

## Technology Transfer Branch

### For Further Information

TTB has two locations. Staff serving the Bethesda/Rockville area are located at the Rockville Office. Staff serving the NCI Frederick Cancer Research and Development Center are located at the Frederick Office.

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Technology Development and  
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National Institutes of Health  
National Cancer Institute



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**H**istory recognizes Alexander Graham Bell as the inventor of the telephone. Actually, Daniel Drawbaugh invented it first – but the U.S. Patent Office believed Bell's records over Drawbaugh's. The difference? Bell understood the importance of investing the time to keep proper records, and his efforts repaid handsome dividends. Most of your colleagues in private industry, and many in academia, already keep records such as those described below.

## BE RECOGNIZED FOR YOUR WORK, BY RECORDING YOUR RESEARCH PROPERLY!

### WHO SHOULD RECORD

1. Any NIH employee performing official-duty research.
2. Anyone conducting research in an NIH lab.
3. Anyone using NIH personnel or NIH resources to perform research.

### HOW TO RECORD

**A. Binder.** Get a *bound* notebook, with numbered pages. Preferably, every other page should be detachable carbon paper, so that you can keep a copy of your handwritten notes in a separate location. If not, photocopy your notes regularly. *Do not* use a looseleaf or spiral notebook; altering or ripping out pages is so easy that the U.S. Patent Office gives it no credence.

**B. Record.** Write in ink, legibly. At least once in every binder, make sure every acronym, trade name, code, or jargon is defined, so that your reference is understandable by someone not working on your project.

**C. Supplement.** Save all loose notes, e-mail messages, and letters containing any part of the conception of an idea that could become an invention. Permanently affix (staple, tape, etc.) copies of these into your notebook as you go, to maintain the chronological order as best as possible. Separately sign each such attachment so that part of your signature is on the attachment, and part on the page (this is in addition to signing & dating each page).

**D. "Nevers."** *Never* blot out or erase mistakes – merely strike through them, put a brief note in the margin indicating why the material is stricken, and keep going. Corrections risk making your work illegible, or worse, vulnerable to the accusation of post-hoc alteration; the better practice is to rewrite from scratch. *Never* rip out pages (except pressure-paper

**E. Sign & Date.** Every page. Always. If other people record data in your notebook, they too should sign & date each such page. If you modify or supplement anything afterwards, initial and date each such modification as well.

**F. Witness.** This also is crucial. Have *at least* one person (two if possible)– who is familiar enough with your field to understand what you are doing, but who is not directly involved in the research itself – sign and date each page as a witness that you did the work recorded (“Witnessed by Dr. Dale Doe, / s/ , on \_\_\_\_\_, 1999”). For every page on which you write down a key insight, or solve a major problem, try to find two witnesses. If your work is not witnessed, your efforts at recording will be given little credence by the U.S. Patent Office.

**G. Electronic Records.** Computer software packages present many excellent research tools, but you should not rely on electronic records for purposes of documentation. If you produce electronically anything you need to record, make a paper copy, and affix it permanently in your notebook – signed, witnessed, and dated, as always.

**H. Storage.** Keep the original lab notebook in your lab; keep a copy in another building under lock and key. Your lab books and notes are government property.

### WHAT TO RECORD

**A. Your Data.** Obviously. But also include charts, graphs, and figures you relied on, and bibliographic references to key articles you used to design your experiments. Remember to affix these permanently. If you acquired materials from another lab, write that down as well.

**B. Your Thoughts.** Feel free to incorporate any ideas, future plans, brainstorming activities, or wild speculations. An inventor is defined as a person who first conceives of the invention – this is your chance to show who thought of it, and when. **AVOID** using words like “obvious” and “abandoned,” because these words happen to have tremendous legal significance, and if the words are applied inappropriately in your notes, they can be used against you.

**C. Your Understanding.** Make sure everything you include can be understood by a colleague of “ordinary skill” in your field. Your goal should be to make your records sufficiently complete and clear that such a colleague, reading only your notebook (and any articles cited in it), could duplicate your

copies). *Never* skip pages, or leave large blank spaces; work.  
a blank page suggests that the work may not have  
been recorded chronologically.