

INVENTOR'S NAME
c/o Director (/00)
VA Medical Center
ADDRESS

Re: TITLE OF INVENTION

Dear NAME OF INVENTOR(S):

This refers to your above-referenced invention which you disclosed pursuant to 38 C.F.R. § 1.656. This Regulation provides that it is the duty of the General Counsel to determine the respective ownership rights, as between the VA and a VA employee, in an employee invention. This letter constitutes such a determination.

Before issuing a determination I would like to explain generally what this decision does and does not do. The VA recognizes that an inventor may be a part-time VA employee and part-time employee of another organization, such as a university affiliate, and that an invention can be made while the inventor is acting as an employee of both. It is important to realize that this letter determines ownership rights only to the extent the invention was made in connection with the inventor's VA employment or with a substantial VA contribution. This letter does not address any ownership rights another organization may have through you. If another organization has a joint ownership interest, the VA will contact and work with the joint owner to expedite the development of the invention. It will also substantially share with the inventor and the facility any ensuing royalties. For more information see www.vard.org.

Turning to your particular disclosure, we note that you provided a descriptive summary of your invention. A copy is included herewith at Exhibit A.

Officials of the Veterans Health Administration (VHA) have reviewed your disclosure, advised as to the VA's involvement in development of the invention, and have reviewed its usefulness to the VA medical care system. Based on such review, it has been recommended that the VA assert an ownership right in and to the invention.

INVENTOR'S NAME, concerning the circumstances surrounding the development of your invention, you indicated that it was created while you were employed as a POSITION TITLE at the VA Medical Center in CITY, STATE. The file also reveals that you had research responsibilities with VA. Regarding your work, you certified that your invention was made CITE SPECIFIC VA CONTRIBUTION.

According to 37 C.F.R. § 501.6(a)(1), the VA is entitled to the entire right, title, and interest in and to any invention made by a VA employee (i) during working hours or (ii) with a contribution of the VA of facilities, equipment, materials, funds, information or the time and services of other VA employees on official duty, or (iii) which bears a direct relation to or is made in consequence of the official VA duties of the inventor. Having reviewed the information you have submitted, I find at least one of the aforementioned categories has been satisfied in this instance.

We concur with VHA's recommendation in this matter. Accordingly, pursuant to 37 C.F.R. § 501.6(a)(1), I find that the VA is entitled to assert an ownership right in and to the invention, to the extent the invention was made in connection with VA employment or with a substantial VA contribution.

Should you disagree with this determination you have the right to appeal it to:

Under Secretary for Technology
c/o Office of Federal Technology
Room 4837
United States Department of Commerce
Washington, D.C. 20230

Such an appeal should be made within 30 days of your receipt hereof, or such longer period as the Secretary may, for good cause shown in writing, fix in any case. Pursuant to 37 C.F.R. § 501.8, two copies of any appeal must be filed.

I am enclosing a copy of this determination which I request you sign (to acknowledge receipt) and return to this office.

Sincerely yours,

John W. Klein
Assistant General Counsel

Enclosure

cc: Dr. Mindy Aisen (122)
UNIVERSITY

Acknowledgment of Receipt: _____ Date: _____

INVENTOR'S NAME