

WAIVER OF RIGHTS TO INVENTIONS

This instruction is applicable to proposers who would be subject to the "New Technology" Provision in any resultant contract (e.g., this instruction does not apply to small businesses).

1. If the Contractor elects to file a petition for waiver of rights to inventions, such petition should not be addressed to the Jet Propulsion Laboratory, but to:

NASA Management Office
4800 Oak Grove Drive
Pasadena, California 91109
Attention: Patent Counsel

2. The NASA Patent Waiver Regulations are set forth in 14 CFR, Section 1245, Subpart 1. Under Section 1245.104 of the Regulations, a NASA Contractor or Subcontractor may, prior to or within 30 days after execution of the contract, petition for advance waiver of domestic rights to any or all of the inventions which may be made under the contract. Under Section 1245.105 of the Regulations, a petition for waiver of domestic rights to identified inventions which have been reported to NASA may be filed prior to the filing by NASA of a U.S. patent application, even though a request for an advance waiver was not made or, if made, was not granted.
3. **PROVIDE WRITTEN NOTICE TO THE JPL NEGOTIATOR NAMED IN THIS REQUEST OF THE FILING OF YOUR PETITION FOR ADVANCE WAIVER UNDER SECTION 1245.104 CONCURRENTLY WITH SUCH FILING.**
4. Petition for advance waiver submitted pursuant to Section 1245.104 will be forwarded by the Patent Counsel to the NASA Inventions and Contributions Board for consideration. The Board will either make the necessary findings and recommend to the Administrator of NASA that the waiver be granted, or inform the Patent Counsel that facts which are readily available are insufficient to permit a decision to be made without unduly delaying the execution of the contract. In the latter event, you will be so notified, and within 30 days following execution of the contract, you may request the Board to reconsider the petition on the record or with any additional information you may provide. If your request for waiver is granted, the conditions, reservations and obligations thereof will be included in the instrument of waiver.
5. In the event you are notified of favorable action by the NASA Inventions and Contributions Board on a petition filed by you for advance waiver of rights to all inventions pursuant to 14 CFR, Section 1245.104, prior to the execution of a contract based on your proposal, you shall advise JPL in writing without delay.
6. You should understand that a decision of the NASA Inventions and Contributions Board granting your petition under Section 1245.104 does not expressly or impliedly obligate JPL (i) to enter negotiation or to award to you a contract based on any proposal you may submit in response to this request, (ii) to reimburse you for any costs other than normally allowable costs in the event you are awarded a contract based on a proposal responsive to this request, or (iii) to indemnify you for any loss or liability incurred as a result of such petition or proposal.