**Table 3. CRADA Monitoring Part 2 – ORTA Checklist**

The checklist provided here can be used in assisting the ORTA in monitoring a CRADA effort.

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| **TASK** | **TIME REFERENCE** |
| ***DON T2 PROGRAM OFFICE ADMINISTRATIVE*** |  |
| Send CRADA electronically to DON T2 Program Office | Within ten (10) days of signature |
| The DON T2 Program Office reports agreements through the NDTTIS database | Within thirty (30) days of signature |
| ***FUNDING*** |  |
| Monitor and follow payment schedule, if applicable |  |
| Send notice of default to NNC | Fifteen (15) days after default |
| Termination of Agreement |  |
| Cancel option for exclusive license |  |
| Terminate any exclusive license |  |
| Return excess funds | After completion, expiration, or termination of CRADA |
| Issue financial report to Collaborator | Within four (4) months of completion, expiration, or termination of Agreement |
| ***REPORTS AMONG COLLABORATORS*** |  |
| Submission of interim reports to Collaborator | As required by Article 6.1 |
| Submit a final report to Collaborators that contains results obtained and a list of all Subject Inventions | Within four (4) months of completion, expiration, or termination of Agreement |
| ***PUBLICATIONS or PUBLIC DISCLOSURE of SUBJECT DATA*** |  |
| Confer and consult prior to publication or public disclosure of Subject Data |  |
| Review any proposed abstract, publication, presentation, or other document | Not to exceed thirty (30) days, unless mutually agreed, prior to publication or disclosure (note “disclosure” includes peer review prior to publication) |
| Notification of objection to a proposed disclosure | Within thirty (30) days of the date of notice to disclose |
| Notification of objection that patent rights may be compromised by a proposed disclosure | Patent Application must be filed by responsible Collaborator before public disclosure or as mutually agreed |
| Notification of objection that public disclosure may release Proprietary Information, or Information restricted by United States security laws or regulations | Disclosure is to be postponed until Information no longer meets definition for Proprietary Information or is no longer covered by United States security laws or regulations |

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| **TASK** | **TIME REFERENCE** |
| ***MARKING OF DATA*** |  |
| Marking Data that are Subject to 35 U.S. Code § 205 | Mark at time of delivery |
| Marking Data that are Classified Information, Controlled Unclassified Information (CUI), or otherwise restricted | Mark at time of delivery |
| Mark Data provided with less than Unlimited Rights | Mark at time of delivery |
| MarkFor Official Use Only (FOUO) Data and Proprietary Information | Mark at time of delivery |
| ***FREEDOM OF INFORMATION ACT REQUESTS*** |  |
| Notify Collaborator of any Freedom of Information Act requests for Data under the Agreement. | Promptly |
| ***REQUEST FOR SUBJECT DATA*** |  |
| Deliver Subject Data to requesting Collaborator | Not to exceed thirty (30) days |
| ***REQUESTS FOR NON-SUBJECT DATA*** |  |
| Deliver marked Non-Subject Data and defined limited rights | After completion of a separate non-disclosure agreement |
| ***SUBJECT INVENTIONS (IP Attorney)*** |  |
| Provide Collaborator with a copy of each Invention Disclosure | Within sixty (60) days of receiving the Invention Disclosure from the inventor |
| ***PATENT APPLICATIONS (IP Attorney)*** |  |
| Confer and consult on who should file a Patent Application on any Subject Invention |  |
| Confer and consult on who should file a Patent Application on any Invention Jointly Made |  |
| If responsible, file a Patent Application of any Subject Invention | Within sixty (60) days prior to any bar date and prior to publication, or one year from the date the Invention Disclosure was received |
| Notify other Collaborator of intent to assume filing because Collaborator failed to file | Ten (10) days written notification |
| Notify other Collaborator of all filing deadlines for prosecution of a Patent Application of a Subject Invention |  |
| Notify other Collaborator of all filing deadlines for maintenance of a Patent on a Subject Invention |  |
| Notification of intent to respond to a filing deadline | Within sixty (60) days prior to deadline |
| Provide Collaborator with copies of prosecution papers of a Patent Application of a Subject Invention | Within thirty (30) days of receipt of such communication |
| Notify inventors of intention not to file a Patent Application |  |
| Identify Preexisting Non-Subject Inventions Pertinent to the Cooperative Work | During CRADA negotiation |

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| **TASK** | **TIME REFERENCE** |
| ***EXCLUSIVE LICENSE*** |  |
| Navy Collaborator gives NNC the option to acquiring an exclusive license in a Subject Invention Made by Navy Collaborator employee | NNC must notify Navy Collaborator within six (6) months of filing the Patent Application in order to exercise the option |
|  | NNC must execute an exclusive/non-exclusive commercial license to the Subject Invention within six (6) months of election to exercise the option |
| ***NNC BECOMES A FOCI*** |  |
| Navy may terminate any exclusive license or cancel any option for an exclusive license to a Subject Invention under this Agreement | NNC becomes a FOCI that does not qualify under Executive Order 12591, Section 4(a) |
| ***FORCE MAJEURE EVENT*** |  |
| Notify the other Collaborator of inability to perform under a *force majeure* event | Prompt notification; work may be suspended |
| ***THIRD PARTIES*** |  |
| Request written permission of other Collaborator to use third parties to perform any part of Cooperative Work |  |
| ***UNILATERAL TERMINATION*** |  |
| Either Collaborator may unilaterally terminate the Agreement | Not less than thirty (30) days written notice prior to desired termination date |