



Roll Call Number

Agenda Item Number

38

Date December 18, 2017

ASSIGNMENT OF INTELLECTUAL PROPERTY RIGHTS FROM CITY OF DES MOINES TO DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY

WHEREAS, pursuant to the Operating Contract Between the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) and the City of Des Moines, Iowa, As Operating Contractor (Operating Contract), the City of Des Moines provides certain services to the WRA; and

WHEREAS, such services may from time to time result in the creation of intellectual property; and

WHEREAS, the City of Des Moines desires to assign its rights, title and interest, in intellectual property arising out of work performed, in part, by a City of Des Moines employee acting pursuant to the Operating Contract, in connection with work developed as part of a capital improvement project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the City of Des Moines hereby assigns such above described intellectual property rights to the Des Moines Metropolitan Wastewater Reclamation Authority and hereby authorizes and directs the City Manager to execute all necessary and appropriate assignment documents, subject to approval as to form by the Legal Department.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

A S S I G N M E N T

For good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, the undersigned hereby assigns to **Des Moines Metropolitan Wastewater Reclamation Authority**, an Iowa municipal authority, having an address of 3000 Vandalia Road, Des Moines, IA 50317, its successors and assigns the entire right, title and interest in the invention or improvements of the undersigned disclosed in United States Serial No. _____, filed in the United States Patent and Trademark Office on the ____ day of _____ 2017, entitled **PHOSPHORUS RELEASE REACTOR FOR WATER TREATMENT**, and in said application and any and all other applications for United States Letters Patent, which the undersigned may file, either solely or jointly with others, on said invention or improvements, and in any and all Letters Patent, applications, and in any reissue or extension thereof.

The undersigned hereby authorizes and requests the Commissioner of Patents to issue said Letters Patent to said **Des Moines Metropolitan Wastewater Reclamation Authority**.

For said considerations the undersigned hereby agrees, upon the request, and at the expense of said assignee, its successors and assigns, to execute any and all divisional continuation and substitute applications for said invention or improvements, and any necessary oath or affidavit relating thereto, and any application for the reissue or extension of any Letters Patent that may be granted upon said application, and for the said considerations the undersigned further agrees upon the request of said assignee, its successors or assigns, in the event of any application or Letters Patent assigned herein becoming involved in interference, to cooperate to the best of the ability of the undersigned with said assignee, its successors or assigns in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof, the undersigned hereby agreeing to perform, upon request, any and all affirmative acts to obtain said Letters Patent of the United States and vest all rights therein hereby conveying in the said assignee, its successors and assigns whereby said Letters Patent will

be held and enjoyed by the said assignee, its successors and assigns to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment and sale had not been made.

And for said considerations the undersigned hereby assigns to said assignee, its successors and assigns, the entire right, title and interest in said invention or improvements for any and all foreign countries and agrees upon the request of assignee, its successors and assigns to execute any and all documents that undersigned shall be requested to execute in connection with any and all applications for foreign Letters Patent therefor, including the prosecution thereof, and to execute any and all documents necessary to vest title in said foreign applications and patents in assignee.

The attorneys of record are hereby authorized to insert the serial number and the filing date in the above blank spaces when received from the Patent Office.

City of Des Moines, Iowa

By: _____
Name: Scott Sanders
Title: City Manager

STATE OF IOWA)
) ss.
COUNTY OF _____)

On this ____ day of _____, 2017, before me, a Notary Public in and for the County and State aforesaid, appeared _____, to me personally known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as his free and voluntary act for the uses and purposes therein expressed.

Witness my hand and seal the day and year last above given.

Notary Public
Commission Expires _____