

690 Inventions and Patents

691 **Policy**

It is a policy of the Postal Service to encourage and stimulate the inventive talents of employees and to determine equitably the respective rights of the inventor and the Postal Service.

692 **Authority**

These regulations are issued pursuant to the authority of 39 U.S.C. 401, and they supersede and replace all previous rules and regulations relating to this subject.

693 **Definitions**

The terms used in this section are defined as follows:

- a. *Postal employee* — any officer or employee of the Postal Service, including any part-time employee.
- b. *Invention* — any art, machine, manufacture, design, or composition of matter, or any new and useful improvement of these, that is or may be patentable under the patent laws of the United States.
- c. *During workhours* — time spent during usual workhours, overtime, or both.
- d. *Facilities* — Postal Service buildings, shops, and any other buildings, property, or premises occupied by the Postal Service used while making an invention.
- e. *Equipment* — Postal Service machinery, tools, and the like used in making an invention.
- f. *Materials* — components specifically obtained and used for the purpose of making an invention.
- g. *Funds* — Postal Service funds specifically allocated for the purpose of making an invention (including salary or wages paid to the inventor).
- h. *Information* — knowledge used in making an invention that is available only by reason of the inventor's official duties and is obtained from sources available by reason of such duties and not otherwise available.
- i. *Time and service of other governmental employees on official duty* — assistance provided during workhours by other postal employees or by nonpostal employees of the federal government in making an invention.
- j. *Inventor in official duty capacity* — an inventor of an invention bearing a direct relation to, or made in consequence of, official duties when the inventor is employed or assigned to do any of the following:
 - (1) Invent, improve, or perfect.
 - (2) Conduct or perform research, development work, or both.

- (3) Supervise, direct, coordinate, or review Postal Service or government-financed or -conducted research or development, or both.
- (4) Act in a liaison capacity among government or nongovernment agencies or individuals engaged in such research or development work, and the invention is reasonably shown to have been developed from or during the performance of such work.

694 Reporting Inventions

694.1 Reports

694.11 What to Report

Any invention made by a Postal Service employee must be reported even though the employee is filing a patent application through outside counsel. An employee does not have clear title to an invention until a determination has been made as to possible Postal Service rights in the invention.

694.12 When to Send

Inventions should be reported as soon as the inventor makes a written description, drawing, or model of the invention.

694.13 Where to Send

Invention reports must be sent to the
PATENT COUNSEL
LAW DEPT
US POSTAL SERVICE
475 L'ENFANT PLZ SW
WASHINGTON DC 20260-1123.

694.14 What to Send

The following necessary information must be supplied in duplicate:

- a. Inventor's name and address.
- b. Inventor's job title and a brief description of duties.
- c. Title of the invention and a full description of the invention. A model of the invention should *not* be sent unless it is requested.
- d. A description of the Postal Service's contribution to the invention, if any. To show this, indication of whether the following statements are true should be provided and reasons given for any yes responses:
 - (1) The invention was made during workhours.
 - (2) The Postal Service contributed facilities, equipment, materials, funds, information, or the time or services of other Postal Service employees on official duty.
 - (3) The invention bears a direct relation to, or was made in consequence of, official duties.

Note: Give the reason for any yes answer above.

694.2 **Review by Supervisor**

A supervisor is to review the information and certify that to the best of his or her knowledge the report is true. A supervisor who does not agree with any part of the report must attach a statement of reasons for disagreeing. The supervisor's review is for the purpose of verifying:

- a. Whether the invention was made with a contribution by the Postal Service of facilities, equipment, materials, funds, information, or the time or service of other Postal Service employees on official duty.
- b. The relation, if any, of the invention to the assigned duties of the inventor.
- c. Whether the invention was made during workhours.

695 **Determination of Rights in and to an Invention**

695.1 **Responsibility**

The initial determination of entire right, title, and interest in and to an invention is made by the Postal Service's Patent Counsel. The determination of rights is based on the following criteria:

- a. *Entire Right, Title, and Interest to Postal Service.* The entire right, title, and interest is obtained by the Postal Service in these cases:
 - (1) The invention bears a direct relation to, or is made in consequence of, the official duties of the employee.
 - (2) The invention is made with a substantial contribution by the Postal Service of facilities, equipment, materials, funds, information, or the time or services of other Postal Service employees on official duty.
- b. *Entire Right, Title, and Interest to Employee.* The entire right, title, and interest is left with the employee in these cases:
 - (1) The invention does not bear a direct relation to, or is not made in consequence of, the official duties of the employee.
 - (2) The invention is made outside of working hours.
 - (3) The invention is not made with a contribution by the Postal Service of facilities, equipment, materials, funds, information, or of time or services of other Postal Service employees on official duty.
- c. *Divided Rights of Employee and U.S. Postal Service.* When an invention by an employee does not meet the criteria of 695.1a(1) or (2), but the invention is made during working hours, the Postal Service may reserve a nonexclusive, irrevocable, royalty-free license in the invention with the power to grant licenses for all government purposes. Such reservation must appear, where practicable, in any patent, domestic or foreign, that may issue on such invention.

695.2 **Instruments**

Patent Counsel prepares any necessary instruments and maintains a written record of all inventions to which the Postal Service has the title or license.

696 **Appeals and Petitions**

The following are the procedures for filing appeals and petitions:

- a. Any Postal Service employee inventor who is aggrieved by the initial determination as to the rights of the Postal Service in any invention may appeal by filing two copies of an appeal with the Postal Service's Procurement Policy Committee within 30 days after receiving notice of the initial determination by the Patent Counsel. The committee forwards one copy of the appeal to the Patent Counsel.
- b. On receipt of a copy of an appeal, the Patent Counsel promptly furnishes both the committee and the employee a report containing:
 - (1) A detailed statement of the points of dispute or controversy.
 - (2) Copies of any statements or written arguments filed with the Patent Counsel.
 - (3) Any other relevant evidence that was considered in making the initial determination of Postal Service interest.
- c. Within 30 days after the mailing or hand delivery of a copy of the Patent Counsel's report to the inventor, the employee may file a reply with the committee, furnishing a copy to the Patent Counsel.
- d. After the expiration of the period for reply to the Patent Counsel's report, the committee issues a decision on the matter. The committee's decision is made after consideration of the statements of fact in the inventor's appeal, the Patent Counsel's report, and the inventor's reply; but the committee, at its discretion, may call for further statements on specific questions of fact or may request additional evidence.
- e. The employee may file a petition for reconsideration or modification of the committee's decision within 30 days from the date of the decision. The decision is final after the period for filing a reconsideration request expires or on the date that a decision on reconsideration is made or reconsideration is denied.

697 **Timeliness**

Postal Service officials who are involved in the proceedings described in 695 and 696 must make every effort to process claims and/or appeals in a timely manner.

698 **Correspondence**

All correspondence and inquiries relating to inventions and patents should be addressed to the

PATENT COUNSEL

LAW DEPT

US POSTAL SERVICE

475 L'ENFANT PLZ SW

WASHINGTON DC 20260-1123.