National Aeronautics and Space Administration
Headquarters
Washington, DC 20546-0001

October 9, 2012

Reply to Attn of: Office of the General Counsel

TO: Directors, NASA Centers

FROM: General Counsel

SUBJECT: Invention of the Year Nominations for 2012

The Office of the General Counsel is pleased to support NASA inventors through the Invention of the Year Awards Program. We offer two competitions: (1) the NASA Commercial Invention of the Year and (2) the NASA Government Invention of the Year.

The Invention of the Year Awards are an important part of the NASA patent program. The eligibility requirements for nominations are enclosed and the selection process will be conducted by the NASA Inventions and Contributions Board (ICB) at Headquarters. Center nominations may be presented remotely or in person on February 6, 2013. The ICB will provide ranking recommendations and scores to the General Counsel, who will make the final selection. The winners will receive Space Act Awards from the NASA Inventions and Contributions Board.

The eligibility requirements for the NASA Commercial Invention of the Year Award are linked to the National Inventor of the Year event promoted by the Intellectual Property Owners Educational Foundation (IPOEF). Only inventions that were first commercialized to non-government customers during the last four years (2009-2012) will be considered. The NASA Commercial Invention of the Year may be nominated by NASA for the National Award. Later in the year, the National Inventor of the Year is announced by the IPOEF and recognized at a reception in Washington D.C.

The eligibility requirements for the NASA Government Invention of the Year Award are based on the impact the nominations have had on NASA's mission and on other government programs. While commercial sales may exist, the deciding factor for the Government Invention of the Year Award will be Government use.

You are invited to submit a maximum of two nominations, both of which will be considered for each award. Please submit your nominations electronically through your Center's Patent Counsel to the Space Act Awards Liaison Officer, using NASA Form 1329 (Space Act Award Application).

Additionally, your Center's Awards Liaison Officer should ensure complete electronic submissions via the NASA Technology Transfer System (NTTS) by close of business Friday, December 21, 2012.

Michael C. Wholley

Enclosure

Directors, NASA Centers:
ARC/Dr. Worden
DFRC/Mr. McBride
GRC/Mr. Lugo
GSFC/Mr. Scolese
JPL/Dr. Elachi
JSC/Mr. Coats
KSC/Mr. Cabana
LaRC/Ms. Roe
MSFC/Mr. Scheuermann
SSC/Dr. Gilbrech

Center Chief Technologists
ARC/Mr. Hines
DFRC/Mr. Voracek
GRC/Mr. Ross
GSFC/Mr. Hughes
JPL/Mr. Zmuidzinas
JSC/Mr. Saiz
KSC/Ms. Thompson
LaRC/Dr. Belvin
MSFC/Mr. Keys
SSC/Ms. Travis

cc:
Board Members
HQ/Mr. Ryschkewitsch
HQ/Mr. McGinnis
ARC/Ms. Livingston
ARC/Mr. Stone
GRC/Dr. Braun
GRC/Dr. Meador
GSFC/Mr. Bristow
GSFC/Ms. Cauffman
GSFC/Mr. McComas
JSC/Mr. James

JSC/Mr. Savely
KSC/Dr. Quinn
LaRC/Mr. Midgett
LaRC/Dr. Singh
LaRC/Dr. Turcotte
MSFC/Dr. Bhat
MSFC/Mr. Frazier
MSFC/Ms. Wang

Counsel to the Board
HQ/Ms. Galus

Awards Liaison Officers:
HQ/Ms. Dennis
ARC/Ms. Orans
DFRC/Ms. Gibbs
GRC/Ms. Dalgleish-Miller
GSFC/Mr. Mecum (Acting)
JPL/Dr. Jaggers
NMO-JPL/Mr. Rosca
JSC/ Ms. Andrews
KSC/Mr. Makufka
LaRC/Ms. Cooper
MSFC/Mr. Mcmillan
SSC/Mr. Travis

Office of the General Counsel
HQ/Ms. Graham

Patent Counsels
ARC/Mr. Padilla
NMO-JPL-DFRC/Mr. Homer
GRC/Mr. Earp
GSFC/Mr. Geurts
JSC/ Mr. Fein
KSC-SSC Mr. Heald
LaRC/Ms. Edwards
MSFC/Mr. McGroary

ELIGIBILITY REQUIREMENTS FOR THE 2012 NASA's INVENTION OF THE YEAR AWARDS

I. BACKGROUND

- NASA develops and funds the development of many valuable innovations. In keeping with NASA's mission to transfer cutting edge technology to U.S. industry to enhance U.S. industrial competitiveness in the international marketplace, it is the Office of the General Counsel's policy that NASA should file patent applications on those innovations that have commercial potential. Many of NASA's patented inventions have realized their commercial potential through licensing to U.S. industry. Others, while not resulting in licensing activity, nonetheless contribute significantly to specific NASA programs by, for example, improving mission safety and/or reliability, or saving considerable amounts of time and/or program money. The General Counsel believes that both types of inventions provide beneficial contributions to NASA's mission and both should be considered for awards. Two distinct awards may be presented: (1) the NASA **Commercial Invention of the Year Award** and (2) the NASA **Government Invention of the Year Award**.
- The ICB makes recommendations on the competition outcome to the General Counsel. The General Counsel, as competition sponsor, makes the final recommendations to the NASA Administrator who has the final authority to approve the awards.
- There is no requirement that either award category be recognized in a given year. Alternately, a single nomination may be selected to receive both awards.
- There is no need to specify a nomination for one particular contest. Nominations may be submitted for each category, but all nominations will be considered for any categories they qualify for.
- The winner of NASA's Commercial Invention of the Year Award, if any, may become NASA's nominee for the Intellectual Property Owners Educational Foundation (IPOEF) National Inventor of the Year Award.

II. GENERAL ELIGIBILITY REQUIREMENTS - The following requirements apply to both the NASA Commercial Invention of the Year Award and the NASA Government Invention of the Year Award. To be eligible for consideration for either award, the nominated invention must satisfy all of the following general requirements:

- **The invention must have at least one NASA employee as an inventor**. Inventions made jointly with non-NASA employees are also eligible. Nominations must include the names and home addresses of all inventors including NASA and non-NASA employees.
- **A United States Patent covering the invention must have issued**. The patent need not have issued during the award period, but may have been issued in a previous year. A Provisional Patent does not qualify.

- **Only inventors listed on the issued patent(s) will be considered for the Invention of the Year award.** Other technical contributors may be named in a Board Award Application and may be considered for Board Action Awards for their contributions to the IOY nomination, but will not be recognized as IOY winners.

- **The invention as patented must have been actually reduced to practice**. That is, a physical embodiment of the patented invention must have been produced and tested so as to indicate that the invention works as intended in practical applications. The first actual reduction to practice need not have occurred during this award period but may have occurred in a previous year.

- **NASA must have an ownership interest in the invention**. Inventions developed by NASA civil servant employees, or under NASA contracts, grants, or cooperative agreements, may be assigned to the United States Government as represented by the Administrator of NASA. Although rights flow to the entire Government, for these award requirements such assignment confers the necessary ownership interest in NASA.

  For example:

  - Generally, before NASA files patents on inventions made solely by NASA civil servant employees, the NASA employee(s) must assign his/her interest to NASA. Thus, a patented invention having only NASA employee inventors is eligible.

  - An invention made jointly by a NASA employee, who assigned his/her interest to NASA, and an employee of another Government agency, who assigned his/her interest to that agency, is eligible.

  - An invention made jointly by a NASA employee, who assigned his/her interest to NASA, and a non-Government employee, who assigned his/her interest to his/her company, so that a joint ownership situation exists, is also eligible.

III. SPECIFIC ELIGIBILITY REQUIREMENTS - These requirements, which are specific to a particular award, are in addition to the general requirements. To be eligible for consideration for a specific award, the nominated invention must both satisfy all of the specific eligibility requirements as well as all of the general eligibility requirements.

Specific NASA **Commercial Invention of the Year** Eligibility Requirements

- **There must be a commercially available product based on the nominated patent. The invention must have become first commercially available during the four year period from January 1, 2009 to December 31, 2012.**

  - To become commercially available, the invention must be licensed to a licensee that has produced and sold the licensed invention to non-government customers. Merely announcing a product or offering it for sale does not make it commercially available.

- Thus, to satisfy this requirement, first delivery of a licensed invention from a licensee to a non-government purchaser must have occurred during the applicable four-year time period.
- There can be a substantial hiatus between the patent issue date and the first commercial availability of the invention. Thus, it is important to state the facts regarding commercial availability in the nomination package.

- **NASA must have received royalties based on the licensed invention**. Documentation showing that NASA has received royalties from sales based on the licensed invention must be provided. Some portion of the sales must be to non-government customers and commercial entities not purchasing the product for government activities. Specific dollar amounts are not required.

Specific NASA **Government Invention of the Year** Eligibility Requirements

- **The invention must be significant to a NASA mission**. That is, the patented invention must have provided a significant and identifiable benefit to a NASA project or program. The benefit must have occurred for the first time **during the four year period from January 1, 2009 to December 31, 2012.** Significant and identifiable benefits include, but are not limited to, the following:
  - The invention is in actual use in a specific, identified NASA project or program. An invention being tested for possible use in a NASA project or program does not satisfy this requirement.
  - The invention results in monetary and/or time savings to a NASA project or program.
  - The invention increases mission safety.
  - The invention results in enhanced operations or performance, e.g., increased reliability and/or efficiency.
  - Inventions that provide a positive public relations benefit, but no other identifiable benefit, do not satisfy this requirement.
  - Royalties do not provide a benefit to a specific program alone, but provide a benefit to the government as a whole, and thus are considered under the Commercial Invention of the Year Award requirements.

Repeat Nominations Permitted

- An invention may be nominated a second time in a later year when there has been a substantial increase in the benefits to NASA or in the commercial availability. The same invention may be nominated again if the invention first demonstrated a benefit to NASA or first became commercially available during the applicable four-year period.
- Previous winners of either Invention of the Year Award are ineligible for resubmission to subsequent Invention of the Year competitions.

IV. CENTER SCREENING

- It is recommended that a technical peer council at the nominating Center screen nominations and ensure all eligibility requirements are met and documented in the nomination package.

V. NOMINATION PROCEDURES

- An electronic IOY Board Award request for each innovator of the nominated technology must be made in NASA NTTS by the Center Award Liaison Officer.
- Nomination forms and documentations must be submitted to Headquarters electronically as attachments to the Board Award requests.
- Please do not submit "Classified", or "Sensitive But Unclassified (SBU)" or other limited access documents or information.
- Each Center's nomination(s) package shall be compressed in a ZIP file named by the NTR number convention, i.e. "ABC-12345-IOY".
- All files in the ZIP file shall be named similarly, with additional identification in the filename, i.e. "ABC-12345-IOY-form1329" or "ABC-12345-IOY-patent"
- Each nomination must include at a minimum:
  - A copy of the issued patent.
  - A photograph or drawing of the invention.
  - A completed Form 1329, ICB Award Evaluation Questionnaire (the Form 1329A is being discontinued). Please note previous Board Award dates/amounts and summarize changes since the last evaluation on the Form 1329. The completed form should address the following important topics:
    - A brief description of the invention's form and function.
    - Detailed description(s) of significant and identifiable benefit(s) to NASA project(s) or program(s).
    - Detailed descriptions of the performance, utility, and value to NASA, the Nation, industry, and the general populace.
- Additionally, for Commercial Invention of the Year nomination, the following is required:
  - A detailed explanation of the invention's first commercial availability in the previous four years - including the identity of licensee(s), type of license(s), (exclusive, partially exclusive, or non-exclusive).
  - Verification that sales based on the licensed the invention(s) have occurred and royalties have been received from nongovernment entities (specific sales figures

or royalty amounts may be provided but are not required). **Any proprietary information included should be clearly marked as such.**

- One or two presenters are invited to give a brief technical summary of the invention to the Inventions and Contributions Board in person or via ViTS/Webex. DVD or other prerecorded presentations are also acceptable if delivered to the Inventions and Contributions Board (ICB) one week prior to the presentation date. Notification of the planned presentation type should be provided to the ICB staff at the time of the nomination submission. The length of presentations on the competition day will be determined after the number of qualified nominations is known.