Welcome to our final newsletter of FY2013!

The licensing component of ORPC continued to outperform expectations, with UNH setting new records once again for innovation disclosures, licenses, startups, and royalty income. I'm particularly proud of our licensing activity, which increased five-fold over FY12. There are big changes afoot in FY14 and we look forward to continuing to provide access to UNH's innovations and talent.

Cheers!

New Hampshire Innovation Research Center – Annual Meeting Highlights

On June 26, Dartmouth College hosted the Annual Meeting of the NHIRC where Marc Sedam, Executive Director, emphasized that the State Budget for the program increased due to NHIRC Day and the compelling metrics of job and economic impact. Board member Chris Way, DRED, highlighted the efficiencies that will occur with a new implementation for managing the program finances.

Award recipients from Celdara Medical and Design Mentor described the enhanced ability to obtain SBIR/STTR funding through the NH Inspires Innovation Program and Program Consultant Lisa Kurek outlined next steps to increase this federal funding to New Hampshire.

In this biennium, there will be two cycles to request
Innovations in... Mobile Apps

The ORPC Innovation Catalyst Seminar Series is hosted monthly during the academic year. The Series allows for the discussion of issues and case studies, led by experienced speakers, that are of common interest and relevant to technology innovation and commercialization. In February, ORPC hosted a lively discussion on Innovations in Mobile Apps.

Our speakers presented different experiences and driving forces behind their own app development activities to a packed house of faculty, staff, students, and budding app developers from around New Hampshire.

The UNH mobile app development team recounted the arduous journey of developing, releasing, and promoting the new UNH Mobile App Suite for Android devices (expect the iOS version sometime this semester). The UNH Mobile App Suite features 18 modules within a customizable home screen enabling users to hide, show, and reorder icons to their preference. The team described their experience building out the suite, which was a collaborative effort between the UNH IT and New & Emerging Media departments. More information on the Mobile Application Suite can be found at http://www.unh.edu/nem/mobile.html.

Contrasting the experience of the UNH Team that built a suite within a large institution, Ryan Zarick, CEO and co-founder of Coder Den, spoke about his experiences leading a small software development company specializing in Android, iPhone and website development. Ryan spoke about the need to create apps with a client's budget in mind and how that sometimes means forgoing features until the app has a larger user base. The audience, many new to app development, was made aware of the enormous amount of testing an app must undergo before being released for public consumption. Both Ryan and the UNH team graciously made themselves available after the seminar to answer numerous questions from our audience during the networking portion of our event.

Our next Catalyst Seminar is "Innovations in...Life Sciences" on March 28 followed by "Innovations in...Lean Startups" on April 18. Both seminars will be held at the Elliott Alumni Center - 1925 Room from 4-5PM with networking opportunities to immediately follow. Hope to see you there! More information about the Series, including videos of previous seminars, can be found at http://www.unh.edu/research/innovation-catalyst-seminar-series.

-Tristan Carrier

April 1, 2013
March 16, 2013: End of an Era

Since President Obama signed the America Invents Act (AIA) in September 2011, people with even a passing interest or remote connection to the patent system have had March 16, 2013 circled on their calendar. The United States Patent System has been turned on its head, with some proclaiming victory. Common sentiments are that the law brings U.S. patent law in line with the rest of the world and that it will help to protect inventors while simultaneously fostering innovation. I, however, feel that AIA will mostly help large, multinational corporations and will likely make my job as a University Technology Licensing Manager more difficult.

There are a number of changes that have occurred as a result of the AIA, with most having already been phased in over the last 18 months. The most drastic change, however, is the just-enacted shift from “first to invent” to “first to file.” In the past, the hallmark of US patent law was, with certain expectations, that so long as you could prove through sufficient documentation that you were the first to invent something, you could be granted a patent even if you were not the first to file for patent protection. Now, there is a race to the patent office doorsteps. No longer is the date of invention important – the important date now is the effective filing date.

What does this mean? The general consensus is that there is no more stealth mode. Patent strategists will shift to filing early and often rather than risk being scooped by someone else. Filing early and often may be an employable strategy in private industry, but it is just not realistic in a University environment.

First, we have a limited patent budget and deciding what technologies to file on at such an early stage in their commercial development will become increasingly difficult. Second, our faculty’s responsibilities as researchers and educators must always be balanced – this includes the need to publish their research findings. While it is always possible to publish and patent, the new requirement to essentially patent before publishing will create new conundrums for Universities moving forward.

There are a number of other changes that will occur under the new law (more blog posts to come) and the full transition may take years to fully resolve as it is unclear how the USPTO and the Federal courts will interpret and apply the AIA. Now, more than ever, those involved in the patent process will need to diligently follow future developments and adapt our strategies to survive and excel in the new landscape.

If you have questions about AIA or comments, please contact me at tristan.carrier@unh.edu.

-Tristan Carrier, April 1, 2013
A State-wide Infrastructure to Support Entrepreneurial Success

What happens when you have a round-table discussion among entrepreneurs and early stage companies in Durham’s incubator, Idea Greenhouse, led by the Seacoast regional manager of the Small Business Development Center, with experts who know how to write a winning SBIR proposal, know how to reduce the roadblocks related to intellectual property and have state funding to seed research/business partnerships? You have all the ingredients of a collaborative program that offers a pathway from innovation to commercialization and job creation for NH.

This state-wide reach has been tested this past year through a series of Small Business Innovation Research (SBIR) workshops held in Durham, Hanover, Keene, Manchester and Nashua. This year we will expand our outreach by incorporating round-table discussions held in the various incubator spaces throughout the state. What is the outcome?

We expect to enhance the toolkit of resources available in NH to grow small businesses, increase the number of applicants for federal funding via the SBIR’s, measure the leveraged income of non-dilutive federal dollars to NHIRC-funded companies, see technology-based small businesses reach their milestones and develop successful entrepreneurs who will create jobs in New Hampshire.

For more information, visit the NH Inspires Innovations website at http://www.nhsbdc.org/nh-inspires-Innovation.

-Crotchon Smith

April 15, 2013

Navigating the Intersections of Intellectual Asset Management and Graduate Education

Should graduate students sign confidentiality agreements before joining a lab?

Some classes involve projects with outside companies who request that participating students sign a confidentiality agreement. Should the university be responsible for signing the confidentiality agreements? Does it matter whether the class is required for a degree?

A graduate student’s thesis includes software code co-authored with a faculty member and funded with a federal grant. The University would like to commercialize the software, but must first address copyrights of the graduate student.

These scenarios highlight challenges that many technology transfer offices (TTOs) are encountering, or will likely encounter in the near future. As students become increasingly proactive about intellectual property and their rights, TTOs must prepare for the implementation challenges posed
Another Seminar Series Comes to a Close

The ORPC concluded another successful Innovation Catalyst Seminar Series with a presentation from our Executive Director, Marc Sedam, on "Innovations in...Lean Startups". Marc discussed the basics of the Lean Startup concept and how it's being applied on and off campus to create better companies, faster. Visit our Innovation Catalyst Seminar Series page to view Marc's presentation: http://www.unh.edu/research/innovation-catalyst-seminar-series.

Many thanks to all our exceptional speakers in the Series! We hosted numerous industry experts who presented on a variety of topics related to the theme of “Innovations in...” various business segments important to the State of New Hampshire.

We will be announcing the theme of our Fall 2013/Spring 2014 series in mid-August. Please check the Innovation Catalyst Seminar Series page for updates. These seminars are educational, free, open to the public, and always conclude with refreshments and networking. It is a great opportunity to engage with fellow innovators, entrepreneurs, researchers, University staff, students and local business leaders! We expect to see you there!

Best Wishes Chris!

On behalf of the ORPC, we would like to send our sincere gratitude and well wishes to Chris Baxter, licensing intern, June 2012 – April 2013. Chris recently completed his second year of law school at UNH School of Law and was a valuable member of our team, assisting the ORPC with a number of objectives. We wish him luck at his externship at Seyfarth Shaw, LLP in Boston this summer and look forward to hearing about his future career accomplishments!

Be a Part of the UNH-IOL at a Quarter Century

In 2013, the UNH-IOL will enter its 25th year. In 1988, the needs of two competitive companies to work together to their mutual benefit helped form the InterOperability Laboratory. Since then, the thousands of companies partnering with the UNH-IOL all have benefited from this collaborative experiment between industry and academia.

Our members in 1988 would easily recognize the UNH-IOL today as the same student-powered phenomena, fueled by the support of industry leaders to support the development of interoperable standards; of services to validate the conformance and interoperability of such standards; and, equally importantly, helping to apprentice the next generation of industry professionals.

Over the years, thousands of UNH-IOL graduates have successfully moved into the industry, and today the UNH-IOL actively seeks to grow our pipeline, from increased outreach to area high school students to pursue STEM degrees, to high-school internships, to scholarships, to encouraging our students to seek out summer internships from our members, to undergraduate and graduate research projects, thesis and dissertations and more.
by the America Invents Act. This is an important time for TTOs to really invest in strategic education strategies and developing their relationships with their institutional colleagues.

At the invitation of Carl Moorhead, Associate Dean of UNH's Graduate School, I recently had the opportunity to present at the 2013 Northeastern Association of Graduate Schools meeting held in New Brunswick, New Jersey. Katherine Chou, Executive Director of the Office of Technology Transfer & Business Development at Thomas Jefferson University, and I co-presented on intellectual property and points of intersection with graduate education to an audience of graduate school administrators. We ended the session with a few case studies, which, despite being late on a Friday afternoon, resulted in a very lively and thought-provoking debate. It was a good opportunity to contemplate my field of work as interpreted by a group tasked with the integrity of graduate education, and it also dovetailed nicely with work I am doing on campus with a working group discussing Intellectual Property.

There are three core messages as I think about intellectual property-graduate education intersection points:

At UNH, graduate students have the same intellectual property rights as faculty and staff.

There are a number of policies that relate to intellectual property, either directly or tangentially, and it is important to tactically review the synergy of the policies and the processes that support them.

Education, education, education – it is critical to educate graduate students along with the faculty and staff with whom they work about their intellectual property rights and obligations.

A number of policies that directly address intellectual property or peripherally relate to the topic are undergoing review and/or development, and it will be important for practitioners to maintain a global view of the policies. In addition, the ORPC is very interested in opportunities to provide discussions and seminars on intellectual property. I have been fortunate enough to present over the years to the GRAD930 course (Ethics in Research and Scholarship) taught by Julie Simpson and Thomas Pistole, and to participate in the Preparing Future Faculty and Preparing Future Professionals programs hosted by the Graduate School.

Tristan Carrier, an ORPC licensing manager, recently presented about intellectual assets to the Materials Science Program. We would welcome the opportunity to continue to speak to classes, departments, labs, groups, and so on about intellectual assets, helping our university community understand about intellectual property, intellectual property rights, relevant policies and processes, and opportunities.

-Maria Emanuel, April 19, 2013
Your company’s participation in these efforts would be of great benefit, and I ask for you to help us find the right means for your company to be a part of our students’ growth.

Several of our members already assist with supporting our high school internship effort, as well as supporting our Career Advisory Board, while others assist with project and research work, and many more help in enabling our fantastic test and measurement infrastructure.

If our members from 1988 would be surprised by anything, it would be to see the growth of the lab from a handful of students pursuing Ethernet and FDDI development, to today’s efforts by over 120 students and 20 staff to support development and services in 30 different Industry-sponsored consortia.

The lab’s success remains the product of collaboration and direct support from interested members of the industry. 2012 continued to show many examples of such win-win support, be it our collaboration with the AVnu Alliance, Broadband Forum or IPv6 Forum to develop and launch new certification services, including the launch of our Automotive Ethernet Consortium, AVnu Test Service Consortium, and Home Networking Consortium.

The skills and experience of the UNH-IOL move steadily forward to explore new areas. Where will we go in 2013 and beyond? What about SmartGrid? Possibly, especially as we continue to develop IEEE 1588 Power Profile test services and continue to see the growth of IP small objects, and 6LoWPAN. Mobile? Certainly, be it continued expansion of 802.11 services (n today, ac tomorrow), as well as within the Mobile device through our efforts with the Mobile Industry Processor Interface (MIPi) Alliance. Health? Transportation? The collaborative input of our industry partners will decide these and other questions.

Be a part of the InterOperability Lab, as a member or contributor, or simply an industry voice with a need. Share your needs for new capabilities and services. Your involvement helps to shape our future services and capabilities, as well as the skills of our graduating students.

As we enter our 2nd quarter century, find out how you can be a part of shaping what the next 25 years bring by contacting Bob Noseworthy, Chief Engineer, at (603)862-4342 or ren@lol.unh.edu.

-Bob Noseworthy

June 11, 2013
Welcome Chris Leming and Nate Blase to the ORPC

The ORPC is delighted to welcome our newest class of interns from the UNH School of Law!

Chris Leming and Nate Blase started in the office on June 3, 2013 and will be working with us throughout the summer and the next academic year. Nate and Chris recently completed their 1L year of law school and bring a terrific variety of experiences to the ORPC.

Chris Leming hails from North Carolina, where he worked as a patent agent at Syngenta Biotechnology, Inc., a biotechnology company with the purpose of "bringing plant potential to life" by developing innovative solutions for global needs related to food, feed, fuel and fiber. While at Syngenta, Chris was responsible for evaluating invention disclosures, interviewing inventors, and prosecuting patent applications for technologies developed in-house as well as those in-licensed. Chris earned his BS and MS in Microbiology from North Carolina State University and plans to practice patent law upon graduation from UNH School of Law.

Nate Blase is originally from Wisconsin and earned his BS in Aerospace Engineering from the University of Michigan. Nate’s senior design project related to design of a satellite and mission to Phobos, the Martian moon, and included policy research and understanding relevant standards and requirements for such a mission. In addition, Nate has had experience conducting prior art searches while researching patentability of inventions. Nate is interested in pursuing patent prosecution after graduation.

While working with the ORPC, our goal is to utilize Chris and Nate’s backgrounds to assist the licensing managers, and for Nate and Chris to gain hands-on experiences with tech transfer, including innovator interviews; prior art searches; market research; and review of agreements such as non-disclosure agreements, intellectual property terms of sponsored research agreements, material transfer agreements, and license agreements. Nate will be working primarily with Tristan Carrier on innovations originating from the InterOperability Laboratory (IOL) and College of Engineering and Physical Sciences (CEPS). Chris will be working with Tim Willis and his support of UNH trademark work and creative works arising from the Institute on Disability, College of Health and Human Services, College of Liberal Arts, and Cooperative Extension. In addition, Chris will be working with Maria Emanuel and the College of Life Sciences and Agriculture and Paul College.

Nate Blase can be reached at nathaniel.blase@unh.edu; Chris Leming can be reached at christopher.leming@unh.edu.

Please contact Maria Emanuel at maria.emanuel@unh.edu for additional information about our internship program with UNH School of Law students or the ORPC.

-Maria Emanuel, June 19, 2013
Soybeans and DNA: Two Important Supreme Court Decisions

The U.S. Supreme Court recently delivered two unanimous decisions, *Bowman v. Monsanto* (*Bowman*) and Association for Molecular Pathology v. Myriad Genetics (*Myriad*). One affirmed industry legal analysis, and the other upended it. In *Bowman*, the Court held that growing a patented plant and harvesting its seed is equivalent to making the patented seed. In *Myriad*, the Court reversed thirty years of industry practice and held that isolated DNA is not patentable, but human-made cDNA is.

**BOWMAN v. MONSANTO**

*Summary:* The Doctrine of Patent Exhaustion provides that once a patented article is sold, the buyer has a right to use or resell that article. This doctrine, however, does not give the buyer the right to reproduce the patented invention. In *Bowman*, the Court held that Vernon Bowman, a commercial farmer, improperly reproduced Monsanto’s patented soybeans when he replanted soybeans grown from patented seed.

*Background:* Monsanto has patented RoundUp Ready™ soybeans, which are resistant to glyphosate-based herbicides. Monsanto sells its patented soybeans to farmers who agree to plant the seeds for one growing season only. The purchasing farmer must agree not to save and replant any of the harvested soybeans.

Bowman purchased soybeans from grain elevators. Instead of consuming or reselling them, he planted the soybeans in his field, and applied glyphosate to weed out any non-RoundUp Ready™ plants from the growing crop. From the surviving plants, Bowman harvested and saved the seed to use in the next growing season. He harvested eight crops in this manner. Bowman argued that the Doctrine of Patent Exhaustion prevented Monsanto from prohibiting his right to use the seed.

*Outcome:* The Court held that Bowman, while retaining the right to resell or consume the soybeans, did not have the right to make additional patented soybean seeds. Because his activities equaled reproduction of Monsanto’s patented invention, Bowman was not protected by the doctrine of patent exhaustion.

*Impact:* This decision represents an affirmation of agribusiness’s interpretation of the doctrine of patent exhaustion. Expect no changes to agribusiness and biotech companies’ business practices and patent applications based on this case.

**ASSOCIATION FOR MOLECULAR PATHOLOGY v. MYRIAD GENETICS**

*Summary:* U.S. patent law allows an inventor to obtain a patent on a new and useful composition of matter. In *Myriad*, the Court held that a DNA sequence, whose only difference from naturally occurring DNA is that it is isolated, is not patentable because it is a product of nature.
**Background:** Myriad discovered the chromosomal location and sequence of genes BRCA1 and BRCA2, whose presence drastically increases an individual's risk of breast and ovarian cancers. Myriad obtained patents covering these isolated genes, methods of detecting the presence of these genes, and synthetic sequences of these genes (i.e. cDNA forms of BRCA1 and BRCA2, from which the introns were removed). Myriad used its patents to stop doctors and healthcare institutions from offering BRCA testing services without first obtaining licenses and paying royalties.

Challenges were made on the basis that DNA is a naturally occurring composition of matter and is therefore unpatentable. Previous Supreme Court decisions held that natural phenomena are not patentable, but that "anything under the sun that is made by man" is patentable. However, the Court has further noted that products of nature are not created, and as such, are "free to all ... and reserved exclusively to none."

**Outcome:** The Court held Myriad's claims to isolated, unaltered DNA sequences were invalid as drawn to unpatentable subject matter. In making its decision, the Court drew a distinction between merely isolated DNA and lab-created cDNA. Noting that its informational content is identical to naturally occurring DNA, isolated DNA is not a new composition of matter. However, the Court held that Myriad's claims to cDNA were patentable and therefore valid because cDNA is a human-created sequence whose informational content is different from naturally occurring DNA (e.g. the introns are removed). Therefore, subject to novelty and non-obvious requirements, cDNA is patentable subject matter.

**Impact:** Hours after the release of this decision, at least one company began offering BRCA testing services, even though Myriad's patents on methods of detecting BRCA remain valid. It is unknown whether Myriad will assert its surviving patents.

This decision is a landmark case for the biotechnology industry, and there is great division among patent law experts about what effects Myriad will ultimately have. For over thirty years, medical, pharmaceutical, and agricultural industries, as well as universities, have obtained patents on isolated DNA sequences. It is impossible to say exactly how the industry will respond, but expect to see more patent litigation, more reexamination applications, and more information kept as trade secrets.

For additional details on these decisions, please contact Chris Leming at christopher.leming@unh.edu.

-**Chris Leming, June 25, 2013**
## ORPC/NHIRC Comings and Goings

### ORPC/NHIRC Presentations & Panels

<table>
<thead>
<tr>
<th>Presenter</th>
<th>Presentation Title</th>
<th>Event</th>
<th>Date</th>
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<tbody>
<tr>
<td>Maria Emanuel</td>
<td>Intellectual Assets</td>
<td>Northeastern Association of Graduate Schools</td>
<td>April 12, 2013</td>
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<tr>
<td>Marc Sedam</td>
<td>Innovations in... Lean Startups</td>
<td>Innovation Catalyst Seminar Series</td>
<td>April 18, 2013</td>
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<tr>
<td>Marc Sedam</td>
<td>National Council of University Research Administrators (NCURA)</td>
<td>Spring Meeting</td>
<td>May 1, 2013</td>
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<tr>
<td>Marc Sedam</td>
<td>Panel Member – Emerging University Innovation</td>
<td>Symposium on Innovation &amp; Entrepreneurship in Higher Education</td>
<td>June 12, 2013</td>
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<tr>
<td>Maria Emanuel and Timothy Willis</td>
<td>Intellectual Assets</td>
<td>UNH Sustainability Institute Lunch &amp; Learn</td>
<td>June 24, 2013</td>
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<tr>
<td>Marc Sedam and Gretchen Smith</td>
<td>NHIRC Annual Meeting</td>
<td>NHIRC Oversight Committee</td>
<td>June 26, 2013</td>
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### ORPC/NHIRC Attended Conferences & Events

<table>
<thead>
<tr>
<th>Attendee</th>
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<tbody>
<tr>
<td>Marc Sedam</td>
<td>NH Business Incubator Network</td>
<td>April 15, 2013</td>
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<tr>
<td>Marc Sedam</td>
<td>Paul College Alumni Networking Breakfast</td>
<td>May 1, 2013</td>
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<tr>
<td>Marc Sedam</td>
<td>USNH Financial Affairs Committee Meeting</td>
<td>May 2, 2013</td>
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<td>Marc Sedam</td>
<td>NH High Tech Council (NHHTC) Year-End</td>
<td>May 6, 2013</td>
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<tr>
<td>Marc Sedam</td>
<td>Live Free and Start abi Party</td>
<td>May 23, 2013</td>
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<tr>
<td>Marc Sedam</td>
<td>QA Café Open House</td>
<td>May 23, 2013</td>
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<td>Marc Sedam</td>
<td>Bernstein Shur Networking Hour</td>
<td>May 24, 2013</td>
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<tr>
<td>Marc Sedam</td>
<td>Nantucket Conference on Entrepreneurship and Innovation</td>
<td>June 7-9, 2013</td>
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<tr>
<td>Marc Sedam</td>
<td>NH SBDC Regional Office Open House</td>
<td>June 11, 2013</td>
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<tr>
<td>Marc Sedam</td>
<td>EPSCoR Statewide Committee Meeting</td>
<td>June 19, 2013</td>
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Gretchen Smith, Tristan Carrier, Maria Emanuel  
2013 Regional SBIR/STTR Summer Session  
June 20, 2013

Timothy Willis  
International Association of Privacy Professionals  
June 21, 2013

**ORPC/NHIRC Sponsored Seminars and Events**

<table>
<thead>
<tr>
<th>Presenter</th>
<th>Event</th>
<th>Date</th>
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<tr>
<td>Marc Sedam (faculty advisor)</td>
<td>Paul J. Holloway Prize Innovation-to-Market Competition</td>
<td>May 8, 2013</td>
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<tr>
<td>Dyn Corporation</td>
<td>Nantucket Conference on Entrepreneurship and Innovation</td>
<td>June 7-9, 2013</td>
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<tr>
<td>Federal Agencies</td>
<td>2013 Regional SBIR/STTR Summer Session</td>
<td>June 20, 2013</td>
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<tr>
<td>Lisa Kurek, BBC etc. on behalf of NHIRC</td>
<td>SBIR/STTR 101 Workshop: Small Businesses in New Hampshire</td>
<td>June 24, 2013</td>
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<tr>
<td>Lisa Kurek, BBC etc. on behalf of NHIRC</td>
<td>NIH SBIR/STTR Workshop: How to Write a Compelling SBIR/STTR Grant Proposal to the National Institute of Health</td>
<td>June 25-26, 2013</td>
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**ORPC/NHIRC Committees**

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<tr>
<th>Member</th>
<th>Committee</th>
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<tbody>
<tr>
<td>Maria Emanuel</td>
<td>IP Working Group</td>
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<tr>
<td>Maria Emanuel</td>
<td>Financial Conflict of Interest in Research</td>
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<tr>
<td>Marc Sedam</td>
<td>Holloway 25th Anniversary Committee</td>
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<tr>
<td>Marc Sedam</td>
<td>Downtown Durham Development Steering Committee</td>
</tr>
<tr>
<td>Marc Sedam</td>
<td>AUTM Small TTO Workshop Planning Committee</td>
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**ORPC/NHIRC in the News**

- UNH celebrates 25th year of Holloway innovation-to-market competition  
  *Seacoast Online*  
  May 1, 2013

- UNH 'MacGyver' gets school's first design patent  
  *Seacoast Online*  
  May 23, 2013

- UNH patents flexible iPad stand  
  *Foster's Daily Democrat*  
  May 27, 2013

For more information on the above summarized events and activities, please visit our Intellectual Property Blog:  
[http://www.unh.edu/research/blog-category/intellectual-property](http://www.unh.edu/research/blog-category/intellectual-property)