

THE UNIVERSITY OF MICHIGAN  
REGENTS COMMUNICATION

ACTION REQUEST

Subject: Subcontract Agreement between the University of Michigan and  
NOTA Laboratories LLC

Action Requested: Authorization to enter into Agreement

Preamble:

A statutory conflict of interest situation was identified by the Office of Research and Sponsored Projects while reviewing the Proposal Approval Form which then triggered a review by the Medical School Conflict of Interest Board and the UMOR Conflict of Interest Review Committee. A plan for management of the possible risks associated with the conflict of interest was then developed and approved by the Board and Committee and agreed to by the parties involved.

This proposed agreement (“Agreement”) falls under the State of Michigan Conflict of Interest Statute because Professors Mark E. Meyerhoff, Mark A. Zacharek, and Marc B. Hershenson are employees of the University of Michigan (“University”), and partial owners of NOTA Laboratories LLC. The law permits such an Agreement provided it is disclosed to the Board of Regents (“Regents”) of the University of Michigan and approved in advance by a 2/3 vote.

Background:

Mark E. Meyerhoff, PhD, a Professor in the Department of Chemistry, Mark A. Zacharek, MD, an Associate Professor in the Department of Otolaryngology, and Marc B. Hershenson, MD, a Professor in the Department of Pediatrics and Communicable Diseases, are partial owners of a for-profit company called NOTA Laboratories LLC (the “Company”). The Company wishes to fund an NIH (prime) STTR Phase I & II project entitled “Low Cost Electrochemical Gas Phase Nitric Oxide Generator for Biomedical Applications” (ORSP #19-PAF01144) in the Department of Surgery under the direction of Dr. Robert Bartlett. The purpose of this project is to conduct in vivo (animal) testing to evaluate an artificial lung.

Agreement Terms:

The terms of the Agreement conform to University policy. The period of performance for the project is approximately two (2) years. The amount of funding support will not exceed \$596,952. Since research projects are often amended, this agreement includes provisions for changes in time and scope. University procedures for approval of these changes will be followed and additional conflict of interest review will be done as appropriate.

Impact of the Agreement:

The Agreement will support an effort by Dr. Bartlett to use his expertise and University laboratories, as well as other University resources, to advise and consult for all clinical aspects of the novel inhale NO generator device.

Recommendations:

This matter has been reviewed and approved by the Medical School Conflict of Interest Board and the UMOR Conflict of Interest Review Committee. In light of this disclosure and our finding that the Agreement was negotiated in conformance with standard University practices, I recommend that the Board of Regents approve the University's entering into this Agreement with NOTA Laboratories LLC.

Respectfully submitted,



Rebecca Cunningham  
Interim Vice President for Research

October 2019