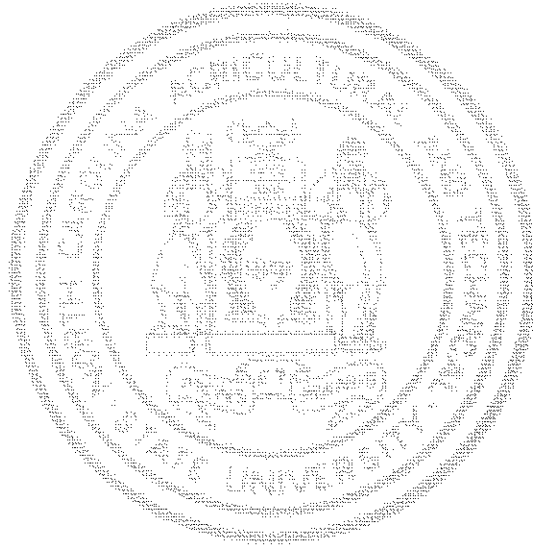


# North Carolina Agricultural & Technical State University

## Invention Disclosure Form



Please submit completed form to:

The Office of Outreach and Technology Transfer  
4<sup>th</sup> Floor, Fort IRC Building  
1601 East Market Street  
Greensboro, NC 27411

(336) 334-7995 Office  
(336) 256-2240 Fax

## **Please Read and Keep Pages 2 and 3**

### **Introduction**

Why pursue patent protection for such discoveries? The patent system increases the chances that discoveries that are worthwhile will be actively pursued and developed for the public benefit and not just recorded in the scientific literature. The discovery or invention of a new technology is only a small part of the work that must be done and money that must be spent to produce something useful. Patent protection provides the incentive needed for a commercial partner to expend the effort and funds to develop the new technology into a product. While not all inventions result in income to the inventor and the University, it is the University's responsibility to be capable of using the patent system to bring into public use any commercially applicable discovery made in its laboratories.

The Division of Research coordinates technology transfer at the University to service the public and protect the interest of the institution and its employees and also provides a range of services in support of University inventors. The Office of Technology Transfer assists University employees with identifying and disclosing inventions and facilitates the transfer of intellectual innovations to the marketplace by identifying, with the help of the inventor, potential licensees and negotiating licensing terms for the commercialization of the invention.

### **What is Intellectual Property?**

Intellectual Property (IP) refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce.

IP is usually protected by a legal instrument (patents, copyrights, and trademarks) that can be used to exclude free riders.

**"Protection of IP is important for effective commercialization but it is not mandatory"**

### **What is a disclosure?**

An invention disclosure is a written record of a complete description of the invention and how it is made and used containing sufficient detail to permit a skilled reader to duplicate the invention and to describe the basic nature of the invention to an inexperienced reader. The essential elements of a disclosure are a complete description of the invention, the inventor's dated signature, and dated signature of witnesses who fully understand the invention.

A disclosure serves three different purposes at the University:

- (1) Serves as a vehicle for communication within the University to describe the invention to the Office of Technology Transfer (to initiate the evaluation process) and the Intellectual Property Committee (for recommendations on ownership, patenting and licensing actions).
- (2) Provides preliminary information to patent attorneys for a patent search and forms the basis of the patent application.
- (3) Serves as a witnessed invention record to help establish date of conception and/or reduction to practice in the event of a patent interference action. Witnesses serve to corroborate the inventor in case of a patent interference action; the use of more than one person as a witness will be available if needed at a later date.

## **When to disclose?**

Disclose first, publish later. While publications are important in disseminating information about discoveries, the time of publications may prohibit patenting. In the U.S. an inventor has a grace period of one year to file an application after disclosure through publication. If, however, a development is published before the filing of an U.S. patent application, patent rights in most foreign countries are lost.

A patent is a special type of publication which describes the invention to the public in exchange for protection against unauthorized use. If the invention already has been published (that is, in the public domain), the inventor, in effect, had nothing to exchange for the patent protection.

Publication in the legal sense is difficult to avoid. Articles in newspapers, newsletters, bulletins, textbooks, journals, theses and reports all qualify as publications. Oral presentations may constitute publication, as would distribution of a paper at a public meeting. The key test is that the publication must be enabling - it must describe the invention in sufficient detail that it could be duplicated or put into use.

**Disclose your idea to the Division of Research-Office of Outreach and Technology Transfer as soon as the invention is clearly conceptualized.**

The best advice is to consider any presentation outside your institution, whether oral or written, as a public disclosure and contact the Division of Research for specific advice on the timing and ramifications of publication.

## **What is a patent?**

A patent is a property right granted by a sovereign nation which gives the holder the exclusive right to exclude others from the manufacture, use, and sale of an invention for a period of years.

A patent can be thought of as a contract between the inventor and the government. In exchange for the inventor's disclosure of a new invention to the public, the government grants the inventor the right to exclude others from making, using or selling the defined invention. As property, a patent may be sold or assigned, pledged, mortgaged, leased (licensed), willed, or donated. Commercialization may be accomplished by the owner exercising the rights referred to above, or by permitting others to exercise rights under the terms of one or more licenses.

To be patentable, an invention must be judged to satisfy three criteria:

**Novelty** - To be patentable an invention must be "new". Even though an invention is new to the inventor, it is not patentable if another inventor made the same discovery earlier. If it has been used or sold, or known by others, patented, or disclosed in a printed publication, or in public use, a new patent is barred.

**Utility** - The invention must be of some degree of use for some purpose that is not immoral.

**Non-obviousness** - Mere simplicity does not bar a patent. However, the invention must not be obvious to a person who has ordinary skill in the art at the time the invention was made and is aware of previous work in the field.

# NORTH CAROLINA A&T STATE UNIVERSITY INVENTION DISCLOSURE FORM

*(This form must be signed by the Department Head and Dean prior to submission to the Division of Research.)*

Title of Invention: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Inventor's Name: \_\_\_\_\_

Printed and Title in Full \_\_\_\_\_ Citizenship \_\_\_\_\_

University Address (include department) \_\_\_\_\_

University Phone \_\_\_\_\_ Home Phone \_\_\_\_\_

Home Address (include county of residence) \_\_\_\_\_

Inventor's Name: \_\_\_\_\_

Printed and Title in Full \_\_\_\_\_ Citizenship \_\_\_\_\_

University Address (include department) \_\_\_\_\_

University Phone \_\_\_\_\_ Home Phone \_\_\_\_\_

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Inventor's Name: \_\_\_\_\_

Printed and Title in Full \_\_\_\_\_ Citizenship \_\_\_\_\_

University Address (include department) \_\_\_\_\_

University Phone \_\_\_\_\_ Home Phone \_\_\_\_\_

Home Address (include county of residence) \_\_\_\_\_

1. Title of Invention: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Select a category for your Invention:  
 Nano-Technology     Health Care/Medical Devices     Biotechnology and Agro-medicine  
 Computational and Efficiency Enhancers     Manufacturing/Process Enhancers
3. Select all boxes that apply to your invention:  
 New Process     New Product     New Composition of Matter     New Device  
 Improvement to an Existing Process/Product     New use for an Existing Process or Product
4. Date Invention Conceived (Conception Date): \_\_\_\_\_  
a. Is this date document      Yes (explain) \_\_\_\_\_ No \_\_\_\_\_
5. Has the Invention been reduced to practice? Yes \_\_\_\_\_ No \_\_\_\_\_
6. Supporting Data Notebook or Laboratory records \_\_\_\_\_  
Give reference numbers and physical location, but do not enclose.
7. Was the work that led to the invention sponsored? If yes, fill in the appropriate blanks below.  
a. Government Agency \_\_\_\_\_ (Grant or Contract Number)  
b. Industrial Company \_\_\_\_\_ (Grant or Contract Number)  
c. Other sponsor(s) \_\_\_\_\_
8. Describe the particular problem the invention seeks to solve. Is the invention a new process, composition of matter, a development of more products? A new use for or improvements of an existing process? Please elaborate. (Attach additional sheets as necessary.)
9. Describe previous attempts to solve the problem and the limitations or deficiencies your invention overcomes ("state-of-the-art previous to your invention").
10. Give a complete description of the invention. If necessary, use drawings, diagrams, or figures. Description may be by reference to a separate document (copy of a report, preprint, grant application or the like). If so, identify the document positively and attach to this disclosure.
11. Describe in detail the novel features of your invention. What are the specific improvements over present technology?
12. What has been done to demonstrate that this concept actually works? Have you completed preliminary research studies, laboratory models or prototype testing?
13. Are there other contemplated forms of the invention or alternate aspects and uses?
14. What research plans do you have for further development of your invention? Are they in progress? Scheduled? Dependent upon commercial or federal sponsorship?
15. List as many of the commercial applications of the invention as you can. What do you envision as the product or salable item which would result from the invention? Who would the customers be and through what channels would the invention be marketed?

16. Identify any known competitive products and the manufacturers as you know. What firms do you think may be, or are, interested in the invention? Why? List companies and specific persons, if possible.
  17. Have you published, submitted, prepared or publicly presented data, theses, reports, abstracts or journal articles pertaining to the invention? Please list with actual or projected publication dates and attach copies, if possible. Has the invention been otherwise publicly disclosed? If disclosed to specific individual(s), please give name(s).
  18. Has the Invention been disclosed to industry representatives? Has any progress been made toward the commercialization of this invention?
    - a. Do you know of other companies that might be particularly interested in the invention?
    - b. List any manufacturers making comparable equipment or products.
    - c. How much do you estimate that your Invention will cost to make?
  19. You should do a literature search to determine the novelty of the invention and identify relevant publications. Please list these publications and any related patents known to you.
  20. Please list any key words that may assist the office in conducting research and gaining a better understanding of your technology.
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**CERTIFICATION**

**Signature of Inventor(s)**

_____ Print	_____ Sign	_____ SS#	_____ Date
_____ Print	_____ Sign	_____ SS#	_____ Date
_____ Print	_____ Sign	_____ SS#	_____ Date

**Disclosed and Understood by me:**

_____ Witness Signature	_____ Date
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**Department Authorization:**

_____ Department Head/Center Director	_____ Date
_____ Dean	_____ Date

**Office of Technology Transfer Signature and Date Recorded:**

_____ Print	_____ Sign	_____ Date
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