Virginia Polytechnic Institute and State University
Intellectual Properties Committee
August 18, 2004

OWNERSHIP SUBCOMMITTEE

The Intellectual Properties Ownership Subcommittee met August 18, 2004 with the following members present: Dr. Tim Pickering (in Dr. Blair's stead), Mr. Ken Miller, and Dr. Ira Jacobs. Dr. Pickering called the Ownership Subcommittee to order at 12:04 pm. Disclosures 04.066 through 04.072 and 04.074 were presented for ownership determination. Dr. Pickering called for a motion that all disclosures be deemed university owned. The motion was made by Dr. Jacobs, seconded by Ms. Heidbreder and the motion was unanimously passed.

The subcommittee meeting adjourned at 12:06 pm.

FULL COMMITTEE

The Intellectual Properties Committee met August 18, 2004 with the following members present: Mr. Ken Miller, Dr. Tim Pickering, Dr. Tom Sherman, Ms. Kay Heidbreder, Dr. Ira Jacobs, Dr. Craig Nessler, Dr. Joe Falkinham, Mr. Mark Sumner, Dr. J.D. Van Wyk and Mr. Mike Martin. Dr. Keith Jones and Ms. Carol Roberson attended as guests. Ms. Debbi Lucas recorded the minutes.

Call to Order

Dr. Pickering called the Intellectual Properties Committee meeting to order at 12:07 p.m.

Approval of Minutes

Dr. Pickering called for a motion to approve the minutes of August 18, 2004. The motion to accept the minutes was made by Dr. Sherman, seconded by Ms. Heidbreder and the motion was unanimously passed.

Summary Reports and Recommendations Received

The following reports were received:

03.053	Dr. Tim Pickering
03.087	Dr. Tom Caceci
03.090	Dr. Tom Caceci
03.099	Dr. Tom Caceci
03.134	Dr. Tom Caceci
03.136	Dr. Tom Caceci
03.147	Dr. Tom Caceci

04.012	Dr. Tom Caceci
04.027	Dr. Tom Caceci
04.040	Dr. Tim Pickering
04.047	Dr. Tom Caceci
04.052	Dr. Craig Nessler

Mr. Martin stated that the committee members should show their appreciation to Dr. Tom Caceci, who will be retiring from this committee, by having the committee chair send a letter on the committee's behalf to Dr. Caceci. All members agreed.

The written reports and recommendations can be reviewed on the VTIP IPC web site.

Other Business

Mr. Martin mentioned that Dr. Fenwick has shown interest in the VTIP Winter Meeting, particularly in the area of extending the meeting to involve Economic and Business Development, and therefore, another meeting will be planned with more information to follow.

Dr. Pickering opened the discussion regarding the IP policy revision. Dr. Fenwick, new Vice President of Research, has initiated some global discussions on the general topic of technology transfer. Dr. Blair has indicated this revision effort should move forward in parallel, but the time pressure to get this done may be reduced. Ms. Heidbreder asked if there is the possibility that Dr. Fenwick could meet with this committee to get his views regarding IP policy. Dr. Pickering agreed with this suggestion and advised that Dr. Fenwick is developing several focus groups on how to handle IP. Dr. Pickering reminded the committee that at the last meeting, groups were assigned to work on revising certain sections of the policy. Dr. Sherman suggested that at each IPC meeting the full committee can adjourn at 12:30 with the remainder of the time being spent on these groups meeting together to work on their revisions. Discussion ensued regarding the development of a general statement for the IP policy that would describe VT's position on ownership of IP. This was followed by a lot of discussion on the underlying principles of IP ownership: is it to stimulate the creative process of the faculty? To provide the most effective way to disseminate information? Several members suggested that possibly the policy can try to be less restrictive on the use of VT resources. Ms. Heidbreder stated that we need to keep in mind certain fiduciary obligations. Dr. Sherman suggested that this committee needs to think in terms of promoting and facilitating the creative process, and then need to look at the stickiness of the ownership issues and then look at how this fits in with state law. Dr. Jacobs raised the question of whether there should be a clearer definition of University resources that all can agree on, recognizing that some things may fall into a gray area, or shall the policy remain vague thereby allowing this committee to make the appropriate ownership decisions when needed. Discussion ensued on whether or not to include mention of the consulting policy in the revision of the IP policy. Ms. Heidbreder advised to be careful getting into the

consulting policy, because this committee cannot change the consulting policy. Dr. Falkinham asked who is responsible for the consulting policy. Ms Heidbreder advised that it went through the governing board. Dr. Nessler called for a motion that a statement be included in the revision regarding consulting. Motion was seconded by Dr. Falkinham, and motion carried, opposed only by Mr. Martin. Dr. Pickering requested that at the next IPC meeting, each member come prepared with their position on whether or not to revise the current IP policy and why. Dr. Fenwick will be invited to attend the next meeting to see if he is willing to pursue a revision and to get his views on the IP policy. Dr. Pickering also requested each member to either send in advance or bring with them to the next meeting some approach to the general statement of the IP policy.

Summary Reports and Recommendations Outstanding

03.118	Dr. Al Wicks
03.125	Dr. Al Wicks
03.127	Dr. Al Wicks
03.129	Dr. Al Wicks
03.139	Dr. Al Wicks
03.145	Dr. Ira Jacobs
04.007	Drs. Al Wicks and J.D. Van Wyk
04.011	Dr. J.D. Van Wyk
04.023	Dr. Al Wicks
04.033	Dr. Al Wicks
04.035	Dr. Mark Sumner
04.043	Dr. Al Wicks
04.044	Dr. Tim Pickering
04.045	Dr. J.D. Van Wyk
04.049	Dr. Ira Jacobs
04.050	Dr. Ira Jacobs
04.051	Dr. Tim Pickering
04.053	Dr. Tim Pickering
04.054	Dr. Tim Pickering
04.056	Mr. Mark Sumner
04.057	Dr. Joe Falkinham
04.058	Dr. Ira Jacobs
04.062	Dr. Al Wicks
04.063	Mr. Mark Sumner

Adjournment

Dr. Pickering announced the meeting adjourned at 1:00 p.m.

Virginia Polytechnic Institute and State University
Intellectual Properties Committee
September 15, 2004

OWNERSHIP SUBCOMMITTEE

The Intellectual Properties Ownership Subcommittee met September 15, 2004 with the following members present: Dr. Tim Pickering (in Dr. Blair's stead), Mr. Ken Miller, Dr. Robert Sturges and Dr. Ira Jacobs. Dr. Pickering called the Ownership Subcommittee to order at 12:04 pm. Disclosures 04.055, 04.059, 04.060, 04.061, 04.075, 04.076, 04.080, 04.086, 04.087 and 04.088 were presented for ownership determination. Dr. Pickering called for a motion that all disclosures be deemed university owned. The motion was made by Dr. Jacobs, seconded by Mr. Miller and the motion was unanimously passed.

The subcommittee meeting adjourned at 12:10 pm.

FULL COMMITTEE

The Intellectual Properties Committee met September 15, 2004 with the following members present: Mr. Ken Miller, Dr. Tim Pickering, Dr. Tom Sherman, Dr. Ira Jacobs, Dr. Joe Falkinham, Mr. Mark Sumner, Dr. Robert Sturges, Mr. Kevin Sullivan and Mr. Mike Martin. Dr. Keith Jones attended as guest. Ms. Debbi Lucas recorded the minutes.

Call to Order

Dr. Pickering called the Intellectual Properties Committee meeting to order at 12:11 p.m.

Approval of Minutes

Dr. Pickering called for a motion to approve the minutes of August 18, 2004. The motion to accept the minutes was made by Dr. Jacobs, seconded by Dr. Falkinham and the motion was unanimously passed.

Summary Reports and Recommendations Received

The following reports were received:

04.051	Dr. Tim Pickering
04.053	Dr. Tim Pickering
04.054	Dr. Tim Pickering
04.057	Dr. Joe Falkinham

The written reports and recommendations can be reviewed on the VTIP IPC web site.

Other Business

Dr. Robert Sturges from Industrial and Systems Engineering will be replacing Dr. Tom Caceci and members introduced themselves. Mr. Kevin Sullivan was asked by Dr. Steger to begin attending these meetings as the representative from Virginia Tech Foundation.

CREOLE Project

Dr. Pickering opened discussion regarding the CREOLE project, wherein a classified employee is listed and is requesting to participate in royalty sharing. A letter was received from the employee's supervisor stating that the employee's contributions to the project went above and beyond her normal job duties. In addition, several emails were received from the other contributors of this project requesting that said employee should participate in any revenue sharing. Discussion ensued regarding how to define "above and beyond" normal duties and Dr. Pickering commented that this is one of the areas of the IP policy where this issue is vague and can be confusing. Decision is usually made by this committee on a case by case basis with the determination of "above and beyond" left up to the supervisor. After much discussion, Dr. Pickering called for a motion to accept the recommendation from the supervisor that the classified employee be allowed to participate in royalty sharing. Motion was made by Dr. Falkinham, with seven members approving and two members opposing. Motion carried.

IP Policy Revision

At the last IPC meeting, it was decided that each member come prepared to discuss whether or not this committee should proceed with the revision of the current IP Policy. Dr. Falkinham suggested that those members wanting to revise, should come up with suggested language and submit for discussion, then this committee can decide whether to accept the suggestions. Dr. Falkinham did feel strongly that the language regarding consulting needed to be revised. Dr. Pickering stated that if the committee does revise, there should be a statement regarding consulting in the policy and that the consulting and IP policies do interact. Mr. Martin commented that he feels there is sufficient reason and interest in pursuing the revision. Some discussion ensued regarding VTIP's role in the IP policy. Dr. Jacobs felt the need to clarify the ownership issues and consulting policy, but felt there is no need to start from scratch; keep the rest of the issues in the policy as they are and just revise those minor changes to make it clearer. This committee decided to stick with the original member assignments regarding policy sections with some minor changes:

Section 1 Purpose -	Dr. Joe Falkinham
	Dr. Al Wicks
	Dr. Bob Sturges
Section 2.1 Organization	Dr. Tim Pickering
Section 2.2 Authority and Responsibility of the Committee	Mr. Mark Sumner
Section 2.3 IPC Working Groups	Dr. JD Van Wyk
Section 2.4 Policy Guidelines	Dr. Ira Jacobs
	Dr. Craig Nessler
	Mr. Ryan Lanham
	Mr. Ken Miller

Each member can either send their suggestions via email to Dr. Pickering or come prepared to discuss at the next meeting. Dr. Sherman suggested that after the ownership portion of the next IPC meeting, each group can separate to discuss and work on revisions.

Summary Reports and Recommendations Outstanding

03.118	Dr. Al Wicks
03.125	Dr. Al Wicks
03.127	Dr. Al Wicks
03.129	Dr. Al Wicks
03.139	Dr. Al Wicks
03.145	Dr. Ira Jacobs
04.007	Drs. Al Wicks and J.D. Van Wyk
04.011	Dr. J.D. Van Wyk
04.023	Dr. Al Wicks
04.033	Dr. Al Wicks
04.035	Dr. Mark Sumner
04.038	Dr. Ira Jacobs
04.041	Drs. Al Wicks and Mark Sumner
04.043	Dr. Al Wicks
04.044	Dr. Tim Pickering
04.045	Dr. J.D. Van Wyk
04.046	Dr. J.D. Van Wyk
04.049	Dr. Ira Jacobs
04.050	Dr. Ira Jacobs
04.056	Mr. Mark Sumner
04.058	Dr. Ira Jacobs
04.062	Dr. Al Wicks
04.063	Mr. Mark Sumner
04.067	Dr. Al Wicks and Mark Sumner
04.068	Dr. Al Wicks
04.069	Dr. Al Wicks
04.070	Dr. Al Wicks

04.071	Dr. Al Wicks
04.072	Dr. Al Wicks
04.074	Mr. Mark Sumner

Adjournment

Dr. Pickering announced the meeting adjourned at 1:05 p.m.

Virginia Polytechnic Institute and State University
Intellectual Properties Committee
October 20, 2004

OWNERSHIP SUBCOMMITTEE

The Intellectual Properties Ownership Subcommittee met October 20, 2004 with the following members present: Dr. Tim Pickering (in Dr. Blair's stead), Mr. Ken Miller, Dr. Robert Sturges and Dr. Ira Jacobs. Dr. Pickering called the Ownership Subcommittee to order at 12:05 pm. Disclosures 04.077, 04.078, 04.082, 04.083, 04.085, 04.090, 04.091, 04.092, 04.093, 04.094, 04.095, 04.096, 04.098 through 04.102 were presented for ownership determination. Dr. Pickering called for a motion that all disclosures be deemed university owned. The motion was made by Dr. Jacobs, seconded by Mr. Miller and the motion was unanimously passed.

The subcommittee meeting adjourned at 12:07 pm.

FULL COMMITTEE

The Intellectual Properties Committee met October 20, 2004 with the following members present: Mr. Ken Miller, Dr. Tim Pickering, Dr. Tom Sherman, Dr. Ira Jacobs, Dr. Joe Falkinham, Mr. Mark Sumner, Dr. Robert Sturges, Dr. Daan van Wyk, Mr. Michael Borzilleri, Mr. Ryan Lanham, Ms. Kay Heidbreder, and Ms. Debbie Nester recorded the minutes.

Call to Order

Dr. Pickering called the Intellectual Properties Committee meeting to order at 12:07 p.m.

Approval of Minutes

Dr. Pickering called for a motion to approve the minutes of September 15, 2004. The motion to accept the minutes was made by Dr. Sherman, seconded by Dr. Jacobs and the motion was unanimously passed.

Summary Reports and Recommendations Received

The following reports were received:

03.145	Dr. Ira Jacobs
04.066	Dr. Joe Falkinham
04.074	Mr. Mark Sumner

The written reports and recommendations can be reviewed on the VTIP IPC web site.

IP Policy Revision

Dr. Pickering asked the committee to break out into their groups to discuss the section they were assigned with. Dr. Sturges asked if there was a repository of information discussed when Dr. Eugene Brown was chair of the committee. He wanted to know the reason for revising the IP policy. Dr. Pickering said that some of the key findings were that faculty didn't understand the current policy and that there needed to be something in the policy about the consulting policy. Dr. Pickering said that he would try to find information from Dr. Brown's discussion and bring them to the meeting. Dr. Sturges had more questions on where they were going with this. Dr. Pickering asked others if they could help in explaining to Dr. Sturges what they are trying to decide on doing about the policy. Ms. Heidbreder said that Dr. Blair asked the committee to collectively decide if they want to make changes to the policy. Dr. Falkinham said they need to identify some problems. Ms. Heidbreder said that they should ask the question – Is it working for the university? Dr. Sherman asked does anyone want to go with the IP policy? Ms. Heidbreder asked if they wanted to start with the paragraph that Dr. Falkinham and Dr. Jacobs came up with. Mr. Miller said that it might be helpful if the background materials were up on the web site. Dr. Jacobs said that the committee needed to be familiar with the existing policy. Ms. Heidbreder copied the IP policy and notes from other business dated May 19 to pass out to everyone.

The committee started with Section I discussing what they thought should be changed. Dr. Jacobs said he would like to see added is stimulate the generation of IP. He said it could be done in a couple of sentences. He said that it doesn't show up in the current policy. Dr. Pickering asked Dr. Jacobs about UVA's policy. Ms. Heidbreder suggested that they add the statement from UVA's policy at the end of the first sentence. Ms. Heidbreder suggested that they defer the formal vote and they did. Dr. Sherman suggested that they delete the purpose section of the policy and add the one from UVA's policy. Dr. Falkinham suggested delete four paragraphs and replace with UVA's purpose policy and retain fifth paragraph from existing policy. He said they know we are a public university. Mr. Sherman suggested to include the last sentence as the purpose statement. Mr. Sherman said that UVA's purpose policy fits. Dr. Jacobs asked if they needed to decide now to reword that. Dr. Pickering asked if there were any other discussion on section I. They agreed no.

They moved onto Section II. A question on descriptions how to operate by the committee. Do we want to change the way we operate to fit the policy or change the policy to fit how we operate. Ms. Heidbreder said that they need to do what the policy says. Dr. Miller said that number 3 needed to be changed. Dr. Jacobs said the experience requirement may be worded a little differently. Ms. Heidbreder suggested they get rid of the second paragraph. Mr. Sherman suggested that they get rid of the qualifications section. Dr. Pickering said that he didn't think that they would want someone on the committee that's not familiar with IP issues. Dr.

Sherman said that it was clutter. He doesn't think that someone will be asked if they are not qualified. Mr. Sumner said that he thought it should be included somewhere. Dr. Sturges said that he wanted people to know what they were doing to evaluate his IP. Mr. Sherman said to leave it in. Dr. Pickering said that he has heard suggestions to delete, revise and leave in. Dr. Jacobs said to delete the faculty senate area in the policy. Ms. Heidbreder said this needs to stay in. They need to follow that section. She said that lets the president have some choice. Dr. Pickering said nominees have to represent each college. Ms. Heidbreder said there are representatives from the colleges. Number six under nominations. Dr. Sturges suggested to change the number of people to serve; to nominate the number we want. Dr. Jacobs said at least one from each college politically desirable. Not useful to have members that can't help with disclosures. Dr. Sherman said that it would be good from every college. That might inform good decisions to IP. Dr. Falkinham said don't limit to nine at-large members. Should maintain someone from every college. Dr. Pickering said appointment doesn't designate a number of times a person can be appointed. He doesn't know if that's important – comfortable without number of terms appointed. Someone suggested that they leave that with a number.

Summary Reports and Recommendations Outstanding

03.118	Dr. Al Wicks
03.125	Dr. Al Wicks
03.127	Dr. Al Wicks
03.129	Dr. Al Wicks
03.139	Dr. Al Wicks
04.007	Drs. Al Wicks and J.D. Van Wyk
04.011	Dr. J.D. Van Wyk
04.023	Dr. Al Wicks
04.033	Dr. Al Wicks
04.035	Dr. Mark Sumner
04.038	Dr. Ira Jacobs
04.041	Drs. Al Wicks and Mark Sumner
04.043	Dr. Al Wicks
04.045	Dr. J.D. Van Wyk
04.046	Dr. J.D. Van Wyk
04.049	Dr. Ira Jacobs
04.050	Dr. Ira Jacobs
04.055	Dr. J.D. Van Wyk
04.056	Mr. Mark Sumner
04.058	Dr. Ira Jacobs
04.059	Dr. J.D. Van Wyk and Mark Sumner
04.060	Dr. J.D. Van Wyk and Mark Sumner
04.061	Dr. J.D. Van Wyk and Mark Sumner
04.062	Dr. Al Wicks

04.063	Mr. Mark Sumner
04.067	Dr. Al Wicks and Mark Sumner
04.068	Dr. Al Wicks
04.069	Dr. Al Wicks
04.070	Dr. Al Wicks
04.071	Dr. Al Wicks
04.072	Dr. Al Wicks
04.076	Dr. Ira Jacobs
04.080	Dr. Ira Jacobs
04.086	Dr. Ira Jacobs
04.087	Dr. Ira Jacobs
04.088	Dr. Ira Jacobs

Adjournment

Dr. Pickering announced the meeting adjourned at 1:19 p.m.

Virginia Polytechnic Institute and State University
Intellectual Properties Committee
November 17, 2004

OWNERSHIP SUBCOMMITTEE

The Intellectual Properties Ownership Subcommittee met November 17, 2004 with the following members present: Dr. Jim Blair, Dr. Tim Pickering, and Dr. Ira Jacobs. Dr. Blair called the Ownership Subcommittee to order at 12:10 pm. Disclosures 04.081, 04.097, 04.103, 04.104, 04.107 and 04.108 were presented for ownership determination. Dr. Blair called for a motion that all disclosures be deemed university owned. The motion was made by Dr. Pickering, seconded by Dr. Jacobs and the motion was unanimously passed.

The subcommittee meeting adjourned at 12:13 pm.

FULL COMMITTEE

The Intellectual Properties Committee met November 17, 2004 with the following members present: Dr. Jim Blair, Dr. Brad Fenwick, Dr. Tim Pickering, Dr. Tom Sherman, Dr. Ira Jacobs, Dr. Tom Caruso, Ms. Kay Heidbreder, and Mr. Mike Martin. Dr. Keith Jones, Ms. Carol Roberson and Mr. Ryan Lanham attended as guests. Ms. Debbi Lucas recorded the minutes.

Call to Order

Dr. Blair called the Intellectual Properties Committee meeting to order at 12:14 p.m.

Approval of Minutes

Dr. Blair called for a motion to approve the minutes of October 20, 2004. The motion to accept the minutes was made by Mr. Lanham, seconded by Dr. Sherman and the motion was unanimously passed.

Summary Reports and Recommendations Received

The following reports were received:

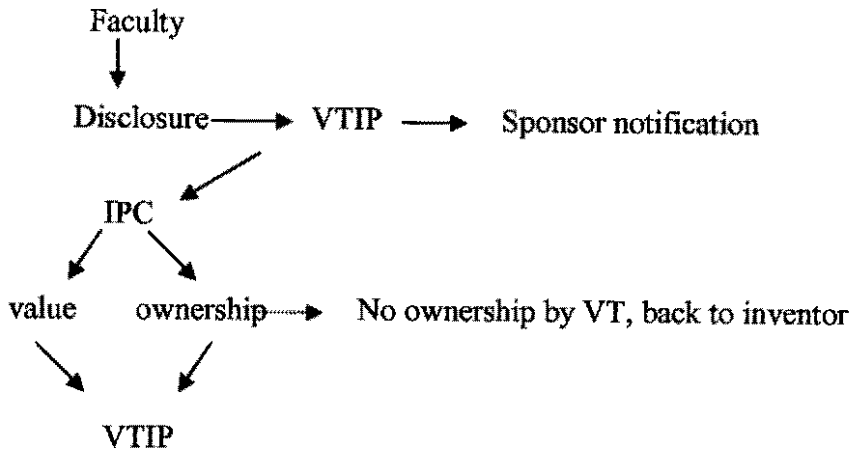
04.007	Drs. Al Wicks and J.D. Van Wyk
04.011	Dr. J.D. Van Wyk
04.100	Dr. Tom Sherman

The written reports and recommendations can be reviewed on the VTIP IPC web site.

IP Policy Revision

Dr. Blair commented that the Board of Visitors' interest in IP continues to mount. There are a lot of groups on campus interested.

Dr. Fenwick presented and outlined a process for handling IP, i.e., faculty makes discovery (invention/disclosure) and disclosure goes to VTIP (collecting on behalf of VT):



If no value, recommendation to VTIP

VTIP determines no value, can license to inventor @ 7.5%

Discussion ensued regarding IP that is considered of little or no value, what is the rationale of the 7.5%. Ms. Heidbreder commented that the state's view is that university should retain title because state resources were used, so university should get some pay back. Dr. Fenwick posed the question, what if VTIP didn't exist because it went broke, what do we do? How do we continue to manage the IP? Ms. Roberson commented that it is not required to have a separate entity to manage IP. Ms. Heidbreder stated that it is not required but VA state law strongly encourages it. Would have to change VA law regarding ownership to University/VTIP. Dr. Jacobs commented that VTIP serves a certain function and questioned can the university do the same function at the same cost and same effectiveness? Dr. Fenwick stated that we have to have this function and he feels there are two options: use VT resources to fund VTIP or use state funds to fund VTIP. Dr. Pickering asked if we have to abide by procurement act if the University becomes chartered; this may be a moot point if VT becomes chartered. Dr. Jacobs questioned, whether there is a VTIP or not, can any entity sustain itself only on royalty and licensing revenue with out additional funding? Dr. Fenwick stated that if this committee decides this is a function we have to have, we need to figure out how to make it work with possibly changing the IP policy. Dr. Blair commented that we have a lot of latitude with the current IP policy – should we retain ownership of those IP with no value – what does it cost us to maintain those with no value? The

question was raised, if our mission is to spend money with the hopes of making money to disseminate, do we need an entity such as the IPC or is it just administration? Dr. Jacobs stated that we still need a committee to determine ownership and policy issues. The faculty are confused with the current IP and consulting policies; there needs to be a clear cut policy. Can these issues be fixed without going to a new structure? Dr. Sherman commented that the policy needs to reflect the mission of VT. Dr. Fenwick stated that economic development is usually a spin off company off the backs of the inventors; shouldn't we return the invention to the inventor, rather than retard them regarding conflict of interest, etc? Dr. Jacobs stated the prime driving force is to bring in more research. Economic development is not unrelated, but doesn't seem to be the driving force in rating faculty. Dr. Fenwick stated that VTIP gets no money from the research VT brings in and argued that it never will as an affiliate of the University. One way to start the process of revamping is to start with this committee working on the IP policy. Dr. Blair commented that the IP policy is only one part – need direction on the clear understanding of the process; does the policy facilitate that process. Mr. Lanham commented that there is currently more legislative and gubernatorial emphasis on economic development rather than service to faculty. Dr. Fenwick stated that if this is the case, then we need to reallocate funds to accomplish this. Need faculty to be able to offer things through the policy; need to attract and hold on to good faculty. Dr. Sherman asked if there are models that are faculty friendly and can we get copies? Dr. Fenwick stated yes there are models out there.

Committee will further explore at next meeting.

Summary Reports and Recommendations Outstanding

03.118	Dr. Al Wicks
03.125	Dr. Al Wicks
03.127	Dr. Al Wicks
03.129	Dr. Al Wicks
03.139	Dr. Al Wicks
04.023	Dr. Al Wicks
04.033	Dr. Al Wicks
04.035	Dr. Mark Sumner
04.038	Dr. Ira Jacobs
04.041	Drs. Al Wicks and Mark Sumner
04.043	Dr. Al Wicks
04.045	Dr. J.D. Van Wyk
04.046	Dr. J.D. Van Wyk
04.049	Dr. Ira Jacobs
04.050	Dr. Ira Jacobs
04.055	Dr. J.D. Van Wyk
04.056	Mr. Mark Sumner
04.058	Dr. Ira Jacobs
04.059	Dr. Ira Jacobs and Mark Sumner

04.060	Dr. Ira Jacobs and Mark Sumner
04.061	Dr. Ira Jacobs and Mark Sumner
04.062	Dr. Al Wicks
04.063	Mr. Mark Sumner
04.067	Dr. Al Wicks and Mark Sumner
04.068	Dr. Al Wicks
04.069	Dr. Al Wicks
04.070	Dr. Al Wicks
04.071	Dr. Al Wicks
04.072	Dr. Al Wicks
04.076	Dr. Ira Jacobs
04.077	Drs. Robert Sturges and Tim Pickering
04.078	Drs. Robert Sturges and Tim Pickering
04.080	Dr. Ira Jacobs
04.082	Mr. Mark Sumner
04.083	Mr. Mark Sumner
04.086	Dr. Ira Jacobs
04.087	Dr. Ira Jacobs
04.088	Dr. Ira Jacobs
04.093	Dr. Ira Jacobs
04.095	Mr. Mark Sumner
04.096	Dr. Ira Jacobs
04.098	Dr. Al Wicks
04.099	Drs. Al Wicks and Mark Sumner
04.101	Dr. Bob Sturges
04.102	Dr. Ira Jacobs

Adjournment

Dr. Blair announced the meeting adjourned at 1:25 p.m.

Virginia Polytechnic Institute and State University
Intellectual Properties Committee
December 15, 2004

OWNERSHIP SUBCOMMITTEE

The Intellectual Properties Ownership Subcommittee met December 15, 2004 with the following members present: Dr. Jim Blair, Dr. Tim Pickering, and Dr. Ira Jacobs. Dr. Blair called the Ownership Subcommittee to order at 3:35 pm. Disclosures 04.110, 04.112, 04.113, 04.115, 04.116, 04.120 and 04.121 were presented for ownership determination. Disclosure 04.112 lists a classified employee. Need to clarify revenue sharing issues; Dr. Blair will send memo to the department head requesting information, but ownership is okay. Disclosure 04.120 will be withdrawn from ownership determination at this time until further signatures are obtained on the disclosure form. Dr. Blair called for a motion that all disclosures presented be deemed university owned. The motion was made by Dr. Pickering, seconded by Mr. Miller and the motion was unanimously passed.

The subcommittee meeting adjourned at 3:45 pm.

FULL COMMITTEE

The Intellectual Properties Committee met December 15, 2004 with the following members present: Dr. Jim Blair, Dr. Tim Pickering, Dr. Ira Jacobs, Dr. Robert Sturges, Mr. Ken Miller, Dr. Craig Nessler and Mr. Mike Martin. Dr. Keith Jones and Mr. Ryan Lanham attended as guests. Ms. Debbi Lucas recorded the minutes.

Call to Order

Dr. Blair called the Intellectual Properties Committee meeting to order at 3:47 p.m.

Approval of Minutes

Dr. Blair called for a motion to approve the minutes of November 17, 2004. The motion to accept the minutes was made by Dr. Pickering, seconded by Dr. Jacobs and the motion was unanimously passed.

Summary Reports and Recommendations Received

The following reports were received:

04.045	Dr. J.D. Van Wyk

The written reports and recommendations can be reviewed on the VTIP IPC web site.

IP Policy Revision

At the previous IPC meeting, Dr. Fenwick suggested this committee make recommendations regarding the entire structure of IP in addition to revising the IP policy. Need to evaluate the whole environment of IP prior to revising the IP policy. If this committee doesn't want to go over the entire environment, shall we go back to Dr. Fenwick and advise that this committee is of the opinion that our assignment is to revise the IP policy. Dr. Blair advised that he would like to finish what was started with the revising of the IP policy line by line then come up with a summary, then go on with looking at the entire IP environment issue.

Section 2.1 Organization
Revise the entire section; need flexibility in choosing members from whatever college/department is needed and number of members needed.
Section 2.1 A. Qualifications
Does this section actually need to be spelled out?
Section 2.1 B. Nominations/Selection
Paragraph 1. Dr. Pickering commented that what is currently described in the policy does not conform with what we need; do we change the policy to conform to what we currently do or shall we conform to what the policy says now?
Mr. Martin commented that the committee is not entirely in compliance with this section; this committee has not been bound by the number of at-large members or that all colleges are represented. If this committee plans on continuing to deal more extensively with policy, then perhaps each college should be represented. Dr. Sturges suggested that the last sentence "(at least equal to twice...)" be stricken.
Paragraph 2. Suggestion made to keep this section in and that the GSA, SGA Representatives should be voting members.
Section 2.1.C. Appointment
Mr. Martin suggested that terms be limited to encourage turnover.
Section 2.2 Authority and Responsibility
Paragraph B. Discussion regarding whether it should be the responsibility of this committee to review all disclosures. Mr. Martin stated that B.1, 2 and 3 all state that this committee has the authority and responsibility to review disclosures, but it doesn't state the committee actually has to be the entity that performs the reviews. Can be assigned to another entity. In regards to B.4, Mr. Martin commented that the upside of this committee coordinating the evaluation and recommendation to VTIP is that the inventors get a response regarding the review of their disclosures and the input that VTIP gets from this committee. The downside is that strong direction isn't actually gained on whether to use VTIP's limited resources to commercialize. Dr. Pickering commented that if we are to look at the broader IP environment and economic development, should this committee be the ones evaluating the disclosures? This may be dependent on the broader decision of how the university does business regarding IP. Dr. Blair asked the committee members if performing these evaluations is a good use of their time and wisdom. Dr. Jacobs commented that it does take up a good deal of his time, but that he is able to learn more about his department and gains interaction with other faculty and students.

Dr. Nessler commented that he feels if the department heads took more active role in the IP disclosures, they could play a good role in the IP that comes out of their department. Dr. Pickering commented that it is a great benefit to him personally, but how do we measure the benefit to the entire department or university? Dr. Blair asked the question, is this the group that should perform the evaluations or should this committee recommend that others perform the evaluations? Dr. Jacobs stated that he feels the technical review should be done by the university faculty members. Dr. Blair suggested that this committee needs to determine whether we are this group or should we establish another group to review. What we determine here regarding the IP policy may impact the broader picture of what we want to see as a university regarding IP.

Section 2.2.C.

Dr. Pickering advised this sentence should be revised; this committee does not make recommendations to the Provost for the sharing of royalties, only changes to the royalty sharing or if there are any disputes regarding royalty sharing. Suggestion made to revise this sentence to include "dispute".

Section 2.2.D.

Dr. Pickering asked can we actually promulgate the procedures to the rest of the university. If they don't follow it, what do we do about it? Mr. Miller suggested that this committee has the authority to implement the policy, but holding people accountable is another issue.

The committee ended the revision discussion at Section 2.3.

Dr. Pickering handed out copies of the minutes from a Commission on Research meeting from November 14, 1990 regarding the revision of the IP policy at that time. This may give some background on the previous attempt at revision.

Summary Reports and Recommendations Outstanding

03.118	Dr. Al Wicks
03.125	Dr. Al Wicks
03.127	Dr. Al Wicks
03.129	Dr. Al Wicks
03.139	Dr. Al Wicks
04.023	Dr. Al Wicks
04.033	Dr. Al Wicks
04.035	Dr. Mark Sumner
04.038	Dr. Ira Jacobs
04.041	Drs. Al Wicks and Mark Sumner
04.043	Dr. Al Wicks
04.046	Dr. J.D. Van Wyk
04.049	Dr. Ira Jacobs
04.050	Dr. Ira Jacobs
04.055	Dr. J.D. Van Wyk
04.056	Mr. Mark Sumner

04.058	Dr. Ira Jacobs
04.059	Dr. Ira Jacobs and Mark Sumner
04.060	Dr. Ira Jacobs and Mark Sumner
04.061	Dr. Ira Jacobs and Mark Sumner
04.062	Dr. Al Wicks
04.063	Mr. Mark Sumner
04.067	Dr. Al Wicks and Mark Sumner
04.068	Dr. Al Wicks
04.069	Dr. Al Wicks
04.070	Dr. Al Wicks
04.071	Dr. Al Wicks
04.072	Dr. Al Wicks
04.076	Dr. Ira Jacobs
04.077	Drs. Robert Sturges and Tim Pickering
04.078	Drs. Robert Sturges and Tim Pickering
04.080	Dr. Ira Jacobs
04.081	Dr. Al Wicks
04.082	Mr. Mark Sumner
04.083	Mr. Mark Sumner
04.086	Dr. Ira Jacobs
04.087	Dr. Ira Jacobs
04.088	Dr. Ira Jacobs
04.093	Dr. Ira Jacobs
04.095	Mr. Mark Sumner
04.096	Dr. Ira Jacobs
04.097	Drs. Ira Jacobs and J.D. Van Wyk
04.098	Dr. Al Wicks
04.099	Drs. Al Wicks and Mark Sumner
04.101	Dr. Bob Sturges
04.102	Dr. Ira Jacobs

Adjournment

Dr. Blair announced the meeting adjourned at 5:05 p.m.

Virginia Polytechnic Institute and State University
Intellectual Properties Committee
January 19, 2005

OWNERSHIP SUBCOMMITTEE

The Intellectual Properties Ownership Subcommittee met January 19, 2005 with the following members present: Dr. Jim Blair, Mr. Ken Miller and Dr. Tim Pickering. Dr. Blair called the Ownership Subcommittee to order at 12:02 pm. Disclosures 04.114, 04.117, 04.118, 04.120, 04.122 and 04.123 were presented for ownership determination. Dr. Blair called for a motion that all disclosures presented be deemed university owned. The motion was made by Dr. Pickering, seconded by Ms. Heidbreder and the motion was unanimously passed.

The subcommittee meeting adjourned at 12:03 pm.

FULL COMMITTEE

The Intellectual Properties Committee met January 19, 2005 with the following members present: Dr. Jim Blair, Dr. Tim Pickering, Mr. Ken Miller, Ms. Kay Heidbreder, Dr. Tom Caruso, Mr. Mark Sumner, Dr. Tom Sherman, Dr. Craig Nessler and Mr. Mike Martin. Ms. Carol Roberson and Mr. Ryan Lanham attended as guests. Ms. Debbi Lucas recorded the minutes.

Call to Order

Dr. Blair called the Intellectual Properties Committee meeting to order at 12:04 p.m.

Approval of Minutes

Dr. Blair called for a motion to approve the minutes of December 15, 2004. The motion to accept the minutes was made by Dr. Sherman, seconded by Dr. Pickering and the motion was unanimously passed.

Summary Reports and Recommendations Received

No reports were received.

The written reports and recommendations can be reviewed on the VTIP IPC web site.

Other Business

Mr. Martin announced that Keith Jones has tendered his resignation at VTIP and has accepted the position of Director of Technology Transfer at Washington State University. Dr. Jones will be leaving VTIP effective February 1.

IP Policy Revision

Dr. Blair commented that the revision does not appear to be moving that fast because it is unsure on how to proceed due to potential structural changes. Big question is what we want out of tech transfer. Cannot continue to rely on licensing revenue to sustain tech transfer. VT has several entities that can play a role in tech transfer – VTIP, CRC, KnowledgeWorks. Ms. Heidbreder asked – is there an obligation to disclose commercially viable or contractually viable? Do we want every IP disclosed? Dr. Blair commented that we need faculty, or someone, to go to faculty and decide what is going on and to help them to make the determination to disclose and to assist in disclosing.

Dr. Blair distributed a hand out outlining a Technology Commercialization System flowchart and threw out some comments and questions that are the basis of the questions the university is currently asking:

Ownership to VTIP – need to look at the bigger picture to determine IP policy revisions.
Evaluation of IPs – currently we do not have the expertise and resources needed to deal effectively with commercialization. Should this committee focus more on IP policy, etc. rather than expending the time to do the evaluations?
Need to look at what is to be done when decision is made not to commercialize.
The university is starting to look at this as one complete package; where does the IPC and IP policy fit into this package? What does this have to with IP policy?
Where do we need to change the policy?
Need answers to the questions – what do we want to achieve? Once we have this answer, then we can decide on how to revise IP policy.

Action for next meeting – How does each member see the priorities of this flowchart with some points on what you suggest the outcome should be.

Summary Reports and Recommendations Outstanding

03.118	Dr. Al Wicks
03.125	Dr. Al Wicks
03.127	Dr. Al Wicks
03.129	Dr. Al Wicks
03.139	Dr. Al Wicks
04.023	Dr. Al Wicks
04.033	Dr. Al Wicks
04.035	Dr. Mark Sumner
04.038	Dr. Ira Jacobs
04.041	Drs. Al Wicks and Mark Sumner
04.043	Dr. Al Wicks
04.046	Dr. J.D. Van Wyk
04.049	Dr. Ira Jacobs

04.050	Dr. Ira Jacobs
04.055	Dr. J.D. Van Wyk
04.056	Mr. Mark Sumner
04.058	Dr. Ira Jacobs
04.059	Dr. Ira Jacobs and Mark Sumner
04.060	Dr. Ira Jacobs and Mark Sumner
04.061	Dr. Ira Jacobs and Mark Sumner
04.062	Dr. Al Wicks
04.063	Mr. Mark Sumner
04.067	Dr. Al Wicks and Mark Sumner
04.068	Dr. Al Wicks
04.069	Dr. Al Wicks
04.070	Dr. Al Wicks
04.071	Dr. Al Wicks
04.072	Dr. Al Wicks
04.076	Dr. Ira Jacobs
04.077	Drs. Robert Sturges and Tim Pickering
04.078	Drs. Robert Sturges and Tim Pickering
04.080	Dr. Ira Jacobs
04.081	Dr. Al Wicks
04.082	Mr. Mark Sumner
04.083	Mr. Mark Sumner
04.086	Dr. Ira Jacobs
04.087	Dr. Ira Jacobs
04.088	Dr. Ira Jacobs
04.093	Dr. Ira Jacobs
04.095	Mr. Mark Sumner
04.096	Dr. Ira Jacobs
04.097	Drs. Ira Jacobs and J.D. Van Wyk
04.098	Dr. Al Wicks
04.099	Drs. Al Wicks and Mark Sumner
04.101	Dr. Bob Sturges
04.102	Dr. Ira Jacobs
04.103	Mr. Mark Sumner
04.104	Dr. J.D. Van Wyk
04.107	Dr. Tim Pickering
04.108	Dr. J.D. Van Wyk
04.110	Dr. Ira Jacobs
04.112	Dr. Ira Jacobs
04.113	Dr. Ira Jacobs
04.115	Drs. Ira Jacobs and Robert Sturges
04.116	Drs. Joe Falkinham and Tom Caruso
04.121	Dr. Tom Caruso

Adjournment

Dr. Blair announced the meeting adjourned at 1:09 p.m.

Virginia Polytechnic Institute and State University
Intellectual Properties Committee
February 16, 2005

OWNERSHIP SUBCOMMITTEE

The Intellectual Properties Ownership Subcommittee met February 16, 2005 with the following members present: Dr. Jim Blair, Dr. Ira Jacobs and Dr. Tim Pickering. Dr. Blair called the Ownership Subcommittee to order at 12:10 pm. Disclosures 04.106, 04.111, 04.124, 05.001, 05.002, 05.004 and 05.005 were presented for ownership determination. Dr. Blair presented another disclosure that he received wherein the inventor requested ownership determination. The disclosure is copyrighted material and the inventor believes the invention constitutes a scholarly work and therefore may not be VT owned. The department head filled out the page submitting that university resources were used. Dr. Blair recommends that the disclosure be deemed university owned. Dr. Blair called for a motion that all disclosures presented, including the new disclosure just received, be deemed university owned. The motion was made by Dr. Jacobs, seconded by Dr. Pickering and the motion was unanimously passed.

The subcommittee meeting adjourned at 12:19 pm.

FULL COMMITTEE

The Intellectual Properties Committee met February 16, 2005 with the following members present: Dr. Jim Blair, Dr. Tim Pickering, Mr. Mark Sumner, Dr. Tom Sherman, Dr. Craig Nessler, Dr. Joe Falkinham, Dr. J.D. van Wyk, Dr. Ira Jacobs and Mr. Mike Martin. Mr. Ryan Lanham attended as guest. Ms. Debbi Lucas recorded the minutes.

Call to Order

Dr. Blair called the Intellectual Properties Committee meeting to order at 12:20 p.m.

Approval of Minutes

Dr. Blair called for a motion to approve the minutes of January 19, 2004. The motion to accept the minutes was made by Dr. Sherman, seconded by Dr. Pickering and the motion was unanimously passed.

Summary Reports and Recommendations Received

The following reports were received:

04.049	Dr. Ira Jacobs
04.050	Dr. Ira Jacobs

04.058	Dr. Ira Jacobs
04.076	Dr. Ira Jacobs
04.077	Drs. Robert Sturges and Tim Pickering
04.078	Drs. Robert Sturges and Tim Pickering
04.101	Dr. Bob Sturges
04.107	Dr. Tim Pickering
04.114	Dr. Bob Sturges
04.115	Drs. Ira Jacobs and Robert Sturges
04.116	Drs. Joe Falkinham and Tom Caruso
04.120	Dr. Tom Caruso
04.121	Dr. Tom Caruso
04.123	Drs. Tom Caruso and Joe Falkinham

The written reports and recommendations can be reviewed on the VTIP IPC web site.

IP Policy Revision

Dr. Blair advised that there has not been much progress until we get the rest of the University to decide on what they want to do as far as the structure of IP at the University. There will be a mandated report that will be provided to the Board of Visitors at the March meeting with some background information. The Board will be looking for action items. There has been general acceptance of the IP flowchart that was presented at the last IPC meeting.

Dr. Blair commented on a NoVA meeting that he attended along with some VCs, representatives from large companies, small companies, a representative from the Secretary of Commerce and from the Federal Economic Development Agency. Two BOV members were vocally critical of the IP policy. There were four major discussion areas and Dr. Blair gave highlights:

- Discussion on the things that VT needs to do to become more industry oriented.
- Larger companies are interested in strategic partnerships; won't be bringing in larger amounts of money; want to buy a professor for a certain period of time for a certain project; looking at undergraduate student pool for future employment
- Discussion that VT not well known for PhD grads; most interested in undergrads
- Want University to be more flexible in IP; don't want to waste time on negotiating contracts of $25k with not much value; would rather do their own in-house IP research
- Discussion that VT ranks in the top 80% of Universities

Dr. Jacobs commented that it sounds like standard consulting Members agreed and advised that is why we may need to incorporate consulting into the IP policy
Dr. Sherman asked if VT is in the 80%, then what universities are in the 90 to 95%. Dr. Blair advised that Penn State was mentioned, along with the standard MIT and Stanford. Not sure if this is an accurate comparison though.

Dr. Blair advised that not much of the discussion at this meeting actually related to the IP policy; most was on flexibility and encouragement of faculty. Some discussion that there needs not be much difference in the IP policy itself, but in the implementation of the policy.
Question was asked at the NoVA meeting – what are the strengths of VT? Answer was Adhesives/Sealants, Electro-Optics and Agriculture. Members commented that it appears that VT is not getting the info out to industry on what VT has to offer – not marketing our strengths. There is no strong marketing effort on research, which is considered VT's strength. Need to determine how we measure success, what are the priorities. Dr. Falkinham commented that he does not feel that the IP policy is a barrier; it's the culture and mentality of the university that is the barrier.

Dr. Blair commented that he feels that this committee should draft a short statement to be presented to the BOV that states the priorities as the IP environment is developed; that clarifies VT's areas of strengths; that the IP policy is reasonably main-streamed and flexible. Dr. Blair will forward a draft statement to all IPC members and requests that each member responds with comments and suggestions to this statement.

Summary Reports and Recommendations Outstanding

03.118	Dr. Al Wicks
03.125	Dr. Al Wicks
03.129	Dr. Al Wicks
03.139	Dr. Al Wicks
04.023	Dr. Al Wicks
04.035	Dr. Mark Sumner
04.038	Dr. Ira Jacobs
04.043	Dr. Al Wicks
04.046	Dr. J.D. Van Wyk
04.055	Dr. J.D. Van Wyk
04.056	Mr. Mark Sumner
04.062	Dr. Al Wicks
04.063	Mr. Mark Sumner
04.067	Dr. Al Wicks and Mark Sumner
04.068	Dr. Al Wicks
04.069	Dr. Al Wicks
04.070	Dr. Al Wicks
04.071	Dr. Al Wicks
04.072	Dr. Al Wicks
04.080	Dr. Ira Jacobs
04.081	Dr. Al Wicks
04.082	Mr. Mark Sumner
04.083	Mr. Mark Sumner

04.086	Dr. Ira Jacobs
04.087	Dr. Ira Jacobs
04.088	Dr. Ira Jacobs
04.093	Dr. Ira Jacobs
04.095	Mr. Mark Sumner
04.096	Dr. Ira Jacobs
04.097	Drs. Ira Jacobs and J.D. Van Wyk
04.098	Dr. Al Wicks
04.099	Drs. Al Wicks and Mark Sumner
04.102	Dr. Ira Jacobs
04.103	Mr. Mark Sumner
04.104	Dr. J.D. Van Wyk
04.112	Dr. Ira Jacobs
04.113	Dr. Ira Jacobs

Adjournment

Dr. Blair announced the meeting adjourned at 1:10 p.m.

Virginia Polytechnic Institute and State University
Intellectual Properties Committee
March 16, 2005

OWNERSHIP SUBCOMMITTEE

The Intellectual Properties Ownership Subcommittee met March 16, 2005 with the following members present: Dr. Tim Pickering (in Dr. Blair's stead), Dr. Al Wicks and Dr. Robert Sturges. Dr. Pickering called the Ownership Subcommittee to order at 12:07 pm. Disclosures 05.006, 05.008, 05.009, 05.010, 05.011, 05.012, 05.014, 05.015, 05.016 and 05.017 were presented for ownership determination. Dr. Pickering indicated that one disclosure is claiming inventor ownership. Dr. Pickering suggested that more information be obtained before making an ownership determination; the department head will need to answer the questions and sign and more information may need to be obtained regarding the relationship between the department and the facility where the inventor was working at the time of the invention. Dr. Pickering called for a motion that all disclosures presented, except for 05.011, be deemed university owned. The motion was made by Dr. Wicks, seconded by Dr. Pickering and the motion was unanimously passed.

The subcommittee meeting adjourned at 12:17 pm.

FULL COMMITTEE

The Intellectual Properties Committee met March 16, 2005 with the following members present: Dr. Tim Pickering, Dr. Tom Caruso, Ms. Kay Heidbreder, Dr. Al Wicks, Dr. Robert Sturges, Dr. Tom Sherman, Dr. Craig Nessler, Dr. Joe Falkinham, and Mr. Mike Martin. Mr. Ryan Lanham attended as guest. Ms. Debbi Lucas recorded the minutes.

Call to Order

Dr. Pickering called the Intellectual Properties Committee meeting to order at 12:18 p.m.

Approval of Minutes

Dr. Pickering called for a motion to approve the minutes of February 16, 2004. The motion to accept the minutes was made by Dr. Sherman, seconded by Dr. Sturges and the motion was unanimously passed.

Summary Reports and Recommendations Received

The following reports were received:

04.038	Dr. Ira Jacobs

04.086	Dr. Ira Jacobs
04.087	Dr. Ira Jacobs
04.088	Dr. Ira Jacobs
04.111	Dr. Joe Falkinham

The written reports and recommendations can be reviewed on the VTIP IPC web site.

IP Policy Revision

Discussion ensued regarding the VT Board of Visitors meeting. Dr. Nessler commented on the topic of IP discussed at the meeting: restructuring of VTIP responsibilities; re-engineering of the technology commercialization process at VT; most of what VTIP does will move into the University and VTIP will handle more of the patenting, licensing and marketing; no discussion of how resources will be divided, will it be something the University supports or from revenue VTIP generates. Ms. Heidbreder commented on a research committee meeting where representatives from industry and VC's were present: meant to be a learning opportunity for BOV members; industry looking at research contracts. Consensus is that ownership is not the ultimate issue, but to protect company trade secrets; only when IP results from company trade secret does ownership become an issue. Companies come to the University with a certain amount of expectation: cheaper, University needs to decide what it wants to be good at and concentrate on that. Companies rate VT's flexibility in negotiation of research contracts at 80%. Final recommendation was to be more creative in how the University handles incentives to faculty, more opportunity for sabbaticals in industry and working for company. Representative from Raytheon suggested not to follow Arizona's model, it's a disaster: Arizona enacted statutes regarding IP, if sponsored research, can assume ownership of IP if the sponsor pays higher overhead rate, if you earn a certain amount, you pay more, certain diligence to commercialize.

Dr. Nessler commented on a new agreement with Phillip Morris that works – if the University spent more time crafting these master agreements with companies, than can work on future deals faster. Ms. Heidbreder commented that ownership is a very big issue for small companies, not an issue for larger companies. Larger companies don't want background confidential info from VT; companies want to keep their info secret and don't want to worry about keeping VT info secret; companies want service aspect, a central and single point of contact.

Dr. Sherman asked, then why are we (as University) so concerned with ownership? Ms. Heidbreder answered that it is a tax issue and also state law requires that we have a policy that addresses ownership consistent with SHEV guidelines. Dr. Sherman commented that as a University we are to provide service; is ownership getting in the way of us providing that service well? Dr. Pickering commented that we may be able to take some moves to make our policy a little more flexible. Dr. Pickering provided a handout from Penn State on Procedural Guidelines on Industry-

University Cooperative Research Agreements; companies feel they are a good University to do business with; good things in IP; flexible; maybe this committee can take a look at it in relation to our discussions. Dr. Falkinham commented that since there will be more feedback to come based on our internal workings, should we continue to struggle ahead with revisions to the IP policy, maybe we need to wait on the resolution to the new structure before we deal with IP policy goals. Dr. Caruso commented that the main objective of the IP policy should be to assist faculty in whatever their purpose is and we need to focus our attention on this.

Summary Reports and Recommendations Outstanding

03.118	Dr. Al Wicks
03.125	Dr. Al Wicks
03.129	Dr. Al Wicks
03.139	Dr. Al Wicks
04.023	Dr. Al Wicks
04.035	Dr. Mark Sumner
04.043	Dr. Al Wicks
04.046	Dr. J.D. Van Wyk
04.055	Dr. J.D. Van Wyk
04.056	Mr. Mark Sumner
04.062	Dr. Al Wicks
04.063	Mr. Mark Sumner
04.067	Dr. Al Wicks and Mark Sumner
04.068	Dr. Al Wicks
04.069	Dr. Al Wicks
04.070	Dr. Al Wicks
04.071	Dr. Al Wicks
04.072	Dr. Al Wicks
04.080	Dr. Ira Jacobs
04.081	Dr. Al Wicks
04.082	Mr. Mark Sumner
04.083	Mr. Mark Sumner
04.093	Dr. Ira Jacobs
04.095	Mr. Mark Sumner
04.096	Dr. Ira Jacobs
04.097	Drs. Ira Jacobs and J.D. Van Wyk
04.098	Dr. Al Wicks
04.099	Drs. Al Wicks and Mark Sumner
04.102	Dr. Ira Jacobs
04.103	Mr. Mark Sumner
04.104	Dr. J.D. Van Wyk
04.106	Dr. Al Wicks
04.112	Dr. Ira Jacobs
04.113	Dr. Ira Jacobs
04.117	Drs. Al Wicks and Ira Jacobs

04.118	Drs. Al Wicks and Ira Jacobs
04.122	Drs. Al Wicks and Ira Jacobs
04.124	Dr. J.D. van Wyk
05.001	Dr. J.D. van Wyk
05.002	Dr. J.D. van Wyk
05.005	Dr. Ira Jacobs

Adjournment

Dr. Pickering announced the meeting adjourned at 1:05 p.m.

Virginia Polytechnic Institute and State University
Intellectual Properties Committee
April 20, 2005

OWNERSHIP SUBCOMMITTEE

The Intellectual Properties Ownership Subcommittee met April 20, 2005 with the following members present: Dr. Jim Blair, Dr. Tim Pickering, and Dr. Ira Jacobs. Dr. Blair called the Ownership Subcommittee to order at 12:03 pm. Disclosures 04.109, 05.018 through 05.021 and 05.025 were presented for ownership determination. Dr. Pickering indicated that one disclosure is claiming inventor ownership. Dr. Blair called for a motion that all disclosures presented be deemed university owned. The motion was made by Dr. Jacobs, seconded by Dr. Caruso and the motion was unanimously passed.

The subcommittee meeting adjourned at 12:05 pm.

FULL COMMITTEE

The Intellectual Properties Committee met April 20, 2005 with the following members present: Dr. Jim Blair, Dr. Tim Pickering, Dr. Tom Caruso, Ms. Kay Heidbreder, Dr. Tom Caruso, Dr. Craig Nessler, Dr. Ira Jacobs, and Mr. Mike Martin. Ms. Carol Roberson and Mr. Ryan Lanham attended as guests. Ms. Debbi Lucas recorded the minutes.

Call to Order

Dr. Blair called the Intellectual Properties Committee meeting to order at 12:05 p.m.

Approval of Minutes

Dr. Blair called for a motion to approve the minutes of March 16, 2004. The motion to accept the minutes was made by Ms. Heidbreder, seconded by Dr. Nessler and the motion was unanimously passed.

Summary Reports and Recommendations Received

The following reports were received:

04.080	Dr. Ira Jacobs
04.093	Dr. Ira Jacobs
04.102	Dr. Ira Jacobs
05.005	Dr. Ira Jacobs

The written reports and recommendations can be reviewed on the VTIP IPC web site.

Update on IP Policy Revision and Other Business

Dr. Blair advised that the movement on the restructure of IP and tech transfer at VT hasn't stopped, but has slowed, primarily due to the financial resources needed to resolve some of these issues. Dr. Blair commented on a previous question by Dr. Pickering – does this committee really need to meet every month? Dr. Blair said this brings up the issue of the backlog of IP evaluation reports outstanding. Dr. Blair commented that the evaluations are needed but not done in a timely manner, mainly because we don't have the resources or expertise to give full evaluation reports. Dr. Blair suggested that this committee may want to discuss looking at alternate models of reviewing disclosures rather than using this committee. Discussion ensued on alternatives and what VTIP requires from these evaluations. Mr. Martin commented that we first need to determine what is the purpose of this committee – 1) review of disclosures, 2) determine ownership, 3) review IP policy. Mr. Martin advised that the evaluations from this committee have very good technical merit but not necessarily at advising as to protectability and marketing/commercialization. Dr. Caruso suggested that another resource may be needed with the technical and business knowledge, whether it is out of research division, a part of VTIP, or within the college departments, to provide the disclosure evaluations.

Ms. Roberson presented a handout that compares the IP policies of UVA and VT. Discussion has been to leave the IP policy alone, just go back and further define sections and definitions in the IP policy. Dr. Jacobs agreed that it seems we should be able to just clean up the policy rather than re-write it, but still doesn't address the issue of COI and consulting. Dr. Blair feels that if the definitions in the IP policy are more clearly defined, the issue regarding consulting will then be addressed sufficiently in the policy. Some discussion ensued regarding ownership of inventions. Policy now states that if University resources are used, then it belongs to the University. Definition of resources used is not clear in the policy. Dr. Blair will write a definition of the use of VT resources to bring back to this committee for discussion.

Summary Reports and Recommendations Outstanding

03.118	Dr. Al Wicks
03.125	Dr. Al Wicks
03.129	Dr. Al Wicks
03.139	Dr. Al Wicks
04.023	Dr. Al Wicks
04.035	Dr. Mark Sumner
04.043	Dr. Al Wicks
04.046	Dr. J.D. Van Wyk

04.055	Dr. J.D. Van Wyk
04.056	Mr. Mark Sumner
04.062	Dr. Al Wicks
04.063	Mr. Mark Sumner
04.067	Dr. Al Wicks and Mark Sumner
04.068	Dr. Al Wicks
04.069	Dr. Al Wicks
04.070	Dr. Al Wicks
04.071	Dr. Al Wicks
04.072	Dr. Al Wicks
04.081	Dr. Al Wicks
04.082	Mr. Mark Sumner
04.083	Mr. Mark Sumner
04.095	Mr. Mark Sumner
04.096	Dr. Ira Jacobs
04.097	Drs. Ira Jacobs and J.D. Van Wyk
04.098	Dr. Al Wicks
04.099	Drs. Al Wicks and Mark Sumner
04.103	Mr. Mark Sumner
04.104	Dr. J.D. Van Wyk
04.106	Dr. Al Wicks
04.117	Drs. Al Wicks and Ira Jacobs
04.118	Drs. Al Wicks and Ira Jacobs
04.122	Drs. Al Wicks and Ira Jacobs
04.124	Dr. J.D. van Wyk
05.001	Dr. J.D. van Wyk
05.002	Dr. J.D. van Wyk
05.006	Dr. Robert Sturges
05.009	Dr. Ira Jacobs
05.010	Dr. Ira Jacobs
05.012	Dr. Robert Sturges
05.015	Dr. Ira Jacobs
05.016	Dr. Ira Jacobs
05.017	Dr. Ira Jacobs

Adjournment

Dr. Blair announced the meeting adjourned at 1:15 p.m.

Virginia Polytechnic Institute and State University
Intellectual Properties Committee
May 18, 2005

OWNERSHIP SUBCOMMITTEE

The Intellectual Properties Ownership Subcommittee met May 18, 2005 with the following members present: Dr. Jim Blair, Dr. Tim Pickering, Mr. Ken Miller, and Dr. Ira Jacobs. Dr. Blair called the Ownership Subcommittee to order at 12:20 pm. Disclosures 05.013, 05.022 through 05.024, 05.027 through 05.030 were presented for ownership determination. Dr. Blair made a motion that all disclosures presented be deemed University owned. The motion was seconded by Dr. Pickering and the motion was unanimously passed.

The subcommittee meeting adjourned at 12:23 pm.

FULL COMMITTEE

The Intellectual Properties Committee met May 18, 2005 with the following members present: Dr. Jim Blair, Dr. Tim Pickering, Ms. Kay Heidbreder, Mr. Ken Miller, Dr. J.D. Van Wyk, Dr. Tom Sherman, Dr. Craig Nessler, Dr. Ira Jacobs, and Mr. Mike Martin. Mr. Ryan Lanham attended as guest. Ms. Debbi Lucas recorded the minutes.

Call to Order

Dr. Blair called the Intellectual Properties Committee meeting to order at 12:24 p.m.

Approval of Minutes

Dr. Blair called for a motion to approve the minutes of April 20, 2004. The motion to accept the minutes was made by Ms. Heidbreder, seconded by Dr. Jacobs and the motion was unanimously passed.

Summary Reports and Recommendations Received

The following reports were received:

05.021	Dr. Joe Falkinham

The written reports and recommendations can be reviewed on the VTIP IPC web site.

Other Business

Dr. Brad Fenwick attended the meeting to discuss changes at VTIP. He announced that there are issues surrounding IP that are relevant both in and out of the University setting and there is increasing input regarding IP as the University grows in its research area. Due to the changing direction at VTIP, plans are to bring in a new Executive Vice President. Need to look at new opportunities to get new ideas and input and a fresh start. As a consequence Mr. Mike Martin will be leaving VTIP. There are strong signals that the University wants to provide more staff and resources to VTIP. With new faculty coming in with more interest in research and bringing their research ideas with them, this committee's role as advisory will become increasing more important.

Dr. J.D. Wan Wyk announced that he will be retiring from this committee and the University. He will be relocating back to South Africa. Dr. Blair thanked Dr. Van Wyk on behalf of this committee for his invaluable input into the technology evaluations.

Ms. Kay Heidbreder introduced Jeannie Fissinger who is in her second year of law and will be working with University counsel

Update on IP Policy Revision and Other Business

Dr. Blair passed around a copy of the current IP Policy with some revisions that he and Dr. Pickering derived in regards to some areas of the policy that are flawed. His suggestion is to make annotations to the policy rather than changing the entire policy. This can then be handled by adding any changes to the policy without having to receive board approval. Wherein there are special situations surrounding IP policy, a record can be established of the rationale used in making any determinations and added as an annotation or addendum and attached to the policy. Some of the changes to the policy are merely administrative and other major issues can be handled as annotations to the policy. The administrative changes were discussed and approved. Drs. Blair and Pickering will revise the policy to reflect these administrative changes. In regards to consulting, etc., a draft memo of the committee consensus was handed out and the committee suggested that this be used as a recommendation to the provost for possible inclusion on the consulting policy. Dr. Blair advised that at the next IPC meeting he would like to take a vote to adopt addendums/annotations to the policy and to discuss IPC evaluation reports and the best way to manage them.

Summary Reports and Recommendations Outstanding

03.129	Dr. Al Wicks
03.139	Dr. Al Wicks
04.023	Dr. Al Wicks
04.035	Dr. Mark Sumner

04.046	Dr. J.D. Van Wyk
04.055	Dr. J.D. Van Wyk
04.056	Mr. Mark Sumner
04.062	Dr. Al Wicks
04.063	Mr. Mark Sumner
04.067	Dr. Al Wicks and Mark Sumner
04.082	Mr. Mark Sumner
04.083	Mr. Mark Sumner
04.095	Mr. Mark Sumner
04.096	Dr. Ira Jacobs
04.097	Drs. Ira Jacobs and J.D. Van Wyk
04.098	Dr. Al Wicks
04.099	Drs. Al Wicks and Mark Sumner
04.103	Mr. Mark Sumner
04.104	Dr. J.D. Van Wyk
04.106	Dr. Al Wicks
04.109	Dr. Craig Nessler
04.117	Drs. Al Wicks and Ira Jacobs
04.118	Drs. Al Wicks and Ira Jacobs
04.122	Drs. Al Wicks and Ira Jacobs
04.124	Dr. J.D. van Wyk
05.001	Dr. J.D. van Wyk
05.002	Dr. J.D. van Wyk
05.006	Dr. Robert Sturges
05.009	Dr. Ira Jacobs
05.010	Dr. Ira Jacobs
05.012	Dr. Robert Sturges
05.015	Dr. Ira Jacobs
05.016	Dr. Ira Jacobs
05.017	Dr. Ira Jacobs

Adjournment

Dr. Blair announced the meeting adjourned at 1:25 p.m.

Virginia Polytechnic Institute and State University
Intellectual Properties Committee
June 15, 2005

OWNERSHIP SUBCOMMITTEE

The Intellectual Properties Ownership Subcommittee met June 15, 2005 with the following members present: Dr. Tim Pickering, Mr. Ken Miller, and Dr. Ira Jacobs. Dr. Pickering called the Ownership Subcommittee to order at 12:20 pm. Disclosures 05.007, 05.026, 05.034, 05.036, 05.039 and 05.041 were presented for ownership determination. Dr. Pickering made a motion that all disclosures presented be deemed University owned. The motion was seconded by Mr. Miller and the motion was unanimously passed.

The subcommittee meeting adjourned at 12:10 pm.

FULL COMMITTEE

The Intellectual Properties Committee met June 15, 2005 with the following members present: Dr. Tim Pickering, Mr. Ken Miller, Dr. Tom Sherman, Dr. Craig Nessler, Dr. Ira Jacobs, Dr. Bob Sturges, and Dr. Tom Caruso. Mr. Ryan Lanham attended as guest. Dr. Pickering recorded the minutes.

Call to Order

Dr. Pickering called the IP Committee meeting to order at 12:11 p.m.

Approval of Minutes

Dr. Pickering called for a motion to approve the minutes of May 18, 2004. Dr. Jacobs noted that the list of disclosures outstanding in the minutes was not in agreement with the list in the agenda. With that noted, a motion to accept the minutes was made by Dr. Sherman, seconded by Dr. Pickering and the motion was unanimously passed.

Summary Reports and Recommendations Received

The following reports were received:

05.006	Dr. Robert Sturges
05.012	Dr. Robert Sturges
05.022	Dr. Robert Sturges

The written reports and recommendations can be reviewed on the VTIP IPC web site.

Update on IP Policy Revision

Dr. Pickering had previously E-mailed two documents to the committee members: an annotated version of the current IP Policy and a statement of "General Practices of the Intellectual Property Committee." They were developed pursuant to discussions at the prior IPC meeting. The balance of the meeting was spent discussing these documents.

Annotated Policy – Dr. Caruso asked whether the issues addressed in the notes were of sufficient importance that they needed to be included in the policy as opposed to appearing in the General Practices guidelines. Dr. Nessler remarked that many of the notes could go into guidelines, but he felt the notes associated with the Ownership of IPs section needed to remain in the policy because of their importance in informing faculty members about the application of the policy to digital technologies. Dr. Sherman suggested that the paragraphs in this section be arranged according to subject matter.

Dr. Sturges asked about the note associated with the Sponsor Rights section. He and other faculty have had unpleasant experiences with VTIP over the issue of trying to fix a value on something that has not yet been invented. Dr. Caruso pointed out that the new wording was intended to set a basis for future negotiations, not to set a value. Dr. Pickering added that this clarification was intended to introduce more flexibility into the negotiations than had been the case in the past. There was discussion over how much might be required to cover the full cost of research for sponsors that wanted to acquire ownership. Mr. Miller pointed out that our current best estimate was that an overhead rate of 60% would be sufficient. (This covers the expenses that cannot be included in our OH rate because of the federal cap of 26% on administrative costs.)

Carol Roberson (separate conversation outside of the meeting) pointed out that the second paragraph under Obligation to Disclosure was not in compliance with federal contract requirements. Dr. Pickering agreed to change the wording to comply with those requirements.

The committee agreed to the annotations that were proposed and recommended that all but those associated with the ownership section be moved to the general practices document. The statement (See General Practices for examples) will be substituted where the annotations had appeared in the policy document.

General Practices Document – It was recommended that an additional caution be added to the section on consulting/sabbaticals. It should warn faculty that they need to be careful about signing IP contracts with institutions where they intend to spend sabbaticals so they do not bind themselves to conflicting policies, one at VT and one at the other institution.

Summary Reports and Recommendations Outstanding

03.129	Dr. Al Wicks
03.139	Dr. Al Wicks
04.023	Dr. Al Wicks
04.056	Mr. Mark Sumner
04.062	Dr. Al Wicks
04.063	Mr. Mark Sumner
04.067	Dr. Al Wicks and Mark Sumner
04.082	Mr. Mark Sumner
04.083	Mr. Mark Sumner
04.095	Mr. Mark Sumner
04.098	Dr. Al Wicks
04.099	Drs. Al Wicks and Mark Sumner
04.103	Mr. Mark Sumner
04.109	Dr. Craig Nessler
04.124	Dr. J.D. van Wyk
05.001	Dr. J.D. van Wyk
05.016	Dr. Ira Jacobs
05.017	Dr. Ira Jacobs

Adjournment

Dr. Pickering announced the meeting adjourned at 1:15 p.m.

Virginia Polytechnic Institute and State University
Intellectual Properties Committee
July 20, 2005

FULL COMMITTEE

The Intellectual Properties Committee met July 20, 2005 – not a quorum – no official action. The following members present: Dr. Jim Blair, Dr. Al Wicks, Dr. Tim Pickering, Dr. Craig Nessler, Ms. Carol Roberson, Dr. Tom Caruso, Dr. Jack Lesko and Ms. Debbie Nester.

1. Unofficial – Disclosures 05.044, 05.045, 05.046, 05.048 all assigned to University by inventors. Recommended to be accepted with action being placed on agenda for next meeting.

2. New process for technology transfer and more defined role for IPC discussed and generally well accepted by those in attendance. IPC activities will include: IP policy and practices; determination of ownership and inventorship of disclosures in which assignment is not made to university; resolution of disputes related to IP policy implementation; and provide yearly overall assessment of IP processes to the university and to VTIP. Details to be presented at next IPC meeting.

3. Draft of new disclosure form was provided to those present and input was encouraged.

4. Minutes of last (June) meeting need to be accepted at the August meeting.

Adjournment

The meeting adjourned at 1:21 p.m.