

U.S. DEPARTMENT OF ENERGY  
**INVENTION RIGHTS QUESTIONNAIRE**  
(THIS FORM IS SUBJECT TO THE PRIVACY ACT OF 1974)

**AUTHORITY:** 28 U.S.C. 1498(a). Executive Orders 10096 and 10930.

**PURPOSE:** To conduct "Determination of Rights" proceedings before the U.S. Patent and Trademark Office (USPTO).

**ROUTINE USES:** Home address and related information are needed to communicate with inventor regarding inventor's rights. Information will be furnished to USPTO as necessary.

**DISCLOSURE IS VOLUNTARY:** However, failure to provide the requested information may delay or possibly prevent a final determination of rights.

**INSTRUCTIONS (SUBMIT ORIGINAL AND TWO COPIES OF THIS FORM)**

1. Under Executive Order 10096, 23 January 1950, as amended by Executive Order 10930, whenever an invention is made by an employee of the Department of Energy, it is necessary to determine the rights in the invention as between the Government and the inventor. There are three ways in which rights may be determined; (1) the inventor may be entitled to all rights and the Government to none (and hence the inventor need sign no document giving any rights to the Government; (2) the Government may be entitled to a license permitting it to use and practice the invention and the inventor entitled to all other rights (and hence the inventor signs a license to the Government); (3) the Government may be entitled to all rights and the inventor to none (and hence the inventor signs an assignment to the Government).

2. 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 sign a license permitting the Government to use and 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.

3. If the inventor desires voluntarily to assign all rights in the invention to the Government, check 1(h) below as applicable, complete

the answers to question 1 of this questionnaire and sign in the place provided at the end of question 1. The remaining questions then need not be answered.

4. If the inventor does not desire to voluntarily assign all rights in the invention to the Government, it is necessary that all questions be answered completely. The determination of rights in the invention depends upon the facts and circumstances under which the invention was made. *In almost every case, a failure to provide sufficient information works to the disadvantage of the inventor.* Every question must be answered. If more space is needed to fully answer any question(s), use blank sheets, identify the question(s) and attach. Print or type all answers.

5. Co-inventors should use separate forms and attach. Similar information may be referenced.

6. The rights which the Government or employee may have in an invention are determined by the criteria set forth in Executive Order 10096. Accordingly it is essential that the inventor carefully read paragraphs 1(a) - 1(d) thereof.

**SECTION A (To be completed by the inventor)**

<b>1. BASIC DATA</b>	
A. BRIEF TITLE OF INVENTION	B. NAME OF INVENTOR
C. JOB TITLE AT TIME INVENTION WAS MADE	D. GRADE AT TIME INVENTION WAS MADE
E. COMPLETE NAME OF ORGANIZATION AT TIME INVENTION WAS MADE <i>(Including, as applicable, unit, section, branch, division, department, laboratory, center, area)</i>	
F. PRESENT OFFICE ADDRESS and TELEPHONE NO.	
G. BRIEF SUMMARY OF INVENTION	
<p>H. KEEPING IN MIND THE STATEMENTS OF PARAGRAPHS 1 AND 2 OF THE ABOVE INSTRUCTIONS, CHECK THE APPROPRIATE BOX(ES) BELOW.</p> <p><input type="checkbox"/> I DO NOT DESIRE A RIGHTS DETERMINATION, AND WILL ASSIGN TO THE UNITED STATES GOVERNMENT THE ENTIRE RIGHT, TITLE, AND INTEREST IN AND TO THE ABOVE IDENTIFIED INVENTION. I UNDERSTAND THAT SUCH ASSIGNMENT LEAVES ME WITH NO RIGHTS IN THE INVENTION.</p> <p><input type="checkbox"/> I REQUEST A DETERMINATION OF RIGHTS BE MADE BY THE DEPARTMENT OF ENERGY WITH RESPECT TO THE ABOVE IDENTIFIED INVENTION.</p> <p style="padding-left: 40px;">IF IT IS DETERMINED THAT I AM ENTITLED TO THE ENTIRE RIGHT, TITLE, AND INTEREST IN AND TO THE ABOVE IDENTIFIED INVENTION, I:</p> <p><input type="checkbox"/> WILL GIVE THE UNITED STATES GOVERNMENT A NONEXCLUSIVE, IRREVOCABLE, ROYALTY-FREE, WORLD-WIDE LICENSE TO USE THE ABOVE IDENTIFIED INVENTION, BUT I WISH TO RETAIN OWNERSHIP OF ALL NONGOVERNMENTAL RIGHTS IN THE INVENTION.</p> <p><input type="checkbox"/> DESIRE THE INVENTION TO BE PROCESSED FOR PATENTING BY THE DEPARTMENT OF ENERGY, IN EXCHANGE FOR A LICENSE PERMITTING THE GOVERNMENT TO USE AND PRACTICE THE INVENTION.</p> <p><input type="checkbox"/> DO NOT DESIRE TO GIVE THE UNITED STATES GOVERNMENT ANY RIGHTS IN AND TO THE INVENTION.</p>	
DATE	SIGNATURE OF INVENTOR

**MAKING THE INVENTION**

**NOTE: The making of an invention generally involves its conception or discovery 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 descriptions, the making and testing of a model, the carrying out of a process, or the production of a composition of matter.**

<b>2.</b>	HAVE THE ESSENTIAL ELEMENTS OF THE INVENTION IN ITS OPERABLE AND PRACTICABLE FORM BEEN FULLY DISCLOSED IN WRITTEN DESCRIPTION, SKETCHES OR DRAWINGS IN SUCH A MANNER THAT THE INVENTION COULD BE PRODUCED OR PRACTICED FROM THEM WITHOUT THE EXERCISE OF ANY FURTHER INVENTIVE SKILL BY A PERSON WHO IS SKILLED IN THE FIELD TO WHICH THE INVENTION RELATES?  <div style="text-align: right;"> <input type="checkbox"/> YES      <input type="checkbox"/> NO      If the answer is "YES," give the date such descriptions, sketches or drawings were completed.                 </div>		
<b>3.</b>	HAS A FULL SCALE WORKING MODEL OR A PROTOTYPE OF THE INVENTION BEEN MADE, OR, IF THE INVENTION IS A PROCESS, HAS THE PROCESS BEEN TRIED OUT; OR, IF THE INVENTION IS A COMPOSITION OF MATTER, HAS A COMPOSITION BEEN PRODUCED?  <input type="checkbox"/> YES (State date _____ ) <input type="checkbox"/> NO		
<b>4.</b>	IF A MODEL OR PROTOTYPE HAS BEEN MADE AND TESTED, A COMPOSITION PRODUCED OR A PROCESS CARRIED OUT, WAS IT DONE BECAUSE: (Check)	YES	NO
	a. IT IS DESIRED TO TEST THE OPERABILITY OR PRACTICABILITY OF THE INVENTION?		
	b. IT WAS DESIRED TO TEST THE USEFULNESS OF THE INVENTION TO THE GOVERNMENT?		
	c. OTHER REASON (Explain)		
<b>5.</b>	APPROXIMATELY HOW MUCH TOTAL TIME WAS SPENT BY YOU PERSONALLY IN MAKING THE INVENTION? (Do not count the time spent completing this form or DOE Form GC-213).	OWN TIME (Outside working hours) IN HOURS	GOVERNMENT TIME (Working hours including paid overtime) IN HOURS
<b>6.</b>	EXPLAIN BRIEFLY THE USE, IF ANY, OF THE FOLLOWING ITEMS IN CONNECTION WITH THE MAKING OF THE INVENTION. (Note: indicate whether such use occurred PRIOR or SUBSEQUENT to either your disclosing the invention within the definition of question 2 above, or trying out or producing the invention within the definition of question 3 above).		
	A. THE USE OF GOVERNMENT FACILITIES (Buildings, such as laboratories, shops, or office building, but not buildings such as barracks or recreation buildings).		
	B. THE USE OF GOVERNMENT EQUIPMENT (Such as instruments, tools or machinery).		
	C. THE USE OF GOVERNMENT MATERIALS (Supplies, reagents, parts, or any other materials; if scrap, waste, or salvage materials were used, so state; give estimated monetary value of materials consumed).		
	D. USE OF GOVERNMENT FUNDS (Other than salaries and wages, and Government contributions covered under other parts of this question) WHICH WERE ACTUALLY OBLIGATED OR EXPECTED FOR THE PURPOSE OF MAKING INVENTION.		
	E. CONTRIBUTION BY THE GOVERNMENT OF INFORMATION (Which was available to you by reason of your official duties and not otherwise).		
	F. CONTRIBUTION OF TIME OR SERVICES OF OTHER GOVERNMENT EMPLOYEES DURING NORMAL OR OVERTIME WORKING HOURS (State approximate number of hours and type of assistance).		
<b>RELATIONSHIP BETWEEN THE INVENTION AND THE INVENTOR'S DUTIES</b>			
<b>7.</b>	BRIEFLY, WHAT PROMPTED YOU TO MAKE THE INVENTION, OR HOW DID YOU GET THE IDEA FOR THE INVENTION?		
<b>8.</b>	BRIEFLY AND IN BROAD TERMS, WHAT IS THE INVENTION SUPPOSED TO ACCOMPLISH?		
<b>9.</b>	WERE YOU EMPLOYED OR ASSIGNED (Check applicable box(es)):	YES	NO
	a. TO INVENT OR IMPROVE OR PERFECT ANY ART, PROCESS, MACHINE, MANUFACTURE, DESIGN, OR COMPOSITION OF MATTER?		
	b. TO CONDUCT OR PERFORM RESEARCH OR DEVELOPMENT WORK?		
	c. TO SUPERVISE, DIRECT, COORDINATE, OR REVIEW GOVERNMENT FINANCED OR CONDUCTED RESEARCH OR DEVELOPMENT WORK?		
	d. TO ACT IN A LIAISON CAPACITY AMONG GOVERNMENT OR NON-GOVERNMENT AGENCIES OR INDIVIDUALS ENGAGED IN SUCH RESEARCH OR DEVELOPMENT WORK?		
<b>10.</b>	DESCRIBE THE DUTIES, PROJECT, OR AREA OF WORK TO WHICH YOU WERE ASSIGNED AT THE TIME THE INVENTION WAS MADE. (State in sufficient detail to make them understandable).		

<b>11.</b>	DO YOU FEEL THAT THE INVENTION IS DIRECTLY RELATED TO YOUR WORK? <input type="checkbox"/> YES <input type="checkbox"/> NO <i>(Briefly state your reasons)</i>
<b>12.</b>	DOES THE INVENTION SOLVE A PROBLEM WHICH IN THE CIRCUMSTANCES OF YOUR DUTIES, YOU COULD REASONABLY HAVE BEEN EXPECTED TO SOLVE? <input type="checkbox"/> YES <input type="checkbox"/> NO <i>(Briefly state your reasons)</i>
<b>13.</b>	STATE ANY FACTS NOT COVERED IN ABOVE ANSWERS WHICH WILL HAVE A BEARING ON EITHER THE GOVERNMENT'S OR YOUR RIGHTS IN THE INVENTION.

**14.** ATTACH A COPY OF YOUR POSITION OR JOB DESCRIPTION WHICH WAS IN EFFECT AT THE TIME THE INVENTION WAS CONCEIVED AND MADE. *SEE NOTE OF MAKING THE INVENTION OF SECTION A ABOVE.*

<b>CERTIFICATION OF INVENTOR</b>	
I certify that the foregoing information, statements and answers are true to the best of my knowledge and belief.	
DATE	SIGNATURE OF INVENTOR

**SECTION B (To be completed by the supervisor)**

<b>15.</b>	WAS THE INVENTION THE SET GOAL OF A SPECIFIC TASK ASSIGNED TO THE INVENTOR? <i>(If YES, questions 16 and 17 need not be answered)</i> <input type="checkbox"/> YES <input type="checkbox"/> NO			
<b>16.</b>	A. AT THE TIME THE INVENTION WAS MADE, WHAT CONTACT DID YOU HAVE WITH THE INVENTOR AND TO WHAT EXTENT DID YOU HAVE ACTUAL PERSONAL KNOWLEDGE OF THE INVENTOR'S DUTIES AND THE SUBSTANCE OF HIS INVENTION?			
	B. AT THE TIME THE INVENTION WAS MADE:	(1) WOULD THE INVENTOR HAVE HAD TO OBTAIN THE APPROVAL OF HIS SUPERIOR TO CONTINUE DEVELOPMENT WORK ON IT AS A GOVERNMENT PROJECT OR DUTY ASSIGNMENT?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
		(2) COULD THE INVENTOR PROCEED UNDER HIS OWN AUTHORITY?	<input type="checkbox"/>	<input type="checkbox"/>
<b>17.</b>	AT THE TIME THE INVENTION WAS MADE, WHAT WERE THE OFFICIAL DUTIES OF THE INVENTOR? <i>(State in sufficient detail to make the duties understandable. If in doubt, submit a copy of inventor's job description or so much of it as sets forth the pertinent duties. If adequately described in question 10, state so.)</i>			
<b>18.</b>	A. AT THE TIME THE INVENTION WAS MADE, WHAT WERE THE SPECIFIC JOB OR PROJECT ASSIGNMENTS OF THE INVENTOR WHICH RELATED TO THE INVENTION AND WHAT WERE THEY INTENDED TO ACCOMPLISH?			
	B. AT THE TIME THE INVENTION WAS MADE COULD THE INVENTION REASONABLY HAVE BEEN EXPECTED TO ARISE FROM THE DUTIES OF THE INVENTOR? <input type="checkbox"/> YES <input type="checkbox"/> NO			

19.	TO THE BEST OF YOUR ABILITY, HOW WOULD YOU DESCRIBE THE RELATIONSHIP BETWEEN THE INVENTION AND THE INVENTOR'S SPECIFIC JOB OR PROJECT ASSIGNMENT MOST CLOSELY RELATED TO THE INVENTION AT THE TIME IT WAS MADE? <i>(Check one only)</i>		YES	NO
		(1) DIRECTLY RELATED		
		(2) RELATED, BUT NOT DIRECTLY		
		(3) UNRELATED		

20. DO YOU AGREE WITH THE REPLIES WHICH THE INVENTOR MADE TO EACH OF THE ITEMS 1 THROUGH 14. *(If the answer is "NO" comment on those statements or answers deemed improper on a separate sheet. Sign and attach).*

**CERTIFICATION OF SUPERVISOR**

I certify that the foregoing information, statements and answers are true to the best of my knowledge and belief.

DATE	SIGNATURE OF SUPERVISOR
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PRESENT DUTY TELEPHONE AND ADDRESS

TYPED OR PRINTED NAME	SIGNATURE
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**SECTION C (To be used only for the comments and recommendations of the DOE Liaison Officer)**

SIGNATURE OF LIAISON OFFICER

**SECTION D (To be completed by the Liaison Officer)**

The following checked item(s) is the official determination of this department with respect to the rights of the invention.

1	(a) ASSIGNMENT TO GOVERNMENT IN ACCORDANCE WITH PARA 1 (a) OF EXECUTIVE ORDER 10096, AS AMENDED BY EXECUTIVE ORDER 10930.
1	(b) INSUFFICIENT CONTRIBUTION - LICENSE TO GOVERNMENT IN ACCORDANCE WITH PARA 1(b) OF EXECUTIVE ORDER 10096, AS AMENDED BY EXECUTIVE ORDER 10930.
1	(c) INSUFFICIENT INTEREST - LICENSE TO GOVERNMENT IN ACCORDANCE WITH EXECUTIVE ORDER 10096, AS AMENDED BY EXECUTIVE ORDER 10930.
1	(d) THE INVENTOR IS ENTITLED TO THE ENTIRE RIGHT, TITLE AND INTEREST IN AND TO THE INVENTION.

COMMENTS AND RECOMMENDATIONS

SIGNATURE OF AGC/PATENTS

INVENTION IDENTIFICATION	RIGHTS ALREADY OBTAINED BY GOVERNMENT
GPB CASE NO. 45 -	EXECUTIVE ASSIGNMENT UNDER 1 (a) OF EXECUTIVE ORDER 10096.
DOE S -	EXECUTIVE LICENSE UNDER 1 (b) OF EXECUTIVE ORDER 10096.
U.S. PATENT APPLICATION SERIAL NO.	EXECUTIVE LICENSE IN RETURN FOR THE GOVERNMENT'S APPLYING FOR PATENT AT NO EXPENSE TO THE INVENTOR.
U.S. PATENT NO.	EXECUTIVE AGREEMENT TO EXECUTE AN ASSIGNMENT IF REQUIRED BY FINAL DETERMINATION.
	NONE