

Invention Disclosure Procedures Guide

Evidence of Conception

Conception of an idea relates to the time of formulation and must be provable by legally sufficient evidence. Legally sufficient evidence in this instance refers to a written document properly attested to as to the matters contained within such document.

Consequently, as soon as possible after a new and useful idea is conceived, the Inventor should prepare an “Invention Disclosure” in a form sufficient to constitute “evidence of conception.” The Invention Disclosure should include a written description and sketches that are signed by the Inventor, dated as to the time of conception as well as to the time of preparing the Invention Disclosure, and also signed by at least two witnesses who fully understand the subject matter of the Invention Disclosure.

Determination of Inventorship

In the event that one or more Inventors disagree as to inventorship and attribution of an invention or work of authorship, the Inventors to be named in any patent application and Authors to be named in any copyright application shall be determined by outside intellectual property counsel after hearing the positions of each Inventor or Author and reviewing any written evidence presented.

How To Prepare an Invention Disclosure

It is important not only to prepare an Invention Disclosure or evidence of conception but also to prepare it at the earliest possible date. The Inventor should not wait for the final or ideal form of the idea to be developed but should draw up a paper as soon as they have the first outline of their invention. Other papers should be drawn up from time to time as the Inventor works out the details. To secure the fullest protection possible for new apparatus or process ideas, all calculations and test records incident to such developments should be dated and signed and kept in an orderly manner.

The required form for Invention Disclosure is linked on the Cooper Innovation Center (CIC) “For Inventors” webpage. The following instructions for preparing an Invention Disclosure in this form are to be adhered to closely:

- a. The Invention Disclosure should be written as soon as possible after the Inventor believes that they have made an invention.
- b. The Invention Disclosure should be as complete as it is feasible to make it at the time it is written.
- c. The Disclosure prepared for the CIC is more than a mere engineering memorandum advising the Patent Attorney of the conception of an idea. It is of legal value as a record of the invention and may become a part of the legal proceedings attending the successful or unsuccessful patenting of the invention. The Invention Disclosure should, therefore, be prepared with thought and care and with a view to its potential legal uses. Any additional information that the patent attorney should have, such as doubtful or speculative circumstances regarding test difficulties, questions as to inventorship or the presence of an invention, interpretations of previous patents, and the like, should be transmitted in a separate letter.

- d. The first sketches or drawings and the first written descriptions of each part of the invention, no matter how crude, are important legal records, particularly when they are signed, dated, and witnessed at the time they are made. The best available first proofs should be signed, dated, and witnessed and either preserved by the Inventor or transmitted to the CIC for safekeeping with the Invention Disclosure.
- e. If, before the Invention Disclosure is prepared, the subject matter of the invention has been published, embodied in apparatus to be sold, or used in a commercial process design, the date of first shipment or process operation must be mentioned in the Invention Disclosure so that the Patent Attorney will be on notice to prepare and file the patent application within the required one-year statutory period, as provided by the patent laws.
- f. If an Invention Disclosure has been submitted to the CIC and thereafter the subject matter of the invention is to be published, embodied in apparatus to be manufactured for sale, or used in a commercial process design, the date of such intended embodiment or use must be promptly forwarded to the CIC.

Transmittal

The complete Invention Disclosure will be transmitted directly to the CIC technology database via the link found on the CIC “For Inventors” webpage.

Acknowledgment

The receipt of an Invention Disclosure will be promptly acknowledged by an email from the CIC Research Administration Office.

A case number will be assigned to each Invention Disclosure, and all subsequent correspondence must show the assigned case number.

Do not hesitate to contact the CIC Research Administration Office with questions.

Cooperation

Each Inventor or Author employed by Cooper University Health Care (CUHC) shall cooperate and assist CUHC and its counsel in obtaining patent or copyright protection for their respective inventions or works, and this duty to cooperate shall survive in the event the Inventor or Author is no longer employed by CUHC.

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Please Note:

No inventions may be disclosed or otherwise commercialized at any event or in any publication before initiation of the patent application process without proper authorization.