

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b> (See Instructions on reverse)		<b>LEAVE BLANK (NARA use only)</b>	
TO: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR) WASHINGTON, DC 20408		JOB NUMBER N1-443-94-1	DATE RECEIVED 9/6/94
1. FROM (Agency or establishment) Department of Health and Human Services		NOTIFICATION TO AGENCY	
2. MAJOR SUBDIVISION Public Health Service		In accordance with the provisions of 44 U.S.C. 3303a the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	
3. MINOR SUBDIVISION National Institutes of Health			
4. NAME OF PERSON WITH WHOM TO CONFER Johanna D. Bonnelycke	5. TELEPHONE 7/6/94 (301) 443-2055	DATE JUL 7 1995	ARCHIVIST OF THE UNITED STATES John W. Carl
6. AGENCY CERTIFICATION I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached <u>8</u> page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies, <input checked="" type="checkbox"/> is not required; <input type="checkbox"/> is attached; or <input type="checkbox"/> has been requested.			
DATE JUL 12 1994	SIGNATURE OF AGENCY REPRESENTATIVE A. Prentice Barnes	TITLE DHHS Records Management Officer	

7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	<p>Approval is requested to modify Item 1100-L <u>Patents and Inventions</u> under <u>Part 1, ADMINISTRATION</u> in the NIH Records Control Schedule (B-361) to provide for records dispositions for all Patents, Inventions, and Licensing records that are maintained and/or controlled by the NIH. The Office of Technology Transfer is responsible for the implementation of the Stevenson-Wydler Technology Innovation Act of 1980, as amended by the Federal Technology Transfer of 1986 (FTTA), and related legislation and policy. Part of this responsibility includes: developing policy and procedures for NIH to follow for the implementation of Cooperative Research and Development Agreements (CRADAs), patent licenses, and other technology transfer; implementing Technology Transfer Policy Board decisions and policies; providing advice to a network of Technology Development Coordinators located in other NIH components on problem licenses and agreements.</p> <p>Currently, only 1100-L-1 provides disposition instructions for intramural program files. The records series will be revised to cover new records resulting from new programs (Office of Technology Transfer, Division of Extramural Invention Reports and in the Office of the</p>		

115-109 NSN 7540-00-634-4064 PREVIOUS EDITION NOT USABLE STANDARD FORM 115 (REV. 3-91) Prescribed by NARA 36 CFR 1228

Changes to the original SF 115 approved by Susan O'Boyle 3/14/95 and 7/27/95 my Copies sent to Agency 11/18/95

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7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. GHS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARS USE ONLY)
	<p>Technology Development Coordinator located in one of the Institutes, Centers, or Divisions (ICD), and their responsibilities as follows:</p> <p>L. <u>Patents, Inventions and Licensing</u></p> <p>This section covers records developed and/or supported by NIH involved in the implementation of the Federal Technology Transfer Act.</p> <p><u>NOTE:</u> Patents, Inventions and Licensing records retrieved by individual identifiers are part of Privacy Act system of records 09-25-0168, "Inventions, Patent and Licensing Documents Submitted to the Public Health Service by its Employees, Grantees, Fellowship Recipients and Contractors, HHS/NIH/OTT."</p> <p>In addition, the following records dispositions for Patents, Inventions and Licensing files are mandatory, with the <b>EXCEPTION</b> that files involved in any legal actions <b>must</b> be maintained pending settlement or other final resolution, whichever is later.</p>		
1100-L-1	<p><u>Records of experimental and statistical data:</u> logs or notebooks used to record observations and data which contain evidence for establishing patents or inventions rights.</p> <p><u>Located in</u> intramural program files.</p> <p><u>Disposition:</u> Transfer records to WNRC upon issuance of patent. Destroy 30 years after <del>transfer to WNRC.</del> issuance of patent.</p>		
1100-L-2	<p><u>Employee Invention Reports</u> invention description submitted by scientists to OTT for review of patentability.</p> <p>a. Reports on which patent application will be filed.</p> <p><u>Disposition:</u> Incorporate into patent application file.</p> <p>b. Reports on which patent application will <u>not</u> be filed.</p>		

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	<p><u>Disposition:</u> Destroy when 10 years old.</p> <p>1.00-L-3 <u>Patent Application Files</u> containing copies of patent applications, drawings, evaluations, Notice of Availability for Publication and Licensing, Summary of Invention Data, published articles, progress/utilization reports and related correspondence.</p> <p>a. <u>Located in Office of Technology Transfer.</u></p> <p>1. <u>Issued Patent files.</u></p> <p><u>Disposition:</u> <u>Official File.</u> Place in inactive file upon issuance of patent. Transfer files closed in one fiscal year to the Federal Records 5 years later or when no longer needed for administrative purposes. Destroy 10 years after expiration of patent.</p> <p>2. <u>Abandoned or withdrawn Patent files.</u></p> <p><u>Disposition:</u> Place in inactive file when the application is abandoned or withdrawn. Destroy 10 years after file becomes inactive.</p>	NCI-90-78-12	

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	<p>b. <u>Located in</u> Division of Extramural Invention Reports.</p> <p><u>Disposition:</u> <u>Official file.</u> Place in inactive file upon issuance of patent. Transfer files closed in one fiscal year to the Federal Records one year later or when no longer needed for administrative purposes. Destroy 10 years after expiration of patent. <u>EXCEPTION:</u> Abandoned cases and cases that involve a <u>Publication Bar</u>, will be kept for one year upon receipt of notice from Contractor/Grantee.</p> <p>c. <u>Located in</u> ICD Technology Transfer Office.</p> <p><u>Disposition:</u> Destroy when no longer needed for legal/administrative activities.</p> <p>1100-L-4 <u>Foreign Patent Files</u> containing copies of an application for filing the invention, evaluations, copy of the patent issued, inventor's assignment rights, correspondence from domestic and foreign law firms, and other related material.</p>		

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a.	<u>Located in Office of Technology Transfer.</u>		
	1. <u>Issued Patent files.</u>		
	<u>Disposition:</u> <u>Official File.</u> Place in inactive file upon issuance of patent. Transfer files closed in one fiscal year to the Federal Records 3 years later or when no longer needed for administrative purposes. Destroy 10 years after expiration of patent.		
	2. <u>Abandoned or withdrawn Patent files.</u>		
	<u>Disposition:</u> Place in inactive file when the application is abandoned or withdrawn. Destroy 10 years after file becomes inactive.		
b.	<u>Located in ICD Technology Transfer Office.</u>		
	<u>Disposition:</u> Destroy when no longer needed for legal/administrative activities.		

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1100-L-5	<p><u>License Agreement Files.</u></p> <p><u>Located in NIH Office of Technology Transfer</u></p> <p>a. <u>Patent-related.</u> Domestic and foreign, exclusive and non-exclusive, invention license agreements granted either by NTIS or OTT to the licensee, and correspondence, including progress reports, royalty reports, negotiations and inquiries.</p> <p><u>Disposition:</u> Destroy 10 years after the expiration of the license agreement.</p> <p>b. <u>Non Patent-related.</u> Biological Material Licensing Agreement.</p> <p><u>Disposition:</u> Destroy 10 years after the expiration of the license agreement.</p> <p>c. <u>Other copies</u> including Notice of Availability for Publication and Licensing.</p> <p><u>Disposition:</u> Destroy when no longer needed for current business.</p>		
1100-L-6	<p><u>Cooperative Research and Development Agreement (CRADA)</u> between or among ICDs and private industry, non-profit organizations, academia, or other government agencies. Documents include: original signature page, clearance forms and appendices; correspondence including progress reports, royalty reports, negotiations, and inquiries.</p>		


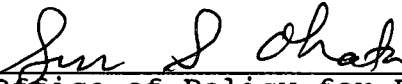
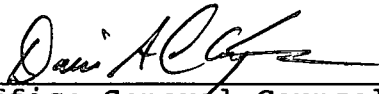

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	<p>a. <u>Located in ICD Technology Transfer Office.</u></p> <p><u>Disposition:</u> <u>Official File:</u> Destroy after 10 years following termination of the CRADA; or 10 years after expiration of any patent on a subject invention made under the CRADA; or 10 years after termination of any license under a CRADA.</p>		
	<p>b. <u>Located in Office of Technology Transfer</u></p> <p><u>Disposition:</u> Destroy after 3 years following termination of the CRADA.</p>		
1100-L-7	<p><u>Staff Working Paper Files:</u> technical reference materials, publications, convenience copies of documents, drafts and other working papers maintained for convenience of office operations by staff members.</p> <p><u>Disposition:</u> <u>All copies</u> - Destroy when no longer needed for current business.</p>		
1100-L-8	<p><u>Chronological File</u> consisting of copies of documents signed or prepared in the office, and maintained by date.</p> <p><u>Disposition:</u> <u>All copies</u> - Destroy when 5 years old.</p>		
1100-L-9	<p><u>Data Files</u> containing statistical information about the Technology Transfer Program <sup>used</sup> for support of administrative functions.</p>		

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	<p><u>Disposition:</u> <u>All copies</u> - Destroy when no longer needed for reference.</p> <p>Approved: <u></u> Date <u>6/22/94</u> Acting Director, Office of Technology Transfer</p> <p>Approved: <u></u> Date <u>6/22/94</u> Office of Policy for Extramural Research Administration</p> <p>Approved: <u></u> Date <u>6/24/94</u> Office General Counsel, DHHS</p> <p>Approved: <u></u> Date <u>6/27/94</u> NIH Records Management Officer</p>		