‡SUGGESTIONS FOR KEEPING A LABORATORY NOTEBOOK

Under U. S. law a patent is granted to the first to conceive the idea for the invention, not the first to apply for the patent. So a laboratory notebook is essential evidence of the date of conception.

When properly kept, a laboratory notebook permanently records, for future proof, what was done on a project, and particularly what inventions were made and when. Use a book with permanently bound pages. Spiral or comb bound books are not suitable for use in court. Make all entries with ink.

The intent of all entries is proving in court such facts, as the idea conception, model tests, and the test results.

If an invention is made the dates of "conception" and "reduction to practice" are essential. The record must show no abandonment between these dates. Avoid making negative notes such as "No good", "Doesn't work " which might be later construed as indicating you were abandoning the idea.

Generally a sketch and a brief written description are enough to establish conception. Reduction to practice needs construction and successful testing of a device incorporating the invention. At any time before or after a patent has been issued, another applicant for a patent on the same invention may start a contest called an "interference", to determine who was the first inventor. Each party can offer depositions and documents to prove their dates of conception and reduction to practice. The patent for the invention is then awarded in accordance with the facts proven by this evidence.

Even if a patent application is not made on the subject matter of a research project it may become important to prove what was done. Others may obtain a patent on subject matter reduced to practice during the project and sue for patent infringement. The earlier notebook record would provide a defense. Sometimes it may be desirable to prove whether or not an invention occurred in the course of a specific research project.

Entries should show which project the work applies to. Include all formulae or diagrams, sketches of circuits and equipment which were considered during the project, including the ones actually built and tested. Diagrams and sketches should have information to identify and explain the subject matter. Another investigator, by examining these entries, should be able to determine the nature of the project, when it started, what ideas were considered what compounds made or circuits and equipment actually built and tested, the test results, the dates with respect to all of the above, and the final conclusions.

Sign and date pages when full. Don't leave blank areas on a page. If you want to start on a different page, cross out the blank area with a large “X” that spans the corners. At least one other worker, who is competent to understand the work, should regularly examine and witness the entries by signing and dating each page examined. This person should not be a co-worker or joint inventor.

All letters, sketches, photos, charts or computer printouts pertinent to the project should be permanently put in the notebook with your initials and date.

Notations should be made of the progress and completion of compounds, assemblies or models which are being prepared for testing. These entries should make clear, as by reference to a previous sketch , as to how the compound or equipment is being made.

The date of successful testing of a compound or particular setup or piece of equipment i.e.; "reduction to practice" , is of utmost importance. Notations of such tests should be made, with the compound or equipment being identified, and with comments concerning the results of the test. Make tables of the test data if possible.

Don't erase. Cross out errors and make a new entry. Entries should not be changed at a later date. Make a new entry, pointing out any change.

‡Obtained from The Scientific Notebook Company http://www.snco.com/instruction.htm