

FLC Midwest/Southeast Joint Regional Meeting October 25-27, 2006

Technology Description

(A brief description of the technology involved)

A set of novel antigens from a cohort of individuals infected with certain strains of human Immunodeficiency Virus (HIV), the causative agent of AIDS. These antigens are vaccine candidates intended to be combined with antigens from other HIV strains to provide broad protection from HIV infection.

The Players

(Who's who?)

There are four players involved in this case study. CDC scientists discovered, identified, and characterized these antigens. Scientists at the National Institutes of Health discovered several other antigens and an effective adjuvant. Scientists at Emory University, a private university, discovered yet other antigens and have a proprietary plasmid delivery system. There are roughly ten separate patents involved, some solely owned by an individual party and some jointly owned by two or all three "public" parties. The combination of these inventions provides the basis for a new, perhaps the first, vaccine against AIDS. Emory invested in a start-up company (Geovax) to develop, test, and commercialize the vaccine.

The issue(s),

(IP arrangements, licensing options, CRADAs, business models, and desired outcomes for each party, other)

The business model is for all rights necessary to manufacture a broad vaccine to be in the hands of the commercial partner. Necessary agreements include a license CRADA or sponsored research agreement, and investment agreement to Geovax from one or more of the other parties, a license from the Federal laboratories to the university or the company, and possibly an agreement on patent rights and royalty sharing between the Federal laboratories or among the three public parties.

Other issues include several large egos among the various inventive parties, difficulties in verifying inventorship, shared ownership of jointly owned inventions, who files and prosecutes the patent applications (maintain separate control or place them all under the control of one party?), proportion of royalties to each party (mostly sibling rivalry between the two sister labs), and sharing of equity in the start-up should it be successful since both Federal partners are GOGOs and can't or won't take equity directly.