Florida Polytechnic University
Office of Technology Transfer
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Intellectual Property Working Groups: Moving ideas to commercialization

The Problem: Two significant issues are present for most university developed IP, these issues are:

1) The IP is demonstrated/developed in a very controlled environment that may justify patent protection but typically is very far from some sort of "commercial" status.
2) Individuals or groups that develop IP tend to be self-selected. This means that a balance of skill sets is many times not present and, despite the university setting where there are broad ranges of deep skill sets available in the faculty, the self-assembled team does not include all the technical elements that are necessary for commercial success.

Background to the problem:

Within the university environment, much of the technical talent is present in the faculty and faculty are free to select their research activity area (within the boundaries of what the institution can support and noting that research that does not support their department's mission will not "count"). This is very distinct from the corporate environment where individuals are assigned to work on various projects. Two issues limit the appropriate broadening of the technical team that supports patent to license development necessary for commercialization in the university environment:

1) **Credit for the IP:** the inventor (or inventors) have significant pride in their accomplishment, many times this is the culmination of many years of work which culminates in a patent or equivalent. There is resistance to "sharing the credit" with new team members that do not have the longevity of investment in the IP. The Jones and Smith patent that changed the world is very different than Jones, Smith, McGillicuddy, Parker, Fugett, Thiesen, and Bohm patent.
2) **What do I get for this?** Faculty do not have that much free time, and they are held accountable for research productivity in their annual and promotion reviews. The "coin of the realm" is:

- Publications that show high quality research in high quality journals,
- Presentations that show research activity.

In addition, support of faculty activity can possibly be:

- student support provided by some entity that helps the faculty member,
- summer salary and/or course buyout.

Regardless, a faculty member needs to be sensitive to always publish in some manner consistent with expectations for their department and field. Working in an IP working group is potentially a time sink for a faculty member; for this to be an effective use of faculty time, there must be appropriate recognition for the work.

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How to construct effective IP working groups:

1) For patents that have been filed or are being filed, the author list on the patent cannot expand (unless there is a very compelling reason to do so).
2) An IP working group is formed by strategically asking key faculty (and possibly staff) to participate in the group. The Director of Technology Transfer will facilitate the discussion with patent authors on individuals to be a part of the group, noting that the patent authors must be comfortable working with these individuals. Requests will go to the individual faculty member with a copy to their chair. Faculty members are not obligated to participate in the IP working group.
3) The IP working group must work on the problem in a way that the participants gain:
    a. Publication, here the group needs to identify how to work on the problem and have this work lead to publication that benefits the team members' careers.
    b. In cases where there can be student work involved, individuals should be provided with student help (either undergraduate or graduate) where they get credit for mentoring the student (source of funding to be the university??)
    c. If there is significant summer work, it must be compensated (again, by the university).
    d. If there is NEW or derivative patent activity, the team will have to apportion credit for the new patent among the members. The original patent is left with the original patent authors.
    e. We could consider some level of small stipend but we would need to be really careful here. Money is ephemeral and faculty need the publication/demonstrated research activity to help their careers. The university will attempt to fund activity in support of IP development and technology transfer through internal funding programs that can include faculty pay, student support, and incidental equipment or testing funds.