

Jefferson Science Associates, LLC
Fairness of Opportunity Policy
Thomas Jefferson National Accelerator Facility

I. Policy

(a) The technology covered by the inventions, patents and patent applications, both foreign and domestic, vested in Jefferson Science Associates (JSA), normally will best serve the public interest when they are developed to the point of practical or commercial application and made available to the public in the shortest possible time. This may be accomplished by the granting of expressed non-exclusive, exclusive, or partially exclusive licenses for the practice of these inventions. However, it is recognized that there may be inventions that JSA/JLab Management determines publication to be the preferable method of accomplishing these objectives.

(b) Although JSA encourages the nonexclusive licensing of its inventions to promote competition and to achieve their widest possible utilization, the commercial development of certain inventions may require a substantial capital investment that private manufacturers may be unwilling to make necessary investments under a nonexclusive license. Thus, JSA may grant exclusive or partially exclusive licenses where the JLab Management determines granting of such exclusive or partially exclusive licenses is necessary to promote commercialization of subject inventions.

(c) Decisions as to grants or denials of any license application will, at the discretion of the JLab Chief Financial Officer & Business Operations Manager, be based on JLab Management view of what is in the best interests of the United States Department of Energy, JLab, and the general public under the provisions of these policies. When JLab Management determines that it is appropriate to grant a license, the license will be negotiated on terms and conditions most favorable to the interests of the general public, JSA/JLab and the United States Department of Energy.

II. Wide Spread Notice of Availability

JLab's Chief Financial Officer & Business Operations Manager will ensure wide spread notice of the availability of technologies suited for transfer and opportunities for exclusive licensing through the JLab website (http://www.jlab.org/exp_prog/techtransfer/licensing.html) and will invite comments submitted by interested parties. In addition, notice of exclusive licenses may be provided by other media such as: publication, participation in conferences, exhibitions, or competitive solicitations.

III. Exclusive and partially exclusive licenses

(a) Availability of licenses. JLab may grant exclusive or partially exclusive licenses in any invention only if the invention has been published for licensing for a period of at least thirty (30) days.

(b) Fairness Determination. After the thirty (30) day notice period, the Chief Financial Officer & Business Operations Manager and JLab Management will determine in accordance with JLab's Licensing Criteria whether:

- i. The interests of the general public, JSA/JLab and the United States Department of Energy will be best served by the proposed license; and,
- ii. It does not appear that the desired practical or commercial application has been or will be achieved on a nonexclusive basis; and that,
- iii. Exclusive or partially exclusive licensing is a reasonable and necessary incentive to call forth the risk capital and expenses necessary to bring the invention to the point of practical or commercial application.

(b) If JLab's Chief Financial Officer & Business Operations Manager determines that there has not been a sufficient period of notice given to establish fairness, or that based upon the evidence and argument submitted in writing by a third party that it would not be in the best interest of the general public, JSA/JLab and the United States Department of Energy to grant the exclusive or partially exclusive licenses, a written notice of such decision shall be documented and provided to the third party.

(c) JSA/JLab Management and/or the Chief Financial Officer & Business Operations Manager reserves the right to extend the notice period if it determines the circumstances warrant additional opportunities for notice and comment are necessary to meet its obligation of fairness of opportunity under its DOE Contract.