

STANDARD OPERATING PROCEDURES

For

INVENTION DISCLOSURES

Purpose:

This document establishes the standard operating procedures (SOP) for processing invention disclosures (IDs) within the Technology Transfer Program (TTP).

Responsibility: TTP staff

Procedures:

Upon receipt of an ID, the TTP staff will initiate the following actions:

Initial Phase:

1. ID entered into the TTP database and ID Inventory Excel Worksheet
2. Acknowledgement memorandum completed and faxed to the Associate Chief of Staff (ACOS) for Research at the respective VA Medical Center with a cc to the VA inventor(s) and Cooperative Technology Administration Agreement (CTAA) partner, if appropriate.
3. ID and memorandum scanned and filed
4. TTP working file and official Office of General Counsel (OGC) ID file prepared
5. TTP administrative review initiated

Review Phase:

A. Administrative Review:

The ID is reviewed for the following:

- Completeness and consistency of responses:
If responses are determined to be incomplete or inconsistent then the SOP for Incomplete Invention Disclosures is followed. (Attachment A).
- Co-ownership issues:
 - a) If the investigator is a Dual Appointment Personnel (DAP) and the VA has a CTAA executed with the respective university partner the invention is entered into the co-owned invention chart for that university partner and database is updated.
 - b) If the investigator is a DAP and no CTAA has been executed the invention is entered into the co-owned ID inventory. Once the DOR letter is issued by OGC then contact is initiated with the respective university partner, or other co-owner, to discuss appropriate action in regards to the invention and potential for executing an appropriate agreement to manage the co-ownership.

B. Scientific Review:

- Complete IDs are then reviewed for scientific merit, relevance and benefit to veteran' healthcare.
- A recommendation is made regarding VA's rights to the subject invention.

Disposition Phase:

1. Invention Evaluation (IE) form, with recommendation, is completed.
2. ID cover memorandum from the Director, TTP to OGC (024) is prepared.
3. Official ID file is submitted to the Director, TTP for review and signature.
4. The signed IE is scanned and filed.
5. Database and ID inventory are updated
6. The official ID file is then submitted to the OGC for a legal determination.

Determination of Rights Phase:

1. Upon receipt of Determination of Rights (DOR) letter from OGC, a copy is faxed to ACOS for R&D at originating VA facility.
2. DOR letter is scanned and filed
3. Database and ID inventory are updated
4. If VA asserts an ownership, then one of the following actions takes place:
 - If co-ownership with university applies and a CTAA is in place then the University will be the lead organization to patent & commercialize the invention.
 - If VA is sole owner, or a CTAA is not executed, then VA will take necessary steps to protect the invention. VA will provide funds to patent, market & license the invention. In conjunction with this activity, TTP will initiate discussions with the affiliate to execute a CTAA.

Delinquent Disclosures:

Upon receipt of notification from a University that a disclosure involving VA personnel has been submitted to the University's Technology Transfer Office, the TTP staff will follow the SOP for Delinquent IDs. (Attachment B).

REFERENCES

VHA Handbook 1200.18

FOLLOW UP DATE

October 2009

INVENTION DISCLOSURE SOP

ATTACHMENT A

STANDARD OPERATING PROCEDURES FOR INCOMPLETE INVENTION DISCLOSURES

Purpose:

This document establishes procedures for handling incomplete invention disclosures (IDs).

Procedures:

Upon receipt of an incomplete ID, the TTP staff:

1. An e-mail notification is sent to the ACOS for Research, documenting what information is lacking and requesting the missing information and /or clarification of inconsistent responses. A suspense date of **10 working days** is provided.
2. If a response is not received by the suspense date, a follow-up e-mail is sent to the ACOS for Research. A suspense date of **7 working days** is provided.
3. If a response is not received by the second suspense date, the TTP Program Manager will initiate phone contact with the ACOS to discuss the lack of response and what actions are being taken to obtain the requested information.
4. Should the above actions prove unsuccessful in obtaining the necessary information; the TTP Program Manager will bring the case to the attention of the Director, TTP for review and resolution.

ATTACHMENT B

STANDARD OPERATING PROCEDURES FOR DELINQUENT INVENTION DISCLOSURES

Purpose:

This document establishes procedures for handling delinquent invention disclosures (IDs).

Procedures:

Upon receipt of notification from a University that a disclosure has been submitted to the university's Technology Transfer Office, the VA TTP staff:

1. Initiates an internal review to determine whether an ID has been submitted to the TTP.
2. If there is no record of receiving an ID, TTP staff prepares an e-mail notification to the ACOS for Research informing them of the situation and requesting that an ID be submitted to TTP. A suspense date of **30 working days** is provided.
3. If a response is not received by the suspense date, a letter from the Director, TTP will be sent to the ACOS for Research with a copy to the Chief of Staff informing them of the situation and requesting that an ID be submitted to TTP as soon as possible. A suspense date of **30 working days** is provided.
4. If a response is not received by the suspense date, TTP staff will bring the case to the attention of the Director, TTP for review and discussion.
5. Based upon the Director's decision, TTP staff will prepare a second letter from the Director TTP to the Director at the local VAMC with a copy to the VISN Director informing them of the situation and requesting that an ID be submitted to TTP as soon as possible. A suspense date of **30 working days** is provided.
6. Should the above actions prove unsuccessful in obtaining the required IDs, TTP staff will again bring the case to the Director, TTP for appropriate resolution.