Formed Approved
O.M.B. No. 104-R0062

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PETITION FOR ADVANCE WAIVER OF DOMESTIC RIGHTS UNDER SECTION 1245.104 OF THE NASA PATENT WAIVER REGULATIONS
(See Instructions on Reverse)

TO BE COMPLETED BY NASA
WAIVER NO.

Title of Contract or Proposal _____

RFP No. _____ Contract No. and Date *(If executed)* _____

The _____
(Name and address of Petitioner)

does hereby petition the Administrator of the National Aeronautics and Space Administration for waiver of domestic rights of the United States of America to any invention(s) that may be made in the performance of work under the above-identified contract. It is understood that any waiver of rights shall be subject to the conditions set forth in the NASA Patent Waiver Regulations and in the instrument of waiver.

In support of this petition, the following factual information is submitted *(Where appropriate, "proposal" may be substituted for "contract.")*:

(a) Briefly describe the work to be performed under the contract. *(Also attach a copy of the work statement.)*

(b) In your view, what is the principal purpose of the contract?

(c) What is the dollar amount, and period of performance of the contract?

(d) Is the contract related to any Government program known to Petitioner for creating, developing, or improving products, processes, or methods intended for commercial use, or use by the general public or a segment thereof? *(If yes, explain.)*

(e) Is Petitioner aware of any governmental regulations which require or which might require the use of the contract subject matter by the general public or a segment thereof? *(If yes, explain.)*

(f) Does the work under the contract require an exploration into fields which concern the public health, public safety or public welfare *(for example, the development of drugs, medical or safety instruments, anti-pollution devices or such other products that may have a bearing on health, safety or welfare of the general public)*? *(If yes, explain.)*

(g) Is the contract for services of the Petitioner for (i) the operation of a Government-owned research or production facility, or (ii) coordinating and directing the work of others? *(If yes, explain.)*

(1) Is the facility or any equipment to be used in the performance of the contract Government-owned? *(If yes, explain.)*

(h) What is the field of science or technology of the work of the contract? Also briefly explain the relationship of the work to be performed under the contract to this field.

(1) Has the Government been the principal developer of this field? *(If yes, answer (i) and (ii).)*

(i) Briefly describe the development and growth of this field.

(ii) Would the acquisition of exclusive rights to any inventions that might result from this contract be likely to place Petitioner in a preferred or dominant position in this field? *(Explain.)*

(i) Briefly describe Petitioner's technical competence in the field of technology of the contract in terms of prior experience, know-how, and patent position.

(1) Does the Petitioner have an established non-governmental commercial position in this field or in an area directly related thereto? *(If yes, briefly discuss in terms of selling goods or providing services in such field or area outside of sales to the U.S. Government.)*

Where Petitioner intends to qualify for waiver under Subsection 1245.104(b)(2) or (d)(2) of the Patent Waiver Regulations, he must establish that exceptional circumstances and/or special situations exist such that the public interest would best be served by waiver of rights. Complete information relating thereto should be provided as an attachment to this form.

State below the name, address and telephone number of the person to whom correspondence is to be directed:

Respectfully submitted,

_____

(Signature)

Date submitted to NASA _____

_____

(Name and title of authorized representative. Please print)

INSTRUCTIONS ON PREPARING PETITION FOR WAIVER FORMS FOR WAIVER OF RIGHTS UNDER THE NASA PATENT WAIVER REGULATIONS

The NASA Patent Waiver Regulations (1972) were published on August 30, 1972 in 37 Federal Register 17547-17551. These regulations implement Section 305(f) of the National Aeronautics and Space Act of 1958, 42 U.S.C. 2457(f).

NASA petition for waiver forms *(NASA Forms 1473, 1474 and 1475)* are designed to elicit information that is deemed necessary for the NASA Inventions and Contributions Board to make its findings and recommendations based on criteria set out in appropriate sections of the NASA Patent Waiver Regulations. A petitioner, therefore, should furnish the Board facts rather than summary statements. Any arguments or additional information other than that called for in the forms may be submitted, and brochures, pamphlets, etc., may be attached as exhibits. Petition forms should be submitted in duplicate; however, only one set of exhibits is necessary.

Petitions for advance waiver prior to contract execution must be submitted directly to the Contracting Officer. All other petitions shall be submitted to the National Aeronautics and Space Administration, Inventions and Contributions Board, Washington, D.C. 20546.

ADVANCE WAIVER OF DOMESTIC RIGHTS. – Use NASA Form 1473 to request advance waiver of domestic rights to any or to all of the inventions that may be made under a NASA contract pursuant to Section 1245.104 of the NASA Patent Waiver Regulations. Such request may be made prior to the execution of the contract or within thirty (30) days thereafter.

WAIVER OF DOMESTIC RIGHTS TO AN IDENTIFIED INVENTION. – Use NASA Form 1474 to request waiver of domestic rights to a reported invention pursuant to Section 1245.105 of the NASA Patent Waiver Regulations. A separate petition must be submitted for each identified invention.

WAIVER OF FOREIGN RIGHTS. – Use NASA Form 1475 to request waiver of foreign rights to any or all inventions made under a NASA contract pursuant to Section 1245.106 of the NASA Patent Waiver Regulations. This form may accompany either of the above forms in conjunction with a petition for waiver of domestic rights or it may be submitted independently thereof for an identified invention.

Form Approved
O.M.B. No. 104-R0062

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

TO BE COMPLETED BY NASA
WAIVER NO.
NASA CASE NO.

PETITION FOR WAIVER OF DOMESTIC RIGHTS TO AN IDENTIFIED INVENTION UNDER SECTION 1245.105 OF THE NASA PATENT WAIVER REGULATIONS

(See Instructions on Reverse)

Title of Invention _____

Date Reported to NASA _____ Petitioner's Docket No. _____

U.S. Patent Application S.N. _____ Date Filed _____ Contract No. _____

Inventor(s) _____

The _____
(Name and address of Petitioner)

does hereby petition the Administrator of the National Aeronautics and Space Administration for waiver of domestic rights of the United States of America to the above-identified and reported invention. It is understood that any waiver of rights shall be subject to the conditions set forth in the NASA Patent Waiver Regulations and in the instrument of waiver.

In support of this petition, the following factual information is submitted.

GENERAL

(a) List the dates of any public disclosure, printed release, publication, public use and/or sale or offer for sale of the invention which occurred or which might be expected to occur prior to the filing of a U.S. patent application. Attach a copy of any such document, if available.

(b) Attach a copy of the contract work statement or briefly describe the work of the contract under which the invention was made. *(Do not submit the entire contract.)*

INVENTION

(a) Briefly describe the invention. Also attach a copy of the invention disclosure, or patent application.

(b) Is the invention related to any governmental program known to the Petitioner for creating, developing, or improving products, processes or methods for use by the general public or a segment thereof? *(If yes, explain.)*

(c) Is Petitioner aware of any governmental regulations which require or which might require use of the invention by the general public? *(If yes, explain.)*

(d) In what field of science or technology would the invention be classified? Also briefly explain how the invention is related to this field. *(This field should reflect the primary technology or scientific discipline of the invention.)*

(1) Has the Government been the principal developer of this field? *(If yes, answer (i) and (ii).)*

(i) Briefly describe the development and growth of this field.

(ii) Would the acquisition of exclusive rights in the invention be likely to place Petitioner in a preferred or dominant position in this field? *(Explain.)*

(e) Does the invention concern the public health, public safety or public welfare? *(If yes, explain.) (Discuss in terms of probable use as drugs, medical instruments, safety equipment, anti-pollution devices or other such products that may have a bearing on the health, safety, or welfare of the general public.)*

DEVELOPMENT AND COMMERCIALIZATION PLANS AND INTENTIONS

(a) Is the invention fully developed for commercial application? If not, briefly explain what further development is necessary to make it suitable for commercial application.

(1) Has the invention been incorporated in a commercial product *(i.e., for non-governmental use)*?

(i) If yes, identify the product and its uses.

(b) Specifically, what are Petitioner's plan and intentions to achieve commercial application? Also indicate the resources presently available or to be acquired by Petitioner to implement this plan.

(1) Does Petitioner intend to market and/or license the invention itself? *(If yes, briefly describe Petitioner's marketing/licensing capability.)*

(i) When is the invention likely to be made available for commercial use, and what are its likely commercial applications?

(c) Is Petitioner aware of any plans of others including those of any Government agency to fund further development of the invention or otherwise make it available to the public? *(If yes, explain.)*

Where Petitioner intends to qualify for waiver under Section 1245.105(c) of the NASA Patent Waiver Regulations, he must establish that waiver is a necessary incentive to call forth risk, capital and expense to bring the invention to the point of practical or commercial application, or that the Government's contribution to the invention is small compared to the Petitioner. Complete information relating thereto including Petitioner's plans for development and commercialization, and the resources to be committed therefor should be provided below or as an attachment to this form.

State below the name, address and telephone number of the person to whom correspondence is to be directed:

Respectfully submitted,

_____

(Signature)

Date submitted to NASA _____

_____

(Name and title of authorized representative. Please print)