

ACTION REQUEST

Subject: License Agreement between the University of Michigan and Mark J. Kushner

Action Requested: Authorization to enter into Agreement

Preamble:

A statutory conflict of interest situation was identified by the Division of Research Development and Administration while reviewing the current proposed license agreement which triggered a review by the OVPR Conflict of Interest Review Committee. A plan for management of the possible risks associated with the conflicts of interest was then developed and agreed to by the parties involved.

This proposed License Agreement ("Agreement") falls under the State of Michigan Conflict of Interest Statute because Dr. Mark J. Kushner, is an employee of the University of Michigan ("University") and an owner of certain modeling software described as HPEM and nonPDPSIM (the "Software"). 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:

Mark J. Kushner is a Professor of Engineering and Director of the Michigan Institute for Plasma Science and Engineering is an owner of the Software. Dr. Kushner wishes to enter into a license agreement to enable the University to use the Software for research and educational purposes, including sponsored activities. Dr. Kushner and the University desire to enter into an agreement to enable the University to install the Software on computers at the University and to use and modify the Software in research or educational activities.

Agreement Terms:

The License Agreement grants the University the right to use and modify the Software in research and educational activities and there is no charge to the University for the use of the software and no payments to be made to Dr. Kushner.

Impact of the Agreement:

The Software simulates low and high-pressure plasma transport and kinetics, plasma chemistry, plasma-surface interaction and electro-magnetic interactions with plasmas. This License Agreement is critical to the research of Dr. Kushner and enables Dr. Kushner and the University to utilize the Software without cost.

Recommendation:

This matter was reviewed and approved by the OVPR Conflict of Interest Review Committee and by the Associate Dean for Research of the College of Engineering. In light of the 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 Dr. Mark J. Kushner.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen Forrest". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Stephen Forrest
Vice President for Research

October 2008