DATE: January 24, 2020

 TO: Dr. Courtney Silverthorn,
              Deputy Director, Technology Partnerships Office
              National Institute of Standards and Technology
              courtney.silverthorn@nist.gov

SUBJECT: iEdison RFI; Docket No. 191126-0092

Request for Information Regarding the Interagency Edison System for Reporting Federally Funded Inventions

The Council on Governmental Relations, the Association of American Universities, the Association of Public and Land-grant Universities and the Association of American Medical Colleges—four of the leading organizations representing research institutions—appreciate the willingness of NIST to assume responsibility for the Interagency Edison (iEdison) system for reporting federally funded extramural inventions and modernizing and rebuilding the system. It is a legacy system that long has been characterized by inadequate funding and staffing, cumbersome reporting procedures, and inconsistent funding agency reporting requirements. Changes and updating are badly needed. We appreciate the opportunity to provide comments and suggestions to NIST as it proceeds to modernize and improve the system.

Our associations are not direct users of the system. However, virtually all of our member institutions and organizations are users. We have solicited feedback from them and also encouraged them to submit comments directly to NIST.

Attached are representative comments that we have received from our members. Many provide a variety of technical details regarding their experiences and challenges in using the system. We note that the RFI requests specific details of this kind.

We have not attempted to summarize these details since it appears more helpful to NIST to have the benefit of the specific comments. However, several common themes have emerged in the comments as well as in discussions with our members. We want to call these to NIST's attention:

www.cogr.edu • 1200 New York Ave., NW, Suite 460, Washington, DC 20005 • (202) 289-6655
www.aau.edu • 1200 New York Ave., NW, Suite 550, Washington, DC 20005 • (202) 408-7500
www.aamc.org • 655 K Street, Suite 100 Washington DC 20001 • (202) 828-0400
www.aplu.org • 1307 New York Ave., NW, Washington, DC 20005 • (202) 478-6040

- Lack of agency uniformity both in iEdison participation and in reporting rules and standards is a clear concern. As an example, NASA uses the e-NTR for invention reporting. Although meeting the needs of intramural NASA requirements, it is difficult for extramural users to navigate and report via the e-NTR system. Another example is the Air Force, which is listed as an iEdison agency but which does not review or use the system and uses separate invention reporting forms. Investigators and administrative staff spend time, energy, and resources complying with different sets of rules, regulations, and policies that address common core issues and concerns. Additionally, for those agencies that are system users, practices vary widely with regard to agency rejections for lack of complete matches between invention reports and publications, unpatented materials and waiver rights, document uploads, and response times to requests. A common theme is a need for an updated contact list for participating iEdison agencies.

- "New" vs. "Old" Bayh-Dole invention reporting. iEdison is not set up to identify whether or not the grant(s) reported for the technology fall under the Bay-Dole 1980 regulations or the revised Bayh-Dole 2018 regulations. There are now two distinct sets of compliance rules depending on the date the grant was issued or renewed. iEdison does not currently have the fields necessary to handle the new 2018 Bayh-Dole compliance regulations. Requesting an extension of the 10-month deadline for filing a non-provisional application under the new regulations is technically problematic. Users often are required to request extensions and make other submission requests via external email systems or add details to the remarks sections or via document uploads. The system also is not set up to deal with multiple provisionals, which often are involved in patent prosecution.

- A myriad of challenges regarding the government support clause. There is no way to clear an iEdison notification about a missing or incorrect support clause if a patent or application has expired. When a clause is rejected, iEdison adds a rejection language to the record. Often the language is cryptic and unclear. This is a particular problem with provisional applications. Since a provisional application cannot be amended, end-users cannot resolve iEdison rejections based on incomplete or inaccurate language. Even once a correct statement is filed with a subsequent non-provisional, the rejection does not clear within iEdison.

- Error Messages. Users often have to attempt logging in multiple times in order to bypass error messages to get into iEdison There are many areas within iEdison where users are restricted in their ability make corrections and/or updates to the data. This includes the date of first publication field as well as the ability to delete uploaded documents that were done in error. Corrections require users to correspond with agencies outside of the system via phone or email in order to make corrections and/or properly report required compliance data. We expect NIST will receive comments from users with examples, including screenshots.

- Abandoned Cases. While not as common a concern, this has been a source of particular frustration for COGR members. As stated in a comment that COGR received, it is nonsensical to upload missing or further correct government support clauses and confirmatory licenses for abandoned cases that are, in some cases, several decades old. We suggest a five to ten-year cap from the date a case is abandoned. Even so, should this continue to be necessary, the process for uploading and accepting a corrected government support clause and confirmatory license needs improvement. Batch uploading would reduce the time needed to search for and upload each case.

Given the magnitude of the challenges that NIST is facing with iEdison, we suggest that NIST consider establishing a stakeholder user group both to help develop the final specifications and to participate in the initial testing of the redesigned system. Our associations would be happy to assist NIST with the establishment of such a group.

Again, we appreciate the opportunity to comment. Please contact Robert Hardy, Director of Research Security and Intellectual Property Management (COGR) at rhardy@cogr.edu if you would like more information or have questions.

The Association of American Medical Colleges (AAMC) is dedicated to transforming health care through innovative medical education, cutting-edge patient care, and groundbreaking medical research. Its members comprise all 154 accredited U.S. and 17 accredited Canadian medical schools; nearly 400 major teaching hospitals and health systems; and more than 80 academic societies. The Association of American Universities (AAU) is an association of 60 U.S. and two Canadian preeminent research universities organized to develop and implement effective national and institutional policies supporting research and scholarship, graduate and undergraduate education, and public service in research universities. The Association of Public and Land-grant Universities (APLU) is a research, policy, and advocacy organization with a membership of 235 public research universities, land-grant institutions, state university systems, and affiliated organizations in the U.S., Canada, and Mexico, that is dedicated to strengthening and advancing the work of public universities. The Council on Governmental Relations (COGR) is an association of over 180 research universities and affiliated academic medical centers and research institutes. COGR concerns itself with the impact of federal regulations, policies, and practices on the performance of research conducted at its member institutions.

COMMENTS REGARDING IP REPORTING/iEDISON AREAS FOR IMPROVEMENT

1) **AGENCY PARTICIPATION** - Most beneficial improvement would be if ALL government agencies participated in iEdison rather than another require reporting via a different method
   a) Improve accuracy
   b) Improve efficiency
   c) Reduce confusion
   d) Reduce learning curve for new compliance personnel
   e) Improve compliance rate
   f) Result in lower cost for contractor organizations

2) **INTERFACE WITH USPTO PAIR** to easily download relevant information

3) **UP-TO-DATE CONTACT LIST** with trained, responsive staff

4) **EMAIL TO AGENCY STAFF** – (in each record) provide a link to open an email to the agency staff contact person associated with the primary agency
   a) Invention record – subject line should default to the invention record docket number / grant number(s)
   b) Patent record – subject line should default to the patent record docket number

5) **GRANT FORMAT**
   Format "help" page should be easier to decipher
   Occasionally we encounter a situation when an agency does not have ALL their grant formats in iEdison necessitating reporting outside of iEdison (often having to still report inside iEdison if there are multiple grants/grantors)

6) **BAYH DOLE CHECKBOX to indicate whether technology is under original (BD1) or revised (BD2) regulations** (and ability to change it if the status changes due to additional funding (NIH guideline)

7) **TITLE EXTENSION REQUEST**
   a) Should be able to do from within invention record without having to attach a separate document and/or email the agency contact (perhaps provide space to enter justification/need)
   b) Trigger/Auto-generate an email to TTO USER when accepted

8) **PATENT EXTENSION REQUEST**
   a) Should be able to do from within invention record without having to attach a separate document and/or email the agency contact (perhaps provide space to enter justification/need)
   b) If technology grants are under **revised** Bayh Dole regulations (BD2) - generate automatic acceptance after 60 days
   c) Trigger/Auto-generate an email to TTO USER
      i) when accepted by agency OR
      ii) when accepted by the default 60 days

9) **ADD/OPEN NEW PATENT RECORD** from **within the invention record**
   a) Currently once in an invention record you must navigate as follows:
      i) return to "Search Inventions"
      ii) enter Invention number/ submit
      iii) Select "Add Patent Report"

10) **ONE APPLICATION/ONE PATENT RECORD** rather than current combination record (prov/PCT/non-prov)
   a) Would allow for entire patent tree to be viewed comprehensively/properly)
   b) Would allow a non-provisional to be linked to multiple provisionals

11) **CONFIRMATORY LICENSE**
    a) "Print Confirmatory license" link on patent record should be **<u>readily visible</u>** without having to first click "submit" (Should not be displayed if a confirmatory license has already been accepted)
    b) Auto-population of fields
        i) currently auto-populates organization and address only
        ii) either:
            (1) options in account settings to enter the "Institutional Business Official" and "Title" so they automatically populate OR
            (2) before generating license, add a pop-up screen to allow option to supply the signee official, title, contractor organization, business address and date
    c) Generate the license with the iEdison docket number at top right

12) **PATENT TREE / LINKING RECORDS**
    a) Current system allows a child patent record to link to one parent record which prevents being able to depict situation when a non-provisional claims priority to two distinct provisionals. Results in one of the provisionals having no child records and generates notifications that can only be resolved by contacting agency staff and having that person respond.
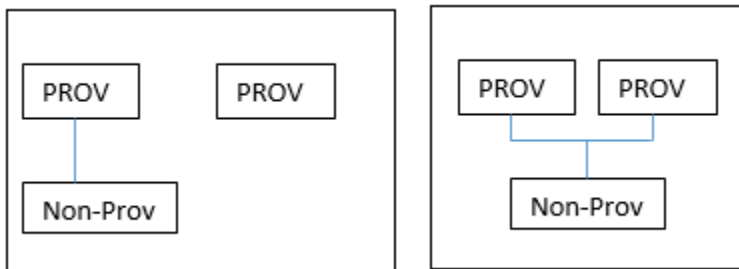
13) **SUPPRESSED MESSAGES**
    a) Provide ability to list messages that are currently suppressed
    b) Provide indicator that a message was previously suppressed and resurfaced: iEdison "HELP" states "If the column on the left is checked, the system **permanently** suppresses that message for that user and cannot be undone without a request to the database administrators. " However, the messages I suppress **re-surface** after some time (30 days? 60 days?). Often a suppressed message needs to be suppressed again; it would be helpful to have an indicator that a given notification was previously suppressed.

14) **REPORTS / EXPORT TO A FILE**
    a) Continuation of ability to export invention and patent reports to an Excel file is very important

15) **NAVIGATION to NOTIFICATIONS**
    a) Currently must go back to main menu to get to link to notifications
    b) Should be able to go to notifications from any iEdison page

16) **WAIVE TO INVENTOR**
    a) Would be helpful if the procedure is consistent across all agencies (all using same iEdison forms)

Comments on the NIST-RFI

Uniformity of Reporting Standards
Implement agency regulatory standards of interpretation of Bayh-Dole that offer clarity to key facets of the law. Suggest/offer to each agency for adoption as a uniform set of reporting standards and understanding. Additionally, within iEdison, a quick link to iEdison reporting rules and standards of each agency. Suggest this link exists within all invention records where a given agency is listed as primary. Some examples of items that might be included the uniform regulatory standards:

- For instance, regarding the requirement to request extension of the 10 month deadline to file a non-provisional application (37 CFR § 401.14(c)(5)), is this request required to each separate funding agency on an invention or solely to the primary agency? Bayh-Dole is silent on this aspect.
- Acceptable Government Support Clause language, required in provisional and all non-provisionals. Acceptable format for correction in expired provisionals (via EPAS), etc.
- Uniform Confirmatory License document acceptance standards.
- Discontinuing prosecution notification – within 60 days of which deadline – initial or final?

Technical Issues/Suggestions
1. 37 CFR § 401.14(c)(5) – Requesting extension of the 10-month deadline for filing a non-provisional. Currently this requirement is also technically problematic in iEdison.
   - Many agencies have adopted the workaround to use the "Request for One Year Extension to File Initial Patent Application" designation on the Invention Report for users to make this request. First, the terminology is technically inaccurate given that Bayh-Dole now recognizes a provisional to be an "initial" patent application. Thus using this button to request a one year extension within 10 months of filing your provisional application does not make sense in terminology.
   - This is also difficult to navigate where multiple provisionals may be filed within one invention since this button may only be used once. How do users request the extension is subsequent provisionals?
   - Further, use of this button requires a document upload adding administrative burden to users. Also, some agencies request an email in addition to carry out this request.
   - Suggest moving this request into patent records – titled "37 CFR § 401.14(c)(5) – 10-Month Provisional Extension Request" – so that it may be made in each provisional that may happen within an invention. Further, the button should auto-generate the required extension language so that users don't have to upload a separate document to make the request official.

2. Make bulk reporting from Excel possible. This would be especially useful in utilization reporting. Provide a template to users for this purpose. Users would be able to generate reports from their own databases and bulk report by field matching with the provided template. This could also be useful to make other updates. An example is a change to organization invention docket numbering convention. Users could bulk update all EIRs to the new organization docket numbers.

3. Organization Codes for Other Organizations to View Invention and Related Patents

- It seems that this function doesn't work when another organization is added to the invention record. It seems as though the other organization needs to be added separately to each patent record to be able to view it.
- Suggest improvement to this feature accordingly and also making other organization codes searchable.

4. Merging duplicate reports – suggest automated detection when two organizations report the same patent record, notification to both organizations and request to merge records.

5. Suggest drag and drop technology for uploading documents.

6. Suggest drag and drop technology for linking inventions and patents to build relationships in iEdison – relating inventions and relating patent applications to parent applications, etc.

7. Agency Responsible and Reporting Responsible Designations on each Invention Report. Suggest a field on the invention report (that would hopefully carry through to dependent patent reports) that lists primary agency responsible and primary organization reporting responsible. Often two organizations share reporting responsibility and one takes the lead. Typically this is shown by the Contractor Organization Code. But there are situations where reporting lead is transferred. Allow lead organization to transfer lead responsibility and to control other organizations view/edit rights.

8. Agency Updates – Primary agency staff and designated organization/contractor staff should be notified to all activity that occurs within the record so that additional email notifications are not necessary. Create opportunity for conversation within the invention report. For example, an organization may have a question about why a government support clause was rejected. Currently users see a note indicating the GSC was rejected and, if the reason is not understood, must separately email the agency and await response.

9. Non-Compliance/Warning Notifications:
- Suggest functionality to bring back suppressed notifications.
- Notifications should also exist within the Invention Record or Patent Record so that they may be addressed directly.

10. Online Help Desk for technical issues

11. System Updates: Early warnings about updates to system so that users can prepare process updates in advance. Early warning about system downtime to the extent possible.

Detailed Comments on iEdison (January 2020)

1. **What, if any, current features of iEdison does your organization believe should be retained in any updated version?**
   - Self-reporting. It's important that we continue being able to handle our own reporting and record updating. Historical data currently in iEdison should be preserved to allow continuity of reporting on existing cases.
   - Links to funding agreement formats should also be preserved. iEdison only accepts correctly formatted grant numbers during invention reporting and we find that useful for making sure we know how the grant needs to be listed in the Government Support Clause (GSC).
   - Ability to search by grant/contract number, invention docket number, invention report number.
   - The ability to add other organization codes for viewing rights of records. (See below for improvement suggestion related to this feature.)
   - The ability to include our own docket numbers instead of a record number being assigned by iEdison.
   - The current visual tree and continuity of relationships in patent family is important to see how each filing relates. Both the vertical and horizontal views are helpful.
   - The linking capability of multiple inventions for situations when patent applications and cases that have been combined.
   - The ability to efficiently communicate invention reports through invention report forms, title election (or waiver of rights), patent information through patent records, and annual utilization reports through the iEdison user interface rather than through email or traditional mail correspondence
   - Flexibility to navigate the website and edit different cases and uploads as necessary.
   - The FAQ section is helpful for both new and experienced users alike. However, the way the information is organized is quite convoluted and difficult to easily navigate.
   - Retain formatting description page.
   - Retain links to current federal agency contacts.
   - Retain timeline pages.
   - Retain all searches, including the search for utilization reports by year.
   - Retain notification message download.
   - Retain 'Upload iEdison invention Report Datastream".

2. **What challenges, if any, is your organization experiencing in reporting inventions in the iEdison system? Where practicable, please provide specific descriptions and/or screenshots of user interface screens or error messages.**
- Inconsistencies between iEdison/NIH reviewers' procedures. In the past, some entries were accepted by one reviewer but the same entry in another record is rejected by a different reviewer. An example is the grant number: a leading 0 could be missing from the grant number on the disclosure but written correctly in the iEdison record. Some reviewers accept the missing 0 on the document; some reviewers reject it.

- Certain fields have a character limit that is too short, such as the "Type of document" field.
- We have been told that the only way to trigger a review of an invention record is to re-upload a disclosure. Reviews should be triggered by more than just uploading a document – any time an explanatory note is typed into the record, a review should be triggered.
- In order to request an extension to elect title or file a patent, iEdison requires that a supporting document have a specific file name in order to trigger review. Occasionally the same document has to be uploaded a second time, such as when a 1 year extension was made and then a 2nd year is being requested down the line. We are unable to upload a second document with the same name receiving an error message, but the exact wording needs to be used to trigger review (extension requests). We found a potential workaround: add (Y2) but that sometimes doesn't trigger review since the file is named differently.

> **Error Message**
>   Please rename the document name so it is unique to the invention or patent. (ID: 201668)

- Inconsistencies between agencies with regard to regular response to document uploads which should trigger review. For example, when uploading the correctly named supporting document for an extension of time to elect title, several federal agencies don't actually review or approve it (examples have been FDA, DOD) automatically. We have to send a follow-up e-mail asking they do so. There are also some uploaded government support clause documents that have been sitting in patent records without having been approved or rejected for months.
- There is a habit of inconsistent and delayed response times in reviewing records (accepting/rejecting disclosures) and answering emails. It seems that new disclosures are addressed in a fairly timely manner, but in attempting to clear out the backlog of rejection notifications, some requests sit for months without being addressed. A main challenge is knowing when it's appropriate to follow up on a request that hasn't been addressed. What happens to requests once they go in the queue (via iEdison portal or email)? Is there an SOP of standard response rate? E.G., is there a goal of sending a response within 5 business days? If we know what the goal is, we would wait to follow up until that timeline has passed. Otherwise, without a response in a timely fashion, it's hard to know whether the request has been received or is lost in the ether. This is especially a problem with agencies not under NIH's control. Transparency of and clarity on the process on the federal agency end would be helpful.
- iEdison support response time has been hit-or-miss. Initially, sending requests regarding error messages or other questions related to iEdison compliance would elicit a response time anywhere from one or two weeks to a month. However, recently the response time has been vastly improved as issues are commonly addressed within several days at the latest.
- Rejections are sometimes not specific enough and require further follow-up to understand what needs to be fixed for an invention record to be accepted. A clear reason for rejection would be inform us on how to correct the issue.
- Sometimes an author list can differ from inventor list and the inventors listed on disclosure may not include all authors on a manuscript. We should be trusted that the inventor listing we submit is correct and shouldn't have to take additional steps to confirm when the manuscript has additional author names who are not actually inventors.
- Similar to the above, we should be trusted that the publication date listed on article is correct and we shouldn't have to rewrite it at the top of the document. It creates unnecessary work.

- Similarly, certain agencies issue 130 type notification messages when the invention disclosure lists a manuscript but the publication date field in the iEdison invention report screen is left blank. This has to then be corrected by adding the text "not yet published" next to the manuscript listing in the invention disclosure. To reduce the amount of work placed on the user, consider adding a field with a check box to the iEdison invention report screen that reads "manuscript – not yet published".

- There are limited ways to communicate to an agency with specificity when a case (invention disclosed to our office) is no longer viable. For instance, when an inventor reports that the intended invention has been published by another inventor. As such, a method to close or archive a disclosure/case number with an explanation text box to provide details if appropriate would be very helpful.

- It seems that certain agencies require the invention disclosure to be fully enabled which goes beyond the 401.14(c)(1) requirement (e.g., [the disclosure] shall be sufficiently complete in technical detail to convey a clear understanding to the extent known at the time of the disclosure, of the nature, purpose, operation, and the physical, chemical, biological or electrical characteristics of the invention). The level of detail required in a fully enabled invention disclosure is not always provided by the inventors at this stage resulting in 130 type notification messages which cannot be remedied right away. This requirement seems to be subjective based on the reviewer at the agency and we have had several overturned by emailing and arguing that the disclosure met the requirements under 401.14 (c)(1). In addition, there is no way to communicate case developments when a former notification error has essentially frozen the case in iEdison. For example, when the "The Invention Disclosure submitted is not accepted." because it is not detailed enough, and we have no additional invention information to provide. Many university inventions are early stage, but inventors are encouraged to disclose promptly when there may be limited information. At this point, we can not enter any updated information on the case because we are unable to "clear" this error.

- No way generally to close an old case with an outstanding notification message pertaining to some insufficiency many years old. It would be helpful to have the ability to explain on a case-by-case basis the futility in correcting a matter since the case has been long abandoned (particularly for situations where high costs would need to be incurred to revive an old patent application of no commercial value or patentability potential just to correct a long ago error).

- Particularly, the inconsistency and large volume of error messages is an extreme administrative burden. When one error message is addressed, several more appear in its place, which makes it difficult to address the issues at a reasonable pace, creating backlog and other hindrances to reporting and compliance. At other times, an error message appears for an issue that did not generate an error message under the same conditions. New Bayh-Dole regulations causes additional barriers and extraneous effort on all parties due to increasingly stringent regulations.

- The iEdison user manual suggests we strike personal information (e.g., phone number, home address, country of citizenship) from the invention disclosure forms – a step that can be quite time consuming. Considering the only release of this information into the public sphere might be with a FOIA request, it would be helpful if the agencies took charge of this step by confirming that they strike personal information prior to release.

- Abandoned cases. It is nonsensical to upload missing or further correct GSCs and confirmatory licenses for abandoned cases that are in some cases several decades old. A five to ten year cap

from the date a case is abandoned is suggested, or at least some process to clear up flawed GSCs. Even so, should this continue to be a necessity, the process for uploading and acceptance of corrected GSC and confirmatory licenses needs improvement. Batch uploading would reduce the time taken to search for and upload to each individual case. GSC rejections have been particularly burdensome.

- Research funding from different sources which do not have the same reporting requirements. When a researcher received multiple sources of federal funding, but those sources all have differing reporting requirements, this creates an administrative burden to research the sponsor guidelines of each federal funding agency. I.e. NASA is a federal agency that does not receive invention reporting through iEdison. Investigators and administrative staff spend time, energy, and resources tracking and complying with different sets of rules, regulations, and policies that address common core issues and concerns.

- Update the grant number format as it's outdated. The grant numbers aren't accepted by iEdison, then we have to flag: Other as the secondary agendy and list grant numbers in the proper format. Many inventions have multiple agencies. Identify NIH as the Primary agency as DOD, Army and Air Force are the agencies whose format is not accepted.

- Website navigation issues. This requires a lot of back and forth between invention reports, patent reports, as well as additional pages. The current invention/patent vertical or horizontal family tree structure requires constant cross-referencing. One suggestion for improved navigation is to have all the family tree information included on a single page.

- Guidance or better explanation of needed dates along the process. Should the date requested be 1) today's date, 2) the date something happened, or 3) some other date. After using this system for years, sometimes one still doesn't know what date to use. An example might be "Invention Report Date" in the invention record. Is this the date the invention was disclosed to the university or the date the university is reporting it to iEdison? This might be explained somewhere buried in the site but it don't seem to be explained in the invention report form itself.

- Insufficient or missing confirmatory license: One thing that would make reporting easier is if we didn't have to upload a confirmatory license for each invention. I don't see the logic in uploading a confirmatory license if it is understood that the funding agency has a license to the invention. Please note that issues with confirmatory licenses are much fewer now that iEdison has cleaned up their system. One license uploaded for the first filing and all connected filings will fulfill their requirements. I just don't understand the necessity of the formality of us assigning a license to each funder for each funded invention. There might be a good reason for it. I just don't see it.

- Rejected Government support clause (GSC). The wording of the clause will also be rejected if it does not exactly match the NIH language: "This invention was made with Government support under (identify support) awarded by the PHS. The Government has certain rights in the invention."
  - If the clause differs or says "may have", it is rejected. We use the exact language but some older support clauses did not. In those cases we have to have patents corrected at our own expense.
  - GSCs are rejected because the numbers in the patent application do not exactly match the numbers reported to iEdison. Example: a number may be reported to iEdsion as GM123456

but it might be entered in the patent application as R01-GM123456-01. This used to be acceptable to iEdison because the core number, GM123456-01, was present. The other numbers have to do with the iteration of the award. These numbers sometimes inadvertently get added to the patent application by the attorneys. When the number is rejected, we have to have the patent application amended at our expense.
- GSCs may also be rejected because there is a hyphen between the letters and numbers or if a leading zero is missing.
- In short, the agencies have become extremely picky about the GSC in recent years. It would be helpful if they accepted the number if the core number was present (as they used to) or if there was a hyphen present. We try to direct our attorneys to put the exact language and award information in the patent application but they are not in house attorneys (so sometimes things slip by so a bit of leniency would be appreciated if the main information is submitted).

- Sometimes we have verified award numbers (i.e. award numbers that are used in the award documents) that iEdison will not take. The formatting for each agency is listed in a document in iEdison. Sometimes the number we have does not match the formatting. In those cases, we can't enter that number into iEdison even though the number is what is in the award document. This makes it hard to report. Sometimes there's a work around, sometimes there isn't (example- I believe DOD lets you write in "DOD Award" in the award # field and then enter the number you have in the comments field. I don't think this works with any other agency. Other workarounds are adding dashes or zeros to the existing number to make it conform to the formatting. This is dangerous, though, since it alters the number that is in the award document.

- It is frustrating that inventions for all agencies are not reportable through iEdison. It is very difficult to try to determine how to report to an agency that is not in iEdison. It is extremely frustrating that NASA is not reportable through iEdison as reporting to NASA is not easy and must be done separate to all other reporting. Another agency that are not reportable through iEdison are SPAWAR (SPAWAR is now another agency altogether). There are other sub-agencies that are not reportable through iEdison.

- EPAS- unless a patent or applications has NIH funding, there is no way to clear an iEdison notification about a missing or incorrect GSC if a patent or application has expired. NIH patents or applications can be amended with the USPTO to add the GSC after they have expired through the EPAS system. This will clear the notification message. This only works with NIH funded invention. There is no way to clear these notification messages for inventions that have funding from other agencies. The notification as impossible to clean. We would like to be able to clear the notification message when there is no further action we can take. Please note that these message can be suppressed, but they are not resolved.

- When a GSC is rejected, iEdison adds a rejection language to the record. Often the language is cryptic and unclear. It would be better if the explanation was more clear.

- The reporting timeline doesn't match the real-world timeline of filing a provisional, then a PCT, then going national. This is a 30 month process. IEdison wants us to file a non- provisional application 12 mnths after electing title. We now elect title when we file the provisional. If we file a PCT after the provisional, the PCT claiming priority to the provisional will not go national for another 18 months. We will receive a notification message from iEdison for that period that we are out of compliance because we didn't file the non-provisional. They do have a

workaround. By reporting the provisional and PCT, that should stall the notification message, but it's frustrating trying to navigate the system.

- It would be useful if iEdison provided us with at least one field for our internal use, such as to id the case manager.
- Paper reporting and closing old cases: for years we reported via paper. We mailed in documents to the agencies. The agencies were supposed to unload those docs into iEdison. Sometimes they did not. When we started using iEdison we found that some of our inventions were not in iEdison. When we tried to continue reporting or close the records, we have to upload the many old case ourselves as the federal agency never uploaded them. Old cases often have multiple prosecutions, and years of utilization reporting to do. This sometimes is still a problem when we have an old case that we are trying to close out in iEdison and we find it was never uploaded by the federal agency. If the record is not there, we need to upload all the documents. If we find an insufficiency in a GSC from years ago, the newly uploaded document for an old case will trigger a notification message of insufficient GSC, thus blocking the record from being closed. We often cannot resolve such insufficiencies and are therefore stuck with notification messages that cannot be resolved. This also means we cannot close the record in iEdison.
- One major problem is that messages/errors have to be cleared before a case can be closed. When one looks in the messages, there is nothing there which is a mystery.
- When a disclosure references a publication but no publication date is added to the invention record, we get a notification message. Then we have to search for a publication for the invention. This is difficult.
- When reported inventions are rolled into other reported inventions it is difficult to connect the records in iEdison and not continue to get notification messages for the case that was rolled into the remaining invention.
- There should be a way to enter the same application number multiple times for jointly held cases, as it creates extra work to work with the other institution to sort the matter out as only one organization can report on an invention. More than one invention record can be created when a joint invention is accidently reported by both institution, but only one organization can report patent information. Then the other organization has to have their invention record deleted or they will keep getting notification messages to continue to report (but they can't).
- It should be easier to change election title back and forth in order to be able to make corrections. As it is now, opening a closed case requires contacting iEdison via phone call, as the notes section does not ever seem to be read. Calling iEdison to open a case requires hours of phone calls and follow up, as it takes multiple attempts to get through and phone messages are never returned.
- Agencies have been asking Principal Investigators to submit invention disclosures even though it is not really an invention and hasn't been disclosed to the employing institution yet.

3. **What improvement could be made to the iEdison system that would reduce your organization's reporting burdens, improve its experience, and facilitate your organization's ability to comply with reporting requirements?**
- The entire iEdison system could be modernized such that it requires fewer entries and clicks, e.g., accessing specific notification messages.

- It would be helpful if the notification messages awaiting action were reorganized by importance so the user does not have to sort through all of them to get to particular results. As an example, the 60 day expiration of a statutory deadline is a time-sensitive notification, so perhaps it can be color-coded and organized so it appears at the top of the list.
- There needs to be a better system for noting which inventions fall under the New Bayh Dole Rules – those that include a grant with a budget start date of 10/1/2018 or later
  - Next to the funding agreement, there could be check boxes to indicate whether the award qualifies as Old Bayh Dole or 2018 Bayh Dole. Depending on which box is checked, this can trigger additional requirements. Currently the instruction from NIH has been to include in the explanatory notes whether an award is Old Bayh Dole or 2018 Bayh Dole. Ideally, iEdison would be linked to the Reporter system so that iEdison knows the dates of the federal awards listed. If that's not possible, there should at least be a better system for noting that an award falls under the New Bayh-Dole rules.
  - Institutions sometimes file a second provisional application once the first expires. Under 2018 Bayh Dole, NIH has advised that users cannot link these two provisional applications to the same invention record. Instead, they have to create a new invention record for the second provisional and email NIH to void the first record (although both are for identical inventions). This area should be addressed.
  - We are currently required to add an asterisk after the name of any inventor who is a federal employee on an invention supported by a grant with a budget start date of 10/1/2018 or later. There should be a better system for this.
  - Under 2018 Bayh Dole, a confirmatory license (CL) is required for provisional applications but the step to trigger that notification is not in place. This trigger should be added so the user receives a notification to upload a CL
- We are currently able to add organization codes so that additional institutions can view the records. It would be nice to add the organization code once (on the invention record) and have the option to automatically extend the viewing rights to any future patent records. This shouldn't be automatic (in case a certain filing does not include the inventor from the other institution), but should be an option instead of needing to add the code separately to each new patent record.
- The "Invention Report Date" should be relabeled as "Date reported to institution" to eliminate confusion of accidentally listing the date when it's being reported to iEdison.
- Invention record should have three to five blank inventor name fields on the first page to allow for easier invention record set up.
- Invention record should have three to five blank grant number fields on the first page.
- Patent record should have three to five blank foreign filing fields on the first page.
- During the process of saving a new record, a user should be able to review a record, click "go back" to make changes and then be able to save the record – currently, you cannot save the record after clicking "go back".
- Once a user closes a record, it should be able to be opened by another user instead of the first user needing to log out of iEdison entirely.
- On the invention record, the extension requests are currently done by uploading a PDF or TIFF file. Instead, the extension justifications should be listed in a pre-populated pull down menu like the pull-down menu included for "Not Elect Title Reason".

- Patent record status should include a "Patent Expired" option in addition to "Institution retains rights" and "Waive to Government". Currently, we are using the "waive" option to cover expired patents which isn't accurate – there is no patent to waive in these instances
- Add a feature where a user could run a report of their user activity for the day – a dashboard of what they modified (record changes, etc.)
- Add a feature where we have the option to undo record changes (e.g., accidentally waiving a record) within short (24 hour) period so that the user can catch mistakes and be able to fix them before the record is added to the reviewer queue.
- Add a feature where you could send an email to the iEdison help desk directly from the record. Currently, some users are using the "Explanatory Notes" field to write a note indicating when an e-mail was sent. By having an e-mailing option from the record, the trail of correspondence would be logged in the record.
- Add a feature of batch uploading for Utilization reports by uploading an Excel report exported from our database's annual utilization reporting screen rather than having to go into each individual case. We are aware that some other universities do have this feature, but it would be nice if the options on the iEdison side weren't as limited. It would be helpful to upload information annually, biannually or quarterly.
- Add a feature of seeing if the invention has been included on any federal grant reports. If a grant was reported in error, we need to check to see if the invention was reported on a final report or RPPR before waiving the record. It's a cumbersome process since there is not an easy repository of this knowledge to which we have access.
- Provide a method for indicating when a case is no longer relevant which should not continue to be subject to futile notification messages.
- Minimize or eliminate duplicate notifications for older entries based solely on formerly reported information. It lessens the relevancy of the notification system.
- Provide an ability through iEdison to communicate with an actual individual at an agency about non-routine matters that cannot possibly be resolved through the limitations of the iEdison user interface functions.
- The user interface and user experience feels greatly outdated, and the functions generally feel clunky.
- On inconsistency, it is preferable to have a system of error messages that is easily tracked for convenience. A system of logging error messages, and uploading any required documents directly into that portal, would greatly reduce administrative burden and increase regulatory compliance.
- On website navigation, improved integration of invention, patent, and utilization report searches instead of on several different screens.
- Further website navigation improvement would be to have all the family tree information included on a single page.
- On improving response time, adding additional staff to assist with issues, or improving training on frequently occurring issues or questions could drastically improve the iEdison response time. Adding a user-driven open community forum which allows users to post and comment regarding frequent issues, without disclosure of confidential information or other protected information associated with the organization can reduce the burden on iEdison staff. Greater training resources, webinars, and other opportunities to interact directly with iEdison staff on a regular basis would be welcomed as well.

- Add a feature so the user could add a patent and/or utilization report when they are in the iEdison invention report screen.
- Add a feature so the user could create a child patent record from the parent patent record.
- Allow the user the ability to upload multiple years/records for the annual utilization reports.
- A good way to improve user experience and speed up reporting might be to add live tips next to important fields.
  - For instance, NIH does not require the reporting of awards "primarily for educational purposes such as fellowships, scholarships, and most training awards." It would be helpful to have this exception listed as a tip near the funding agreements section in the iEdison invention report screen so the user can refer to it easily. See image below.

- Are there plans to add the Veterans Administration (VA), National Aeronautics and Space Administration (NASA) or Naval Information Warfare Systems Command (NAVWAR, previously SPAWAR) as agencies that manages reporting through iEdison?
- Is it possible to create a link between iEdison and the necessary records in the USPTO Electronic Patent Assignment System? This would speed up the process of clearing out 233 type notification messages for abandoned applications that cannot be closed out due to a non-compliant government support clause (GSC). Currently, users must upload the notice of recordation received from the USPTO for filing in EPAS, the GSC fillable form that was provided by the agency, and a notice of abandonment for which the application abandoned.
- Can there be an override for non-matching funding agreement number formats? Currently there is no way to get past the following error message and users have to email the funding agency to find a solution. Some agencies have trickier grant numbers than others.
  - The Grant/Contract Number ABC123 is improperly formatted. Please check the number format, realizing that not all types of agency funding agreements are valid for iEdison reporting. Check with the agency contact for further assistance. (ID: 201712)
- Allow auto-upload of data from local databases to iEdison. Perhaps work with some of the main database providers to effect such a system.
- Accept minor wording changes in the GSC as long as the meaning is exactly the same.
- Provide a mechanism for corrections or to upload proof of when learning late that an invention is federally funded.
- Accept e-signatures on all documents, e.g. disclosures, government licenses.
- Most of the problems with the provisional application and the GSC not being included is because it's not a full application without specifications. Often, it's just a USPTO cover page and a manuscript which acknowledges federal funding. If the box is checked "Yes" and the grant information is listed on the formal USPTO filing papers, could the federal agencies be lenient and wait until the non-provisional application is filed with the correct GSC? Provisional applications cannot be amended, so one may have to re-file the application in order to effect the correction.