

EXHIBIT 2B (Jan 2001)

PETITION FOR ADVANCE WAIVER OF PATENT RIGHTS

Offerors have the right under 10 CFR 784 to request that DOE waive all or any part of the rights of the United States under any invention that may be conceived or first actually reduced to practice in the course of or under the subcontract resulting from this solicitation.

You may request waivers anytime before award of the subcontract, within 30 days thereafter, or within a longer period that may be authorized by the DOE Patent Counsel.

You must request waivers by using the attached DOE form. You should mail the form and its attachments to:

Ms. Emily G. Schneider
Assistant Chief Counsel for Intellectual Property
Oak Ridge Operations Office
U. S. Department of Energy
Post Office Box 2001
Oak Ridge, Tennessee 37831

If you need further information, you may call Ms. Schneider at (865) 576-1077.

So that we may know if you have requested a waiver, please include a copy of the form (attachments are not necessary) in your proposal or send it to the Company's subcontract administrator.

UNITED STATES
DEPARTMENT OF ENERGY

PETITION FOR ADVANCE WAIVER OF PATENT
RIGHTS UNDER 10 CFR 784

TO BE COMPLETED BY DOE

HQ WAIVER NO.: _____

ORO WAIVER NO.: _____

Title of Contract or Proposal _____

RFP No. _____ Contract No. and Date (If executed) _____

The _____

(Name and address of Petitioner)

does hereby petition the Secretary of the Department of Energy for waiver of patent rights of the United States of America to any invention(s) that may be made in the performance of work under the above-identified contract. It is understood that any waiver of rights shall be subject to the conditions set forth in 10 CFR 784.

Is Contractor a small business as defined by 1-1.701 FPR? _____

In support of this petition, answers to the following questions are submitted as an appendix hereto.

1. If this petition is for a waiver of rights other than domestic and foreign patent rights, describe the exact scope of the waiver requested.
2. Give a brief description of the scope of work of the above contract.
3. What is the dollar amount and period of performance of this contract?

4. Briefly describe Contractor's technical competence in the field of technology covered by the scope of work of this contract in terms of prior experience, know-how and patent position. (Attach exhibits to substantiate your technical competence, e.g., patents, technical publications, etc. If these are voluminous a representative sample is sufficient.)
5. Briefly describe the Contractor's established commercial position in the field covered by the scope of work of the above contract. (Discuss in terms of selling goods or providing services in such field and in terms of market share where there is an existing market related to the contract work. Identify the proportion of sales to the Government. Attach exhibits to substantiate your commercial position, e.g., sales brochures, etc. If these are voluminous, a representative sample is sufficient.)
6. What is the financial or other investment that has been made by Contractor directly related to the work to be performed under this contract?
7. To what extent will the Contractor make a substantial investment or effort which will directly benefit the work to be performed under the contract?
8. Why will the grant of the above-requested waiver more effectively promote the commercial utilization of any invention made under this contract?
9. What will be the effect on competition and market concentration if the above-requested waiver is granted? Would the acquisition of the waiver rights requested be likely to place Contractor in a preferred or dominant position in this field? Give reasons for your conclusions.
10. What other contracts has Contractor had with any Branch or Agency of the U.S. Government which include all or a part of the scope of work covered by this contract?
11. Is Contractor aware of any governmental regulations which require or which might require the use of the contract subject matter by the general public or a segment thereof? (If yes, explain.)
12. Does the work under this contract require an exploration into fields which concern the public health, safety or welfare; (for example, the development of drugs, medical or safety instruments, anti-pollution devices or such other products that may have a bearing on health, safety or welfare of the general public)? (If yes, explain.)
13. If Contractor is a nonprofit educational institution, what is the technology transfer capability and program of Contractor? Has this technology transfer capability and program been approved by DOE or any other agency?

14. Give any other facts that Contractor believes will establish that the interests of the United States and the general public will best be served by the granting of this waiver. Sufficient information is required so that the Secretary can consider specifically each of the areas and objectives covered in 10 CFR 784.
15. (a) Have you within the past 6 months assigned or conveyed an interest to a party other than DOE in any patent or patent application covering a subject of the work to be performed under the contract or entered into negotiations concerning such assignment or conveyance? (b) Do you plan to do so prior to contracting? (If yes, give details.)
16. State below the name, address and telephone number of the person to whom correspondence is to be directed.

The facts set forth in this request for waiver are within the knowledge of the requestor and are submitted with the intention that the Secretary or his designee rely on them in reaching the waiver determination.

Respectfully submitted,

(Signature)

(Name and title of authorized representative)

Date Submitted to DOE:
