



Do's and Don'ts for Keeping Lab Notebooks

Boston
Delaware
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San Diego
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Twin Cities
Washington, DC

A laboratory notebook is a vital record of events leading to a patentable invention. The recorded information can establish dates of conception and reduction to practice of a technology as well as the inventorship of a patent claiming the technology. Below are fourteen rules you should follow when keeping lab notebooks.

#1 — Do use bound books

Inventors should use permanently bound notebooks, *e.g.*, notebooks with spiral or glue bindings. If loose-leaf sheets are used, they should be consecutively numbered and each page should be dated, signed, and witnessed.

#2 — Do sign and date

Each notebook should be signed and dated on the inside front cover to indicate the first day the recipient started using the notebook. Each entry should be signed and dated.

An independent witness, *i.e.*, someone who understands the technology but will not be named as a co-inventor of the invention, should sign and date each entry after the statement: "Read and understood by _____." (The witness should preferably sign the entries on a contemporaneous or fairly contemporaneous basis, but entries can also be reviewed, signed, and dated on a periodic, *e.g.*, weekly or monthly, basis.)

#3 — Do use ink

Notebook entries should be made in ink and in chronological order. Entries should not be erased or "whited out." If an entry contains an error, a line should be drawn through the error and new text should continue in the next available space.

#4 — Don't leave blank spaces

Blank gaps between entries should be avoided. If a blank space is left on a page, a line or cross should be drawn through the blank space, and the page dated to prevent subsequent entries.

#5 — Don't modify

Prior entries should not be modified at a later date. If data were omitted, the new data can be entered under a new date and cross-referenced to the previous entry. Record experiments when they are performed.

#6 — Do use past tense

Use the past tense (*e.g.*, "was heated") to describe the experiments that were actually performed.

#7 — Do explain abbreviations and special terms

Explain all abbreviations and terms that are nonstandard. Explain in context, in a table of abbreviations, or in a glossary.

#8 — Do staple attachments

Attachments such as graphs or computer printouts should be permanently affixed in the notebook (*e.g.*, by stapling), and both the attachment and the notebook page signed and dated. If the attachment cannot be stapled, it should be placed in an envelope and the envelope stapled to the notebook page. The envelope and page should then be signed and witnessed making reference to the attachment being placed in the envelope.

#9 — Don't remove originals

No original pages should be removed from the notebook.

#10 — Do outline new experiments

When a new project or experiment is started, the objective and rationale should be briefly outlined (*e.g.*, in a short paragraph or by providing a flowchart).

#11 — Do record lab meeting discussions

Relevant discussions from lab meetings should be recorded as should ideas or suggestions made by others. The names of the people making the ideas and suggestions should be carefully documented. This information may be important in establishing inventorship.

#12 — Do provide detail

Record test descriptions, including preferred operating conditions, control conditions, operable and preferred ranges of conditions, and alternate specific materials; test results and an explanation of the results; and photos or sketches of the results or the test device. Any conclusions should be short and supported by the factual data. Opinions or speculation about the invention should be avoided.

#13 — Do track notebooks

Ideally, each lab should maintain a catalogue of notebooks in which each notebook is assigned a number, and the name of the author of each notebook is recorded. Further, the date the author received the notebook as well as the date the notebook was completed and turned in should be recorded. Upon leaving the lab, the author should return all notebooks checked out by or to him.

#14 — Do save completed notebooks

All completed notebooks should be indexed (*e.g.*, by number, by author, by subject area) and safely kept in a central repository, together with corresponding patent applications or patents. Lab notebooks that relate to inventions on which patents have been granted should be kept for the life of the patent plus six years. ▀

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