

# COOPER UNIVERSITY HEALTH CARE

## Corporate Policies and Procedures

Supersedes: 09/27/2021  
 Reviewed: 06/16/2022

Section: Finance  
 Subject: 2.125 - Patent Policy

**Notice: The official version of this Policy is contained in Cooper Policy Network and may have been revised since the document was printed.**

TABLE OF CONTENTS		
<b>I. <a href="#">PURPOSE</a></b>		
<b>II. <a href="#">ACCOUNTABILITY</a></b>		
<b>III. <a href="#">APPLICABILITY</a></b>		
<b>IV. <a href="#">DEFINITIONS</a></b>		
<b>V. <a href="#">POLICY</a></b>		
<b>VI. <a href="#">PROCEDURE</a></b>		
<b>A. <a href="#">Administration of Patents</a></b>	<b>B. <a href="#">Ownership of Intellectual Property</a></b>	<b>C. <a href="#">Disclosure Responsibilities of Cooper Personnel</a></b>
<b>D. <a href="#">Determination of Developed with Use of Cooper Resources</a></b>	<b>E. <a href="#">Evaluation of Patentability and Patent Protocols</a></b>	<b>F. <a href="#">Inventions made Jointly with Outside Inventors</a></b>
<b>G. <a href="#">Compliance with Contractual Patent Restrictions</a></b>	<b>H. <a href="#">Distribution of Invention Related Income</a></b>	<b>I. <a href="#">Other Duties of Director of the Cooper Research Institute</a></b>
<b>J. <a href="#">Intellectual Property and Confidential Information Agreements</a></b>	<b>K. <a href="#">Consulting Agreements</a></b>	
<b><a href="#">APPROVAL</a></b>		
<b><a href="#">APPENDIX A – Intellectual Property and Confidential Information Agreement</a></b>		

**I. PURPOSE:**

A. The purpose of the Cooper Health System (Cooper) Intellectual Property Policy and Procedures is to enable Cooper to develop new knowledge and to facilitate the practical application of such knowledge by licensing intellectual property to industry and others for the public benefit as befits the mission of Cooper, while at the same time recognizing all Cooper inventors and authors, and encouraging timely and open dissemination of their work through publication or oral presentation.

**II. ACCOUNTABILITY:**

A. The Chief Medical Officer (CMO) or designee shall ensure compliance with and implementation of this policy.

**III. APPLICABILITY:**

A. All of the following individuals shall be subject to this policy and shall be referred to as “Cooper Personnel”.

# COOPER UNIVERSITY HEALTH CARE

## Corporate Policies and Procedures

Supersedes:	09/27/2021	Section:	Finance
Reviewed:	06/16/2022	Subject:	2.125 - Patent Policy

---

1. All Cooper team members including but not limited to every person holding any form of teaching or research appointment, residency or fellowship.
2. All students working at Cooper as part of their education or training, except to the extent provided otherwise and agreed in writing by Cooper and an institution of higher education.

#### IV. DEFINITIONS:

- A. **Author** – Any Cooper Personnel who has created and fixed some content in a tangible medium of expression.
- B. **Intellectual Property** is broadly defined as any new and useful process, machine, composition of matter, life form, article of manufacture, software, copyrightable or copyrighted work, trademark, or tangible research property. Intellectual Property may or may not be patentable or copyrightable.
- C. **Inventor** – Any Cooper Personnel who conceives, discovers, creates, makes or develops any new and useful process, machine, manufacture of composition of matter, or any new and useful improvement thereon. Intellectual Property can be created by one or more individuals each of whom, to be an inventor, must have conceived of an essential element or have contributed substantially to its conceptual development
- D. **Patent Income** – All income arising directly from the licensing or sale of the Invention or patent to either a third party or a company in which the inventor or Cooper has a financial interest. Such income shall include, but shall not be limited to, cash payments, minimum royalties, stocks, stock options, capital gains, or payments in kind.
- E. **Patentable inventions** are created when something new and useful has been conceived or developed, or when unusual, unexpected, or non-obvious results, obtained with an existing invention, can be practiced for some useful purpose.

#### V. POLICY:

- A. Cooper is committed to fostering research related to the advancement of scientific knowledge and to the publication and the use of the results of such research. While such research performed with the facilities and/or funds of Cooper by Cooper Personnel is not motivated by profit considerations, Cooper recognizes that some research may involve intellectual property which should be protected for one or more of the following reasons:
  1. To comply with the requirements of research grants, awards and contracts of research;
  2. To promote the development of useful apparatus and processes which would not be developed without patent protections;

# COOPER UNIVERSITY HEALTH CARE

## Corporate Policies and Procedures

Supersedes:	09/27/2021	Section:	Finance
Reviewed:	06/16/2022	Subject:	2.125 - Patent Policy

---

3. To encourage invention, research, preparation of articles and other media, and assure adequate rewards as incentive for the inventor;
4. To support facilities and programs at Cooper for research by means of income derived from royalties.
5. To protect the resources of Cooper when Cooper resources are used in the discovery and development of such intellectual property.

### VI. PROCEDURE:

- A. Administration of Patents: The Director of the Cooper Innovation Center, under the supervision of the Chief Innovation Officer shall be responsible for providing information and assistance on patent matters to inventors, and for managing the patenting of inventions under this policy after consultation with the inventors.
- B. Ownership of Intellectual Property: A condition of employment, appointment, reappointment, promotion, salary increase, or training by Cooper is the agreement that Cooper Personnel shall assign and do assign to Cooper all intellectual property developed with Cooper support.
  1. Cooper will own Intellectual Property that is:
    - a. Developed during course of or pursuant to a sponsored research project or other agreement; or
    - b. Created as a “work-for-hire” (a “work-for-hire” is defined as a work prepared by a team member within the scope of his or her employment) or pursuant to a written agreement between the author and Cooper providing for the transfer of any Intellectual Property ownership to Cooper; or
    - c. Developed as a result of or in connection with Cooper employment or with Use of Cooper Resources. If Cooper Personnel can demonstrate that the invention is not related in whole or in part to Cooper employment, did not result from knowledge gained in connection with Cooper employment, or education or training provided by or supported by Cooper, and did not involve more than a de minimis use of Cooper resources, then Cooper would not claim title to the invention.
  2. The Inventor or Author will own Intellectual Property that does not fall within any of the above three categories.
  3. Cooper may decline in writing to accept any rights of ownership by assignment or otherwise, in which case all rights revert to the Inventor or Author.

# COOPER UNIVERSITY HEALTH CARE

## Corporate Policies and Procedures

Supersedes:	09/27/2021	Section:	Finance
Reviewed:	06/16/2022	Subject:	2.125 - Patent Policy

---

4. Copyright to, and royalty from, literary or scholarly works in tangible or electronic form (e.g., textbooks and other curricular materials, reference works, journal articles, novels, music, photographs, etc.) produced by Cooper Personnel as a part of their usual teaching, service, and research activities which have been approved by the faculty member's Department, but which do not result directly as a specified deliverable from projects funded in whole or in part by Cooper or a sponsored research agency shall belong to the faculty member(s) who prepared such works and may be assigned or retained by them.
  5. Notebooks and other documents pertaining to research activities and all data (including written and computerized material and photographs, etc.) leading to an invention are the property of Cooper and will be retained in the files of Cooper. Once all appropriate assignment documentation has been executed by the inventor, the inventor may have a copy of this documentation.
- C. Disclosure Responsibilities of Cooper Personnel:
1. Prior to commencement of employment, education or training at Cooper, Cooper Personnel shall disclose to Cooper any and all Inventions discovered created or developed prior to commencement of employment or education or training at Cooper and which are claimed to exempt from this policy.
  2. Cooper Personnel shall promptly disclose all Intellectual Property, ideas, discoveries and inventions conceived, made, acquired or developed by Cooper Personnel, in whole or in part during the term of employment, education or training at Cooper, whether during working hours or otherwise, whether with Cooper's facilities, materials or personnel or otherwise, which are related in any way to the healthcare field. Any ideas, discoveries and inventions conceived, made, acquired or developed by team member, in whole or in part, during the term of employment or within six (6) months after termination of employment, shall conclusively be deemed to have been conceived, made, acquired or developed during the term of employment and are subject to disclosure.
    - a. The federal government is a significant source of sponsored research. For any federally sponsored research, Cooper is obligated, by federal regulations, to report promptly to the appropriate federal agency any inventions conceived or reduced to practice during the course of a government-sponsored research program. Cooper is also obligated to report inventions to its industrial sponsors who provide financial support for research.

# **COOPER UNIVERSITY HEALTH CARE**

## **Corporate Policies and Procedures**

Supersedes:	09/27/2021	Section:	Finance
Reviewed:	06/16/2022	Subject:	2.125 - Patent Policy

---

- b. Inventors and Authors must report (disclose) any Intellectual Property created during the course of a sponsored research agreement or with the use of funds or facilities administered by Cooper.
  3. Invention Disclosures shall be submitted to the Director of the Cooper Innovation Center through the online Inventor Portal.
  4. Invention Disclosures to the Director of the Cooper Innovation Center should be made as early as possible in the development of an invention.
  5. A copy of any abstract, poster, or manuscript shall be submitted to the Director of the Cooper Innovation Center prior to submission for publication or other public disclosure if it may contain any Intellectual Property developed with more than the use of de minimis Cooper resources. The Director of the Cooper Innovation Center may require, but not for more than ninety (90) days, deferral of publication in order to protect the patent rights in the United States and abroad of Cooper and the inventor.
  6. An Invention Disclosure must be submitted prior to any negotiations by an inventor with outside companies or individuals with regard to further support, even if such support is required to complete the invention.
  7. The Director of the Cooper Innovation Center shall promptly acknowledge receipt of all disclosures in writing.
  8. Cooper Personnel shall not disclose Intellectual Property to any person or entity outside of Cooper prior to submitting the Invention Disclosure and obtaining permission from the Director of the Cooper Innovation Center to disclose the Intellectual Property. In addition, Cooper Personnel must notify the Director of the Cooper Innovation Center if any potential Intellectual Property will be disclosed at an academic conference, trade show, public presentation, or in a published article prior to filing for patent or copyright protection. The Director of the Cooper Innovation Center shall obtain a confidentiality agreement from any such outside person or entity prior to the disclosure to protect Intellectual Property rights.
- D. Determination of Developed with Use of Cooper Resources:
  1. Where an inventor seeks to retain ownership of Intellectual Property, the Intellectual Property must be disclosed through the usual disclosure mechanism described above, with a request for a determination of whether the Intellectual Property is owned by Cooper. The burden of proof shall be with the inventor.
  2. Cooper has the right to obtain title to Intellectual Property developed with more than a de minimis use of Cooper resources either directly from or channeled

# COOPER UNIVERSITY HEALTH CARE

## Corporate Policies and Procedures

Supersedes:	09/27/2021	Section:	Finance
Reviewed:	06/16/2022	Subject:	2.125 - Patent Policy

---

through Cooper. Resources include financial or other support, regardless of origin, as well as facilities or property which are used in the discovery or development of Intellectual Property and is provided through Cooper-administered channels.

- a. Cooper Resources shall include the data and information learned by the Inventor as a result of Cooper employment, teaching or other Cooper duties, including but not limited to the data and information learned as a result of treating Cooper patients.
  - b. Where Cooper Personnel would not reasonably have conceived or discovered the invention but for such employment, education or training with or duties on behalf of Cooper or with the use of Cooper's Resources, then it shall be presumed that the Intellectual Property belongs to Cooper.
3. Within 60 days of request for a determination, the Director of the Cooper Innovation Center shall evaluate whether an invention was developed with the use of Cooper resources, as defined in (2) above. The Inventor may submit a written statement of the circumstances leading to the making of the invention to the Director of the Cooper Innovation Center to support the position that the invention was not developed with Cooper resources. The Director of the Cooper Innovation Center shall give notice of its decision to the Inventor within 15 days of its decision in a written decision which shall include all reasons for the decision. If the Director of the Cooper Innovation Center determines that the invention was not developed with Cooper resources, Cooper shall have no right, title or interest to the Invention. If the Director of the Cooper Innovation Center determines the Invention was Developed with use of Cooper resources, the Inventor shall have 30 days from the date of such notice to advise the Director of the Cooper Innovation Center that the Inventor seeks to appeal the decision to an Appeals Board, which shall consist of the CMO, President/CEO, VP of HR, the inventor's Department Chief or VP, and a member appointed by the Inventor within 15 days of notice to the Director of the Cooper Innovation Center The Appeals Board shall review all materials including the Inventor's statement and Director of the Cooper Innovation Center's decision and issue a decision within 45 days of the date the Inventor appointed the 5th member of the Appeals Board. The decision of the Appeals Board shall be final and binding on all parties.

E. Evaluation of Patentability and Patent Protocols:

# **COOPER UNIVERSITY HEALTH CARE**

## **Corporate Policies and Procedures**

Supersedes:	09/27/2021	Section:	Finance
Reviewed:	06/16/2022	Subject:	2.125 - Patent Policy

---

---

1. When a disclosure containing sufficient technical information to permit an effective patent study has been made, the Director of the Cooper Innovation Center shall evaluate the Invention as to patentability and commercial and scientific utility, and shall recommend to the CIO whether to file a patent application thereon. The Director of the Cooper Innovation Center may request the Patent Committee to review the disclosure and make a recommendation to the Director of the Cooper Innovation Center as to patentability and commercial and scientific utility. The decision should consider:
  - a. What problem is solved by this invention?
  - b. How did the inventor solve the problem?
  - c. Has the invention been publicly disclosed, either orally or in writing?
  - d. Has it been publicly used or sold?
  - e. Has it been patented anywhere?
  - f. What prior art relates to the invention?
  - g. What would competitors do to avoid the patent?
  - h. What testing of the efficacy of the invention was done?
  - i. What is the development and commercialization pathway?
  - j. The Director of the Cooper Innovation Center will also review any drawings or samples and may contact patent counsel to conduct a patentability search or for other needed advice.
2. If sufficient technical information has not been provided, the Director of the Cooper Innovation Center shall notify the Inventor in writing and no decision shall be made until sufficient technical information has been provided.
3. Within 120 days of receipt of a disclosure containing sufficient technical information, the Director of the Cooper Innovation Center shall:
  - a. Notify the Inventor that Cooper has accepted the Invention, in which case Cooper shall:
    - i. Undertake in its name and in the name of the inventor the timely filing and prosecution of a patent application and development and marketing of the invention, and it shall bear all related costs.
    - ii. Have the option to seek support for the costs of patent prosecution through a licensing or other agreement.
    - iii. Cause the invention to be assigned to a recognized patent management organization. A patent management agency or firm can provide services and advice with respect to the patentability of inventions, the obtaining of patents thereon and the

# COOPER UNIVERSITY HEALTH CARE

## Corporate Policies and Procedures

Supersedes: 09/27/2021  
Reviewed: 06/16/2022

Section: Finance  
Subject: 2.125 - Patent Policy

---

- management and licensing of any such patents. The domestic or foreign patent rights, or both, may be assigned to a recognized patent management organization.
- iv. Calculate any income to be distributed as income received less costs incurred by Cooper itself or through a licensing or management firm or agency or other agreement in obtaining and protecting the patent rights and developing and marketing the invention.
  - v. Make a good faith effort to commercialize the invention within a reasonable period of time.
- b. Notify the Inventor that Cooper has released to the inventor all rights to the invention unless such rights revert to the sponsor of the program or the Federal Government.
  - c. In cases in which Cooper does not file a patent application within nine months, or fails to make a determination regarding pursuit of a patent within a period of six months from the date of receipt of a disclosure document containing sufficient technical information by the Director of the Cooper Innovation Center, all of the rights of Cooper shall be assigned to the inventor upon request, subject only to such external sponsor restrictions as may apply.
  - d. Notwithstanding any previous decision to support an invention, Cooper may at any time elect to release all rights in the invention to the inventor, as in VI.B.3 above.
- F. Inventions made jointly with Outside Inventors: Where an invention covered by this policy has been developed with the participation of individuals not employed or trained by Cooper, the terms of any contractual agreement previously entered into by Cooper with the Non-Cooper inventors or their employer will govern. If no agreement exists or the terms of the existing agreement are not complete, an agreement regarding patent rights and obligations shall be negotiated with the co-inventor(s)'s or the appropriate institution or corporation by the Director of the Cooper Innovation Center. The terms of that agreement shall determine the rights of the Cooper Personnel involved.
- 1. All negotiations with outside companies or individuals with regard to an Invention Developed with Cooper Resources shall be conducted by the CIO or the Director of the Cooper Research Institute as his/her designee. No other Cooper personnel may engage in such negotiations without the express written consent and approval of the CIO.



# COOPER UNIVERSITY HEALTH CARE

## Corporate Policies and Procedures

Supersedes:	09/27/2021	Section:	Finance
Reviewed:	06/16/2022	Subject:	2.125 - Patent Policy

2. The Director of the Cooper Innovation Center has primary responsibility for licensing Cooper technology by researching the market for the technology, entering into discussions with potential licensees, developing a business plan when appropriate, negotiating appropriate licenses or other commercialization agreements, and for monitoring commercialization progress, and distributing royalties to the Inventors and Authors in accordance with Cooper royalty policy. The Director of the Cooper Innovation Center welcomes input from and participation by originators of Intellectual Property regarding such activities.
- G. Compliance with Contractual Patent Restrictions: All inventions or disclosures thereof resulting from research performed under grants or contracts entered into by Cooper with specific restrictions concerning ownership and/or disposition of said intellectual property shall be subject in the first instance to such restrictions, but even when governed by contract or grant, all inventions must be submitted for review and evaluation as provided in paragraph VI.D above.
- H. Distribution of Invention Related Income:
1. “Net royalty income” shall mean Patent Income less all legal and other expenses resulting from patenting and licensing marketing and commercializing the Invention plus a 10% administrative deduction.
  2. For any Intellectual Property in which Cooper asserts ownership interest according to this Policy, the Net Royalty Income realized by Cooper from commercialization will be distributed as-received on an annual (non-cumulative) basis according to the following formula:

Net Royalties and Related Income	Cooper Health System	Inventor’s Department	Innovation Center	Inventor or Author
First \$5,000	0%	0%	0%	100%
\$5,001-\$25,000	5%	10%	10%	75%
\$25,001-\$100,000	20%	10%	10%	60%
\$100,001-\$500,000	30%	10%	10%	50%
>\$500,000	40%	10%	10%	40%

- a. The Innovation Center distribution shall provide operating funds to cover the costs of service provided to Cooper with regard to intellectual property matters and particularly to cover the costs associated with patenting and marketing inventions where royalty income or other cost recovery has not been achieved. The percentage of Net Royalty Income

# COOPER UNIVERSITY HEALTH CARE

## Corporate Policies and Procedures

Supersedes:	09/27/2021	Section:	Finance
Reviewed:	06/16/2022	Subject:	2.125 - Patent Policy

---

to the Cooper Patent Fund shall be evaluated annually by the CIO subject to the approval of the Board of Trustees of Cooper, to adjust the percentage received by the Cooper Patent Fund, with a two-year lead time for any changes.

- b. Joint inventors shall share the percentage of Net Royalty Income allocated to the inventor, and Cooper shall not determine the relative allocation among joint inventors, but shall, in the event of any dispute among them, deposit all payments due hereunder in an interest-bearing account, to be disbursed after final resolution of such dispute. Any person hired or retained for the purpose of producing an invention shall not be entitled to a distribution of Net Royalty Income with respect to that invention, subject to the contrary terms of any applicable agreement.
- c. At the discretion of the Department Chief or VP, primary consideration for the use of Department funds shall be given to support of the inventor's further research.

I. Other Duties of Director of the Cooper Innovation Center:

1. The Director of the Cooper Innovation Center shall monitor inventors and assignors in the US Patent and Trademark Office (USPTO) files to ensure that all existing patent rights which have been identified and are to be assigned to Cooper have in fact been so assigned.
2. The Director of the Cooper Innovation Center shall be responsible for education of all Cooper Personnel on this patent policy.

J. Intellectual Property and Confidential Information Agreements

1. All Cooper Personnel who may be involved in research or developing intellectual property must, in addition to abide by this policy, agree to the terms contained in Cooper's Intellectual Property and Confidential Information Agreement (IPCIA) and indicate their assent by signing a copy of that Agreement. In addition, by accepting Cooper funds or engaging in academic activities at Cooper, Cooper Personnel agree to assign and do thereby assign to Cooper or to its designee, his or her title to any Intellectual Property as specified herein.
2. Initially, the IPCIA shall be distributed to all employed physicians and researchers and executed IPCIAs shall be returned to the Director of the Cooper Research Institute. IPCIA forms shall be an addendum to each physician or researcher's employment agreement upon renewal of such agreement. In the event that Cooper determines, at its discretion, that additional team members must execute the IPCIA in order to protect Cooper's interests, then execution of





# **COOPER UNIVERSITY HEALTH CARE**

## Corporate Policies and Procedures

Supersedes:	09/27/2021	Section:	Finance
Reviewed:	06/16/2022	Subject:	2.125 - Patent Policy

---

---

with any collaborating entity and/or allowing Cooper the opportunity to pursue patent or other intellectual property protections in accordance with the Policy.

7. This Agreement and the assignments and obligations are effective as of my Start Date and apply to any Intellectual Property made during the time I am employed by Cooper, participate in sponsored research through Cooper, or otherwise make a use of Cooper resources.

This agreement is effective on the later of January 1, 2011 or my date of hire, enrollment, or participation in projects administered by Cooper, and is binding on me, my estate, heirs and assigns.

---

Team Member signature

---

Print Name