

Laboratory Notebook

Using a Laboratory Notebook to record ideas, inventions, experimentation records, observations and all work details is a vital part of any laboratory process. Careful attention to how you keep your Laboratory Notebook can have a positive impact on the patent outcome of a pending discovery or invention. Following are some overall recommendations to help you keep more efficient and accurate Laboratory Notebook entries. Remember, however, that these are simply a suggested set of guidelines. Only your attorney can supply the exact guidelines he/she would like you to follow to satisfy specific legal requirements. That is why we recommend that you consult your legal counsel.

Recording Data

Your Laboratory Notebook is a vital record of your work whether it is for patent purposes, legal records or documenting drug research under Good Laboratory Practice (GLP) guidelines. The Laboratory Notebook can help you prove:

- a. Exact details and dates of conception
- b. Details and dates of reduction to practice
- c. Diligence in reducing your invention to practice
- d. Details regarding the structure and operation of your invention
- e. Experimentation observations and results
- f. A chronological record of your work
- g. Other work details

Follow a few simple guidelines

1. Always record entries legibly, neatly and in permanent ink.
2. Immediately enter into your notebook and date all original concepts, data and observations, using separate headings to differentiate each.
3. Record all concepts, results, references and other information in a systematic and orderly manner. (Language, charts and numbering systems should be maintained consistently throughout.)

4. It is acceptable to make your entries brief. Always, however, include enough details for someone else to successfully duplicate the work you have recorded.
5. Label all figures and calculations.
6. Never, under any circumstances, remove pages from your notebook.

Remember to treat your Laboratory Notebook as a legal document: It records the chronological history of your activities.

The following guidelines should help you maintain the consistent and accurate entries needed for future legal purposes.

1. Start entries at the top of the first page, and always make successive, dated entries, working your way to the bottom of the last page.
2. After completing a page, sign it before continuing to the next page.
3. Make sure that you record the date of each entry clearly and unambiguously.
4. Never let anyone other than yourself write in your Notebook (excluding witness signatures, discussed later).
5. Never leave blank spaces, and never erase or remove material you have added. Simply draw lines through any blank spaces at the same time you are making your entries.
6. Do not erase errors. Just draw a single line through any erroneous entry, then add your initials. Enter the correct entry nearby.
7. You can supplement your entries with supporting material (e.g., test-result printouts and other documentation). But you must permanently affix the material onto a page in its proper chronological location.
8. Never rely solely on any supplemental attachment. Always include your own entry describing the attachment and add any conclusions that you might draw from its substance.
9. Occasionally, secondary sources might be too large or inappropriate to attach directly to your notebook. In this case, you can add all secondary sources to an ancillary record maintained precisely for this purpose. However, always remember to write a description of these secondary sources, clearly and unambiguously, in your notebook.

Documenting Patenting Activities

A primary purpose of a Laboratory Notebook is the support of documenting work that may be patentable. To support patent activities, it is necessary to provide clear, concise, chronological entries with specific dates. To rely on these dates, you must have at least one non-inventor corroborate that the events actually happened and that he or she understood your invention by signing and dating the "Disclosed to and Understood by" signature blocks. Your Laboratory Notebook should help you document and prove:

1. Conception Date-The date that you knew your invention would solve the problem.
2. Date of reduction to practice-The moment that you made a working embodiment of your invention.
3. Diligence in reducing your invention to practice-Diligence refers to your intent and conscious effort to make a working embodiment. You are not required to rush, or even to take the most efficient development strategy. But your Notebook must include details relating to your diligent activities. These are dates and facts that show what activities you have conducted to reduce the invention to practice, and when such activities were conducted. Since you may still be diligent despite periods of not working on reducing your invention to practice, always remember to provide reasonable excuses for these periods of inactivity by supplying facts relating to why there was no activity during the period in question. (e.g., unavailability of test conditions or equipment).
4. How to make and use your invention-provide documentation details sufficient to teach a colleague how to make and use your invention.
5. The best mode of practicing your invention--document the best way to practice your invention. A non-inventor colleague should corroborate each of these events/facts by signing the "Disclosed to and Understood by" on the relevant pages.