



U.S. DEPARTMENT OF
ENERGY

Energy Efficiency &
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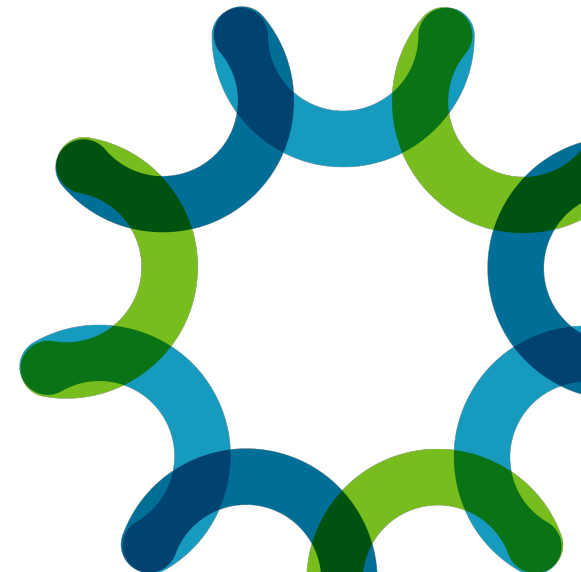
BIOENERGY TECHNOLOGIES OFFICE

How to work with the ABF

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Industry Day, November 19, 2021



Five Basic Types of Partnerships

- Most common: Direct Funding Opportunities (DFOs)
 - Special ABF Cooperative Research and Development Agreement (CRADA)
- Projects funded by companies:
 - Strategic Partnership Project agreement (SPP)
 - CRADAs
- Informal: transfer of materials, data, or information
 - MTAs and NDAs
- Equipment loans

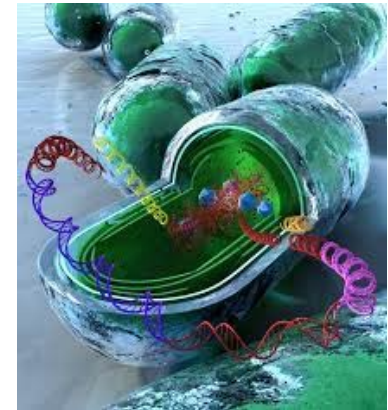
DOE DFOs

- Companies work with ABF to develop a proposal in response to the DOE DFO. (Companies may work w/one or several of the ABF labs.)
- DOE funding is provided to the ABF lab(s) to conduct the statement of work (SOW)
- Company provides min. 20% match, either in-kind, cash, or a combo
- Awarded proposals are conducted under a DOE contract called a Collaborative Research and Development Agreement (CRADA)
- Due to extremely long CRADA negotiation times in the past, ABF developed a unique CRADA that is non-negotiable
 - Used for all ABF DFO projects
 - Based on DOE template CRADA; some terms adapted for the ABF mission. Some are the best “model terms” that could be offered.

ABF Non-Negotiable, Best-Terms CRADA

Ownership of Biological Materials

Typically, biological materials produced by DOE labs under a CRADA are owned solely by the lab, especially if the funding is from DOE. Leads to need for further agreements if the company wants to commercialize results (bailments, etc.)



In the AFB DFO CRADA, biological materials produced under the statement of work and remaining at the end of the project are distributed equally among any requesting parties and title vests with the party to which they are distributed. Period.

This does NOT mean that a partner DOE lab would take title to any biological materials or parts provided by the company for the project. Those are provided to ABF under a separate MTA. Only materials created under the SOW have shared-ownership.

IP Terms – a balancing act

ABF is **dedicated to accelerating biomanufacturing and building the bioeconomy**

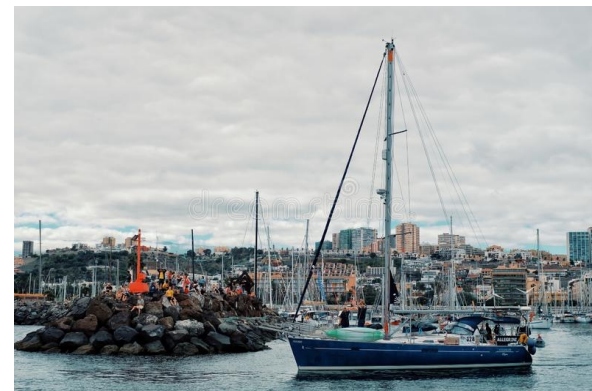
“the rising tide that lifts all (seaworthy) boats”

- tools for engineering non-model microbes
- platforms to accelerate DBTL

DOE wants to maximize the use of technologies developed with federal funding

AND

ABF wants to provide some of the gas to get your project out of the harbor and give you some long-term confidence that your boat has some protection in competitive waters



DFO CRADA: Two options for Options

- IP ownership follows inventorship. Labs own what their employees invent, company owns what its employees invent. Joint inventions are jointly owned.
- For lab-owned inventions developed under a DFO SOW, Company can choose between two IP License Options:
 - **6 month** no-cost Option to an exclusive license **in a defined field of use** with reasonable terms, OR
 - An **18 month** no-cost Option to a non-exclusive license **in all fields of use** with reasonable terms

Company has 45 days from the time the lab-owned invention is disclosed to the lab tech transfer office to select which option it would like.

Or a company can choose the Option upfront and negotiate the field of use if that choice is for an Option to an exclusive license.

Open to your feedback and ideas!

The ABF DFO CRADA is somewhat of an experiment. ABF is open to other ideas about how to structure terms to balance company IP needs and the need to make the most out of the tax payers' investment in ABF. Innovation in tech transfer *within DOE requirements* is welcome!



Funding ABF projects directly

Companies can also partner with ABF using non-federal funding under a negotiable CRADA or Strategic Partnership Program agreement

- SPP - Usually shorter-term projects that are unlikely to generate IP. Company usually owns background IP and would like ABF to perform well-defined work
 - If company is US majority owned, company takes title to any lab-generated inventions. If not, labs take title and may choose to offer some limited licensing rights, but this is subject to DOE approval
 - Company provides general indemnity
- CRADA – true collaboration and joint problem-solving
 - Company may embed employees at the lab(s)
 - IP ownership follows inventorship and company gets an option to an exclusive license in an agreed-upon field of use
 - No general indemnification

Informal collaborations

ABF welcomes informal collaborations for the purposes of sharing materials, data, and information, and planning potential future projects.

These can usually be managed under no agreement at all, or NDAs and MTAs.



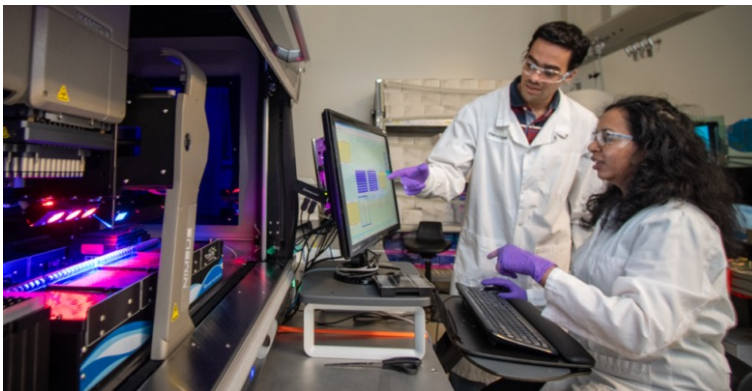
Non-obvious benefits of working with ABF

Industry-informed platforms provide commercially relevant results – IP is practical and has strong branding with investors

Build positive reputation with DOE and participating labs

CRADAs can provide excellent staff training opportunities

Exposure to cutting-edge tools enables more informed purchasing decisions



Questions

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