

## Guidelines for Maintaining a Lab Notebook

The lab notebook can be one of the most important elements of the patent process. As the official record of your technical work (calculations, experiments, ideas, etc.), it establishes the dates and times when you have worked on the development of an invention and shows the progress from conception of an idea through its reduction to practice. It is extremely important for you, as an inventor, to maintain accurate records detailing the work you have done on your invention. These substantiating documents can be used if there is ever a dispute with another party regarding their work on the same idea. The lab notebook can also be used to verify the date of conception, as well as reduction to practice in order to determine ownership rights under various technology transfer agreements (i.e., CRADAs, Funds-In Agreements, etc.). The proper recording of your ideas and accurate dating of when they occurred is the first step toward ensuring their protection. (Patents have been won or lost based on the existence of dated, witnessed records.)

This documentation is especially important in the United States, one of the few countries in the world that uses a system that recognizes the first person(s) to invent as the only person(s) entitled to patent protection. Most other countries grant rights to the first person to file a patent application, even if that person was not the actual inventor. Thus, you can see the importance of maintaining a lab notebook in order to certify, and prove in court if necessary, that your work on an invention was done prior to that of another. Following are some recommended procedures for keeping your lab notebook.

### Recommended Procedures and Helpful Hints

1. The description of the invention should be written in a bound notebook with numbered pages (preferably preprinted numbers), and the writing should be done in ink (preferably blue ink which helps to verify originality).
2. Clearly and conspicuously indicate the following information in the lab notebook:
  - name of the person maintaining the notebook;
  - Laboratory group in which that person works;
  - starting date of the entries.
3. Be sure to record all experimental work, calculations, sketches, diagrams, and any other related information **directly** in the notebook.
4. It is important to make successive entries on consecutive pages. Do not insert, remove, or modify any of the pages.
5. Record *everything*. It is better to have too much than too little.
6. Do not start a new page until the previous page is full or has been so marked that no additional entries can be made on it.
3. At the end of each day, sign and date the material you have entered in the book on that particular day.
8. Have the entries in the book witnessed (signed) and dated, preferably by someone who has observed and understood the actual work recorded using the notation: "Read and understood pages \_\_through\_\_ this \_\_ day of \_\_\_\_\_, 200\_." The description should be written to allow another person, who is skilled in the art, to comprehend and reproduce the invention.

9. After an entry has been signed and dated, DO NOT make any changes, interlineations, deletions, or additions. Create a new entry for any corrections that you may have and refer back to the original entry.
10. Do not erase or blot out any entry at any time. Before an entry has been signed and dated, changes may be made but be careful not to obliterate what was originally written. You can indicate material that you wish to delete by marking a single line through that specific material.
11. The notebook itself is the property of the U.S. Government. If you terminate your employment with Los Alamos National Laboratory, you must turn this notebook over to your group office or send it to IM- 9, Information, Records & Media Services (MS A150, 667-5330).

### **Electronic Notebooks**

The Laboratory's Legal Counsel does not recommend the use of an electronic (computerized) version of the lab notebook because it does not yet form an adequate legal record. Electronic or scanned signatures have not yet been accepted for lab notebooks. If you do plan to keep an electronic notebook, the following procedures must be followed:

- each page should be pre-numbered electronically;
- the pages must be printed periodically as you enter information regarding your invention;
- each page should be stapled into a bound notebook; and
- each page must be signed and dated in blue ink by you and a witness.

### **Handling Classified Material**

If an entry contains classified information, properly mark and safeguard the notebook as described in DOE Manual 471.2-1, "Manual for Classified Matter Protection and Control." If you have questions regarding the marking and safeguarding of information, please contact S- 5 (Classified Matter Protection and Control) at 665-1802.

It is the responsibility of the person using the lab notebook to see that it is marked with the correct classification markings and properly safeguarded as soon as a classified entry is made.

### **For More Information**

If you need additional information regarding the lab notebook, please contact **Legal Counsel** (LC-Intellectual Property) at 667-3302, or the **Technology Transfer Division** at 665-9090.