

**Virginia Polytechnic Institute and State University  
Intellectual Property Committee Meeting  
September 21, 2011, 12:00-1:00 p.m.  
325 Burruss Conference Room**

**FULL COMMITTEE**

The Intellectual Property Committee met September 21, 2011.

The following members were present: Bill Knocke (Chair), Mark Coburn, Robert Harvey, Kay Heidbreder, John Jelesko, Barbara Lockee, X.J. Meng, Joe Merola, Ken Miller, Steve Sheetz, Steve Tatum. Shelly Key recorded the minutes.

Invited guest members present: Jack Finney, Steve Capaldo, Mike Miller, Kristin Mittelman, and Stephen Edwards.

Those members/guests not in attendance: Robert Broadwater, Robert Walters, Cindy Wilkinson.

**Call to Order**

Bill Knocke called the meeting to order at 12:05 p.m. and introductions were made.

**Approval of Agenda**

A motion was made by Barbara Lockee and seconded by Joe Merola to approve the agenda. The agenda was unanimously approved as distributed.

**Approval of Minutes**

On a motion made by Joe Merola, and seconded by Barbara Lockee, the minutes for the May 18, 2011 meeting were unanimously approved.

**New Business**

**Focus Areas for IPC during Fall 2011**

The primary discussion point for the meeting was related to the kick-off of two focus areas for the IPC during the fall. The committee contemplated both the review of Policy 13000 (requested by VP of Research Robert Walters) as well as the notion to develop some type of educational plan in response to the faculty survey done in the spring of this year. The survey was used to gain input about a variety of issues related to knowledge level of VT faculty related to tech transfer, IP, research commercialization and other relevant issues.

Two subcommittees have been formed. One subcommittee will review Policy 13000 and the other will develop a plan for educational opportunities for faculty related to

Technology Transfer/Intellectual Property/Research Commercialization issues. Subcommittee assignments are as follows:

- Review of Policy 13000: Joe Merola (chair); Steve Capaldo, Mark Coburn, John Jelesko, X-J Meng, Ken Miller, Kristen Mittelman, Stephen Edwards
- Educational Opportunities: Bill Knocke (chair), Robert Broadwater, Robert Harvey, Barbara Lockee, Mike Miller, Steve Sheetz, Steve Tatum, Cindy Wilkinson

Dr. Knocke provided a copy of the current Policy 13000 and pointed out that the policy has not been reviewed fully by the committee for many years. Kay Heidbreder reported that several years ago the IPC committee put together a new revised version of this policy that was introduced into the governance system and the faculty senate had reservations about issues such as consulting, conflict of interest, and conflict of commitment. Tim Pickering (chair of the IP committee at that time) decided to pull back the policy revision. Kay said that she would try to locate a copy of that revised policy draft that could be reviewed by the subcommittee working on this task. The Commission on Research is the entry point into governance for revisions to Policy 13000.

Suggested topics as part of the review for Policy 13000:

- Stanford vs. Roche case that was decided by the U.S. Supreme Court
- Undergraduate research work and unfunded graduate research need to be well-defined
- Use of university resources – (\$10,000 amount was set in 1983 by SCHEV) – How are we going to calculate a university resource number and make a decision? Will it include the faculty member's time in terms of a dollar value?
- At what stage do we need to be mindful of our database agreements with the library as we move along in IP in terms of those databases not being used for commercial purposes?
- Should software be considered novel result of research
- Student ownership of intellectual property is not the norm across universities in the United States. Many universities require students to assign their ownership of IP over to the university just like faculty and staff.
- Revenue distribution among departments, colleges and institutes.

The IPC guidelines/practices document provided to the committee earlier is a changing document and is not intended to be policy. Dr. Knocke requested that the committee, as part of the policy 13000 review, make sure that any revisions to the policy are reflected in the guidelines document.

Kay Heidbreder reported that one of the issues the conflict of interest committee is working on is the required training and she suggested that it would be a good idea to incorporate IP training into this training effort as well.

Kay also relayed that one of the largest research-based lawsuits at VT had to do with a faculty member who signed a consulting agreement that was at odds with the agreements that the university had signed relative to research projects that the faculty member was involved in. The consulting agreements were different from the sponsored research agreements for the university. This type of situation can result in complicated, expensive lawsuits for the university.

Kristen Mittelman added that recently the university has gotten into a few situations with Carilion and other affiliates where we are doing inter-personnel agreements—part of the faculty's time at VT and the other part with one of our affiliates. This situation has IP issues that haven't been worked out and should be considered when revising the policy.

Another source of contention with faculty members is the confusion of when the IP policy or State law is governing versus terms and conditions in grants and contracts.

The group will have to work carefully on not putting too much in the policy, taking into consideration that there is a fine line between what goes in and what doesn't in order to allow for exceptions when necessary.

The Educational Committee will discuss how to approach training. A key issue will be engaging existing faculty into this knowledge base.

### **Next Meeting Date**

The subcommittees created today will meet separately at the next regularly scheduled IPC meeting on October 19. One committee will meet in 325 and another location will be secured for the second committee. The full committee will not meet again until November 16 unless there are issues that come up that require a meeting. The two committees will give status updates at the November meeting. The expectation is that the subcommittees will meet at least once beyond the October 19<sup>th</sup> meeting date to allow for progress to be made towards the November full committee meeting.

### **Adjournment**

There being no further new business, the meeting adjourned at 1:05 p.m.

Respectfully Submitted,

Shelly Key  
Administrative Support to the IP Committee

**Intellectual Property Committee Meeting  
September 21<sup>st</sup>, 2011, 12:00 – 1:00 p.m.  
325 Burruss Conference Room**

**AGENDA ITEMS**

- 1. Call to Order, Introductions and Approval of Agenda**
- 2. Review and Approval of May 18<sup>th</sup> Meeting Minutes**
- 3. Focus Areas for IPC During Fall 2011**
  - a. Review of Policy 13000 – Subcommittee to include Joe Merola (chair), Stephen Capaldo, Mark Coburn, John Jelesko, X-J Meng, Ken Miller, and Kristen Mittelman.**
  - b. Development of Plan for Educational Opportunities for Faculty Related to Technology Transfer/IP/Research Commercialization Issues – Subcommittee to include Bill Knocke (chair), Robert Broadwater, Robert Harvey, Barbara Lockee, Mike Miller, Steve Sheetz, Steve Tatum and Cindy Wilkinson.**
- 4. Other Business**
  - a. IPC Guidelines Document**
  - b. Other items?**
- 5. Next Scheduled Meeting Date – Wednesday, October 19<sup>th</sup>  
(substitute Subcommittee meetings on that date time??)**
- 6. Adjourn**