NIH Employee Invention Report (EIR)

What is the NIH Employee Invention Report (EIR)?

An Employee Invention Report (EIR) form is a standardized Public Health Service (PHS) form used to report inventions developed within the NIH Intramural Research Program. The purpose of the EIR is to document your invention by asking for specific information and to evaluate whether or not the government should seek patent protection. The EIR also helps the TTC to search the technical and patent literature to determine if the invention is patentable.

When Should an EIR be Filed?

After making a unique, non-obvious, and useful discovery, i.e., an invention, NIH researchers must immediately contact their Laboratory or Branch Chief and inform him or her of a possible invention, and consult with your NCI TTC Technology Transfer Manager (TTM) about submitting an Employee Invention Report (EIR). In order to expedite the evaluation process, the entire form should be completed, including listing any and all participants in the discovery of the invention who you believe to be co-inventors, who participated in conceiving or continued the development of the invention.

The patent attorney who prepares the patent application will make the "inventorship determination" based on U.S. Patent Law. A person who merely carried out the inventor’s instructions, or acted only as a “pair of hands” does not qualify as a co-inventor. Omission of a legitimate inventor or inclusion of a non-inventor could invalidate a patent. Copies of manuscripts, data sets, lab meeting reports or any other printed matter describing your research, should be attached to the EIR to assist TTC staff in evaluating your invention.

To report an invention at NIH, please complete the Employee Invention Report (EIR) and forward a signed copy to your Technology Transfer Manager (TTM). The TTM will assist NIH inventors in completing the EIR form and answer various related questions. For your TTM's contact information, see the TTC Staff page.

For Leidos Biomedical Staff only: A coversheet from Leidos' administration must be attached to your EIR form. Please contact TTC or the Leidos IP office to get a copy of the form, complete, and attach the Leidos Biomedical Research Inc. Invention Report Coversheet to your EIR.

Please submit the EIR at least 12 weeks prior to any planned public disclosure of your discovery to guarantee time required for taking possible action to
preserve patent rights. Failure to report an invention prior to public release could preclude its further development.

Please do not hesitate to contact us for assistance, we are here to help you.

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