

**SUBMITTED BY: EZEMENARI M. OBASI, PH.D., VICE PRESIDENT FOR RESEARCH & INNOVATION**

**UNIVERSITY CONTRACT TO LICENSE TECHNOLOGY TO  
A COMPANY OWNED BY A SCHOOL OF MEDICINE  
FACULTY MEMBER**

**RECOMMENDATION**

The Administration recommends that the Board of Governors authorize the President or her designee to enter into a contract with Boritran, Inc., a Michigan Limited Liability Corporation for an option for an exclusive license for commercialization of the intellectual property encompassing the development of a diagnostic entitled 'Vaginal Microbiome Snapshot (VMS),' and a potential therapeutic through the creation of combination vaginal ovule containing 750mg metronidazole and 600mg boric acid for treatment of bacterial vaginosis.

**BACKGROUND**

Dr. Jack Sobel is a Distinguished Professor of Medicine, Department of Internal Medicine, and former Dean of the Wayne State University School of Medicine. Dr. Sobel's collaborative research with co-inventor Dr. Koral Embil (not a WSU employee) has resulted in a technology to meet the unmet need in the treatment of bacterial vaginosis. (WSU File No. 20-1588; U.S. Provisional Application No. 63/363,038 PCT/US2023/065786 and WSU File No. 24-1748; U.S. Provisional Application No. 63/591,422). Additionally, Dr. Sobel's collaborative research with co-inventor Dr. Robert Akins, professor of biochemistry, School of Medicine, has resulted in a technology to fill the unmet need for the diagnosis of bacterial vaginosis. (WSU File No. 13-1141; and its two issued US patents, 10,253,377 and 11,186,880).

The WSU Board of Governors previously (January 26, 2023) reviewed and approved the option for WSU 20-1588 to Boritran. The current request involves the additional technologies WSU 13-1141 and 24-1748.

Bortiran, Inc, incorporated in Michigan in 2022, and is located at 6829 E. Knollwood Circle, West Bloomfield, Michigan 48322. It was founded to develop and commercialize this therapeutic compound. Drs. Sobel and Embil are the cofounders and owners of Boritran.

Michigan Conflict of Interest law requires specific sunshine procedures in order for a University employee, or a company owned by a University employee, to contract directly or indirectly with the University:

- (A) The employee must disclose any pecuniary interest in the contract to the Board and the disclosure must be made a matter of record in the Board's proceedings.

- (B) The contract must be approved by a vote of not less than two-thirds of the full membership of the Board in open session.
- (C) The Board's minutes must report:
  - (i) The name of each party involved in the contract.
  - (ii) The terms of the contract, including duration, financial consideration between the parties, facilities or services of the public entity included in the contract, and the nature and degree of assignment of employees of the public entity for fulfillment of the contract.
  - (iii) The nature of any pecuniary interest.

If the Board approves this Recommendation, the minutes will report as follows:

The Board of Governors authorized the President, or her designee, to enter into a contract with Boritran, Inc, in which Wayne State University employee Dr. Jack Sobel holds an equity position.

- (i) The parties involved in the contract are Wayne State University and Boritran, Inc.
- (ii) The contract will provide:
  - (a) Scope: An option to acquire an exclusive, worldwide royalty bearing license.
  - (b) Duration: The term of the option shall be for twelve (12) months with the opportunity to extend for a further period of twelve (12) months upon payment of additional consideration.
  - (c) Financial Consideration: An option fee of \$4,000. The previous action involving 20-1588, had an option fee of \$2,000.
  - (d) No University facilities or services of the University are included in the contract; and
  - (e) No University employees are assigned in connection with the contract.
- (iii) Dr. Jack Sobel's pecuniary interest consists of a current fifty percent (50%) ownership of Boritran, Inc. Dr. Sobel will therefore have the potential to

financially benefit from the commercial success of the company. Dr. Sobel has filed a Financial Conflict of Interest with the Office of Research Integrity.