

QUESTIONS AND ANSWERS

PLEASE REFER TO THE GENERAL FAQs SECTION OF ARPA-E'S WEBSITE ([HTTP://ARPA-E.ENERGY.GOV/?Q=FAQ/GENERAL-QUESTIONS](http://arpa-e.energy.gov/?q=faq/general-questions)) FOR ANSWERS TO MANY GENERAL QUESTIONS ABOUT ARPA-E AND ARPA-E'S FUNDING OPPORTUNITY ANNOUNCEMENTS. ADDITIONAL QUESTIONS SPECIFIC TO THIS FOA ONLY ARE INCLUDED BELOW. PLEASE REVIEW ALL EXISTING GENERAL FAQs AND FOA-SPECIFIC QUESTIONS BEFORE SUBMITTING NEW QUESTIONS TO ARPA-E.

I. Concept Paper Phase Questions:

Q1. I AM JUST CONFIRMING THAT THE ONLY ORGANIZATIONS THAT CAN APPLY TO THE SCALEUP FOA ARE ONES THAT HAVE PREVIOUSLY WON AN ARPAE AWARD WITH A SUBJECT INVENTION.

NO OTHER PROTOTYPES/ORGANIZATIONS/TEAMS ARE INVITED TO PARTICIPATE.

ANSWER: The program objectives for this FOA are discussed at Section I.C. As stated there:

This FOA focuses only on scale-up and pre-pilot projects of promising technologies that ARPA-E has funded – following highly competitive selection processes – and for which the scale-up would substantially build upon innovations achieved under the original ARPA-E award. Eligible projects will be based upon inventions that were conceived or first actually reduced to practice in the performance of work under the original ARPA-E award (“subject inventions”) with the intent to advance the innovative results to practical application. For SCALEUP 2021 Applicants, are not required to have participated within the original ARPA-E award – alternatively, Applicants may be licensed or have purchased rights in such subject inventions, and thereby become eligible for the SCALEUP 2021 FOA.

This information is reflected in the eligibility information for prospective SCALEUP 2021 Applicants set forth at FOA Section III.A:

Organizations leveraging subject inventions that were created during an ARPA-E award and reported in the iEdison system are eligible for funding under this program.

SCALEUP Applicants are not required to have participated within the original ARPA-E award – alternatively, Applicants may be licensed or have purchased rights in such subject inventions or software, and thereby become eligible for the SCALEUP 2021 FOA.

Q2. **REDACTED IS INTERESTED IN APPLYING FOR DE-FOA-0002641. WE HAVE SOME GREAT TECHNOLOGY WE ARE DEVELOPING AND WOULD LIKE TO SEE IT USED ON A MASS COMMERCIAL SCALE. IT ALREADY DEMONSTRATES SCALABILITY, IS IMPROVING RELIABILITY, AND HAS PROVEN ITS DOMESTIC MANUFACTURABILITY ON A SMALL SCALE.**

I WAS LOOKING AT THE APPLICATION AND SAW IT IS ASKING FOR AN AWARD NUMBER. SINCE WE CURRENTLY DON'T HAVE THAT, I WOULD LIKE TO SEE IF YOU COULD HELP US WITH THIS PART:

"APPLICANTS MAY BE LICENSED OR HAVE PURCHASED RIGHTS IN SUCH SUBJECT INVENTIONS OR SOFTWARE AND THEREBY BECOME ELIGIBLE FOR THE SCALEUP 2021 FOA."

HOW WOULD WE ACCOMPLISH GETTING LICENSED?

ANSWER: As described in Section III.A of the FOA, organizations must own the rights (as the original inventor or as a licensee of the subject invention) to the subject invention that is proposed to be scaled via the SCALEUP 2021 award at the time of Concept Paper submission. Organizations may document their interest in licensing an ARPA-E technology for use in the SCALEUP 2021 application by inputting their information on the SCALEUP 2021 Teaming Partner List, which is available on ARPA-E eXCHANGE portal (<http://ARPA-E-FOA.energy.gov>). Additionally, organizations may search the list of awarded projects on ARPA-E's website and contact relevant awardees to discuss opportunities to license technologies of interest.

Q3. RE: III. ELIGIBILITY INFORMATION

A. SCALEUP 2021 ELIGIBLE APPLICANTS - FOA PG 23.

THIS FOA DOES NOT APPEAR TO BE OPEN TO ANYONE THAT HAS NOT BEEN A PREVIOUS ARPA-E FUNDING RECIPIENT OR IS A NOT PARTY THAT IS USING TECHNOLOGY PREVIOUSLY DEVELOPED UNDER AN ARPA-E FUNDED PROGRAM. THAT IS, THIS IS NOT TRULY AN OPEN COMPETITION FOA. IS THAT A CORRECT UNDERSTANDING OF THE FOA LANGUAGE?

ANSWER: SCALEUP 2021 Applicants are not required to have participated within the original ARPA-E award – alternatively, Applicants may be licensed or have purchased rights in such subject inventions, and thereby become eligible for the SCALEUP 2021 FOA.

Q4. I HAD A FEW QUESTIONS REGARDING THE COST-SHARE RATE FOR SCALEUP 2021:

- 1. IS THERE A SPECIAL OVERHEAD RATE FOR NON-PROFIT UNIVERSITIES?**
- 2. IF WE ARE A SMALL BUSINESS DOING 1/3RD OF THE OVERALL PROJECT AT 20% COST-SHARE WITH A NON-PROFIT UNIVERSITY CAN THAT AFFECT THE OVERALL COST-SHARE RATE OR CAN THE RATE BE NEGOTIATED?**

ANSWER: 1. No

2. Please see Section III.C.3 Reduced Cost Share Requirement of the FOA.

Q5. ARE COMMERCIALIZATION PARTNERS REQUIRED FOR THE APPLICATION HAVE TO BE COUNTED AS PART OF THE PROJECT TEAM?

ANSWER: No - see FOA section II.A.1. (Partnering Requirements). Commercialization Partners may be included as members of the Project Team or may be included as non-member third parties.

Q6. WE ARE ACTIVELY CONSIDERING SUBMITTING OUR CONCEPT PAPER (DUE DATE 01 20 2022) UNDER SCALEUP 2021 WITH FUNDING OPPORTUNITY NO. DE-FOA-0002641. OUR QUESTION:

WE HAVE NOT BEEN AWARDED ANY PRIOR RESEARCH GRANT FOR OUR INTENDED R & D OF OUR PRODUCT. OUR PRODUCT (WHEN FULLY DEVELOPED) IS [DESCRIPTION DELETED] THIS TECHNOLOGY DOES NOT EXIST WITHIN THE US BUT IS BEING DEVELOPED IN THE EU AND CHINA AND IS IN ITS INFANCY. A SINGLE SENTENCE ELEVATOR PITCH FOR THIS TECHNOLOGY IS: THIS TECHNOLOGY HAS THE POTENTIAL TO TRANSFORM [DESCRIPTION DELETED] ARE WE ELIGIBLE TO SUBMIT OUR CONCEPT PAPER, EVEN IF WE DO NOT HAVE PRIOR GRANTS?

IF WE DO NOT QUALIFY FOR SCALE UP 2021, WHERE ELSE CAN WE SUBMIT OUR RESEARCH PROPOSAL? WE HAVE ALREADY SUBMITTED WITH SBIR.

ANSWER: See Section 1.C Program Objectives for eligibility requirements and see answer to question 3 above. ARPA-E regularly posts FOA's on its website: ARPA-E: Funding Opportunity Exchange (<http://ARPA-E-FOA.energy.gov>). If your technology fits one of those FOAs' eligibility criteria, you are encouraged to submit there.

Q7. (REDACTED**)**

I AM WRITING WITH A QUESTION REGARDING QUALIFICATION FOR SCALEUP: IS IT SUFFICIENT TO LEVERAGE SOME OF THE PUBLISHED WORK, SUCH AS THE PROJECT OUTPUT/JOURNAL ARTICLES CITED IN THE FINAL SCIENTIFIC/TECHNICAL REPORT, OF AN ARPA-E FUNDED PROJECT? WE HAVE IDENTIFIED SOME SPECIFIC TASKS DESCRIBED IN A SPECIFIC FINAL REPORT (WITH AN AWARD NUMBER DE-AR000XXXX) THAT WOULD BE INCORPORATED INTO OUR PROJECT. IT IS NOT CLEAR WHETHER THIS TASK RESULTED IN AN INVENTION OR PATENT, BUT THE TECHNOLOGY WAS PART OF THE WORK PRODUCT.

ANSWER: No. A broad variety of projects will be welcome, however to be eligible for SCALEUP funds, projects must be based upon inventions that were conceived through a prior ARPA-E award ("subject inventions") with the intent to advance the innovative results to practical application. This FOA is open to the following Applicants as outlined below, with additional information provided in FOA Section III.A:

- Current and former ARPA-E awardees (except Institutions of Higher Education and FFRDCs/DOE Laboratories) that own/control subject invention(s) or software arising from their ARPA-E award(s);
- Entities that are licensees of subject invention(s) or software arising from any ARPA-E award(s);
or

- Consortia – that have title to or are licensees of subject invention(s) or software arising from an ARPA-E award:
 - Must include one or more U.S. businesses; and
 - May include for-profit entities, educational institutions, and nonprofits that are incorporated in the United States, including U.S. territories, and FFRDCs/DOE Laboratories.

Q8. WHERE DO I GET AN "IEDISON CONFIRMATION [SUBJECT INVENTION] NUMBER? IN PROPOSED FORMAT FOR CONCEPT PAPER IS A LINE IN THE HEADING REQUESTING THE 'IEDISON CONFIRMATION NUMBER?'"

ANSWER: Obtain the iEdison subject invention number in iEdison (Access iEdison at <https://s-edison.info.nih.gov/iEdison/>) Use your iEdison subject invention number for this field. The invention report number format is: 7 or 8 digits + "-" + 2 digits + "-" + 4 digits. Example of subject invention number: 9412501-10-0123

Q9. QUESTION ABOUT SCALEUP DE-FOA-0002641.

PLEASE AMPLIFY HOW A NON-MEMBER COMMERCIALIZATION PARTNER

- 1) **WOULD A PARTNER WHO PROVIDES ADVICE ABOUT THE MARKET BE SUFFICIENT?**
- 2) **WOULD A PARTNER WHO PROVIDES MATERIALS TO BE TESTED IN THE PROJECT BE SUFFICIENT?**
- 3) **WOULD A PARTNER WHO PROVIDES TECHNICAL ADVICE BE SUFFICIENT?**

ANSWER: Please see Section II.A.1. Partnering Requirements of the FOA.



Q10. I WAS A US-DOE AWARD RECIPIENT ON A PROJECT THAT WAS COMPLETED A FEW YEARS AGO. THIS WORK RESULTED IN 2 US PATENTS TO THE ORGANIZATION I AM EMPLOYED AT, AND THESE PATENTS ARE STILL IN EFFECT.

I DID SUBMIT A CONCEPT PAPER TO COMMERCIALIZE THIS INVENTION LAST YEAR UNDER ARPA-E OPEN FOA, BUT WAS DISCOURAGED FROM SUBMITTING A FULL APPLICATION.

NOW, IF A PRIVATE COMPANY LICENSES MY INVENTION, WOULD THAT COMPANY BE ELIGIBLE TO SUBMIT A CONCEPT PAPER (TO COMMERCIALIZE MY INVENTION) UNDER THE CURRENT SCALEUP FOA? ARE ONLY THE ARPA-E FUNDED INVENTIONS ELIGIBLE UNDER THIS SCALEUP FOA?

ANSWER: Yes, only concepts based on ARPA-E subject inventions are eligible. An applicant must have ownership of, or a license agreement for, a subject invention in order to submit a Full Application based on that subject invention.

Q11. ANOTHER QUESTION: HOW STRICTLY WILL YOU BE ENFORCING THE MINIMUM AWARD SIZE. COULD A \$5,000,000 PROJECT (\$4,000,000 ARPAE+\$1,000,000) MATCHING QUALIFY

ANSWER: Not strictly - propose a budget for the appropriate size and scope of your submission.

Q12. WE ARE WRITING TO REQUEST THE INFORMATION IN REGARDS TO THE FOLLOWING: CURRENTLY, WE ARE IN THE PROCESS OF PREPARING AN APPLICATION FOR THE ARPA-E SCALE-UP PROGRAM, AND IN ORDER TO DO SO, WE WOULD NEED TO PROVIDE OUR ORIGINAL AWARD NUMBER, WHICH WE WON ALMOST A DECADE AGO, AS WELL AS THE DOE-S NUMBER, SINCE OUR REPORTING WAS BEFORE IEDISON ROLL OUT. PLEASE SEE THE BELOW REQUIREMENT:

"IF THE SCALEUP APPLICANT FILED AN INVENTION REPORT PRIOR TO ARPA-E USING IEDISON AND THE PERIOD OF REPORTING ENDED PRIOR TO THE ROLLOUT OF IEDISON IN 2016, ARPA-E WILL ACCEPT A DOE S NUMBER FOR INVENTIONS THAT MEET THESE CRITERIA. THE FORMAT FOR A DOE-S# IS "S" + 6 DIGITS (S-#####)".

HOW CAN WE OBTAIN OUR DOE-S NUMBER?

ANSWER: If the relevant subject invention was reported to DOE prior to the requirement to use iEdison and you reported your subject invention in accordance with the terms of the award, you may submit the full title of your invention, and the award number, and note that you do not have the S number. If the subject was properly reported, and an S number was issued, ARPA-E will be able to locate the S number and include this in your application file. Alternatively, you can re-submit that subject invention information into iEdison. This will lead to a new subject invention report, and the system will provide a placeholder number – a "T" number – pending formal assignment of a DoE "S" number. You may use the T number for your SCALEUP Concept Paper if still awaiting the S number. In your Concept Paper, include your subject invention title, invention report number, and award number so that it can be linked in ARPA-E's old record.

Q13A. FOR THE SCALEUP PROGRAM, DOES THE APPLICANT HAVE TO HAVE THE LICENSE OF THE ARPA-E FUNDED TECHNOLOGY, WHEN APPLYING FOR THE CONCEPT PAPER (DUE ON 20TH JAN)?

ANSWER: 13A: NO, BUT THE LICENSE IS REQUIRED BEFORE SUBMISSION OF A FULL APPLICATION

Q13B. WE HAVE ALREADY NEGOTIATED THE TERMS FOR AN EXCLUSIVE LICENSE WITH [_____] UNIVERSITY WHICH OWNS THE IP DEVELOPED DURING OUR ARPA-E AWARD, AND ARE CURRENTLY AT THE LAST STAGE OF FINALIZING THE DOCUMENT. WE WILL AIM TO GET IT DONE PRIOR TO THE CONCEPT PAPER DUE DATE BUT IT WOULD BE GOOD TO KNOW IF THAT IS A NECESSARY TO APPLY FOR THE CONCEPT PAPER STAGE AT THE FULL APPLICATION STAGE.

ANSWER: 13B: SEE 13 A. ALSO, YOU MUST FILE A CONCEPT PAPER IN ORDER TO BE ELIGIBLE TO SUBMIT A FULL APPLICATION.

Q14. I REGRET WE MISSED THE WEBINAR. IS THERE A RECORDING ON THAT WEBINAR AVAILABLE?

ANSWER: Please see the “SCALEUP 2021 Program Virtual Webinar” posted on the ARPA-E website SCALEUP 2021 website (<https://arpa-e.energy.gov/technologies/scaleup/scaleup-2021>).

Q15. ARE LETTERS OF SUPPORT/COMMITMENT SUBMITTED WITH CONCEPT PAPERS? OR, AT WHAT STAGE CAN LETTERS BE SUBMITTED?

ANSWER: • No, letters of support are not required with the Concept Paper. To clarify the answer provided during the SCALEUP 2021 Webinar, the Concept Paper Template (available on ARPA-E eXCHANGE at <https://arpa-e-foa.energy.gov>) directs Applicants to identify any existing and proposed Commercialization/Financial Partners. Neither the Concept Paper Template nor ARPA-E eXCHANGE provide a mechanism to submit any Letter(s) of Intent at the Concept Paper stage.

• As noted in Section IV.D.4 of the FOA, a Letter of Intent from at least one Commercialization Partner is required for the Full Application.

Q16. I OWN/CONTROL A SUBJECT INVENTION THAT WAS FUNDED BY ARPA-E BUT WAS NOT REPORTED IN IEDISON. WHERE CAN I ACCESS IEDISON AND HOW CAN I REPORT THE SUBJECT INVENTION? CAN/SHOULD I STILL REPORT THE SUBJECT INVENTION/RELATED PATENTS IN IEDISON IF OUR ARPA-E AWARD HAS ENDED?

ANSWER: Yes, even if the relevant ARPA-E award has ended, the awardee must report a subject invention in iEdison in accordance with the terms of that award(s). Access iEdison at <https://s-edison.info.nih.gov/iEdison/> Subject inventions must be reported through iEdison, prior to the SCALEUP 2021 Concept Paper deadline. Note that Subject inventions reported or referenced through other means (for example patents, patent applications, quarterly reports, ARPA-E ePIC system), do not establish eligibility for the SCALEUP 2021 FOA. To be eligible, the relevant subject invention report in iEdison must reference an ARPA-E award number (not the FOA number), entered in the eXCHANGE Application in the format: DE-AR##### Also note: upon reporting the invention in iEdison, the system will provide a placeholder number – a “T” number – pending formal assignment of a DoE “S” number. You may use the T number for your SCALEUP application if still awaiting the S number.

Q17. MY COMPANY HAS LICENSED TECHNOLOGY THAT WAS DEVELOPED UNDER AN ARPA-E AWARD [DESCRIPTION OMITTED]. WE ARE REQUIRED TO SUBMIT AN IEDISON NUMBER. WE HAVE NO IEDISON NUMBER AND WE CANNOT PROCEED WITHOUT SUBMITTING ONE.

ANSWER: For licensed technology that is eligible for this FOA, you will need to obtain the iEdison number, or any other relevant information for your application, from the licensor.

Q18. THE TECHNOLOGY WE DEVELOPED DURING AN [ARPA-E] PROJECT IS SOFTWARE TECHNOLOGY... WE UNDERSTAND THAT SOFTWARE NEED NOT REQUIRE IEDISON REPORTING/REGISTRATION.

ANSWER: Correct - Eligible Applicants may submit applications based on software developed and reported (in technical reports or otherwise) under an ARPA-E award, that will be used in manufacturing, as “firmware” in manufactured products, or deployed on energy infrastructure or large-scale energy systems.

Q19. MUST TECHNOLOGIES ARISING FROM SCALEUP 2021 AWARDS BE MANUFACTURED IN THE US?

ANSWER: Yes, ARPA-E requires that all products that embody SCALEUP 2021 inventions - or are produced through the use of a SCALEUP 2021 subject invention - be manufactured in the U.S. for any use or sale anywhere in the world. The US manufacturing requirement is applicable to ARPA-E funded subject inventions that are incorporated into/part of a SCALEUP 2021 project, whether arising during earlier ARPA-E research or any award resulting from the SCALEUP 2021 FOA. A SCALEUP 2021 awardee may request a modification of this US manufacturing requirement prior to or at any time after a SCALEUP 2021 award is finalized. Grant of any such request is at the discretion of ARPA-E/DoE and is based on satisfactory economic argument and the negotiation of an alternate requirement that provides a net benefit to the U.S. economy. DOE will determine whether to approve such a waiver in light of equitable considerations, including for example: (i) an applicant/awardee demonstrating to the satisfaction of ARPA-E/DoE that US manufacturing is not commercially/economically feasible, and, if not, (ii) whether there is a satisfactory alternative net benefit to the U.S. economy if the requested modification is approved. Though a modification may be requested at any time, alternative benefits may be more easily measured and evaluated after technical advance has been made under an award.

Q20. WHAT IS THE IMPACT OF A SCALEUP 2021 APPLICANT LICENSING, BEFORE THE SCALEUP 2021 FOA WAS PUBLISHED, SUCH EARLIER SUBJECT INVENTIONS TO A FOREIGN COMPANY FOR MANUFACTURING AND SALE OUTSIDE THE US?

ANSWER: Any such license, provided it complies with earlier award's requirements (flow-down of ARPA-E award intellectual property requirements, including any manufacturing requirements, etc.), will be "grandfathered" for purposes of the SCALEUP 2021 competition. That is, compliant licenses will not bar selection for award under the SCALEUP 2021 FOA, but may be considered as a factor in selection of applications under the FOA selection criteria, including weighing overall commercial benefits to the US economy.

Q21. IS THE TECHNICAL DATA DEVELOPED IN PERFORMANCE OF A SCALEUP 2021 AWARD MADE PUBLIC?

ANSWER: ARPA-E has special statutory authority to treat technical data first produced in performance of an award as trade secret-like for a period of time, normally five years from development. This right is automatically provided to for-profit Project Team members, and is readily available upon request to universities and nonprofit team members.

Q22. IN PERFORMING AN AWARD I WILL BE USING SOME PROPRIETARY DATA DEVELOPED AT PRIVATE EXPENSE OUTSIDE OF THE AWARD. WILL I BE REQUIRED TO DELIVER THAT PROPRIETARY DATA TO ARPA-E OR PROVIDE THE GOVERNMENT ANY RIGHTS IN THE PROPRIETARY DATA?

ANSWER: No. The Rights in Technical Data clause in ARPA-E awards expressly provides an awardee with the right to withhold from delivery to ARPA-E any proprietary data used in performance of an award. Proprietary Data may be included in oral presentations, including on-line presentations, as necessary to enable evaluation of work performance.

Q23. DOES ARPA-E HAVE AN SPECIAL POLICIES THAT APPLY TO PROJECTS THAT TARGET THE DEVELOPMENT OF SOFTWARE OR DATASETS?

ANSWER: Yes. ARPA-E treats the development of software that is the intended to be the specific target of a project much like new inventions, by requiring that such software be reported to ARPA-E, be subject to a Commercialization Plan, and be reported to ARPA-E in follow-on utilization reports.

Q24. IS IT NECESSARY FOR THE APPLYING TEAM TO HAVE THE LICENSE OF THE IP FROM ORIGINAL AWARD (IN CASE THEY WERE NOT THE RECIPIENT OF THE ORIGINAL AWARD), PRIOR TO SUBMITTING THE CONCEPT PAPER?

ANSWER: A license of the subject invention ("IP") is necessary before submission of a Full Application, and not before submission of Concept Paper.

Q25. IF OUR [SUBJECT INVENTIONS] ARE NOT IN IEDISON BECAUSE OUR PROJECT PRE-DATED/WAS PRIOR IEDISON ROLL OUT, CAN WE RETROSPECTIVELY ADD THEM NOW TO IEDISON?

ANSWER: Yes. See FAQ 12. If the relevant subject invention was not previously reported to DOE/ARPA-E, you may do so using iEdison. Please provide a rationale for failure to report the subject invention.

Q26. IF UNIVERSITIES ARE NOT ABLE TO BE PROJECT LEAD ARE THEY EXPECTED TO SELL THEIR IP TO AN ELIGIBLE COMPANY? IT WAS MY BELIEF UNIVERSITIES WERE LARGELY THE PROJECT LEADS FOR ARPA-E PROJECTS MEANING THEY CANNOT TAKE THIS TECHNOLOGY TO SCALEUP AS THE PROJECT LEAD

ANSWER: Universities may sell or license their subject inventions/intellectual property to an eligible applicant. Universities may not be Project Leads for SCALEUP 2021 projects.

Q27. PLEASE DISCUSS CONSORTIA OPTION. DOES THE LEAD NEED TO OWN OR HAVE A LICENSE TO THE SUBJECT INVENTION? (THE FOA GIVES 2 DIFFERENT INSTRUCTIONS ON OWNERSHIP/LICENSING OF IP ON CONSORTIA AND IP.). CAN A NON-PROFIT LEAD A CONSORTIA?

ANSWER: A. The consortium should own or have a license to the relevant subject invention. A non-profit corporation may serve as the organizing and administering entity of a consortia.

Q28. IP QUESTION- IS AN EXECUTED LICENSE FOR THE PATENT APPLICATION NECESSARY FOR SCALEUP?

ANSWER: See FAQ 24.

Q29. WE HAVE ARPA-E RELATED IP, BUT ALSO TECHNOLOGY DEMONSTRATED UNDER A SEPARATE DOE-SETO AWARD. IS THAT OK FOR A SCALE-UP?

ANSWER: See FAQ 1. An ARPA-E subject invention must be the nexus of the proposed SCALEUP project. Refer to Section III of the FOA for specific eligibility criteria.

Q30. CAN THE PROJECT SITE BE OUTSIDE THE US (I.E., CANADA) ASSUMING THAT ALL COMPONENTS ARE MANUFACTURED IN THE US?

ANSWER: Project work is required to occur in the United States, unless a partial exemption is granted, which is infrequent. This will depend on the specific facts and justification.

Q31. WILL THE PRIME APPLICANT WHO IS A STARTUP FOUNDER AND ALSO A FFDRS STAFF CAUSE A CONFLICT OF INTEREST AND ARE THEY ELIGIBLE TO APPLY AS PRIME APPLICANT?

ANSWER: This situation does not affect eligibility to apply for funding. Such a conflict of interest could be subject to mitigation, which could be addressed in award negotiations.

Q32. CAN A PREVIOUS SCALEUP (2019) APPLICANT APPLY AGAIN?

ANSWER: Yes.

Q33. AT WHAT STAGE OF THE CURRENT ARPA-E PROJECT OR AFTER THE PROJECT ENDS CAN A COMPANY APPLY FOR THE SCALEUP PROGRAM?

ANSWER: Reported subject invention arising from an on-going or completed ARPA-E project may be used for a SCALEUP proposal. See FAQ 1.

Q34. DOES THE SCALEUP PROPOSED PROJECT NEED TO BUILD UPON OUR SUBJECT INVENTION OR CAN THEY BE COMPLEMENTARY?

ANSWER: An ARPA-E subject invention must be the nexus of the proposed SCALEUP project. See FAQ 29.

Q35. IF THE ARPA-E PROJECT ADDED KNOWHOW BUT NOT PATENT, IS PROJECT POSSIBLE?

ANSWER: "Know how" is insufficient to qualify for SCALEUP eligibility.

Reported subject inventions arising from on-going or completed ARPA-E projects may be used for a SCALEUP proposal. See FAQ 1.

Q36. IS IT REQUIRED THAT THE SMALL BUSINESS ALREADY LICENSED THE IP FOR SUBMITTING THE CONCEPT PAPER?

ANSWER: See FAQ 24.

Q37. ANY RESTRICTION TO FOREIGN PARTNERS?

ANSWER: Foreign partners are permitted. However, awardees are responsible for ensuring compliance with export control laws and regulations and ensuring that intellectual property is protected for US manufacturing requirements.

Q38. OUR FIRST ARPA-E AWARD PRE-DATED THE IEDISON SYSTEM. HOW DO WE HANDLE OUR SUBJECT INVENTION(S) FROM THE ORIGINAL ARPA-E AWARD IN THIS CASE?

ANSWER: See FAQs 12 and 25..

Q39. DOES THE US MANUFACTURING REQUIREMENT APPLY TO INTEGRATED CIRCUITS FABRICATED AS PART OF THE PROGRAM?

ANSWER: U.S. Manufacturing requirement applies to products that embody a subject invention or are produced through the use of a subject invention.

Q40. UNDERSTANDING THAT INDUSTRY OR COMPANIES NEED TO LEAD, IS IT OKAY IF THE ORIGINAL PROJECT WAS LED BY A UNIVERSITY AND THAT THE SCALEUP PROPOSAL LEAD IS A COMPANY WHICH HAS LICENSED THE UNIVERSITY IP?

ANSWER: Yes

Q41. DOES THE PRIME NEED TO HAVE THE RIGHT TO THE TECHNOLOGY? IF A SUBAWARD/COLLABORATOR HAS ACCESS TO THE TECHNOLOGIES, IS THAT ENOUGH?

ANSWER: See FAQ 24. The prime applicant will need rights in/licensee to the required ARPA-E subject invention prior to submission of a Full Application.

Q42. DOES THE SUBJECT INVENTION ARISING FROM AN ARPA-E AWARD HAVE TO BE THE MAIN SUBJECT OF A SCALEUP PROJECT, OR CAN IT BE JUST ONE COMPONENT?

ANSWER: See FAQ 1.

Q43. THANKS A LOT FOR THE PRESENTATION. SORRY THAT I MAY HAVE MISSED IT. (A) IF THE IPS ARE OWNED BY THE PARTICIPATING UNIVERSITIES RATHER THAN THE LEAD INDUSTRY APPLICANT, IS THIS ELIGIBLE TO APPLY? (B) ALSO, WHETHER THE INDUSTRY APPLICANT SHOULD BE PREVIOUS RECIPIENTS OF ARPA-E AWARDS? OR AS LONG AS THE PARTICIPATING UNIVERSITY RECEIVED PREVIOUS ARPA-E AWARDS FOR THE SAME TECHNOLOGY?

ANSWER: (a) The IP may be owned by the University that is not the lead, as long as the lead has a license. (b) The university may be the prior awardee.

Q44. CAN YOU PLEASE EXPAND ON THE SOFTWARE REQUIREMENTS AS OPPOSED TO SUBJECT INVENTIONS REQUIRED TO BE ELIGIBLE TO APPLY?

ANSWER: See FAQ 18.

Q45. WHAT IF THE "PROPOSED" INVENTION IS COVERED BY AN EXISTING PATENT APPROVED BEFORE AN ARPA-E AWARD WAS ACCEPTED - WOULD THAT INVENTION BE ELIGIBLE FOR SCALEUP FUNDING?

ANSWER: Only if the invention became and was reported as a subject invention because it was first actually reduced to practice during the performance of the ARPA-E award.

Q46. WE ARE IN THE PROCESS OF NEGOTIATING AN EXCLUSIVE LICENSE TO IP GENERATED BY AN ARPA-E PROJECT. AT WHAT POINT DOES THE LICENSE NEED TO BE IN PLACE FOR AN ENTITY TO BE ELIGIBLE TO APPLY- I.E. DO WE NEED THE LICENSE BY THE TIME OF CONCEPT PAPER SUBMISSION OR FULL APPLICATION?

ANSWER: See FAQ 24.

Q47. IS THERE AN ALTERNATE TRACK FOR OPEN SOURCE EFFORTS? THIS (UNDERSTANDABLY) PRESUPPOSES PROPRIETARY DEVELOPMENT OF PATENTED/PROTECTED PROJECTS...

ANSWER: See FAQ 1.

Q48. WE ARE A [CURRENT ARPA-E] AWARDEE, BUT EARLY IN DEVELOPING OUR SUBJECT INVENTIONS. WOULD OUR PROPOSAL BE ELIGIBLE WITH NOT YET PATENTED INVENTIONS?

ANSWER: See FAQ 7. If you have reported a subject invention arising from your ARPA-E project, it may be used for a SCALEUP proposal. It does not need to be patented yet.

Q49. DOES THE ARPA-E FUNDED TECHNOLOGY NEED TO COME FROM THE SMALL BUSINESS? OR CAN THE SMALL BUSINESS LICENSE ARPA-E FUNDED TECHNOLOGY ORIGINATED FROM UNIVERSITY.

ANSWER: The small business may license the funded technology/invention.

Q50. WOULD YOU CONSIDER FOR FUNDING A PATENTED REDESIGN OF [REDACTED] FOR BETTER ENERGY EFFICIENCY WHERE THE FUNDING WOULD BE FOR A PROOF OF CONCEPT?

ANSWER: As long as the research is focused on leveraging an ARPA-E subject invention, yes. See FAQ 1.

Q51. AM I CORRECT THAT IF ALL OR PART OF A PRESENT SOFTWARE PRODUCT WAS NOT DEVELOPED USING PREVIOUS ARPA FUNDING, THEN SCALEUP 2021 WILL REJECT AN APPLICATION BASED UPON THIS SOFTWARE PRODUCT?

ANSWER: If part of the software product was developed under an ARPA-E project, then the proposal would be eligible.

Q52. CAN AN INDUSTRIAL PARTNER BE A NON-US COMPANY AS LONG AS WORK AND MANUFACTURING IS IN THE US?

ANSWER: US subsidiaries of foreign companies may participate as members of project teams. Also, but see FAQ 37.

Q53. DOES A LICENSEE OF THE ARPA-E-DEVELOPED IDEA THAT WAS NOT PREVIOUSLY INVOLVED IN THE ARPA-E PROJECT QUALIFY TO APPLY?

ANSWER: See FAQ 1 - yes, the applicant may be a licensee of the relevant ARPA-E-funded subject invention.



Q54. SHOULD AN APPLICANT HAVE BEEN INVOLVED IN THE ARPA-E PROJECT THAT LED TO THE INVENTION. COULD THE APPLICANT BE A LICENSEE OF THIS TECHNOLOGY.

ANSWER: See FAQ 1.

Q55. CAN SUBJECT INVENTIONS THAT ARE PART OF A CLOSING PROJECT BUT WILL NOT BE CLOSE BY CP DEADLINE BE FUNDED?

ANSWER: Yes.

Q56. INVENTIONS THAT HAVE NOT BEEN FUNDED BY ARPA-E ARE NOT ELIGIBLE?

ANSWER: Correct.

Q57. NEED TO UNDERSTAND IF THE FUNDING IS ONLY AVAILABLE FOR PROJECTS FUNDED IN THE PAST BY ARPA-E (AND NOT EERE OR DOE IN GENERAL).

ANSWER: SCALEUP eligibility requires subject inventions funded by ARPA-E. See FAQ 1.

Q58. OUR IEDISON INVENTION IS QUITE GENERAL. WE HAVE TWO DIFFERENT APPLICATIONS OF THE INVENTION THAT WE BELIEVE ARE STRONG IDEAS FOR COMMERCIALIZATION. HOWEVER, THE FOA SAYS ONLY ONE APPLICATION PER IEDISON INVENTION. I'M DOUBLE-CHECKING THAT THERE IS NO WAY AROUND THIS?

ANSWER: You may submit multiple applications, but they must be scientifically/commercially distinct technologies (such as different fields of use).

Q59. DOES ARPA-E ACCEPT INTERNATIONAL PARTNERS? WITH INCREASED CONCERN OF A CERTAIN COUNTRY, DOES ARPA-E SET SOME NON-EXEMPT NATIONALITY OF THE PARTNERS?

ANSWER: See FAQ 37. All research under the award must be conducted in the US unless a special exemption is granted. Also, please see US Manufacturing requirements. See FAQ 19.

Q60. PLEASE CLARIFY REQUIREMENT TO HAVE PREVIOUSLY RECEIVED ARPA-E FUNDING OR PARTICIPATED IN ARPA-E PROGRAM. MY COMPANY HAS HAD NO FORMAL PARTICIPATION TO DATE.

ANSWER: There is no such requirement for SCALEUP. See FAQ 1.

Q61. CAN A COMPANY BE IN THE PROCESS OF BEING SET UP WHEN THE CONCEPT PAPER IS SUBMITTED. THE TECHNOLOGY THAT THE COMPANY WOULD LICENSE IS BASED ON ARPA PROJECT USING IP BEING FILED FROM A CURRENT PROJECT.

ANSWER: Yes, if the subject invention ("IP") has been properly reported.