

**Section Name:** CORPORATE POLICIES – LAW  
**Section No:** 7  
**Policy No:** 7.16  
**Subject** PATENTS

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**Date:** 04/12  
**Supersedes:** 10/97

The patent and trade secret rights of the Company shall be properly protected, and infringement of patent and trade secret rights of third parties shall be avoided. Ideas that lead to commercial products, processes and technologies that are expected to have economic value to the Company should be considered for patent protection. Ideas or inventions that are not patented or which are awaiting patenting may also constitute valuable property rights, particularly in the form of trade secrets. To avoid destruction of these property rights, no unauthorized disclosure shall be made of any Company research and development work or other inventions or concepts. **Employees shall promptly advise the Law Department of possible infringements of the Company's patent rights.**

### **PROCEDURE**

The General Counsel, in cooperation with Group IP Counsel, unit general managers and designated research and development personnel, is responsible for ensuring compliance with this Policy. Unit managers shall ensure that an appropriate individual or individuals are assigned the responsibility to coordinate intellectual property matters with the Law Department and to ensure compliance with this policy.

#### 1. Record Keeping

Employees involved in inventive activities and/or research and development shall maintain notebooks in which dated records of their work product are kept. At least one associate having an understanding of the content should sign and date each page of the notebook. All other employees shall record any ideas or concepts and submit an invention record through the Invention Record Database.

#### 2. Ownership

All inventions, whether patentable or not, which in any way relate to the Company's business, and which are made by an employee, belong solely to the Company. This also includes inventions made after usual working hours, either on or off the job. All employees shall promptly disclose and assign to the Company all inventions, without additional compensation. Furthermore, the employees shall, at the Company's expense, at any time during and after employment with the Company, sign all papers and otherwise assist as necessary to protect the Company's rights to said inventions.

#### 3. Invention Records

The Law Department shall be advised in a timely manner of all inventions made by employees and all inventions of consultants to the Company or others under contract with the Company to which the Company has rights. All inventions shall be documented on an Invention Record ("IR") and submitted through the Invention Record Database, even if the inventor has some question as to novelty and/or obviousness.

Completed IRs shall be circulated to the unit's research/technical director, the directors of marketing and manufacturing, and the unit manager, for a decision as to whether or not to pursue a patent or to retain an IR as a trade secret. Each business unit will establish its own Patent Review Committee.

4. Patentability Review/Novelty Search

If the unit manager or Patent Review Committee decides to pursue patenting, the Law Department normally will initiate a "novelty search" at the unit's expense to determine the scope of relevant prior art and the extent of patent protection likely to be available. The Law Department shall promptly communicate the results of the novelty search to the sponsoring unit, who shall then decide in consultation with the Law Department whether or not to seek patent protection. Patent related expenses shall be borne by the sponsoring unit.

5. Premature Disclosure

In order to prevent the loss of rights, no invention is to be disclosed outside the company without the prior approval of the responsible unit manager after consultation with the Law Department.

**Public disclosure (including oral disclosure), use of an invention or sale of a product that incorporates an invention prior to the filing of a patent application is likely to render it impossible to obtain valid protection of the invention in many countries, including the principal European countries.** Company activities which may preclude a patent include the following: sales or offers for sale; nonconfidential disclosures outside the company including distribution of samples, printed publications and nonconfidential field tests; or use of a process invention to manufacture commercial products. Such activities must be avoided.

6. Patent Marking

Products covered by pending patent applications may be marked as "Patent Pending." The Law Department and unit managers shall determine whether a product will be marked with the relevant patent number or numbers.

7. Foreign Filings/Patent Maintenance

The Law Department shall review with the unit manager the country(ies) in which each patent application is to be filed. In appropriate circumstances, filings in other countries may be made for those IRs having strategic value for other units. At appropriate intervals, the Law Department will provide the unit manager with a list of actions which must be taken and/or renewal fees that must be paid to maintain the Company's patents and patent applications, and recommendations concerning such actions.

8. Infringements

Prior to introduction to the marketplace, unit managers shall coordinate with the Law Department to conduct a search and to make sure that new products (employing new processes, applications or designs) are not infringing patent rights of third parties. They shall contact the Law Department in appropriate cases for advice as to the possibility of infringement with respect to any invention or proposed new products.

**In addition, employees shall promptly advise the Law Department if they believe another person or company is infringing the Company's patent rights.**

**Updates:**

Law Department

**References:**

Corporate Policies:

- 2.14, Agreement Between U. S. Employees and the Company
- 4.4, Product Development, Safety and Warranties
- 4.6, Product Marking
- 7.13, Protection of Confidential and Proprietary Information

**Related Topics**

Section Name	Policy No	Subject
CORPORATE POLICIES – EMPLOYEES	2.14	Agreements – U.S. Employees
CORPORATE POLICIES – LAW	7.13	Protection of Confidential and Proprietary Information
CORPORATE POLICIES – OPERATIONS	4.4	Product Development, Safety and Warranties
CORPORATE POLICIES – OPERATIONS	4.6	Product Marking