



December 21, 2023

Mojdeh Bahar  
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National Institute of Standards and Technology  
100 Bureau Drive  
Gaithersburg, MD 20899

Via Electronic Mail: [mojdeh.bahar@nist.gov](mailto:mojdeh.bahar@nist.gov)

RE: Extension Request for Request for Information Regarding the Draft Interagency Guidance Framework for Considering the exercise of March-In Rights (Docket No.: 230831-0207)

Dear Associate Director Bahar,

On behalf of the Association of American Universities, the Association of Public and Land-grant Universities, the Association of American Medical Colleges, the American Council on Education, AUTM, and COGR, we are writing to request a 90-day extension to the public comment period on the above-referenced Request for Information by NIST in order to provide the research university community with sufficient time to analyze and respond to the proposed changes to the draft interagency guidance framework. Our member universities represent a significant portion of the academic research enterprise and recipients of federal research funding subject to the reporting requirements of the Bayh-Dole Act.

The draft interagency guidance framework represents a significant departure from the current criterion under which federal agencies analyze and assess whether to exercise march-in rights to a subject invention. The current criterion has existed for more than 40 years in federal statute and these proposed changes will have significant impact on the ability of federal funding recipients to license research discoveries through the technology transfer process.

We will need additional time to gather data and fully assess the potential impact of the proposed changes to the university technology transfer sector to provide NIST with a more complete assessment to better inform your regulatory obligations. Accordingly, we respectfully request a 90-day extension to the comment period for filing comments on the RFI.

Thank you for your attention to this matter.

*The Association of American Universities (AAU) is an organization of 71 leading U.S. and Canadian public and private research universities on the leading edge of innovation, scholarship, and solutions that contribute to scientific progress, economic development, security, and well-being.*

*The Association of Public and Land-grant Universities (APLU) is a research, policy, and advocacy organization with a membership of public research universities, land-grant institutions, state university systems, and affiliated organizations in the U.S., Canada, and Mexico, that is dedicated to strengthening and advancing the work of public universities.*

*The Association of American Medical Colleges (AAMC) is a not-for-profit association dedicated to transforming health through medical education, health care, medical research, and community collaborations. Its members are all 158 accredited U.S. and 13 accredited Canadian medical schools; more than 400 teaching hospitals and health systems, including Department of Veterans Affairs medical centers; and more than 70 academic societies.*

*ACE is the American Council on Education, the major coordinating body for American higher education. Its more than 1,700 members reflect the extraordinary breadth and contributions of public and private colleges and universities. ACE members educate two out of every three students in accredited, degree-granting U.S. institutions.*

*AUTM is the non-profit leader in efforts to educate, promote and inspire professionals to support the development of academic research that changes the world and drives innovation forward.*

*COGR is an association with over 200 research universities and affiliated academic medical centers and research institutes. COGR concerns itself with the impact of federal regulations, policies, and practices on the performance of research conducted at its member institutions.*