

LAB NOTEBOOK PRIMER

THE FIRST TO INVENT IS THE FIRST TO CONCEIVE AND THE FIRST TO REDUCE TO PRACTICE, PROVEN BY DUE DILIGENCE AND GOOD RECORD KEEPING.

DUE DILIGENCE

The level of effort that was performed between Conception and Reduction to Practice. It is a very important factor when deciding disputes between two or more parties who claim the same invention.

CONCEPTION

Note the following in your lab notebook:

1. Earliest date and place the invention was made
2. Earliest date and place you related the invention to another person
3. All persons to whom disclosure was made
4. Date and place of making first sketch or drawing
5. Location of first sketch or drawing

ACTUAL REDUCTION TO PRACTICE

1. Date and place the first model or full size device or composition was made
2. Date process or method was first practiced
3. Date you became convinced that the invention would work but you could not reduce it to practice in actuality. Note why you became convinced.

GOOD RECORD KEEPING = PERMANENT + COMPLETE + CONTINUOUS

1. Maintain a complete, accurate and ongoing record in a bound lab notebook.
 - a. The pages should not be added or removed.
 - b. Record the dates of significant findings, discoveries, experimental activities, and thoughts.
 - c. Provide understanding of work performed by describing the ideas, concepts, experimental procedure, work plan, equipment used.
2. Number each page consecutively.
3. Never remove pages or portions of a page for any reason.
4. Number additional volumes sequentially.
5. Record all experimental data in the lab notebook.
 - a. Preface the record of each experiment with a brief purpose or statement of the problem.
6. Record each daily entry and all corrections in permanent ink.
7. Never make deletions.
 - a. Instead, make corrections.
 - b. Draw a line through the unwanted entry.
8. Date and initial all changes.

9. Sign and date each entry.
 - a. Example: "Pages __ through __; Signature, Print, Date"
10. Diligence must be documented daily.
 - a. Therefore, if you do not work on the project for a period of time, indicate it in your notebook.
 - b. For example, document with notes "on vacation" or "on other projects."
11. Write on every page.
 - a. Draw a diagonal line through the skipped page.
 - b. Sign and date the diagonal line.
12. Write in narrative.
 - a. Tell the story of your research efforts in full sentences.
 - b. Include complete figures.
 - c. Describe:
 - i. What research is planned
 - ii. The circumstances under which the research was conducted
 - iii. The actual findings and tentative conclusions
13. Permanently affix sketches, diagrams, etc. into the notebook with glue.
14. Have a witness sign each entry.
 - a. Preferably, someone other than a co-inventor.
 - b. Preferably, someone who is obligated to keep the information confidential, such as another principal investigator
 - c. Preferably, someone who has the ability to understand the data and the methods used.
 - d. Have a "Notebook Witnessing Day" on a weekly basis.
15. Print out computer records and large volumes of data regularly.
 - a. Bind the printouts.
 - b. Sign and date each page.
16. Document both successful and unsuccessful experiments.
17. Try to preserve the first sample of new product or products produced by a new method.
 - a. Attach a permanent label to each sample.
 - b. Include the date, your signature and the witness' signature.
 - c. Use an engraver if necessary.
18. Photograph the project.
 - a. Sign and date each photo.
 - b. Attach each photo firmly to your lab notebook pages with glue.
19. Review what you've documented periodically.
 - a. Be sure you have maintained complete records of the development of an idea from concept to reduction to practice.
 - b. Document how to make the invention.
 - c. Document how to use the invention.

ENABLEMENT = HOW TO MAKE IT + HOW TO USE IT

20. When ideas are conceived that improve the invention, document it!
 - a. Note who contributed to the idea.
 - b. Discuss the conceptual basis.

EXPERIMENTATION HAS ITS LIMITS

Experimentation can be construed as commercial exploitation which is a 35USC 102(b) bar to patenting. If a use or sale is experimental, then there is no statutory bar. The experimentation should be your primary purpose; as opposed to marketing. Any commercial exploitation must be merely incidental.

Satisfactory experimentation includes

1. Perfecting the invention
2. Ascertaining whether the invention will answer an intended purpose
3. Legitimately advancing the development of the invention towards completion

DESTROYING INVENTIVE EVIDENCE

Think carefully before you destroy any samples, notes, or records. Please shred, use confidential recycle bins or seek further guidance.