



## Laboratory Notebook Guidelines

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It should be possible to keep lab records in reasonably complete and clear form without becoming too time-consuming and burdensome. The following is intended as a general guide on how to keep a laboratory notebook. From a legal standpoint, a laboratory notebook entry should be sufficiently competent to prove certain facts, such as the conception of an idea, the testing of a model, and the results of the test.

### **The Notebook itself**

- It is important to use a notebook that has a permanent binding. Loose-leaf, spiral-bound or other temporarily bound books allow for page removal, insertions and substitutions, and are therefore not suitable.
- The pages of the notebook should also be numbered. Such a system helps to reduce the possibility of any successful challenge to the validity of the notebook entry.
- Notebooks should never be mutilated, for example by tearing or cutting out pages.
- The permanence of the records is a prime consideration and it is therefore important that good quality paper should be used.

### **Ink quality**

- Use black permanent ink that is not water or solvent reactive, and does not smear. The ink should be light stable.

### **The Entries in the Notebook**

- As a general guideline, there should be enough information in the notebook to enable someone working in the field to duplicate the work.
- All data should be identified with respect to the project to which it relates, for example, by a project or experiment number or by a descriptive heading.
- Do not use slang, abbreviations and unduly technical jargon. The notebook must be understandable to others, not only patent attorneys, but judges and sometimes to jurors and potential licensees.
- Entries should be consecutively dated.
- Any subsequent data added to the notebook, for example results of analysis, should be entered on a separate page with reference to the original entry.
- Don't leave blank areas on a page. Draw lines through unused pages or parts of pages.
- The entries in the notebook should be legible and factually complete.
- It is important to describe experimental procedures in as full detail as possible. This should include all conditions of experiment and all apparatus, sketched if necessary. Full details of the apparatus used should also be given.
- If an invention is made, the dates of "conception" and "reduction to practice" are very important in the USA. The record must show that there has been no "abandonment" between these dates. Diligence in the reduction to practice of an invention means that, as far as possible, generally steady, uninterrupted and constant work occurred following the conception of an invention.
- Avoid making negative notes such as "No good", "Doesn't work " which might be later construed as indicating you were abandoning the idea.

## **Facts not opinions**

- Do not express opinions in notebooks. This could lead to misinterpretation.
- The notebook should be limited to factual, quantitative and qualitative results. Statements like “the idea is obvious”, “I think it is unpatentable”, “perhaps would infringe patent X” should be avoided.

## **Inserts and supporting information**

- If a record needs to be kept of computer-generated output - or other inserts such as graphs, drawings, photographs or other loose pages - each insert should be dated and attached in a permanent way (e.g. glued, stapled) onto successive numbered pages of the permanently bound notebook. The witness should write and sign across the join.
- If support records cannot be added to the notebook itself (e.g. large engineering drawings, computer source code, related reports, theses, etc), then reference to them should be made in the notebook in a consistent way and they should be stored in an orderly, readily retrievable manner.

## **Errors, Changes and Additions**

- Errors should not be erased or obliterated beyond recognition. Neither should liquid paper be used. Simply cross out an error so that it is apparent what the error was.
- Explain all errors and mistakes as they occur and initial them.
- Never remove pages from the notebook.
- Entries should never be changed or enlarged at a later date. It is better to make a new entry, pointing out the change.
- Pencil diagrams or sketches should never be retraced in ink.

## **Signing off**

- The US Patent Office has ruled that another witness who is independent must corroborate an inventor’s testimony. For example, if the worker is a PhD student then the witness should not be his or her supervisor, since the supervisor is likely to become a co-inventor, and therefore not independent. A witness should sign the notebook on a regular basis.

## **Safe keeping**

- The notebook should be regarded as a confidential legal document and as such its use should be controlled. When completed, it should be stored in a safe place. It should not be treated as a freely available publication.

## **Keep working**

- If you stop working on a project for an extended period of time, it is important to continue to make notebook entries on a routine basis. Cessation of effort for an extended period of time can be construed as abandonment of patent rights.