SUBMISSION FORM

University System/Employee Intellectual Property Joint Participation
MUSP 407

This form is to be submitted with any Board of Regents item whereby a campus seeks the approval of an agreement with or arrangement regarding an employee pursuant to 20-25-109 MCA and Regents Policy 407.

When the submission concerns matters of trade secrets or confidential business information, or any other matter entitled to privacy under state or federal law (e.g., the federal statute known as Bayh/Dole) the submitting campus may request consideration of the submission, in whole or in part, in executive session.

The submitting campus should also provide the Commissioner a copy of the contract(s) that form the basis for the cooperative arrangement for which approval is sought. Submission of the contract does not indicate a conclusion that all or part of the contract is a public document and the question of whether it is in whole or in part protected from public disclosure will be evaluated on a case by case basis.

1. Summarize the nature of the intellectual property that was developed by the employee seeking approval. Indicate the sources of funding for the research that resulted in this invention.

   Dr. Youngbull has developed, with no outside funding, an apparatus and methodology for the rapid detection of biological substances in aerosols. Dr. Youngbull is working to commercialize a product that contains, in part, this intellectual property protected by UM patent.

2. a. Name(s) of the university employee(s) involved.

   Dr. Cody Youngbull, Full Research Professor in the Division of Biological Sciences; Organismal Biology, Ecology, and Evolution, University of Montana - Flathead Lake Biological Station.

   b. Name(s) of business entity(ies) involved.

   Excelsior Photonics, Inc., a Delaware corporation

3. The university and employee(s) are seeking approval for (check as many as appropriate):

☑ a. The employee to be awarded equity interest in the business entity.

☑ b. The employee to serve as a member of the board of directors or other governing board of the business entity.

☑ c. The employee to accept employment from the business entity.

☐ d. Other. Please explain.

4. a. Summarize the nature of the relationship between the university and the business entity (e.g., the entity is licensing the intellectual property from the university, the entity is co-owning the intellectual property with the university)

The benefits to UM and the State of Montana arising from the proposed research and activities of Excelsior Photonics Corporation are:

The first relationship sought will be to allow Excelsior Photonics to license the intellectual property developed by Dr. Youngbull in his position as Research Professor of Organismal Biology, Ecology, and Evolution at the UM Flathead Lake Biological Station. The licensing agreement will allow Excelsior Photonics to utilize the intellectual property in the commercialization of an apparatus and methodology for the rapid detection, capture, identification and quantization of bioaerosol organisms. A licensing option agreement is pending, but not yet executed. If Excelsior Photonics exercises this option Excelsior Photonics will pay an annual license fee and royalties to the University of Montana in an amount still to be negotiated. Excelsior Photonics will pay the patenting and related IP costs going forward, along with the costs of developing and commercializing the invention.

By allowing this University-private sector relationship to be established, intellectual property developed by University faculty can be used to set an example for other entrepreneurs from the University looking for opportunities for commercialization of their innovations and creations, and will generate goodwill for University employees and the private sector. The University will incur no net cost by entering into the proposed licensing agreement.

It is expected that at some future date additional research by Dr. Youngbull may be useful to Excelsior Photonics and that UM will desire additional licensing agreements and obtain additional royalties. The relationship with Excelsior Photonics brings a new collaboration and many possibilities for patents. This is also an opportunity to broaden the research landscape at UM and the region, while providing the potential for economic development.

Dr. Cody Youngbull discovered the patented technology working at the University of Montana. The University also has laboratory facilities, which Excelsior Photonics can use for its development activities, per a facility use agreement and pricing, if requested.