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**144.1 PURPOSE AND SCOPE** This chapter prescribes procedures for reporting inventions by BPA employees.

### 144.2 DEFINITIONS

**A. Invention** means any new and useful process, design, machine, manufacture, or composition of matter, or any new or useful improvement thereof, which is or may be patentable under United States laws.

**B. Employee** includes full-time, part-time, and intermittent employees.

**144.3 POLICY** Employee inventions must be reported promptly to the BPA Technology Transfer Manager. The report, which is held confidential, is submitted before any information about the invention is made public.

### 144.4 RESPONSIBILITIES

**A. The Technology Transfer Manager** is responsible for

1. transmitting required reports on inventions to General Counsel;
2. assisting and advising employees as to their rights and obligations with respect to inventions and patents' ; and
3. maintaining and keeping custody of BPA records and files concerning inventions.

**B. Employee-inventors and their supervisors** are jointly responsible for promptly reporting inventions to the BPA Technology Transfer Manager for submission to the BPA Office of General Counsel. Inventions should be reported if there is any reasonable chance the idea is patentable.

**C.** The BPA General Counsel shall act as intermediary between the Technology Transfer Manager and the DOE General Counsel for matters involving employee inventions and proposed patents.

### 144.5 PROCEDURE FOR FILING REPORTS ON EMPLOYEE INVENTIONS

**A. The employee-inventor completes Form DOE F 2000.4**, listing any person significantly involved in the invention. Additional information regarding potential commercial value of the invention or foreign countries that may be interested in the invention may be requested.

**B. The forms are forwarded to the BPA Technology Transfer Manager**, who reviews them for the Administrator and adds any information he/she may have concerning the potential governmental or commercial value of the invention, and his/her recommendation as to the assignment of rights.

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**C. The BPA Technology Transfer Manager forwards the forms along with recommendations and any other relevant information** to the BPA Office of General Counsel. General Counsel reviews the submission, and then forwards it to the Department of Energy (DOE) for further processing.

### 144.6 DETERMINATION OF RIGHTS AND OBTAINING PATENT PROTECTION

**A. Determination by the DOE Office of General Counsel.** The DOE Office of General Counsel determines ownership of domestic and foreign rights in the invention, according to Federal patent regulations.

**B. Obtaining a Domestic Patent.** If the DOE Office of General Counsel determines that the employee is not required to assign his/her domestic rights to the government, and the invention is being used (or is likely to be used) by the government, the DOE Office of General Counsel may prosecute a patent application for the employee in exchange for a royalty-free, nonexclusive, irrevocable license to the government.

**C. Foreign Patents.** If the DOE Office of General Counsel does not file for patent rights in a foreign country within 6 months after filing for a US patent, the employee may file for a patent in that country, subject to the same license rights to the government as for a domestic patent. The employee should:

1. notify the DOE Office of General Counsel if he/she files any foreign patent applications; and
2. find out what the foreign patent requirements are before he/she releases information about the invention through publication or other medium. Publication of an invention before a domestic patent application is filed blocks patenting in foreign countries.

**144.7 APPEALS** The employee inventor is notified of the DOE Office of General Counsel's determination of rights to the invention. If the employee is not satisfied with the determination, he/she may obtain a review by filing an appeal to the Commissioner of Patents within 30 days of receiving the notice. The Commissioner's decision on the appeal is final.

### 144.11 REFERENCES

**A. 28 U.S.C. 1498(a)**

**B. Executive Orders 10096 and 10930**

**C. President's Patent Policy Statement of August 23, 1971 (36 F.R. 16887)**

 <p><b>BONNEVILLE</b> POWER ADMINISTRATION</p>	<p align="center"><b>BPA MANUAL</b></p> <p align="center"><b>Chapter 144: Inventions and Patents by BPA Employees</b></p> <p align="center">Part: Management and General Administrative</p>	<p><b>Page:</b> 144-3</p> <p><b>Date:</b> 05/20/11</p>
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**D. Code of Federal Regulations, Title 37, Part 501 Uniform Patent Policy for Rights in Inventions Made by Government Employees**

**E. *BPA Manual* 400/451A, Incentive Awards**