The purpose of this PDID is to obtain documentation (hereinafter, referred to as the Patent Rights and Data Rights Agreement) regarding the extent to which the rights in technical data (TD), computer software (CS), computer software documentation (CSD), and inventions/patents offered to the Government ensure the unimpeded, innovative, and cost effective production, operation, maintenance, and upgrade of the DDG 51 system throughout its life cycle; allow for open and competitive procurement of DDG 51 subsystems and permit the transfer of innovative DDG 51 technologies to other systems or platforms. The Patent Rights and Data Rights Agreement will be incorporated as a contractual attachment to the Requirements Contract.

INSTRUCTIONS:

The Seller shall provide information regarding Rights in Noncommercial Technical Data (TD), Noncommercial Computer Software (CS) and –Noncommercial Computer Software Documentation (CSD); Rights in Commercial TD, Commercial CS and Commercial CSD; and Rights in Background Inventions

1. For Rights in <u>Noncommercial</u> TD, <u>Noncommercial</u> CS and <u>Noncommercial</u> CSD, the Seller shall provide a statement that all computer software and technical data is provided with unlimited rights (DFARS 252.227-7013) - RIGHTS IN TECHNICAL DATA – NON COMMERCIAL ITEMS (November, 1995), or identify the software or data to which restrictions apply. To the extent that the Seller is unable to make this unqualified statement, the Seller shall provide the following information:

   a. The 7017 list. The Seller shall attach to this PDID a list identifying all Noncommercial TD, CS, and CSD that it asserts should be delivered with other than unlimited rights. Specific instructions and requirements concerning this list are set forth in the DFARS 252.227-7017 (JUN 1995).

   b. The 7028 List. The Seller shall attach to this PDID a list identifying all Noncommercial TD, CS, and CSD that it intends to deliver with other than unlimited rights and that are identical or substantially similar to TD, CS or CSD that the seller has delivered to, or is obligated to deliver to, the Government under any contract or subcontract. Specific instructions are requirements concerning this list are set forth in DFARS 252.227-7028 (JUN 1995). If there is no data or software to be identified in the 7028 list, the Seller shall submit the list and enter "None" as the body of the list.

   c. Supplemental Information. The Seller provide a statement, entitled "Supplemental Information-Noncommercial Technical Data, Noncommercial Computer Software, Noncommercial Computer Software" (the statement) that, for

each item of noncommercial TD, CS, or CSD that the Seller asserts should be delivered with specifically negotiated license rights or other non-standard rights (as discussed at DFARS 252.227-7013 (NOV 19950 and/or DFARS 252.227-7014 (JUN 1995)), sets forth a complete description of all such proposed non-standard restrictions on the Government's ability to use, modify, release, perform, display, or disclose such TD, CS, or CSD. This information may be provided by referencing any proposed non-standard license agreement that is attached to the statement. The Seller shall submit the statement as an attachment to this PDID, dated and signed by an official authorized to contractually obligate the Seller. If there is no information to be included in the statement, the Seller need not submit the statement.

The Seller is reminded that the Buyer may request a written explanation to establish the validity of restrictive markings placed on computer software and technical data. The process by which this procedure is undertaken is described in DFARS 252.227-7037 – VALIDATION OF RESTRICTIVE MARKINGS ON TECHNICAL DATA (September, 1999).

2. For Rights in <u>Commercial</u> TD, <u>Commercial</u> CS, and <u>Commercial</u> CSD, the Seller shall provide a list, entitled "Commercial Technical Data, Commercial computer Software, and Commercial computer Software Documentation—Government Use Restrictions" (the Commercial Restrictions List) that provides the following information regarding all commercial TD, CS, and CSD that the Seller (including its subcontractors or suppliers, or potential subcontractors or suppliers, at any tier) intends to deliver with other than unlimited rights: (1) identification of the data or software; (2) basis for asserting restrictions; (3) asserted rights category; and (4) name of the person asserting restrictions. For each entry in the list citing an asserted rights category other than the standard license rights applicable to commercial TD as set forth in the DFARS 252.227-7015 (Nov 1995) clause, the Seller shall provide a complete description of the asserted rights (e.g., a specially negotiated license, or the license customarily offered to the public); this information may be provided by referencing any proposed non-standard or commercial license agreement that is attached to the list. The Seller shall submit the Commercial Restrictions List as an attachment to this PDID, dated and signed by an official authorized to contractually obligate the Seller. If there is no information to be included in the Commercial Restrictions List, the Seller shall submit the list and enter "None" as the body of the list.

3. For rights in Background Inventions, the Seller shall provide a list, entitled "Background Inventions—Identification and Licensing" (the BIIL List), providing information concerning all background inventions. A "background invention" is any invention, other than a subject invention, that is covered by any patent or pending patent application in which the Seller (including its subcontractors or suppliers, or potential subcontractors or suppliers, at any tier) (1) has any right, title, or interest; and (2) proposes to incorporate into any items, components, or processes (ICP) to be

developed or delivered, or that will be described or disclosed in any TD, CS, or CSD to be developed or delivered, under the resulting contract. For each background invention, the BIIL List shall identify (1) the invention, by serial number, title, and date of the patent application or issued patent; (2) the ICP, TD, CS, and CSD that will incorporate or disclose the invention; (3) the nature of the Seller's right title, or interest in the invention; and (4) whether the Seller is willing to sell to the Government a license to practice the invention, and if so, a complete description of the terms of such proposed license. The Seller shall submit the BIIL List as an attachment to this PDID, dated and signed by an official authorized to contractually obligate the Seller. If there is no information to be included in the BIIL List the Seller shall submit the list and enter "None" as the body of the list.

DFARS 252.227-7015. Commercial Technical Data (TD), Commercial Computer Software (CS), and Commercial Computer Software Documentation (CSD)--Government Use Restrictions

The Offeror shall attach to its offer a list, entitled "Commercial Technical Data, Commercial Computer Software, and Commercial Computer Software Documentation-–Government Use Restrictions" (the Commercial Restrictions List), that provides the following information regarding all commercial TD, CS, and CSD that the Offeror (including its subcontractors or suppliers, or potential subcontractors or suppliers, at any tier) intends to deliver with other than unlimited rights. For each entry in the list citing an asserted rights category other than the standard license rights applicable to commercial TD as set forth in the DFARS 252.227-7015 (Nov 1995) clause, the Offeror shall provide a complete description of the asserted rights (e.g., a specially negotiated license, or the license customarily offered to the public); this information may be provided by referencing any proposed non-standard or commercial license agreement that is attached to the list. The Offeror shall submit the Commercial Restrictions List as an attachment to its offer, dated and signed by an official authorized to contractually obligate the Offeror. If there is no information to be included in the Commercial Restrictions List, the Offeror shall submit the list and enter "None" as the body of the list.

Commercial Technical Data or Computer Software to be Furnished with Less Than Unlimited Rights	Basis for Asserting Restrictions	Asserted Rights Category	Name of Person Asserting Restrictions

Date

Printed Name and Title

Signature

_____

(End of identification and assertion)

BACKGROUND INVENTIONS--IDENTIFICATION AND LICENSING

Definition: "background invention" is any invention, other than a subject invention, that is covered by any patent or pending patent application in which the vendor (including its subcontractors or suppliers, or potential subcontractors or suppliers, at any tier) (1) has any right, title, or interest; and (2) proposes to incorporate into in any items, components, or processes (ICP) to be developed or delivered, or that will be described or disclosed in any TD, CS, or CSD to be developed or delivered, under any resulting contract.

Background Inventions--Identification and Licensing

Invention (Serial Number, Title & Date of Patent Application or Issued Patent)	ICP/TD/CS/CSD Invention that will Incorporate or Disclose the Invention	Nature of the Contractor's Right, Title, or Interest in the Invention	Is Contractor willing to sell to the Government a license to practice the invention, and if so, a complete description of the terms of such proposed license.

Date

Printed Name and Title

Signature

_____

(End of identification and assertion)

DFARS 252.227-7017. Technical Data (TD), Computer Software (CS) and Computer Software Documentation (CSD) To Be Delivered With Other Than Unlimited Rights

Specific instructions and requirements concerning this list are set forth in the DFARS 252.227-7017.

<u>Identification and Assertion of Restrictions on the Government's</u>

<u>Use, Release, or Disclosure of TD or CS</u>

The Offeror asserts for itself, or the persons identified below, that the Government's rights to use, release, or disclose the following TD, CS or CSD should be restricted:

Technical Data or Computer Software to be Furnished with Restrictions *	Basis for Assertion**	Asserted Rights Category ***	Name of Person Asserting Restrictions****

*   For technical data (other than computer software documentation) pertaining to items components, or processes developed at private expense, identify both the deliverable technical data and each such items, component, or process. For computer software or computer software documentation identify the software or documentation.

**   Generally, development at private expense, either exclusively or partially, is the only basis for asserting restrictions. For technical data, other than computer software documentation, development refers to development of the item, component or process to which the data pertain. The Government's rights in computer software documentation generally may not be restricted. For computer software, development refers to the software. Indicate whether development was accomplished exclusively or partially at private expense. If development was not accomplished at private expense, or for computer software documentation, enter the specific basis for asserting restrictions.

***   Enter asserted rights category (e.g., government purpose license rights from a prior contract, rights in SBIR data generated under another contract, limited, restricted, or government purpose rights under this or a prior contract, or specially negotiated licenses).

****   Corporation, individual, or other person, as appropriate.

***** Enter "none" when all data or software will be submitted without restrictions.

Date:

Printed Name and Title:

Signature: _____

DFARS 252.227-7028. Noncommercial Technical Data (TD), Computer Software (CS) and Computer Software Documentation (CSD) To Be Delivered With Other Than Unlimited Rights

The Offeror shall attach to its offer a list identifying all noncommercial TD, CS, and CSD that it intends to deliver with other than unlimited rights and that are identical or substantially similar to documents or other media that the Offeror has produced for, delivered to, or is obligated to deliver to, the Government under any contract or subcontract. Specific instructions and requirements concerning this list are set forth in the DFARS 252.227-7028 (Jun 1995). Additionally, if there is no data or software to be identified in the 7028 list, the Offeror shall submit the list and enter "None" as the body of the list.

Technical Data, Computer Software or Computer Software Documentation to be Furnished with Other Than Unlimited Rights	Contract Number Under Which the Data or Software were Produced	Contract Number Under Which, and the Name and Address of the Organization to Whom, the Data or Software Were Most Recently Delivered or Will be Delivered	Any Limitations on the Government's Rights to Use or Disclose the Data or Software, Including, When Applicable, Identification of the Earliest Date the Limitations Expire

Date:

Printed Name and Title:

Signature: _____

(End of identification and assertion)

Supplemental Information – Noncommercial Technical Data (TD), Noncommercial Computer Software (CS) and Noncommercial Computer Software Documentation (CSD)

The Offeror shall attach to its offer a statement that for each item of noncommercial TD, CS, and CSD that the Offeror asserts should be delivered with specifically negotiated license rights or other non-standard rights sets forth a complete description of all such proposed non-standard restrictions on the Government's rights to use, modify, release, perform, display, or disclose such TD, CS, or CSD. The Offeror shall submit the statement dated and signed by an official authorized to obligate the Offeror. If there is no information to be included in the statement, the Offeror need not submit the statement.

Technical Data, Computer Software or Computer Software Documentation to Delivered with Specifically Negotiated License Rights	Complete description of all such proposed non-standard restrictions

Date:

Printed Name and Title:

Signature: _____

(End of identification and assertion)