

STATEMENT OF CONSIDERATIONS

REQUEST BY INVENTOR ROSLYN HIGGINS FOR THE WAIVER OF DOMESTIC AND FOREIGN RIGHTS TO THE IDENTIFIED INVENTION ENTITLED:

REMOVAL AND CONTROL OF SILICA FOULING ON REVERSE OSMOSIS MEMBRANES

THE ABOVE-REFERENCED INVENTION BEING DEVELOPED UNDER DOE CONTRACT No.: DE-AC04-94AL85000, SANDIA NATIONAL LABORATORIES M&O CONTRACT, ASSIGNED DOE INVENTION DISCLOSURE No.: S-121,935, AND DOE WAIVER No.: W(I) 2011-006.

The Petitioner and Inventor of the subject matter technology, Roslyn Higgins (*herein after* the Inventor), requests a waiver of the Government's domestic and foreign patent rights in the present invention, the invention being entitled: *Removal and Control of Silica Fouling on Reverse Osmosis Membranes*.

The subject invention was conceived by the Inventor during the Inventor's tenure as a student intern in the employ of the Sandia Corporation; the Inventor's student internship agreement contains no provisions that prohibit or prevent the present request for title. The Sandia Corporation is the Management and Operation Contractor for Sandia National Laboratories—a Government owned contractor operated (GOCO) facility, the facility being subject to DOE contract number DE-AC04-94AL85000 at the time of the conception of the subject matter invention.

The present invention relates to a methodology for the treatment and prevention of silica fouling on membranes within reverse osmosis systems. The crux of the inventive methodology comprises the usage of alginic acid to serve as an inhibitor to the effects of silica fouling on reverse osmosis membranes and as a remover of silica scales from previously fouled reverse osmosis membranes. Sandia National Laboratories has expressed in writing support for the Inventor's request for title rights to the above-referenced invention.

Federal expenditure for research and development efforts relating to the inventive subject matter was approximately \$100k. No additional program funding to promote the further research of this inventive technology is anticipated. Presently, the Inventor is prepared to promote the development and commercialization of the inventive subject matter in the event that title to the inventive subject matter is granted to the Inventor.

The technology comprised within the inventive subject matter is not export controlled. Further, the technology of the inventive subject matter is not applicable to the Naval Nuclear Propulsion Program, the nuclear weapons programs, or other nuclear or atomic energy defense activities of the DOE.

As per this petition, the Petitioner agrees to abide by the provisions of 35 U.S.C. §§ 202 and 203. Further, the Petitioner agrees to abide by the preference for U.S. Industry standards as presented in 35 U.S.C. § 204, the requirements of which are set forth in the U.S. Competitiveness Clause. As such, the Petitioner agrees to the following:

The Petitioner agrees that any product that embodies any waived invention or produced through the use of any waived invention will be manufactured substantially in the United States, unless the Petitioner can show to the satisfaction of the DOE that it will not be commercially feasible to do so. In the event that the DOE agrees to foreign manufacture, there will be a requirement that the Government's support of the technology be recognized in an appropriate manner (e.g., the recoupment of any Government investments, etc.). Further, the Petitioner agrees to make this condition binding on all assignees or licensees of the subject matter technology. Yet further, the Petitioner will also abide by the Export Control laws and will require that all licensees do the same.

There is no current interest in pursuing the commercialization of the subject matter technology on the part of Sandia National Laboratories. As such, the granting of this waiver serves as the only manner in which to promote the commercial utilization of the subject matter invention. Further, the Inventor's desire to obtain title and actively seek the commercialization of the subject matter technology satisfies objectives of the DOE/NNSA's technology transfer mission.

Thus, upon the evaluation of the present Petition for Waiver in view of the objectives and considerations as set forth in 10 CFR 784, it is recommended that the requested waiver be granted.

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Wendell A. Peete, Jr.
Patent Attorney, NNSA

Based on the foregoing Statement of Considerations and the representations of the attached Waiver Petition, it is determined that the interests of the United States and the general public will best be served by a waiver of patent rights of the scope described above and, therefore, the waiver is granted.

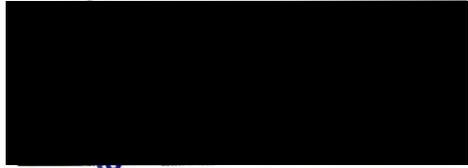
CONCURRENCE:



Frank Marcinowski
Deputy Assistant Secretary for Waste Management
U.S. Department of Energy

Date: 8/22/12

APPROVAL:



John T. Lucas
Assistant General Counsel
Technology Transfer and Intellectual Property
U.S. Department of Energy

Date: 9/4/2012