I am submitting these comments to the NIST RFI on this matter of public interest in my capacity as a private US citizen via my personal email.

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Q1.  *What are the core Federal technology transfer principles and practices that should be protected, and those which should be adapted or changed?*

Q1 ANSWERS:

Protected (reclaimed) should be the intent of the T2 legislation which is to "ensure the full use of the results of the Nat'l Fed investment in R&D.  To this end the Fed Gov shall strive where appropriate to transfer federally owned or originated tech to state and local gov't and to the private sector."  Many Fed Agencies have made T2 about their goals and mission and watered down the policy to be mainly self serving.

Adapted -  The Fed gov't should be able to get out of the way and let the non-Fed sector be more heavily involved and engaged to help (and/or lead) discovery, review, patenting, and marketing of innovation.  Let those who can benefit and who are incentivized drive the activity.

Existing authorities are not fully used or delegated…this is/has greatly hampered more effective T2 tremendously!

Q2. W*hat are the issues that pose systemic challenges to the effective transfer of technology, knowledge, and capabilities resulting from Federal R&D? Please consider those identified in the RFI as well as others that may have inhibited collaborations with Federal laboratories, access to other federally funded R&D, or commercialization of technologies resulting from Federal R&D?*

Q2 ANSWERS:

1.   Fed gov't/agencies/labs as a whole can not effectively transfer technology for a multitude of reasons.  Examples of reasons include T2 not being a prominent nor valued mission of agencies or labs; Fed gov't is not proficient at "marketing and sales" (culture, mission, security, IT, etc.); and T2 is not adequately resourced.  Feds are programmed to protect and regulate not market and sale!

2.  Lack of a Fed/Agency Intellectual Property strategy (business oriented not a legal position) in context of the legislation and the mission of the agencies. Example is the local attempts to get the most royalties out of a "deal" vice optimizing the opportunity for commercial success.  Similarly, IP and its strategy has largely become a legal issue where the goal is often "zero risk" vice a business decision that weighs the risk vs reward.

3.  Skilled T2 workforce within Fed govt.  The workforce is not specially trained or vetted for T2 nor is there a designated career field to grow and be recognized.  This means if someone's abilities align with being proficient at T2, to advance typically means they have to leave the T2 path.

4.  Each agency views, resources and manages T2 differently.  Therefore the execution of T2 programs vary greatly.  Just one issue with this is how the agencies coordinate (a) the cataloging (transparency and access) to the innovation assets (IP, equipment, facilities, projects, subject matter experts), (b) connecting with the appropriate offices/individuals to work with a potential partner, and (c) ability of the lab to transact.  Therefore, a potential non-Fed user has to navigate 15+ agency and 300+ labs approaches; each with their own website and views/templates of agreements.

5.  Labs and Agencies do NOT use the existing authorities that are available.

Q3. *What is the proposed solution for each issue that poses a systemic challenge to the effective transfer of technology, knowledge, and capabilities resulting from Federal R&D? Please consider the approaches identified in the RFI.*

Q3 ANSWERS:

1.  Allow (initially through pilots?) lab(s) and/or agency to assign rights of IP to a non-Fed entity for the marketing and dissemination to the non-Fed sector.  This non-Fed entity should likely be at least initially within the PIA (15 USC 3715) bounds.  Examples might include (1) expanding DoD's TechLink's role to include negotiating and signing licenses and (2) establishing foundations (eg Henry Jackson Foundation) as intermediary for collaboration and licensing.  Allow the non-Feds to do what they are incentivized to do (Feds should not need to pay for this, at least not in full).

2.a. Establish a Fed IP strategy with non-Fed input (since purpose is for economic growth) and that reflects the intent and purpose of the legislation (econ dev).  Ensure agency's strategy align with Fed.  Fund and measure Fed and agency T2 activities in alignment with T2 strategy/goals.  (connected with items 1,2, and 4)

2.b. Ensure T2 is a business decision with legal input but not default legal decision (this is common place at lab and agency levels). (connected with 3)

3.a. Create a T2 career field and prescribed training.

3.b. Warrant certain T2 professionals would provide the opportunity to more quickly transact agreements.

4.a. Create a Fed entity to manage Fed T2 to ensure alignment and adequate resourcing to obtain T2 goals.  Consider carefully the placement of such an entity.  DOC currently has reporting roles but has no authority over other agencies…NIST's T2 involved organization (TPO) is a technical agency, would it make more sense to place T2 in an economic development organization which is better aligned with the intent/purpose of the T2 legislation?

4.b. Create a single Fed portal (or common database/warehouse) for T2 (collaboration, marketing, etc.) to (i) make known opportunities and disseminate information, (ii) connect, ensure, and measure lab engagement (akin to customer relations management), (iii) potentially work with/through non-Fed entities to reach/engage the broadest audience and leverage aligned state/local/nfp interest (aligned with their goals) and investment!

4.c. Institute template agreements that reflect the intent of the legislation (ensure the full use of Fed R&D results!).

4.d.  Create a Fed wide T2 taxonomy akin to what NASA did in the recent past…this afforded each lab a clear (even if not perfect) common language to consistently categorize and present its technology.

4.e.  Expand the legislative role of the FLC by allowing it to accept non-Fed funding for partnerships that directly align with the mandated missions of the FLC.  Assign FLC the role of being the Fed T2 portal / data warehouse for cataloging and making access to the shareable IP assets of the Fed gov't (IP, projects, software, facilities, equipment, subj matter experts, etc.).   Require Fed agencies to ensure applicable information is provided to FLC.

5.  Existing T2 related authorities need to be pushed down (signed) to the lowest level possible (which is typically the labs).

Q4. *What are other ways to significantly improve the transfer of technology, knowledge, and capabilities resulting from Federal R&D to benefit U.S. innovation and the economy? What changes would these proposed improvements require to Federal technology transfer practices, policies, regulations, and legislation?*

1.  Consider making Federal agencies (and programs) be required to check what technology solutions are already available withing the Fed gov't before developing new technologies.  A simple search on FLC Business could yield insight into what the Fed gov't already has Gov't Purpose Rights to now and/or who in the Fed gov't has expertise, facilities, equipment, etc. in certain technologies / capabilities.  This would be an internal "tech scout" use of FLC Business - it already exists now.