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**Subject: Question and Answer Set 6
Trinity and NERSC-8 Computing Platforms Project
LA-UR-13-26721**

Greetings:

Interested parties are advised of the following questions or concerns that have been submitted to the Trinity and NERSC-8 Project team and to the accompanying Project responses below:

Question/Issue 1

Will the RFP contain an Advanced Class Patent Waiver to allow the Prime Contractor or Subcontractors to retain all rights, title and interest in all subject inventions or discoveries?

Project Response 1

No; however, if a successful large business Offeror provides a 40% cost share and requests the advance class waiver, the waiver is anticipated to be granted by DOE.

Question/Issue 2

Can LANS please confirm the 40% cost share for large business to retain IP ownership rights on applies to non-commercial products? Please confirm that regarding commercial products developed at contractor's expense, the contractor will retain IP ownership rights not subject to cost share? Does LANS expect the Offeror to identify in its proposal response which products will fall under the category of commercial versus non-commercial? Finally, what type of information does LANS expect the Offeror to provide in order meet and justify the 40% cost share for non-commercial products, specifically from commercial companies that are not subject to Cost Accounting Standards?

Project Response 2

Any inventions developed in the performance of the statement of work (SOW) will require a DOE waiver of rights whether commercial or non-commercial. The fact that cost sharing is paying for performance under the statement of work, or for delivery of commercial product will not alter the need for a DOE waiver on subject inventions developed in the performance of the SOW. The 40% cost share is expected to be valued and calculated in accordance with generally accepted accounting practices. See 10 CFR 784 regarding the objectives and considerations to obtain a DOE advance waiver of patent rights in subject inventions made in the course of a DOE agreement.

Darren Knox

A handwritten signature in blue ink that reads "Darren Knox".

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