catch your technology transfer office by surprise.

Scott Cooper: Right.

Mary Fran Deutsch: And most of our institutions have been real good about incorporating processes so that they're involved and they have sign-off before that final invention statement is actually submitted to the grants office.

Scott Cooper: Right. Your final invention statement is really only the beginning of your reporting responsibilities for your invention.

Kristin Ta: And for folks who might not be super familiar with the final invention statement, can you just talk a little bit about when it's due?

Mary Fran Deutsch: The final invention statement is basically due when you are closing out that grant. Okay? So that is one of the forms that ... At the very end, close out, along with financial reports, etc.

Kristin Ta: Right, so like your other closeout reports, it's due 120 days after the project period ...

Mary Fran Deutsch: And that one is not submitted in Edison. The information on it is verified with what we have, but it's not submitted through Edison.

Kristin Ta: Great, so let's look at another one. If a researcher uses a grant award to pay their salary only while they work on a project that leads to a subject invention, should that grant be reported as contributing to the conception of the invention?

Mary Fran Deutsch: Now, Kristin, let me take that apart and make sure I understood the question. If an investigator got salary, okay? Got salary under an award.

Kristin Ta: Mmmhmm.

Mary Fran Deutsch: And he has an invention, under that award. That would be an invention funded by the federal government. Okay. What was the salary being used for, okay? And you want to look at this specific aims for the award. And sometimes you can have specific aims and goals for that research and you can have eureka moments. You can have "wow, I didn't think this was going to happen, from this or that," but you got to also got a subject invention. But when you say, well the inventor's salary ... He was working under government funds at the time of that eureka moment, and most likely that would be a subject invention.

Kristin Ta: Great. So I have one here: Our institution reported an invention and IP, but it's not showing up in NIH RePORTER. And the PI is concerned about their grant running out. So do y'all know where NIH RePORTER pulls invention data from?

Mary Fran Deutsch: The NIH data we ... Feeds the issued patents. Okay? But NIH RePORTER will not report every subject invention. It will pull the issued patents. Because we feed that information to report ... The iEdison system does.

Scott Cooper: Right. If you're only at the invention disclosure stage, that ... Those invention disclosures are not subject to FOIA. So the fact that you submitted an invention disclosure would not go into RePORTER. It's not public.

Mary Fran Deutsch: And Scott, that makes sense if you think about it. Because if you just submitted an invention disclosure to your institution, you did what you were supposed to do. You promptly told them about it. There are steps that your institution has to do to protect that intellectual property. And so they want to make sure that they make appropriate ... If they've filed a provisional patent application to protect those rights, so you wouldn't want it immediately disclosed until those steps have been taken to protect the intellectual property.

Scott Cooper: Correct.

Kristin Ta: Okay, how can someone search for inventions that have already been patented?

Mary Fran Deutsch: You can actually search in RePORTER. And you can also search through the USPTO. You can search on Google Patents, which is often how we find some of our grantees' patented inventions. So we have to go cross-check that way. But NIH RePORTER is a good source for inventions that may have been patented with federal research, and you can search by different fields. You can search by investigators. You can search by institutions.

Kristin Ta: Great. All right, we have another one that just popped up. If a grant is transferring from one institution to another while the grant is active should the original grantee institution submit a final invention statement at the same time they're submitting their relinquishing statement to transfer the grant? If so, is it assumed that that would only include inventions that have been reported by the institution that's giving up the grant for the ... For the period that they managed it? So if you're transferring, an award or relinquishing it do they need to submit an invention statement for the work that was done before the transfer?

Mary Fran Deutsch: I believe that's required in the ... Yes. Before the transfer of the award. And again, think about it. You're only reporting what was under that particular award. Now, the other thing is when a grant transfers, the intellectual property doesn't automatically go with it and that can be a complicated area for us. So we would encourage you, at least when an award is going to transfer that the institutions start a discussion about what's going to happen with the IP. Because sometimes the inventors will move and in order to further the development of that particular technology or invention, a second institution may want to carry that forward or the prior institution may want to keep it because they have an existing portfolio. But we encourage you to at least talk about it because oftentimes these issues don't occur until ... For folks, until several years down the road and then we find out well, Institution B is really taking charge of this and they're going forward with it. And on our records, Institution A is still is in charge of the IP. So we just encourage you to have that conversation and award when inventions is transferring.

Scott Cooper: And if you want to transfer an award from University for an invention or IP, from University A to University B, generally you'll need a third-party waiver for that. You need prior approval from NIH.

Kristin Ta: Right. Um, here's one about violating integrity and copyright: So if a scientist in a foreign institution outside the United States violates research integrity and copyright, and reports a copy of a research to a journal in the United States or in Europe, do we have to follow this in his home institute or prove the fraud to the US publisher?

Mary Fran Deutsch: That's more a research integrity issue and we would encourage you to just follow the standard reporting mechanisms that we have to contact your institution's research integrity officer and then contact the appropriate HHS and NIH research integrity officials.

Kristin Ta: In going back to the transfer discussion we're just having, so if an invention is included on the final invention statement, from the original institution when a grant is transferred, is the need to be reflected again when the final invention statement is submitted at closeout in the new institution.

Mary Fran Deutsch: Kris, can you run that by me one more time?

Kristin Ta: Sure. So if a grant is being transferred, the original recipient institution submits their invention statement when they relinquish the award and it has the invention on it so once the grant is transferred at the new institution, when they close out their award they need to submit an invention statement. Do they need to include that for that invention that was listed on the initial invention statement.

Mary Fran Deutsch: It depends what happened to it. Okay? So when the award was transferred, did you continue to work on that originally reported invention, okay? Was it transferred from Institution A to Institution B as Scott mentioned via our prior approval and the submission of a third-party waiver request. It depends on the facts. It depends what happened to it. Okay? So you would ... When you're closing out, like it was in between, you know, and you're ... You've got the competing award, again you're going to start to ask the obvious questions: What did you do under it? And just make sure that we have it reported, okay. So you'd want to confer with your prior colleagues. If they reported it when they closed it out and you didn't do anything else with it, we got the final invention statement. If there's ever a conflict, ever a question when you're doing that just please reach out to the Grants Management Specialist in our office.

Scott Cooper: It's important to note that an invention can be reported on more than one final invention statement. You may have three awards that all funded one invention, and you need to report that one invention on each final invention statement for each award whereas, conversely, in iEdison, you would only report an invention one time. And you would report for that invention all three of the awards that contributed to that invention.

Kristin Ta: Neat. Do we have any more questions that we can answer for you all? Looks like we've gotten through everything that was in the Q and A. We still have about 15 minutes, so ...

Scott Cooper: I thought I saw some pop up in the chat.

Kristin Ta: We also entered them in the Q and A so we did answer those.

Scott Cooper: Okay. Well, one thing that we didn't talk about yet, Kristin, is what are the government rights in these inventions. We talked a lot about what the grantees' rights are, but not much about what the government rights are, and we can talk about the government support clause and we can talk about the confirmatory license, so the government support clause is a very specific statement that is outlined in the Bayh-Dole Act that needs to be reported or needs to be stated in all patent applications. And that tells the general public anybody who's searching the patent system for a published patent application, that the government has certain rights in the invention and that the invention was made under certain grants and the grant numbers are listed. So, that's what the government support clause does. The confirmatory license is generated within the NIH or within the iEdison system, and that tells the public exactly what those rights are, a nonexclusive royalty-free license to the government for the government to use that invention for government purposes, so GSC, government support clause, tells the public what that the government has rights, CL, or a confirmatory license, tells the public what those rights are.

Kristin Ta: Great. Now looks like we had a few more questions pop up so we'll get back to those. If the funding originally came from a private institution, but some of the work will be at a federal institution, does the Bayh-Dole Act apply on the award?

Mary Fran Deutsch: Kristin, that really depends on what's being done under the award. If when you say work is being done at a federal institution ...

Kristin Ta: [Indistinct] federal institution ...

Mary Fran Deutsch: And a federal institution. So that means work's being done at our campus. Okay? That would be subject to a separate research agreement. Okay? So again you're going to go back to what's the agreement under which that work is being done. That's the easiest way to figure out what your obligations are. Sometimes it can be just a clinical trial that's being ... Taking place at a federal facility. Versus actual conception of an invention and making sure that invention works, or bringing it to practical application. So go back to the terms of the original agreement.

Kristin Ta: Great. And when we talked about ...

Mary Fran Deutsch: And that's ... And when it's a federal facility, Kristin, usually folks talk about that ahead of time before they even start work, okay.

Kristin Ta: Okay. This next one goes back to something we were talking about a little bit ago in terms of what is a subject invention. So it says sometimes it's not clear if something is really an invention or if the PI just thinks it is. Are there clear criteria for defining this?

Mary Fran Deutsch: You know, there aren't necessarily clear criteria and you're right. An inventor may think, hey, I got something here. But the inventor may not be able to describe what it is yet. Okay? And one of the requirements for a disclosure is that it's in sufficient detail so that somebody else would know what it is you've invented so you can have a concept but you might not be to the point of having an invention to disclose yet but that's where working with your institution's technology transfer officials will help you figure that out. And we worked a lot with our grantees because oftentimes, we got disclosures that were just too early. There just wasn't any there there yet. Okay. And then we go back and we'll let them know if you can't tell us what it is, it's not there yet. And oftentimes, those are the result of extensive dialogue with the inventor. And the technology transfer office will work with them to start talking about it what it is that you've got. And if they don't have enough yet, they'll keep going back. And sometimes even the process to a disclosure can take six months, a year, something like that. As the inventor has more details. Then they have something that actually meets the criteria to report. Because it's not always black and white. It really depends on what's going on. And how far, how far along the inventor is.

Scott Cooper: Right, it's the difference between an idea, thought, and a subject invention that was created or reduced to practice.

Kristin Ta: So we have someone here who says, I have a pending patent resulting from my NIH-funded research, which was submitted through my university. Should we report it to iEdison, and who should report it?

Mary Fran Deutsch: Scott, do you want to take that one or I'll take that one.

Scott Cooper: Yeah.

Mary Fran Deutsch: Okay. If you are an NIH-funded inventor, and there is a patent pending, your institution doesn't know about it. I suggest you call them right away. Okay? Because the [Indistinct] obligations start way, way before a patent is issued. Okay? Because in order to get a patent issued you've already told the patent office what it is that you think is patentable and you've described it in detail and you described the specific claims. So you had a subject invention subject to Bayh-Dole long before the patent. So remember. Your Bayh-Dole obligations begin before patenting begins so before your first obligation or before your first application is filed, you have obligations to tell the funder what it is you invented. So if that's the situation, I suggest you talk to them right away.

Kristin Ta: Okay. When completing a final invention statement, should recipients list expired patents? For example a large, multi-year core grant that may have several patent filings.

Mary Fran Deutsch: Look at what's gone on during the period of that award. Did you have a new subject invention? Let's say the last award, last five year segment, did you have a new invention, and the final invention statement's going to wrap that up before you close it out. So you know, if you want to make sure that it was previously disclosed, and the date reported. So, remember there's a column on the final invention that says "date reported," so your final invention statement should include everything. All inventions you reported under that award and sometimes it is a lengthy period of time. But we use that date of award ... Date reported, to HHS. To track that. So it may seem like it goes a long ... some awards are long but you're right, some of the activity and patent activity can go on for years and years.

Kristin Ta: Here's one that I don't know if you guys have the answer to, but I'll ask it anyway. So why can't NIH get invention data directly from iEdison, instead of relying on a separate invention statement submission. So why do we have to report in iEdison and also submit a final invention statement?

Scott Cooper: Well, again, those are the final investment statement is the grant side, where we want to know under what ... Under a particular grant, what inventions were made, okay? And there's very limited amount of information there, right? You tell us there's an invention under a particular grant. The iEdison system is the invention side and there's a lot more detail in that Edison system. We have invention disclosures. You upload your patent applications. We have government support clauses and utilization reports and confirmatory licenses. There's more detail in your iEdison reporting than there is in a final invention statement but that final invention statement is important for the grant closeout and that's why they're reported two different ways. But also we cross-checked them. If you report an invention on your final invention statement but there's no invention reported within the iEdison system, then there's probably an issue there that we need to look into.

Mary Fran Deutsch: Scott, what the questioner was asking is like, couldn't we generate a final invention statement out of Edison, because it should be in Edison first. And that's functionality that the agencies have thought about, and we'd love to have, so that we would be able to really have that cross-check in there. You know, that the ... What went to the grant side literally came out of the data that was already reported in Edison. That would be wonderful, and the agencies have talked about it. We just don't have it yet.

Kristin Ta: Yep. Okay, so. What are the consequences of missing the reporting deadlines of various stages?

Scott Cooper: Hmm.

Mary Fran Deutsch: The first thing you've got to do is just acknowledge there's an issue, tell us about it, and get up to speed, okay? Under Bayh-Dole we don't want to take your technology. Okay? But we do want you to be compliant with the regulations or the strings that came attached to that award. So if you have a subject invention that hasn't been disclosed, get it in there. Folks do what we call back recording and sometimes a lot, you know, more than we'd like to see. But our main object is to get it reported. Okay? So that we can accurately reflect the outcomes of your research because really the invention reporting is a key outcome of that federal investment and so you want it to show, and particularly if it was very successful and you actually were granted a patent as a result of that. So work with the technology transfer office to get that up to speed and we'll work with you to do that. We'll help you in any way we can to understand what you need to do and how you need to do it.

Kristin Ta: Great. So here's one about [Indistinct] report on an invention statement and what to report. So this recipient had a final invention statement due as part of closeout. The tech ventures reported to them that the PI had an invention, but the PI stated that the inventions did not go through and nothing came out of them. So they're asking if that should be reported or not.

Scott Cooper: Well, I guess it depends upon what you mean by nothing came out of it. You may have an invention where there was no patent protection pursued, but it was still an invention that should be reported in your final invention statement.

Mary Fran Deutsch: And that brings us back just to a key point I want to reinforce. Is that the reporting to the government right now, through the iEdison system, begins with the report of an invention. It's not a patent reporting system. You report patents too. But your obligations begin with the report of the invention. So when nothing happened you may not have been granted a patent, but you still have ... You still need to disclose the invention to the government.

Kristin Ta: Great. All right, we've got time for a couple more here. What about invention disclosures that are obvious? E.g., we get pushback when reporting [Indistinct] although the method of how to generate an antibody has been extensively published. In patents, other publications can be incorporated by reference. Not sure I fully understand the question on that one.

Mary Fran Deutsch: It might have been that maybe if you reported it we maybe didn't think there was enough detail. But if you have something like if you have an [Indistinct] that's described in the publication, certainly, give us the publication. That would be a sufficient description for us.

Kristin Ta: Great. All right. Any last questions before we wrap up? All right. Well, then, thank you to our panelists and presenters for an informative session. If any of you do think of additional questions please visit our exhibit hall staff for chat and one-on-one opportunities where you can always find contact information in the help section of our grants.nih.gov site. Your feedback today is very important, so please take a moment to let us know what you thought by clicking on the session feedback button located in the description and presenters on the auditory in list of sessions. When you're completely done with the seminar, please also complete the overall survey form in the navigation bar at the top of the page. Thanks again everyone and have a great rest of your day.

Mary Fran Deutsch: Thanks.

Scott Cooper: Thank you.