

ACTION REQUEST

Subject: License Agreement between the University of Michigan and Infomotion Sports Technologies, Inc.

Action Requested: Approval of License Agreement

Preamble:

A statutory conflict of interest situation was identified by the Office of Technology Transfer while reviewing the technology transfer agreement. This then triggered a review by the OVPR Conflict of Interest Review Committee. A plan for management of the possible risks associated with the conflict of interest was then developed and approved by this Committee and agreed to by the parties involved in this plan.

This proposed license agreement ("Agreement") falls under the State of Michigan Conflict of Interest Statute because Dr. Kevin King is both an employee of the University of Michigan ("University") and a partial owner of Infomotion Sports Technologies, Inc. The law permits such an Agreement provided it is disclosed to the executive officers and approved in advance by a 2/3 vote of the Regents of the University of Michigan.

Background:

Dr. Kevin King, a post-doctoral researcher in Mechanical Engineering, is the partial owner of a for-profit company called Infomotion Sports Technologies, Inc. ("Company"). The Company was formed recently to commercialize inertial measurement units and their use in sports equipment and desires to license from the University of Michigan the University's rights associated with the following technology:

UM OTT File No. 2149, entitled: "Method/Device for Measuring the Motion of Sports Equipment" (Noel Perkins)

UM OTT File No. 4372, entitled: "Apparatus and Methods for Analyzing the Motion of a Non-Elongate Body of Sports Equipment." (Noel Perkins and Kevin King)

The Office of Technology Transfer selected the Company as a University partner and negotiated the terms of the proposed Agreement in accordance with University policy and its accepted licensing principles.

Parties to the Agreement:

The Regents of the University of Michigan and Infomotion Sports Technologies, Inc.

Agreement Terms Include:

Agreement terms include granting the Company a non-exclusive license without the right to grant sublicenses. The Company will pay a royalty on sales and reimburse patent costs. The University will retain ownership of the licensed technology and may continue to further develop it and use it internally. No use of University services or facilities, nor any assignment of University employees, is obligated or contemplated under the Agreement. Standard disclaimers of warranties and indemnification apply, and the Agreement may be amended by consent of the parties. University procedures for approval of these changes will be followed and additional conflict of interest review will be done as appropriate.

Pecuniary Interest:

The pecuniary interests of Dr. Kevin King arise from his ownership interest in Infomotion Sports Technologies, Inc.

Net Effect:

The Office of Technology Transfer has negotiated and finalized the terms of a world-wide nonexclusive license agreement for patents related to UM OTT File Nos. 2149 and 4372 for the fields of use of soccer, basketball, hockey and the use of core strength training balls.

Infomotion Sports Technologies, Inc. will obtain use and commercialization rights to the above listed University technology.

Recommendations:

This matter has been reviewed and approved by the OVPR Conflict of Interest Review Committee. In light of this disclosure and our finding that the Agreement was negotiated in conformance with standard University practices, I recommend that the Board of Regents approve the License Agreement between the University and Infomotion Sports Technologies, Inc.

Respectfully Submitted,



Stephen R. Forrest  
Vice President for Research

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