

STATEMENT OF CONSIDERATIONS

**Class Waiver of the Government's United States and
Foreign Patent Rights in Subject Inventions Made in the Performance
of a Cooperative Research and Development Agreement (CRADA)
Entered Into Between Midwest Research Institute and SEMATECH, Inc.,
W(C) 94-05**

SEMATECH, Inc. (SEMATECH) is a Corporation of the state of Delaware having a principal office in Austin, Texas.

SEMATECH is a consortium of firms (member companies) in the United States semiconductor industry. SEMATECH is funded, in part, by the Department of Defense under the Semiconductor Cooperative Research Program established pursuant to Public Law 100-180, Sections 271-276, for the purpose of encouraging the semiconductor industry in the United States to conduct research on advanced semiconductor manufacturing techniques and develop techniques to use manufacturing expertise for the manufacture of a variety of semiconductor products.

The Department of Energy (DOE) has previously granted a Class Waiver of Government rights to inventions made in the performance of CRADAs entered into by Midwest Research Institute pursuant to its Management and Operating Contract (DE-AC02-83CH10093), for the Operation of the National Renewable Energy Laboratory with the DOE (Class Waiver No. W(C) 90-006.


The purpose of this waiver is to provide for amending the considerations of the previous Waiver W(C) 90-006 to bring the conditions of the waiver rights into consistency with the spirit and scope of the SEMATECH enabling legislation (P.L. 100-180) applicable to Subject Inventions under a CRADA between MRI Corporation and SEMATECH. The CRADA deals with photocatalytic oxidation for abatement of volatile organic compound emissions from semiconductor manufacturing processes.

Therefore, the waiver of the Government's rights in Subject Inventions arising under this CRADA is subject to the Government's retention of a nonexclusive, nontransferable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the GOVERNMENT, provided, that the Government license shall not be deemed to include commercial rights to the government or the right of the Government to transfer rights for commercial use. Rights necessary to engage in a governmental function as authorized by law shall not be deemed commercial rights. Activities that are primarily in pursuit of such a governmental function or responsibility shall not be deemed commercial use.

The Government's march-in rights and requirements for utilization reports set-out in Waiver Number W(C) 90-006 should be waived as being inconsistent with the spirit and scope of the SEMATECH enabling legislation (P.L. 100-180) to the extent it is necessary to comply with the provisions of the CRADA between MRI and SEMATECH.

Based on the forgoing Statement of Considerations it is determined that the interest of the United States and the general public will best be served by waiver of the United States and Foreign Rights as set forth herein and therefore, the waiver is granted. This waiver shall not affect any waiver previously granted nor shall it be applicable to any CRADA participant other than SEMATECH, Inc.

CONCURRENCE:

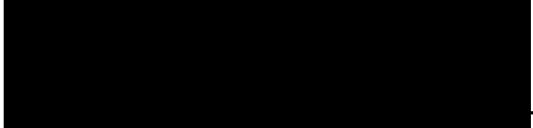

Christine A. Ervin, Assistant
Secretary for Energy Efficiency and
Renewable Energy

Date: 6-04-93


Roger Lewis
Office of Technology Utilization

Date: 6-9-93

APPROVAL:


Robert M. Poteat
Acting Assistant General Counsel
for Technology Transfer
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Date: 6/15/94