

PUBLICATION

IP in Joint Ventures with Universities or Nonprofits

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In his FY2010 budget, President Obama requested approximately \$147 billion of federal funding designated for research and development purposes.¹ It is likely that inventions having significant commercial implications will arise from these funds. The Bayh-Dole Act of 1980 regulates the manner in which such inventions can be patented, licensed and commercialized. The United States Supreme Court recently heard oral arguments in *Stanford v. Roche*, Docket No. 09-1159, a case regarding the Bayh-Dole Act that will have major implications regarding the disposition of federally funded inventions. The specific facts of the case provide several lessons learned for the in-house attorney responsible for managing development and licensing of such federally funded inventions. This article will look at the facts of the case and how in-house counsel can protect her client and avoid future issues regardless of the decision by the Supreme Court.