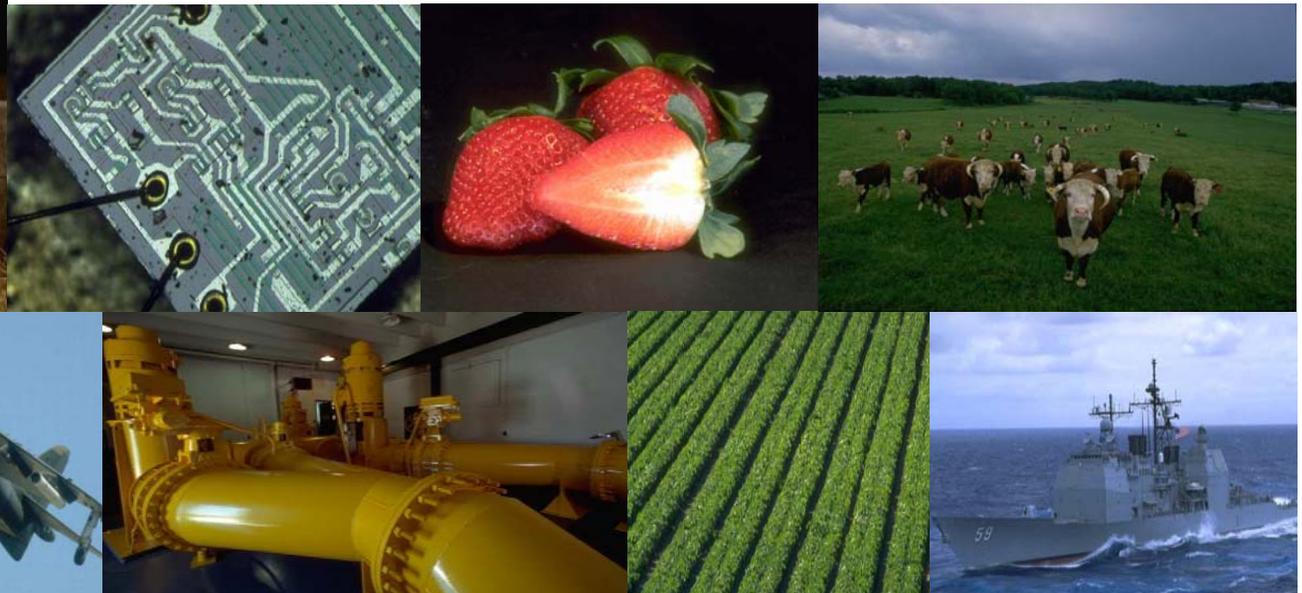


# USING LABORATORY NOTEBOOKS TO DOCUMENT INTELLECTUAL PROPERTY

**THESE ARE OUR IDEAS.  
LET'S KEEP IT THAT WAY!**

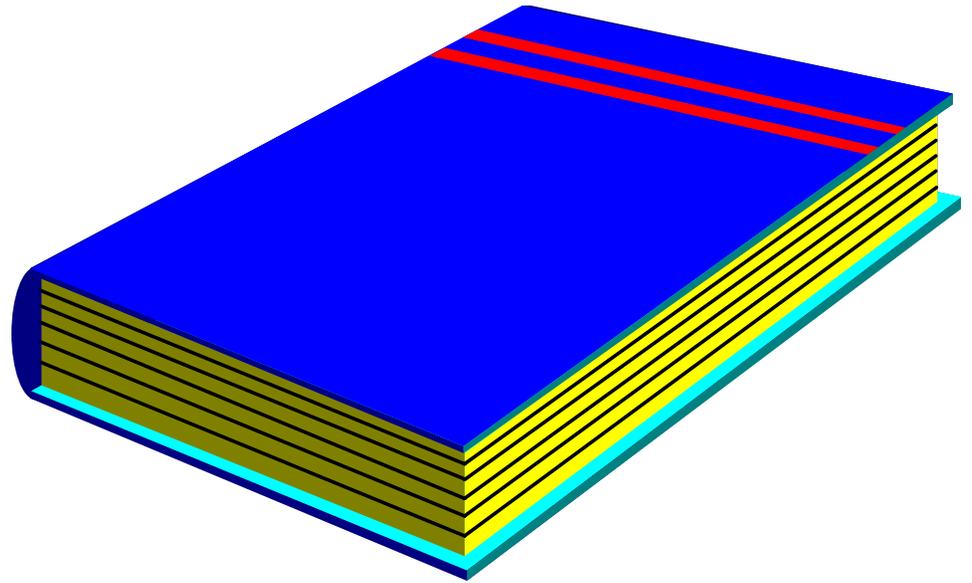


© 2004 Kagan Binder, PLLC



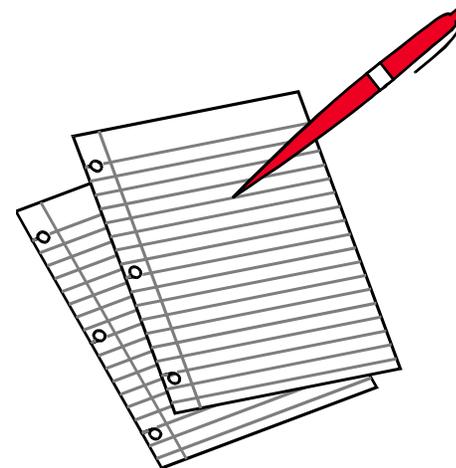
# Documenting Intellectual Property

*Use of Laboratory Notebooks*



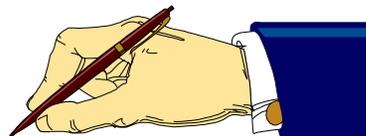
# Why Keep Notebooks?

- ◆ Prove ownership
- ◆ Prove inventorship
- ◆ Proof of conception date
  - ❖ Prior user rights
  - ❖ Pre-date other inventions
- ◆ Important in litigation  
(contemporaneous record)



# What to Include

- ◆ What is your idea?
- ◆ Can you draw or diagram your idea?
- ◆ What was done? Experimental protocol, experimental design, calculations, manufacturer and model of equipment used
- ◆ Why did you do it? Objectives/goals
- ◆ Who suggested it?
- ◆ Who did it?
- ◆ When was it done?
- ◆ Results (positive and negative)
- ◆ Factual Observations
- ◆ Include any technical assumptions made
- ◆ Ideas for future work
- ◆ Sign and date each page
- ◆ Index entries - back pages



# What Not to Include

- ◆ Avoid use of legal terms like “validity,” “novelty,” “infringe,” “patentability,” “obvious” and broad generalizations
- ◆ Avoid use of absolutes like “must,” “required,” “essential,” etc.
- ◆ Avoid opinions, speculations
- ◆ Do not write “jointly developed with” - legal conclusion and can result in loss of rights
- ◆ Do not record “stream of consciousness” thoughts



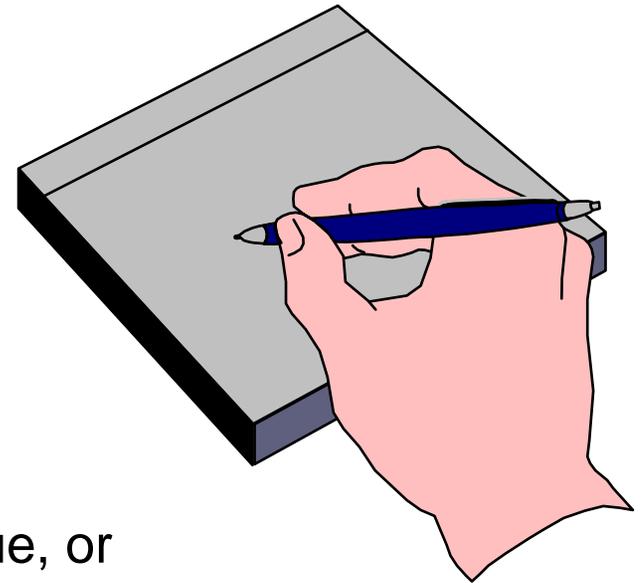
# Have the Entry Witnessed

- ◆ A person who understands the work
  - ❖ Must read and comprehend information
  - ❖ NOT involved in the work (impartial witness)
  - ❖ Need not observe recordation of entry
  - ❖ Sign and date each page



# Consistent, Chronological, and Complete

- ◆ Bound
- ◆ Numbered pages
- ◆ Use every page
- ◆ Never erase
- ◆ Permanent entries - use pen, staples, glue, or tape to affix photos, etc. to pages
- ◆ Contemporaneous entries



# Confidential Property

- ◆ All notebooks and other records
- ◆ Obtain notebook from \_\_\_\_\_
- ◆ Treat notebook and entries as confidential information
- ◆ Store in secure place - generally do not take off-site
- ◆ After two years, submit notebook to site designee for central storage or archiving
- ◆ If you terminate your employment - notebook stays

**CONFIDENTIAL**