

Start-Up Program 2.0: An Evaluation Option License Program

The National Cancer Institute (NCI), through the NCI Technology Transfer Center (TTC), offers a term-limited, exclusive **Start-Up Evaluation Option License** to start-up companies developing early-stage vaccine, therapeutic, device, and certain diagnostic technologies.

Start-Up Evaluation Option Agreements are available to companies that meet the following criteria:

- 1) less than 5 years old;
- 2) have less than \$5 million in capital raised; and
- 3) have fewer than 50 employees.

Participating NIH Institutes and Centers

The Start-Up Evaluation Option License encompasses select intramural inventions from NCI and the nine NIH Institutes and Centers served by the TTC:

- [NIH Clinical Center](#);
- [NIH Center for Information Technology](#);
- [National Center for Complimentary and Integrative Health](#);
- [National Eye Institute](#);
- [National Institute on Aging](#);
- [The Eunice Kennedy Shriver National Institute for Child Health and Human Development](#);
- [National Institute for Drug Abuse](#);
- [National Library of Medicine](#); and
- [National Institute on Minority Health and Health Disparities](#).

The NCI Start-Up Evaluation Option License provides short-term exclusivity to certain NIH technologies while companies evaluate a technology or raise funding for future development. Companies can convert to a full [NIH Exclusive Patent License](#) at the end of the option period if the company plans to continue commercial development of the technology.

Companies must license at least one United States patent and commit to developing a product or service for the US market. Companies may license patents filed in other countries if the company commits to bringing products to markets in those countries as well.

Features of the NCI Start-Up Evaluation Option License include:

- 24-month option period;
- \$5,000 execution royalty within 60 days of the effective date;
- \$5,000 patent royalty due on the one year anniversary of the effective date;

- NCI and NCI client Institutes pay on-going patent expenses for licensed patent rights during the option period; and
- Option to convert to an Exclusive Patent License, not automatic, but conditioned upon a) meeting the milestones in the Option Agreement, and b) a revised Commercial Evaluation Plan that supports commercial advancement of the technology.

The full terms of the [NCI Start-Up Evaluation Option License](#) (click to download) and of the [NIH Exclusive Patent License](#) (click to download) are available online and **by email request to the NCI TTC**.

The process to obtain a Start-Up Evaluation Option License is:

1. Company identifies a technology of interest from our [website](#);¹
2. Company submits a license application for their chosen technology, including an initial, but detailed, Commercial Evaluation Plan to the TTC Technology Transfer Manager;
3. Based on the Commercial Evaluation Plan submitted to the TTC, company negotiates a license Field of Use with the NCI Technology Transfer Manager;
4. The Technology Transfer Manager will review the submitted License Application, Commercial Evaluation Plan, and requested Field of Use to make a preliminary determination to see if the requirements of [37 CFR 404](#) have been satisfied;
5. If the preliminary determination is satisfactory, NCI will advertise a "Notice of Intent to Grant an Exclusive License" in the [Federal Register](#) (FRN) with a notice period of 15 days; and
6. The company and the Technology Transfer Manager negotiate and finalize the Start-Up Evaluation Option License if no insurmountable objections to the FRN are received.

The [Start-Up Evaluation Option License application](#) is available on this web site. Guidance for completing the license application can be obtained by reviewing the [Guidance Document](#) or by contacting the NCI TTC. Please note this Guidance Document is ONLY to assist in completing the license application.

For any questions regarding this program, please contact Mr. Richard Rodriguez, Associate Director, NCI Technology Transfer Center by [email](#) or by telephone 240-276-6661.

[1] Not all technologies may be suitable for this program. [Technology Transfer Managers](#) will provide information on certain technologies on a case by case basis.

Updated

Monday, March 9, 2020

Source URL:<https://techtransfer.cancer.gov/license/startup20>