NASA Langley Office of Chief Counsel Newsletter

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This year is flying by! As the weather continues to grow warmer and we all start heading outdoors, OCC is making sure you have some great reading material when you head to the beach or rest in a lawn chair in the backyard.

In this issue, you will find useful information addressing export control, the role of OHCM in discipline matters, recording conversations in the workplace, reading and analyzing patents, patent reform, and acquisition integrity. We have also highlighted our inventors who received patents and included legal kudos and a little humor.

We have packed a lot of information into this issue, but the OCC Newsletter is full of useful articles you can refer to when needed to help you remember to contact OCC for assistance and accomplish your duties and mission. As always, we really appreciate your comments and suggestions. Please let us know what you think.

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LaRC Chief Counsel

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CONTRACTING OFFICERS' REPRESENTATIVES – A SHORT PRIMER

You often hear about the Contracting Officer's Technical Representative, or COTR, but exactly what is a COTR? For that matter, is the COTR the same as the Technical Point of Contact (TPOC)? As often is the case with legal matters, the answer is both "yes" and "no."

A COTR is defined by the Federal Acquisition Regulations (FAR) as "an individual … designated and authorized in writing by the contracting offer to perform specific technical or administrative functions." The FAR also talks about Contracting Officer's Representatives (CORs). FAR 1.604 says a COR "assists in the technical monitoring or administration of a contract." It requires them to maintain a file for each assigned contract which must include a copy of the Contracting Officer's (CO's) letter of designation and other documents describing the COR's duties and responsibilities; a copy of the contract administration functions delegated to a contract administration office which may not be delegated to the COR; and documentation of COR actions taken pursuant to the delegation of authority. The NASA FAR Supplement (NFS) also talks about CORs. It mandates that only COs may make COR delegations, and only for contracts for which they are responsible. Further, a COR has only those duties identified in the written delegation and has no authority to exceed them. It requires that CORs be informed they may be personally liable for unauthorized commitments.

NASA uses a form, NF 1634, *Contracting Officer Technical Representative (COTR) Delegation,* to appoint COTRs. Before serving as a COTR, an individual must receive training on the duties and responsibilities of a COTR, soon to be referred to as Contracting Officer Representatives as discussed below. The delegation lists the specific duties a person will have as a COR on a given contract. These may include such things as monitoring contract performance, performing surveillance of contractor activities, ensuring the contractor complies with the Statement of Work and other contract requirements, reviewing and evaluating contractor performance and progress, reviewing invoices and recommending approval or disapproval, recommending in writing to the CO changes in technical provisions of the contract, inspecting work and reviewing reports to ensure inventions or new technology had been reported properly. The primary COR responsibilities and limitations are set forth in NFS clause 1852.242-70 "Technical Direction."

At LaRC, Technical Monitors or TPOCs have served as the technical liaison between the CO and contractor. The rules regarding appointing TPOCs are about to change as a result of policy changes mandated by the Office of Federal Procurement Policy. Until now, such persons did not need to have COR training, but under the new system, such persons will become CORs and will require formal training to serve in this role. Under this new regime, the term "COTR" will be replaced by "COR." There will be different levels of CORs. The TPOCs or TMs will be Level 1 CORs, while COTRs will be either Level 2 or Level 3 CORs. In addition to the responsibilities of the different types of CORs, the amount of training required will also be different, with Level 2 or 3 CORs requiring the most intensive training. In the role of a Level 1 COR, technical monitors serve in a more limited role than a Level 2 or 3 COR. A Level 1 COR could be assigned to monitor technical performance and ensure the contractor complies with contract requirements, communicate with contractor personnel to ensure Government technical requirements are understood, monitor the contractor's costs and personnel usage, notify the CO of changes required to the contract, notify the CO of violations of contract terms and conditions, and review deliverables.

What is the difference between the two positions? A Level 2 or 3 COR has a broader set of responsibilities and receives more intensive

training than a Level 1 COR. Level 2 or 3 CORs are one of the CO's "eyes and ears" with regard to matters of contract administration, including such matters as compliance with both technical and administrative provisions. The Level 1 COR in effect serves as the Level 2 or 3 COR's "eyes and ears."

Neither type of representative may exceed the authority contained in their delegations. Should they do so, they risk being held personally responsible and liable for such actions. As an example, neither person could authorize the contractor to incur costs to perform work not contained in the contract, nor could they waive requirements of the contract, e.g., deliverables or reports, without CO authorization. This is because while it might appear that they have such authority by virtue of their position, Government personnel do not have any authority beyond what is contained in their delegations. In other words, Government personnel do not have implied authority to take actions that bind the Government or create obligations; only warranted COs may do so. When an unauthorized commitment takes place, the CO must decide whether to ratify it, thus making it binding on the Government, or refuse to do so, in which case the individual is responsible for any costs incurred. In either case, such individuals may face disciplinary action in addition to the pecuniary liability they already face. Therefore, anyone serving in either of these capacities must pay close attention to the written delegation of authority they receive for each contract for which they have responsibilities. Further, those responsibilities may differ from contract to contract.

To summarize, CORs are instrumental in ensuring the efficient administration of contracts. They augment the CO by providing oversight of technical and administrative requirements of the contract and act as a go-between for the CO and contractor. While such persons are crucial to the successful performance of contracts, they must pay close attention to the limits of their authority and, when in doubt, consult with the CO to ensure they are performing their duties properly.

Acquisition Integrity

A former NASA Chief of Staff directed contracts to a college that was paying him as a consultant. A former GSFC scientist directed work to his wife's corporation through another NASA prime contractor. A former LaRC employee took action that resulted in the hiring of her spouse through a student program. Other LaRC cases have involved employees arranging for contractors or grantees to have work so those organizations could hire the employees after their departure from NASA. All of these situations have tainted the integrity of NASA procurements, grants or other official actions and potentially the public view of our Agency and its important work. But, did you know that these were all NASA Acquisition Integrity Program (AIP) cases? Unfortunately, there are currently dozens more such cases under consideration across the Agency.

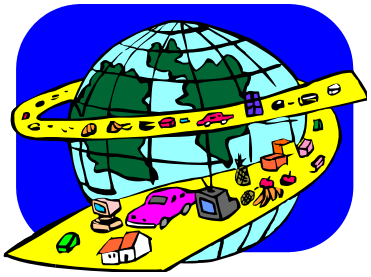
In fact, the AIP program, directed from HQ Office of the General Counsel (OGC) and staffed by one attorney at each Center, has processed over 95 contractors or individuals for debarment or suspension over the last 5 years. Many of these actions have arisen based on federal convictions for violations of conflict of interest laws. However, the AIP program also pursues fact-based suspensions and debarments, absent convictions, based on improper business practices reflecting that a person or organization is not presently "responsible." The AIP program takes cases that arise at HQ or the Centers, reviews and prepares them for action and notifies the outside party that it is being considered for suspension or debarment. The outside party then has an opportunity to respond or request an appearance before the NASA Suspension and Debarment Official at NASA HQ, currently the Deputy General Counsel. Not all cases result in suspensions or debarments but some result in compliance agreements under which the organization or person agrees to abide by certain safeguards, implement internal compliance programs, or take other actions to demonstrate and remain responsible entities with whom the Government can do business. Of course, this program has parallels at most other Federal Government agencies.

Therefore, AIP coordinates with other agencies to apprise them of NASA compliance agreements or suspensions and debarments that impact their contractors. Likewise, AIP coordinates with other agencies when those agencies take action against NASA contractors. In some cases, AIP has recovered millions of dollars for NASA from contractors based on cases that arose in other agencies but that had an impact on NASA agreements. In these ways, AIP operates to ensure the integrity of both procurement and non-procurement actions (grants and other agreements) within NASA. Congress has expressed increasing interest in ensuring that contractor improper business practices are properly resolved across the government, so AIP's efforts to coordinate remedies across agencies and between criminal and non-criminal actions are taking on increasing visibility and importance.

It is up to each of us to be able to recognize and report improper activities. Therefore, this year, the AIP is conducting fraud awareness training on these and related matters. The training will be in several tiers ranging from senior leader training to the Center Leadership Council last month, to Acquisition Professional training in late summer, and to the rest of the Agency via SATERN in the late fall. The AIP is one of your resources to help ensure that NASA and its contractors, grantees and other partners operate with the integrity that continues to win the public trust and confidence and support all of our great missions and activities. To refer matters or questions to AIP, contact OCC.

EXPORT CONTROL REFORM

What do you think of when you hear "Export Control"? If you think of confusing, redundant, and overly complicated regulations or restrictions, then you are not alone. In fact, even the President agrees with you, as the Obama Administration announced a plan in August 2009 for comprehensive reform of the entire U.S. export control system. We are now over two years into this reform effort, and it is a good time to assess where we started, where we hope to go, and where we are now.



Where We Started

A major reason for the complexity and inefficiency of the U.S.'s regulation of exports starts with the fact that all potential exports are subject to two separate and distinct export control regimes: each with its own control list, export requirements and licensing agency. The first regime is the International Traffic in Arms Regulations (ITAR) implemented after passage of the Arms Export Control Act of 1976. The ITAR is administered by the Department of State's Directorate of Defense Trade Controls (DDTC), which regulates the export and import of defense-related articles and services on the United States Munitions List (USML). The second regime is the Export Administration Regulations (EAR), which was originally authorized by passage of the Export Administration Act of 1979. The Department of Commerce, Bureau of Industry and Security (BIS) is responsible for administering the EAR's commerce control list (CCL), which regulates the export of commercial items, although most of the EAR's export and transfer restrictions address "dual-use" items having both commercial and military or proliferation applications. In addition to these two Acts, from time to time other export restrictions have been enacted through various laws. The export requirements of these laws, mostly restricting exports based on specific destinations or end-users, are administered by the Treasury Department's Office of Foreign Assets Control ("OFAC").

As a first step in his Export Control Reform Initiative (ECRI), President Obama requested an interagency review of the entire export control system. This review concluded that the current export control system was "overly complicated," redundant and "in trying to protect too much, diminishes our ability to focus our efforts on the most critical national security priorities." Much of the criticism is centered on the fact that having

two control lists no longer makes sense. We are seeing more and more technologies used in both military and commercial applications. As a result, in many situations, the DDTC and/or BIS must first determine which agency has jurisdiction over a particular item or technology before the responsible agency can determine whether a license should be granted (or required). In addition, the fact that the U.S. military is using more and more commercial "off the shelf" technologies, or military versions of commodities that are also available commercially, also adds to the confusion. U.S. businesses have complained that the result of this "overlap" is that licensing decisions take too long, and licensing agencies are restricting or requiring licenses for too many technologies and too many applications. The result is that the export control system is not focused on protecting those technologies that are truly vital to the U.S. national security interests.

Where We Hope To Go

To address these issues, the primary goal of the ECRI is sometimes described as "Higher Fence, Smaller Yard" to reflect the fact that the control lists, in their current state, are unfocused and overbroad. The purpose of the ECRI is to enact more effective protection on those technologies that are vital to U.S. national security interests, while establishing a more efficient and streamlined licensing process. To accomplish this goal, the ECRI is focused on the "Four Singularities":

1. A Single Control List: The ECRI intends to "merge" the ITAR and EAR into a single list. This list will have three Tiers, with Tier One containing the most critical or sensitive items (and highest controls).
2. A Single Licensing Agency: As stated above, DDTC, BIS and OFAC all have their own responsibilities in export control review and licensing. A single agency will increase transparency, reduce confusion, and eliminate unnecessary bureaucracy.
3. A Single IT System: Currently, each licensing agency has its own IT system and export licensing application portal. The single IT system will facilitate inter-agency coordination for licensing.
4. A Single Enforcement Agency: Currently, all three licensing agencies have some enforcement responsibilities and specific interests in enforcement decisions, as does the Department of Justice, the Department of Homeland Security, the Director of National Intelligence, and others.

The ECRI is being carried out in three phases. Phase I will "harmonize" the CCL and USML to eliminate redundancy, as well as streamline the licensing process and create an enforcement coordination center for more effective enforcement. Phase II will require Congressional notification to move items from the USML to CCL, as well as restructuring of the two control lists into the three tiered structure described above. Other actions that are necessary to achieve a single IT system, licensing agency and enforcement agency will continue during Phases I and II. Phase III will complete the transition through accomplishment of the "Four Singularities."

Where We Are Now

We are currently in what is described as Phase I, and most of the activity has been centered around "harmonization" of the CCL and USML to prepare for a single control list. This effort has been ongoing, with public comments received on proposed movement of certain items from the USML to the CCL. Progress has also been made in other areas. In March of this year, the Government announced the establishment of the Export Enforcement Coordination Center (E2C2) and the Information Triage Unit (ITU). The E2C2 will coordinate and facilitate interagency coordination and communication on all export enforcement matters among eight different federal agencies. The ITU will streamline the licensing process by coordinating license reviews across the government to ensure that all relevant agencies/departments have the necessary information to make decisions on license applications. Perhaps most relevant to NASA, on March 15, 2012, the Departments of Defense and State delivered a joint report to Congress recommending that the authority to determine the appropriate export control status of satellites and space-related items should be returned to the President (the President lost this authority pursuant to the National Defense Authorization Act for Fiscal Year 1999 and space-related items

are the only dual use items required by law to be controlled under ITAR). Among other findings, the report states that communications satellites and certain remote sensing satellites (to include subsystems, parts and components) should be re-designated as dual-use items and moved from the USML to the more flexible controls of the CCL. This would remove the unnecessary administrative burden of obtaining licenses for the transfer of satellite-related parts and components with no military application to our strategic partners as is currently required under the ITAR. The joint report emphasizes that these recommendations are consistent with ECRI in that they offer increased flexibility to ensure U.S. export control resources are focused on higher priority issues, allowing increased protection ("Higher Fence") for those items that provide the U.S. with significant military or intelligence advantages ("Smaller Yard"). As with many of the ECRI proposals, Congressional action will be required to make these recommendations a reality. It is too soon to tell how Congress will react to this overall effort, so stay tuned….

Although the ECRI still has a long way to go, significant reform activities have already occurred. Perhaps most importantly, the Obama Administration, as well as the agencies responsible or affected by export control, have all devoted significant resources to this comprehensive reform effort. As a result, it will be interesting to see if the ECRI can succeed where prior reform efforts have failed. In the meantime, you can track all of the exciting developments in export control reform at the "export.gov" website at <http://export.gov/ecr/index.asp>.

PERSONNEL POINTS

What is Required Before Recording Conversations in the NASA Workplace?

When we think of notorious recording of conversations, a vast majority of middle-aged and older adults in America think of one thing: Watergate. The fall of the Nixon Presidency resulted primarily from the decision to tape record private conversations between members of the Democratic National Committee, recordings made with President Nixon's approval and without the knowledge of those being recorded. Once things went public, it wasn't long before we didn't have Nixon to kick around anymore. Congress acted in response to those events by passing 18 U.S.C. § 2511, a criminal statute commonly referred to as the wiretapping law. The law covers a great deal, but its focus is to criminalize unlawful recordings of oral communications (conversations made in person or over an electronic device like a computer or telephone) that occur without consent of at least one party.

Why is this important in the context of the workplace? It is a common misconception that the Federal and Virginia wiretapping law (which is based upon the Federal law) apply to permit recording conversations in the workplace. While both the Federal and Virginia wiretapping law control whether the particular recording of oral communications is a criminal act, those laws do not prevent an employer, whether Federal or state, from establishing a workplace policy regarding recording oral communications that is more stringent than the requirements of the criminal law. It is permissible for employers to establish such a policy—one that requires more of employees before being permitted to record conversations than does the criminal law--because such policies do not attempt to make it a crime for improperly recording oral communications in the workplace, though being charged with a crime could certainly result if the recording does not comply with Federal or state wiretapping law. Polices governing recording oral communications in the workplace are established for business purposes. Such policies are necessary to control workplace behavior that, if left unchecked, can

result in disruption in the workplace and, in the case of a Federal Agency like NASA, impact the efficiency of NASA accomplishing its mission.

So what is NASA's policy in the area of recording oral communications in the workplace? NPD 2530.1G, "Monitoring or Recording of Telephone or Other Conversations" sets forth NASA policy governing recording conversations. The policy provides that "no individual to whom this NPD applies" shall use a device to record "telephone or other conversations, or in connection with meetings, conferences, or other proceedings" unless a record makes substantial contributions to the conduct of official business and all parties to the conversation have been notified and informed at the outset that the conversations will be recorded and all parties consent to the recording prior to the conversation. With respect to meetings and conferences, all attendees must have been placed on notice that the conversations at the meeting or conference are being recorded.

Without the consent of all parties to a conversation or notice at the outset to all in attendance at a meeting or conference, recording conversations (oral communications whether over an electronic device or in person) is a violation of NASA policy. The NPD does provide that the general policy outlined above does not apply for purposes of certain legal proceedings, criminal investigations, and recordings authorized in writing by Center Directors or appropriate NASA officials for certain safety reasons, but none of these exceptions authorize recording general workplace conversations without following the consent and notice policy requirements. Failing to follow this policy may not result in criminal charges under Federal or Virginia wiretapping law, but if known, will most likely result in the offender being subject to potential disciplinary action in the case of civil servants, including potentially being removed from employment.

"Ask the HR Attorney"

Q: "How come at NASA, the supervisor has to investigate and discipline employee misconduct? At the company/university I used to work for, HR always did those things."

A: There are two parts to this question. Concerning investigations, it is important to understand that investigations vary in effort and intensity. They can be as informal as asking a few questions of one or two witnesses, ranging all the way to a formal investigation that has to withstand a court challenge where criminal charges could result apart from employee discipline (such as Inspector General investigations). Usually supervisors are asked to carry out informal investigations, particularly those involving allegations of interpersonal conflict, because they have knowledge of matrixing or details of employees and who they are working with in other organizations (who to interview), particulars of the work itself, and often have awareness of personal stressors or work stressors such as accelerated deadlines. With regard to discipline, it is important to note that a supervisor who rates an employee's performance (rating official) is an agent of the government with the rights and responsibilities of that relationship for purposes of taking actions that affect employees. While there is insufficient space here to fully explore the laws of agency, an agent of the government is presumed to have authority to act on the government's behalf. Therefore, there is no authority for a Human Resources Specialist to sign a letter proposing or effecting a disciplinary action against employees who are not their direct subordinates unless they have been specifically delegated that authority in an individual case. One area where the Office of Human Capital retains authority over employees outside their office is where the employees, or more precisely "appointees," are students in the Student Career Experience Program who have not yet been converted to civil servants; even then, they would only have authority over issues related to the program such as eligibility to remain in the program or issues related to the student's agreement. Further, a

body of case law from the courts holds that supervisors are presumed to be acting in the best interests of the government (recent activity by supervisors in the General Services Administration and Secret Service notwithstanding). Non-supervisory employees do not enjoy that presumption, another reason it is not in the agency's best interest to have non-supervisors taking actions that may result in litigation. However, Office of Human Capital Labor and Employee Relations staff as well as attorneys do have an important role to play in advising supervisors and ensuring procedural requirements based on laws, regulations, agency policy and union agreements are met.

Intellectually Speaking

A Patent's Title, Specification, Abstract, Drawings, Claims – Oh My! – How do I understand it all?

Want to know how to quickly read and analyze a patent? OCC has patent attorneys who can help, but here is a quick approach to help you figure out what (roughly) any U.S. patent covers. First, skip the title; it's usually too general and often only describes the background of what's being improved. Second, skip the drawings; they often only have indirect bearing on only parts of what is invented. Third, skip the abstract, which is not like what you expect from other types of publications – it's not required to be a summary of anything. Fourth, skip the specification; this is the messy meat of a patent, and its background, field, summary of invention, or detailed description can often wander into numerous bewildering alternatives to cover any possible aspect of anything around the invention – and it's only going to put you to sleep. Fifth, find the independent claims, AND READ THEM! The claims are the most important part of a patent because they define what the patent covers and form the part of the patent that legally matters. And, while they may be convoluted, the claims are required to be in the form of a single sentence. You can also effectively ignore any dependent claims, which you can identify as being any claim that refers to another claim (such as using "The ___ of claim __" somewhere near the beginning). And then you're done!!

President Barack Obama signs the America Invents Act September 16, 2011, at Thomas Jefferson High School for Science and Technology in Alexandria, VA.

One caveat, it should be understood that interpreting the meaning of the specific claim terms is an art often best left to patent attorneys; so please feel free to contact your OCC patent attorneys if you have any questions about the scope of any patent. Also, if you're looking at a published patent application, you should know that those independent claims may change by the time the patent issues, as claims are often

amended during prosecution at the Patent Office. The OCC patent attorneys can help with advice, references, and links providing many useful tools to help you along the way with analyzing and inventing your path toward future innovations.

Patent Reform: America Invents Act

On September 16, 2011, President Obama signed into law the Leahy-Smith America Invents Act ("AIA") which was the first comprehensive patent bill enacted since the Patent Act of 1952. It appears to make the most substantial changes to U.S. patent law since the Patent Act of 1836, which initiated the U.S. system of patent examination. One purpose of this new law is to improve "patent quality" and reduce the backlog of pending patent applications. The changes under AIA are being phased in over an 18-month period that ends March 2013.

What does this mean to you and to NASA?

The AIA makes four broad, fundamental changes to U.S. patent law. First, it changes the present "first-to-invent" system into a hybrid "first-inventor-to file or publish" system, along with changing the definition of prior art available for patent examination. Second, it adds new types of United States Patent and Trademark Office ("USPTO") procedures that can be used to challenge or strengthen a patent – supplemental examination, derivation proceedings, post-grant review, business method review, and inter-parties review. Third, it alters certain defenses to patent-infringement claims in order to simplify enforcement litigation and increase licensing certainties. Fourth, it has miscellaneous provisions that eliminate patents on certain types of controversial subject matters (such as tax-avoidance strategies) and gives the USPTO greater speed or control of their own operations (which has already led to accelerated examination and significant fee increases).

Therefore, the AIA means more attention to timely filing of patent applications and to strategic use of publications covering enabled embodiments. The transition to a first-to-file system will apply to applications with an effective filing date on or after March 16, 2013. The AIA changes the definition of prior art, and modifies the "grace period" for filing patent applications in the U.S. Although a one year period is retained, where the inventor (or their agency and/or employer) have up to one year to file a patent application after a corresponding public disclosure, the grace period under the AIA only protects the inventor from their own disclosures and those derived from their disclosures. This derivation limitation did not previously exist, and thus more prior art will likely be applied by the USPTO during examination under the AIA. Moreover, the old rules will still apply to patent applications filed before March 16, 2013 and to any later application(s) entitled to benefit from those applications, provided the later filed application's claims have clear support in the earlier filed applications.

The AIA also means more attention to contractor invention reporting compliance obligations for inventions funded under federal contracts, grants, or agreements – in order to secure prompt title elections by small entities, non-profits, and colleges/universities such that effective patents may still be secured before publications with relevant embodiments trigger statutory bars.

Further, we all must be patient as the system adapts to these changes. Agency rule-making and judicial review is still on-going and may shape further advice and strategy as the new law continues to be implemented. Some people have called the AIA a job creation act for patent attorneys, and while apparently true, it also has potential to strengthen the innovation community and lead to further international harmonization (where the rest of the world generally already follows a first-to-file system).

For additional information or commentary, please contact your friendly neighborhood OCC patent attorney. Please also note that the USPTO has a special micro-website set up for the AIA at www.uspto.gov/aia_implementation/index.jsp with the specific effective dates for various provisions at www.uspto.gov/aia_implementation/aia-effective-dates.pdf .

Congratulations to Inventors of Recently Issued U.S. Patents

Title	Patent Number	Issue Date	First Name	Last Name	Employer Name When Innovation Was Made
Wireless Tamper Detection Sensor And Sensing System	8,042,739	10/25/2011	Bryant	Taylor	Swales Aerospace
			Stanley	Woodard	NASA LaRC
Thermoelectric Materials and Devices	8,044,294	10/25/2011	Glen	King	NASA LaRC
			Yeonjoon	Park	Science And Technology Corporation
			Sang	Choi	NASA LaRC
			Noel	Talcott	NASA LaRC
			James	Elliott	NASA LaRC
Advanced High Performance Vertical Hybrid Synthetic Jet Actuator	8,052,069	11/8/2011	Tian-Bing	Xu	National Institute Of Aerospace Associates
			Xiaoning	Jiang	TRS Ceramics, Inc.
			Ji	Su	NASA LaRC
Micro Spectrometer for Parallel Light and Method of Use	8,059,273	11/15/2011	James	Elliott	NASA LaRC
			Yeonjoon	Park	Science And Technology Corporation
			Glen	King	NASA LaRC
			Sang	Choi	NASA LaRC
Method of Performing Computational Aeroelastic Analyses	8,060,350	11/15/2011	Walter	Silva	NASA LaRC
Miniature, Low-Power X-Ray Tube Using A Microchannel Electron Generator Electron Source	8,081,734	12/20/2011	William	Hershyn	ARPES Electronics
			Warren	Kelliher	NASA LaRC
			Wm	Elam	University of Washington
Method of Making a Composite Panel Having Subsonic Transverse Wave Speed Characteristics	8,087,494	1/3/2012	Daniel	Palumbo	NASA LaRC
			Jacob	Klos	NASA LaRC
Dynamic Optical Grating Device and Associated Method for Modulating Light	8,089,677	1/3/2012	Yeonjoon	Park	Science And Technology Corporation
			Sang-Hyon	Chu	National Institute Of Aerospace Associates
			Glen	King	NASA LaRC
			Sang	Choi	NASA LaRC
Micro Ring Grating Spectrometer with Adjustable Aperture	8,094,306	1/10/2012	Glen	King	NASA LaRC
			James	Elliott	NASA LaRC

			Yeonjoon	Park	Science And Technology Corporation
			Sang	Choi	NASA LaRC
Directed Design of Experiments for Validating Probability of Detection Capability of a Testing System	8,108,178	1/31/2012	Edward	Generazio	NASA LaRC
Method of Adjusting Acoustic Impedances for Impedance-Tunable Acoustic Segments	8,111,832	2/7/2012	Tony	Parrott	NASA LaRC
			Douglas	Nark	NASA LaRC
			Kenneth	Lodding	NASA LaRC
			Michael	Jones	NASA LaRC
			Kennie	Jones	NASA LaRC
Smart Image Enhancement Process	8,111,943	2/7/2012	Glenn	Woodell	NASA LaRC
			Zia-ur	Rahman	College Of William & Mary
			Daniel	Jobson	NASA LaRC
Forward Voltage Short-Pulse Technique for Measuring High Power Laser Diode Array Junction Temperature	8,112,243	2/7/2012	Nathaniel	Baker	Lockheed Martin Corporation
			Byron	Meadows	NASA LaRC
			Farzin	Amzajerdian	NASA LaRC
			Bruce	Barnes	NASA LaRC
Apparatus, Method And Program Storage Device For Determining High-Energy Neutron/Ion Transport To A Target Of Interest	8,117,013	2/14/2012	Francis	Badavi	Christopher Newport University
			Francis	Cucinotta	NASA Johnson Space Center
			John	Wilson	NASA LaRC
			Ram	Tripathi	NASA LaRC
Controlled Deposition and Alignment of Carbon Nanotubes	8,147,920	4/3/2012	JoAnne	Patry	Swales Aerospace
			Jeffrey	Jordan	NASA LaRC
			Jan	Smits	Lockheed Martin
			Anthony	Watkins	Swales Aerospace
			Russell	Wincheski	NASA LaRC
Eddy Current System and Method for Crack Detection	8,164,328	4/24/2012	Russell	Wincheski	NASA LaRC
			John	Simpson	Lockheed Engineering & Sciences Company
System and Method for Aiding Pilot Preview, Rehearsal, Review, and Real-Time Visual Acquisition of Flight Mission Progress	8,164,485	4/24/2012	Lynda	Kramer	NASA LaRC
			Paul	Schutte	NASA LaRC
			Randall	Bailey	NASA LaRC
			Steven	Williams	NASA LaRC
			Alan	Pope	NASA LaRC
			Lawrence	Prinzel	NASA LaRC
			Jarvis	Arthur	NASA LaRC
Wireless Damage Location Sensing System	8,167,204	5/1/2012	Bryant	Taylor	Swales Aerospace
			Stanley	Woodard	NASA LaRC

Deconvolution Methods and Systems for the Mapping of Acoustic Sources from Phased Microphone Arrays	8,170,234	5/1/2012	Thomas	Brooks	NASA LaRC
			William	Humphreys	NASA LaRC
Arrayed Micro-Ring Spectrometer System and Method of Use	8,174,695	5/8/2012	James	Elliott	NASA LaRC
			Glen	King	NASA LaRC
			Sang	Choi	NASA LaRC
			Yeonjoon	Park	Science And Technology Corporation

Legal Kudos

Legal Kudos to Suzette Person and Alwyn Goodloe for their extra efforts in planning and hosting a successful 2011 Formal Methods Conference. Suzette and Alwyn coordinated with OCC and OCFO early in the planning process to ensure compliance with NASA's Conference approval process. Suzette and Alwyn worked to ensure they had the proper NASA Headquarters approval to sponsor the conference, that the conference expenses were properly tracked, that NASA travelers used the NASA Conference Tracking System, and they ensured the Conference Report was properly completed. Well done Suzette and Alwyn.

Humor and Other Stuff

Lowery's Law: If it jams, force it. If it breaks, it needed replacing anyway.

The Lawyer's Maxim: Where there's a will, there's a lawsuit.

Junior's Law – Computers make very fast, very accurate mistakes.

<u>Some extracts from problem listings by pilots for maintenance crews and the crews' responses</u>:

Problem: Test flight OK, except autoland very rough.
Response: Autoland not installed on this aircraft.

Problem: Autopilot in altitude hold mode produces 200 fpm descent.
Response: Cannot reproduce problem on the ground.

Problem: IFF inoperative.
Response: IFF inoperative in OFF mode.

Problem: Number 3 engine missing.
Response: Engine found on right wing after brief search.

Some tidbits from court transcripts:

Q: Now, you have investigated other murders, have you not, where there was a victim?

Q: Was that the same nose you broke as a child?

Q: Could you see him from where you were standing?
A: Yes.

Q: And where was his head?
A: Just above his shoulders.

The below was reported as a true story to the American Bar Association Journal:

During jury selection at a criminal trial for a charge of conspiracy to distribute cocaine, the judge questioned the potential jurors.

Judge: Does anybody on the panel know the defendant or any of the lawyers?
Prospective juror: I do.
Judge: Which person do you know?
Prospective Juror: The defendant.
Judge: How do you know the defendant?
Prospective juror: I bought crack from him.

The entire jury panel was excused after that response.