

SIGNATURE DOCUMENTS FOR PATENT APPLICATIONS

These documents are standard documents and usually necessary for filing a patent application with a patent office (USPTO or another foreign office).

1. DECLARATION:

The Declaration (Dec) certifies to the patent office that you are an inventor and that all other listed inventors are inventors as well. All inventors will sign the Dec. Patent law requires that you certify to the patent office that you understand that you are an inventor and that all other inventors should be considered actual inventors. Please note that inventorship is very different from authorship of scientific papers. Inventorship is directly tied to a creative contribution. In a simplistic view, an inventor either a) made an actual contribution to the conception (thought process) of the invention and/or b) reduced the invention to practice from incomplete instructions of another inventor and/or c) was necessary to solve a problem in making the invention work (enabling the invention). An individual who worked on the invention solely upon the instruction of another is not normally an inventor.

The declaration also states that you understand your obligation to disclose to the patent office any prior art references that are related to the invention and that you are aware of at any time during the prosecution of the application. Prior art references are those that were in existence prior to the earliest filing date of the application.

2. ASSIGNMENT:

Normally inventions are owned by the inventors. Inventions can be transferred just like the title to a car or house. The assignment transfers your ownership of the invention to Rush and gives Rush the right to prosecute the invention for you. The assignment creates a legal record with the patent office that shows that you have passed your rights of ownership to the invention, application and/or patent to Rush. Assignments must be notarized and are recorded with the USPTO.

This transfer is necessary for Rush to be able to license your invention (per the permissions created by the Bayh-Dole Act of 1980 and as amended in 1984). By policy, Rush has the first ownership right to your inventions. You commit to this policy (and all Rush policies and procedures) when you begin working at Rush. In return Rush will provide you with a share of the net revenue of any successful licensing relationship. Rush's IP policy and procedures can be found on the Rush intranet.

3. POWER OF ATTORNEY:

The power of attorney (POA) grants a patent law firm and its patent attorneys the right to prosecute the application for the inventor before the patent office. Inventors are allowed by law to prosecute applications directly. If no POA has been signed, it is assumed by the patent office that the inventor is the person responsible for all patent activity. By signing a POA, the inventor grants the attorney the right to represent the inventor (or the assignee if the invention was assigned) and manage all paperwork received from the patent office. The paperwork is then transmitted directly to the attorney/law firm. The attorney(s) will only represent the inventor/assignee for the listed application(s) and for no other purpose, so you don't have to worry about some stranger selling your car or house (or worse, changing your will).