

SANFORD HEALTH INNOVATIONS

Inventor Patent Q&A

WHAT IS A PATENT?

A patent is a public disclosure of intellectual property (IP) or invention. It is a federally-licensed right to exclude other parties from using, selling or making the invention for a set period of time in exchange for its public disclosure. For an invention to be considered patentable, it must satisfy three requirements — it is an improvement over a previous technology, novel and non-obvious.

The invention must also be reduced to practice in order to obtain a patent. An enabling description can satisfy the requirement of reduction to practice.

WHAT IS IP?

IP is a right granted to one or more persons for creations of the mind, or products created intellectually. IP grants the creator the right to make, market and sell the technology for a given period of time and protects the IP from unauthorized use by others.

HOW IS IP EVALUATED BY SANFORD HEALTH?

There are many factors that Sanford Health uses to evaluate the marketability of IP. A marketable invention is one that will satisfy demand in the market place. An invention may be patentable but still not marketable. It may not be marketable due to manufacturing feasibility, reimbursement, clinical outcome or cost-to-develop issues.

WHO ARE INVENTORS?

In the U.S., an inventor is someone who contributes one or more claims of a patented invention. Involvement in the original conception of a claim is a requirement, and mere reduction to practice is not by itself sufficient to establish inventorship.

WHAT SHOULD I DISCLOSE TO SANFORD HEALTH?

You should disclose patentable inventions; materials such as DNA libraries, cell products and antibodies; and copyrightable works.

WHO OWNS MY INVENTION?

Sanford Health owns inventions created by its employees in their employment capacity and/or using Sanford Health resources. Please refer to the IP-100 policy for more information.

HOW DO I DISCLOSE MY INVENTION?

Invention disclosures are made in writing to Sanford Health Innovations. Invention disclosure forms ([link](#)) are available here and should be completed, signed and dated by the inventor(s), and forwarded to invention.disclosure@sanfordhealth.org. Someone from Sanford Health Innovations will contact you with any follow-up questions.

WHAT HAPPENS AFTER I DISCLOSE MY INVENTION?

Your invention will be assigned a Sanford Tech ID number, and a technology transfer specialist will call you with more questions about the invention's stage of development, novelty, market potential and possible licensees. The invention is then presented to the IP cabinet in order to review its merit and commercial potential. The committee can, in general, send the inventor(s) back to further develop the invention, release the invention to the inventor(s) or file a patent. This process should take no longer than three months, assuming all parties are responsive.

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WHAT IS A LICENSE?

When an invention has been properly protected, Sanford Health Innovations, in collaboration with the inventor(s), will begin marketing the technology. The invention may be licensed to industry or a start-up company. This process can take anywhere between months to years, depending on the invention, the stage of development and the market's interest. Sanford Health Innovations helps identify licensees and negotiate licensing agreements.

WHAT HAPPENS IF MY INVENTION IS LICENSED?

License performance is monitored by Sanford Health for adherence to performance requirements. Nonperforming licenses are re-evaluated as necessary. If royalties are collected, they are distributed to the inventor(s) and Sanford Health per the IP-100 policy.

WHO PROFITS?

If rights are released to the inventor(s), the inventor(s) can choose to otherwise commercialize the work. In this instance, the inventor(s) bears all of the costs and receive all of the income. If Sanford Health decides to file a patent or otherwise commercialize the invention, Sanford Health will undertake the expense of commercializing the technology; likewise, Sanford Health will share the income with the inventor(s). The IP-100 policy determines how the income is split between Sanford Health and the inventor(s).