



# Patents: Inventor vs. Employer

Gregory K. Scott, Ph.D.  
Klarquist Sparkman LLP  
gregory.scott@klarquist.com  
503.595.5300 | klarquist.com

## Klarquist

**Q** Does my employer have any rights to a new product that I invented in my spare time?

**A** Possibly. Typically, patent rights to an invention vest in the inventor. Exceptions exist, however. For example, many employees enter employment agreements by which they agree to assign patent rights to their employers. The scope (and enforceability) of such assignment clauses can vary greatly, depending not only on contract language but also on applicable state law (which may speak in particular to inventions made by an employee on her own time and dime). The nature of the invention may also affect whether the employer can claim rights of some kind. Contact an intellectual property attorney for help determining ownership of an invention in a specific case.

---