

# UNITED STATES DEPARTMENT OF THE INTERIOR REPORT OF INVENTION

*(Prepare in triplicate)*

This report is an important legal document, and should be read carefully before filling in data. The report and memoranda or correspondence concerning it are to be considered as confidential documents. Where necessary, use additional sheets to complete entries, identify with specific item designations as indicated on this form, and attach.

FOR SOLICITOR'S OFFICE USE	

Date .....

I. INVENTOR'S IDENTIFICATION (1). (If there are more than two inventors attach information on additional sheet.)

A. Full name (including middle name or initial)	Citizenship	B. Residence address
C. Complete name of organization (including, as applicable, agency, section, branch, division, etc.)		D. Office address
E. Position or title	F. Official working place address	

INVENTOR'S IDENTIFICATION (2).

A. Full name (including middle name or initial)	Citizenship	B. Residence address
C. Complete name of organization (including, as applicable, agency, section, branch, division, etc.)		D. Office address
E. Position or title	F. Official working place address	

II. IDENTIFICATION OF THE INVENTION.

Title of the Invention (Title should be brief but descriptive of the invention.)

III. PROBABLE UTILIZATION OF THE INVENTION.

A. Give your opinion of the extent to which the invention may be used by any agency of the Department, other Government agencies, and the public.

B. Discuss briefly the Government's interest, if any, in further developing the invention.

IV. DETAILED TECHNICAL DESCRIPTION OF THE INVENTION. (This description should be concise and include the following.)

A. The principal utility and the general field of application of the invention.

B. Briefly, what prompted the making of the invention, or how was the idea therefor obtained?

C. Previously known or used methods, materials, or devices performing the task or function of the invention, and the disadvantages of such prior art. In this connection discuss the particular problems encountered with the prior art. List all pertinent literature references and patents of which the inventor has knowledge.

D. Respond to this part on separate sheets as enclosures to be attached hereto.

Give explanation of a specific embodiment of the invention:

1. Include therein the theory of the operation of the invention.
2. In a mechanical or electrical invention give a detailed description by reference to a sketch or drawing. All component parts of the apparatus must be labeled and the description keyed thereto.
3. In a process or chemical composition, include the extreme and preferred ranges of condition (e.g., temperature, pressure, ratio of components, voltage, current, etc.) and alternate or equivalent materials which may be employed.
4. Include any additional material such as photographs, reports, publications, and refer to texts or other informational material which may be helpful to an understanding of the invention.

E. Alternate embodiments of the invention including specific examples. To the extent found to be appropriate, follow the instructions given in regard to D above.

F. The advantages of the invention over the prior art noted in connection with Item C.

G. Features of the invention believed to be new.

H. If this is believed to be a joint invention, the contribution of each inventor.

Attached hereto and comprising a part of this disclosure are \_\_\_\_\_ supplemental pages.

CERTIFICATION OF INVENTOR(S)

I certify that the invention disclosed herein is the  sole  joint invention of the undersigned and that above statements and answers are true to the best knowledge and belief of the undersigned.

Date	Signature
Date	Signature
Date	Signature

CERTIFICATION OF WITNESS(ES)

I certify that the invention described herein as has been read and is understood by me.

Date	Signature	Post Office Address
Date	Signature	Post Office Address

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V. SUMMARY RECORD OF THE INVENTION.

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*Provide only the information requested. Do not submit records to which reference is made.*

The making of an invention generally involves its conception followed by a series of acts which establish the correctness or operativeness of the idea. Depending upon the nature of the invention, these acts may involve any one or all of the following: The making of sketches, drawings, written description, the making and testing of a model, the carrying out of a process, or the production of a composition of matter.

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A. CONCEPTION

Conception occurs when the essential elements of the invention in its operable and practicable form are fully disclosed in an oral description, in a written description, sketches, or drawings in such manner that the invention could be produced or practiced from them without the exercise of further inventive skill by a person who is skilled in the field to which the invention relates, and usually before the invention was physically tried out or produced in model form or a composition of matter was produced:

1. (a) Earliest date and the place where conception of the invention was made.

\_\_\_\_\_

- (b) Earliest date and place this conception was related to others.

\_\_\_\_\_

- (c) Persons to whom disclosure of conception was made.

\_\_\_\_\_

2. Date and place of making the first sketch or drawing \_\_\_\_\_

\_\_\_\_\_

Present location of the first sketch or drawing, and identifying data for them (i.e., page number in a specified workbook) \_\_\_\_\_

\_\_\_\_\_

3. Date and place of making the first written description \_\_\_\_\_

\_\_\_\_\_

Present location of such description and identifying data for them (i.e., page number in a specified notebook) \_\_\_\_\_

\_\_\_\_\_

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B. REDUCTION TO PRACTICE

Reduction to practice occurs when a full scale working model or a prototype of the invention is made and operated as planned, or if the invention is a process, the process was tried out successfully, or if the invention is a composition of matter, the composition is actually produced.

1. (a) Date and place the first model or full size device was made, or process was first practiced or composition made \_\_\_\_\_

\_\_\_\_\_

- (b) Identification of persons and/or records substantiating the facts indicated \_\_\_\_\_

\_\_\_\_\_

2. (a) Date and place of the first successful operation or test of model, device, or process or composition \_\_\_\_\_

\_\_\_\_\_

- (b) Identification of persons and/or records substantiating the facts indicated \_\_\_\_\_

\_\_\_\_\_

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- C. List other workbook entries, photographs, reports, correspondence, drawings, etc., that might have a bearing on supporting the conception and reduction to practice.

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- D. If the invention was disclosed to persons outside of the Department, identify the individuals, the companies or activities they represent, and the dates of such disclosures.

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- E. List with date the first known or contemplated (1) public use, (2) publication, or (3) oral presentation of the invention. "Public use" here means the use or practice of an invention for its intended purpose after testing or experimentation has shown that a workable form of the invention has been achieved.

VI. RIGHTS TO THE INVENTION.

Introduction.

A. Determination of rights:

Under Executive Order 10096, January 23, 1950, as amended by Executive Order 10930, March 24, 1961, and 43 CFR 6A, whenever an invention is made by an employee of the Department of the Interior, the employee may request a determination of the rights in the invention as between the Government and the inventor. There are three ways in which rights may be allocated: (1) the inventor may be entitled to all rights and the Government to none (in which event the inventor is not required to grant any rights to the Government); (2) the Government may be entitled to a license permitting it to practice the invention and the inventor entitled to all commercial rights (in which event the inventor is required to grant a license to the Government); (3) the Government may be entitled to all rights and the inventor to none (in which event the inventor is required to assign the invention to the Government).

B. Foreign filing:

Where the Government is entitled to all domestic rights in an invention it also acquired an option to secure foreign protection. The inventor will obtain the right to file in a foreign countries if the Government determines not to exercise this option to file abroad, or permits the option to lapse as regards any foreign country by not filing or otherwise seeking protection of the invention within 6 months from the time a domestic application on the invention is filed.

C. Patent application filed by Government where inventor retains title:

Separate and distinct from the determination of rights, and even though it may appear that the inventor is entitled to all rights in the invention, the inventor may agree to license the Government to practice the invention in return for which the Government will prosecute an application for a patent on the invention at no expense to the inventor, provided the Government is sufficiently interested in the invention.

DESIGNATION BY INVENTOR IN RESPECT TO RIGHTS IN THE INVENTION

After carefully studying the provisions of 43 CFR 6.4, 6.5, 6.6<sup>1</sup> the inventor should review the matter of his rights in the invention and indicate his wishes therein by selecting one of the options (1), (2), or (3), which follow.

- (1) If the inventor is willing to voluntarily assign all rights (foreign and domestic) in the invention to the Government, he should place his signature, as indicated, after the following statement: I am (We are) willing to assign to the United States Government the entire rights, title, and interest in and to the above-identified and described invention.

Date

Signature(s) of the Inventor(s)

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

- (2) If the inventor is willing to assign to the Government the domestic rights only, and desires to retain foreign rights, he should place his signature as indicated, after the following statement: I am (We are) willing to assign to the United States the entire domestic rights, title, and interest in and to the above-identified and described invention, and wish to retain the foreign rights thereto.

Date

Signature(s) of the Inventor(s)

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\_\_\_\_\_
\_\_\_\_\_

- (3) If the inventor is not willing to voluntarily assign at least domestic rights in the invention to the Government, a determination of rights will be made as provided for in the orders and regulations identified above upon consideration of the information provided by the Invention Rights Questionnaire (Form No. DI-1218) attached hereto. Please check and sign below.

[ ] A completed Invention Rights Questionnaire (Form No. DI-1218) is submitted herewith and a request for this determination is hereby made.

In the event the inventor retains title pursuant to such determination, the Government may file a patent application on the invention at its own expense for the inventor at his request if he agrees to grant the Government a royalty-free license to practice the invention for all government purposes, as explained in paragraph C above. Please check and sign below.

[ ] I (We) request the Government to file under the conditions specified above.

Date

Signature(s) of the Inventor(s)

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\_\_\_\_\_
\_\_\_\_\_

<sup>1</sup> Section 6.4 directs the Solicitor of the Department to determine, at the request of the employee-inventor, the respective rights of the Government and the employee in his invention.

Section 6.5 prescribes rules applicable in making the determination of rights in the invention. Under these rules the entire rights are obtained by the Government if the invention was made (a) during the employee's working hours, or (b) with a contribution by the Government of facilities, equipment, materials, funds, or information, or time or services of other Government employees on official duty, or (c) if the invention bears a direct relation to or is made in consequence of the official duties of the inventor. When the Government's contributions, as measured by the aforementioned criteria, are insufficient equitably to justify requiring the entire rights to go to the Government, or the Government has insufficient interest in the invention to obtain the entire rights (although it is entitled to the entire rights), the Solicitor, subject to the approval of the Commissioner of Patents in the Patent Office, is authorized to leave the title to the invention in the employee, subject to a reservation to the Government of an irrevocable, royalty-free license to the invention with power to grant sublicenses for all governmental purposes.

In applying the rules under section 6.5, there is a presumption that the invention belongs to the Government if the employee-inventor is assigned to invent or improve anything, to conduct or perform research or development work or both, to supervise, direct, coordinate, or review Government-sponsored research, development work, or both, or acts in a liaison capacity among Government or nongovernmental parties engaged in such work. When the work of the employee-inventor does not involve making inventions or improvements, research or development work, or both, as explained above, there is a presumption that the title to the invention remains with the employee-inventor, and the Government is entitled to only a suitable license in the invention. However, section 6.5 also allows either presumption to be rebutted by a showing of the facts and circumstances in the case, and a determination that these facts and circumstances justify leaving the entire rights, or reserves a license, the Solicitor, subject to the approval of the Commissioner of Patents, is authorized to leave the entire rights to the invention in the employee-inventor, subject to law. In any case where the Government neither obtains the entire domestic rights to the invention in the employee-inventor, subject to law.

Section 6.6 provides for a procedure whereby any employee aggrieved by a determination of the Solicitor, may obtain a review of the determination by filing within 30 days after receiving notice of such determination, two copies of an appeal with the Commissioner of Patents. On a timely request by the employee appealing the Solicitor's determination, an oral hearing in the maker will be granted by the Commissioner of Patents. After the expiration of a time set for a reconsideration of the decision of the Commissioner of Patents, the decision becomes final.