

Nuclear Regulatory Commission

§81.51

(4) Nature and type of applicant's business;

(5) Identification of the source of applicant's information concerning the availability of a license on the invention;

(6) Purpose for which the license is desired, and a brief description of applicant's plan to achieve that purpose;

(7) A statement of the field and the field(s) of use in which applicant intends to practice the invention; and

(8) A statement of the geographical area(s) in which the applicant will practice the invention.

(b) *Exclusive license application.* An application for a limited exclusive license should include, in addition to the information indicated above for a non-exclusive license application, the following information:

(1) Applicant's status, if any, in any one or more of the following categories:

- (i) Small business firm;
- (ii) Minority business enterprise;
- (iii) Location in a surplus labor area;
- (iv) Location in a low income area; and
- (v) Location in an economically depressed area.

(2) A statement describing the time, expenditure, and other acts which the applicant considers necessary to bring the invention to a point of practical application, and the applicant's offer to invest that time and sum, and to perform such acts, if the license is granted.

(3) A statement of applicant's capability to undertake the development and/or marketing required to bring the invention to the point of practical application.

(4) A statement that contains applicant's best knowledge of the extent to which the invention is being practiced by private industry and the Government; and

(5) Any other facts which the applicant believes to show it to be in the public interest for the Commission to grant an exclusive license rather than a nonexclusive license and that such exclusive license should be granted to the applicant.

§81.50 Additional licenses.

Subject to any outstanding licenses, nothing in this subpart shall preclude the Commission from granting additional nonexclusive and limited exclusive licenses for inventions covered by this subpart when the Commission determines that to do so would provide for an equitable exchange of patent rights. The following exemplify circumstances wherein such licenses may be granted:

(a) In consideration of the settlement of interferences;

(b) In consideration of a release of any claims;

(c) In exchange for or as part of the consideration for a license under adversely held patent(s); or

(d) In consideration for the settlement or resolution of any proceeding under the Act or other statute.

§81.51 Appeals.

An applicant for a license, a licensee, or a third party who has participated under §81.30(a)(3) shall have the right to appeal in accordance with the appeal procedures of this subpart any decision of the Commission concerning the grant, denial, interpretation, modification, or revocation of a license under this subpart, by filing a notice of appeal with the Commission within thirty (30) days from the date of the mailing of a notice by the Commission of the decision or, if no such notice to the person desiring to appeal, then thirty (30) days from publication in the FEDERAL REGISTER of the facts which show such a decision. The notice of appeal shall specify the portion of the decision from which the appeal is taken, and the reasons why the decision is erroneous. A statement of fact and argument in the form of a brief in support of the appeal may be submitted with the notice of appeal or, if the appellant prefers, may be filed with the Commission within fifteen (15) days after the filing of the notice of appeal. If a statement of fact and argument in the form of a brief in support of the appeal is not submitted with the notice, the appellant shall state in the notice whether such a statement of fact and argument in the form of a brief in support of the appeal will be filed.