

FL-106

**PATENT TERMS AND NOTICE OF RIGHT
TO REQUEST PATENT WAIVER**

1. Under the provisions of P.L. 96-517, the patent terms required for subcontracts with Offerors in certain categories are set forth in the Department of Energy Acquisition Regulation (DEAR). In order to determine the Patent provisions applicable to this subcontract, please check the applicable box.

Offeror is:

- (a) A small business firm as defined at Section 2 of P.L. 85-536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this definition, the size standard for small business concerns involved in Government procurement, contained in 13 C.F.R. 121.3-8, and in subcontracting, contained in 13 C.F.R. 121.3-12, will be used.
- (b) A University or other institution of higher education or an organization of the type described in Section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under Section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); or
- (c) A nonprofit scientific or educational organization qualified under a State nonprofit organization statute. Please identify the statute _____.
- (d) None of the above.

2. *[applicable only to Offerors who have checked 1. (d) above]*

Offerors who have checked (d) above have the right to request, in advance of or within 30 days after execution of the subcontract, in accordance with applicable statutes and the DOE Patent Waiver Regulation, (10 C.F.R. Part 784), a waiver of all or any part of the rights of the United States in Subject Inventions. Please indicate:

- I intend to request an advance waiver in accordance with 10 C.F.R. Part 784.
- I do not intend to request an advance waiver.

This is submitted with the intention that the Department of Energy rely on my representation that the organization named below is a member of the category indicated.

(Name of Organization)

(Signature of Authorized Representative)

(Typed or Printed Name)

(Title of Authorized Representative)

(Date)