PATENTS, COPYRIGHTS, AND TRADE-MARKS

By

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by
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CHAPTER I.

Trade-Marks.

1. Definition of Trade-Mark.

A trade-mark is, as its name implies, a mark used in trade to indicate the origin of the goods to which it is attached or affixed. Stated in another way, a trade-mark indicates that the goods are manufactured or sold by the owner of the mark, and it is presumed therefore that whatever skill or ability he may possess will enter into the quality of the goods.

A trade-mark may also be defined as a distinctive mark of authenticity by which the products of particular manufacturers or the vendable commodities of particular merchants may be distinguished from others.

Trade-marks have been used in trade for many years, both in the United States and England, where they were known originally as hall-marks from the custom of tradespeople in registering their marks in the town hall, usually by stamping the mark on soft lead, together with the owner's name.

A facsimile of the trade-mark *Uneeda* for biscuits, etc., registered by the National Biscuit Company, is shown on pages 8, 9 and 10.

2. Right of Owner Prior to Registration.

It will be observed that a person is not deprived of his ownership in a trade-mark because of his failure to register the mark in the Patent Office, although it is advisable to secure registration of the mark for the additional rights and privileges obtained.

TRADE-MARK.

No. 32,301. Registered Dec. 27, 1898.

NATIONAL BISCUIT COMPANY.

CERTAIN NAMED BAKERY PRODUCTS AND CONFECTIONERY.

(Application filed Nov. 18, 1898.)

Uneeda

Witnesses.
F. C. Howe,
Frederick F. Gordon.

Proprietor,
National Biscuit Company
By Offield, Dunlap & Fitzsimmons,
Attys.

[TRADE-MARK]

UNITED STATES PATENT OFFICE.

NATIONAL BISCUIT COMPANY, OF JERSEY CITY, NEW JERSEY, AND CHICAGO, ILLINOIS.

TRADE-MARK FOR CERTAIN NAMED BAKERY PRODUCTS AND CONFECTIONERY.

STATEMENT and DECLARATION of Trade-Mark No. 32,301, registered December 27, 1898.

Application filed November 18, 1898.

STATEMENT.

To all whom it may concern.

Be it known that the NATIONAL BISCUIT COMPANY, a corporation duly organized under and existing by virtue of the laws of the State of New Jersey, with its principal office at Jersey City, in said State, and with its principal office and business location outside of the State of New Jersey, at Chicago, in the county of Cook and State of Illinois, and with branch offices and places of business at various other cities in different States, has adopted for its use a trade-mark for biscuits, crackers, cakes, bread, snaps, jumbles, hard and soft boiled confectionery, including grainwork, creamwork, panwork, chocolatework, lozenges, and medicated candies, of which trade mark the following is a full, clear, and exact statement or specification.

Said trade-mark consists of the arbitrarily-selected word-symbol "Uneeda." The facsimile filed herewith represents said trade-mark as appearing in plain black letters in a horizontal line and as used on labels for the outside of boxes or cartons containing biscuits manufactured by said company. It is immaterial as to the size, style, or color of the letters employed for said trade-mark word or as to the arrangement of the same or as to the color of the ground on which said word appears, the essential and paramount feature of said trade-mark consisting of the word-symbol "UNEEDA."

The application of said trade-mark to the manufacture by said company of biscuits, crackers, cakes, bread, snaps, jumbles, hard and soft boiled confectionery, including grainwork, creamwork, panwork, chocolatework, lozenges, and medicated candies, is principally by applying the same to labels for boxes, cartons, and packages used in connection with said goods of its manufacture, said labels containing, in addition to said trade-mark, the name of the company, the name of the particular goods with which the same is employed, as well as the place of manufacture, and other suitable matter pertaining to such goods.

Said trade-mark when used for bakery products, in addition to being printed on box, cartons and package labels, is generally impressed upon or into such goods by means of suitable dies, which manner of applying the same is also followed to some considerable extent in connection with confectionery. Said trade-mark is also employed by being stenciled on the outside of boxes containing the goods.

This trade-mark was first adopted by said corporation on or about September 6, A. D. 1898, and has been continuously used since for the purposes aforesaid.

The class of merchandise to which this trade mark is applied is bakery products and confectionery, and the particular description of the goods comprised in such class for which said corporation uses said trade-mark is biscuits, crackers, cakes, bread, snaps, jumbles, hard and soft boiled confectionery, including grainwork, creamwork, panwork, chocolatework, lozenges, and medicated candies.

Said trade-mark may be used in any manner or way calculated to designate the goods to which the same is applied as being of the manufacture of said company and to cause the same to be known to the trade and the public by the employment of said distinguishing designation. Said company intends to use said trade-mark in every lawful manner at will as may be deemed expedient.

NATIONAL BISCUIT COMPANY,
BY H. P. VORIES,
Vice-President.

Witnesses:
JOS. GRONEAU,
W. C. LLOYD.

DECLARATION.

State of Illinois, county of Cook, ss:

HARRY F. VORIES being duly sworn, deposes and says: that he is vice-president of the corporation named in the foregoing statement; that he believes that the foregoing statement is true; that said corporation has at this time a right to the use of said trade-mark therein described; that no other per-

[TRADE-MARK]

2 32,301

son, firm or corporation has the right to use, either in the identical form or in any other such near resemblance thereto as might be calculated to deceive; that it is used by said corporation in commerce between the United States and foreign nations, or Indian tribes, and particularly with the Dominion of Canada; and that the description and facsimile presented for record truly represent the trade-mark sought to be registered.

HARRY F. VORIES.

Subscribed and sworn to before me this 16th day of November, A. D. 1898.

[L. S.] FREDERICK C. GOODWIN.
Notary Public.

3. State Registration.

Recently the state of California passed a law to the effect that the first person to register a trade-mark, regardless of whether he was the owner or not, secured thereby the exclusive right to use the mark in that state. This act was so contrary to the spirit of the development of the federal trade-mark laws and federal court decisions, and brought such a storm of protest from non-resident owners of valuable trade-marks doing business in California, that the state was forced by an aroused public opinion to repeal the law. The question, therefore, as to whether a state has a constitutional right to pass such a law was not decided. Most states have laws relating to the registration of trade-marks within the state, but these laws give additional rights and remedies to owners of marks registered in the United States Patent Office, and do not operate to deprive such owners of any rights or privileges they may enjoy under the federal statutes.

The real drift of the trade-mark law is indicated by the attempts that trade-mark owners are making in the state of New York to secure the enactment of a law making it a criminal offense for one to appropriate the trade-mark of another.

4. Foreign Registration.

Manufacturers should keep in mind that the statutes of many foreign countries provide that the first person to register a trade-mark is entitled to the exclusive use thereof, regardless of whether he owns the mark. In fact, it has been the custom of some unscrupulous foreigners to obtain lists of valuable United States trade-marks and register them in foreign countries, and then surrender their rights only upon payment of large sums of money by the real owners in the United States. When it is remembered that the laws of many South American countries provide penalties of fine and imprisonment if a registered trade-mark is used by a person other than the one obtaining registration, the position of an agent, for example, of a manufacturing concern in New York whose trade-mark has been appropriated by some "gentlemen" in the Argentine Republic is dubious, because the American agent cannot use his own firm's trade-mark in the Argentine Republic without running the risk of penalties of fine and imprisonment.

At the time of registering a trade-mark in the United States, laws of foreign countries in which the registrant is likely to do business should be carefully consulted, because it often happens that a mark consisting, for example, of two words may be properly registrable in the United States, but only one word of which would be registrable under the laws of many foreign countries. Take, for example, this imaginary mark—*Brown's Eclo* shoes. Brown, being a name of an individual, would properly be denied registration in many coun-

tries, and would even be denied registration in the United States unless appearing in some distinctive form, as, for instance, in script or other distinctive type. However, a separate registration of *Brown* and *Eclo* would so divide the trade-mark that *Eclo* would be registrable as a foreign trade-mark.

5. Advantage of Trade-Mark Over Patent.

A trade-mark possesses certain advantages over a patent because a manufacturer or seller may obtain registration of the trade-mark for the term of twenty years, and may renew the registration for a like period, as often as desired, upon payment of the registration fee, which is only $10, the term of a patent being only seventeen years.

6. Distinction Between a Trade-Mark and Patent.

The right in an invention secured by a patent is in the nature of a limited monopoly. The Constitution of the United States provides that Congress shall have the power to promote the progress of science and useful arts by securing to the inventor the exclusive right to his invention for a limited period. Congress has provided that the term of a patent shall be seventeen years and no longer. The seventeen-year monopoly is in the nature of a reward to the inventor. At the expiration of the above period the invention passes to the public.

The right of a person who adopts and uses a trade-mark is an absolute right of ownership. In this right he is protected under the common law of the country. The right is not limited by a particular term of years, but endures so long as the person continues to use the

mark. He need not register the mark. His ownership is complete without registration.

7. Advantages of Registration Under United States Statutes.

The question naturally arises, why should a person register his trade-mark under the federal statutes if he is protected without doing so? The answer is, that he secures by registration additional protection in the way of rights and privileges, which are, briefly stated, as follows:

1. Registration gives the federal courts jurisdiction in actions against infringers.

2. If the plaintiff is successful in his action for infringement, the court may award him damages in three times the amount of damages actually sustained. This is done to punish the infringer.

3. An injunction may be obtained to stop the continuing of the infringement, and may be enforced anywhere in the United States. A decree of a state court is enforceable only within the boundaries of the state.

4. The court may order the defendant to deliver up the labels or wrappers bearing the infringing mark, to be destroyed.

5. Registration in most foreign countries is obtainable by a citizen of the United States only in the form granted him at home; and if he neglects to register at home, he has no mark that can be registered in a foreign country.

8. Where Trade-Marks are Registered.

Trade-marks are registered in the Patent Office at Washington.

9. Correspondence with Patent Office.

Requirements as to correspondence, in prosecuting a trade-mark application before the Patent Office, are very similar to those obtaining in patent cases. It is almost unnecessary to state that the Patent Office will not respond to inquiries propounded with the view of ascertaining whether certain trade-marks have been registered; and if so, by whom and for what goods. Nor can the Patent Office give advice as to the advisability of registering a mark, nor act as expounder of the law except upon questions as they may arise upon applications regularly filed.

Questions such as the above should be put only to an attorney.

10. Attorneys.

There are a number of trade-mark and patent publications owned and controlled by persons or associations who offer their services in applying for patents and trade-marks. A few of these publications are managed and controlled by persons of ability and good standing in the practice of law. They render exceptionally good service in commenting upon patent and trade-mark laws and decisions relating thereto, and in giving warning of impending legislation of a harmful character. Although it is advisable to subscribe to these publications, as a rule, it is not advisable for manufacturers or business people to entrust to such associations the prosecution of applications of patents and trade-marks, unless the manufacturer or business man maintains his factory or place of business in or

near the city where the publications are printed, because it is more or less difficult to transact patent and trade-mark business at a distance, and, like the family doctor, who knows his patient intimately, the local counsel is better acquainted with the history and business organization of his client than a person at a distance; and, moreover, the local counsel is more accessible in case of emergency.

There is nothing to prevent the owner of a trade-mark from prosecuting his own application; but the usual and safer method is to supply one's attorney with a power of attorney, authorizing him to prosecute the case. The Patent Office advises such a course.

11. Who May Register a Trade-Mark.

A trade-mark may be registered by—

1. (a) A person; (b) a firm; (c) a corporation; and (d) an association, domiciled in the United States or residing in a foreign country, provided that country affords similar privileges of registration to citizens of the United States.

2. The registrant must be the owner of the mark. This, as has been stated before, is not the law in many foreign countries, where the first person to apply for registration, whether owner or not, is entitled to registration.

3. The owner must also have used the mark in interstate or foreign commerce, or commerce with an Indian tribe. Commerce wholly within a state cannot be made subject to federal laws.

4. If the owner of a trade-mark resides in a foreign

country but maintains a manufacturing establishment in the United States, and is engaged in interstate or foreign commerce, or commerce with an Indian tribe, he has the privilege of registering his trade-mark in the Patent Office, provided the country in which he resides extends similar privileges to citizens of the United States.

12. What May Not be Registered as a Trade-Mark.

The following may not be registered as a trade-mark:

1. A mark consisting of immoral or scandalous matter.

2. The flag or coat-of-arms or other insignia of (a) the United States; (b) any state; (c) a municipality; (d) any foreign country.

3. Any design or picture adopted by any fraternal organization as its emblem.

4. Any mark which resembles a registered or known trade-mark owned and in use by another, and appropriated to merchandise of the same descriptive properties as to be likely to cause confusion or mistakes in the mind of the public or to deceive purchasers.

5. A mark consisting of a name of an individual or a company, unless it appears in some distinctive form.

6. A mark consisting of words or devices merely descriptive of the goods.

7. Geographical names.

8. A picture of a living person except with his consent.

9. A trade-mark used in an unlawful business.

10. A trade-mark used on any article injurious in itself.

11. A trade-mark used with the design of deceiving the public in the purchase of merchandise.

12. A trade-mark which has been abandoned.

13. Any name, distinguishing mark, character, emblem, colors, flag, or banner adopted by any institution, or organization, club or society, which was incorporated in any state in the United States prior to the date of the adoption or use by the applicant, provided the name, mark, etc., was adopted by the institution, etc., prior to the date of adoption and use by the applicant.

This last provision applies principally to colleges, their names, seals, and so forth, which have been extensively adopted by business people.

It cannot be said that the colleges are injured in trade by such appropriation of their names, because they are not in trade. It is only common justice, however, to allow them the exclusive right to use their own names. This exclusive right they did not possess before the recent enactment of the statute above referred to.

13. Geographical and Descriptive Names.

A word of explanation in regard to descriptive and geographical terms is appropriate because of the great number of applications made for such marks despite the fact that the wording of the statute is clear, and because it is not always apparent to a person applying for a trade-mark why a descriptive or geographical name, which is often the best name for his purposes, is

not registrable. For example, the exclusive use of the geographical word *Lehigh* as a name of coal by one company would deprive every other company selling coal mined in the Lehigh Valley from using *Lehigh* in connection with its coal. Again, if *White* were allowed registration as a trade-mark for white soap, the registrant could prevent every other manufacturer from referring to and describing his soap as "white soap." If the rule were not what it is in regard to descriptive and geographical terms, a large portion of the common language would be appropriated by a few persons and the rest of us would find ourselves without the right to use convenient and appropriate words in trade.

The term *Golden State* is not registrable as a trade-mark, since it constitutes a name applied to California and is therefore geographical.

Bay State was also refused registration on the ground that these words indicate the state of Massachusetts.

The Sherwin-Williams Company, manufacturers of paints, was denied registration of the word *Bras-Brite*, as applied to polish, because it is descriptive, being a misspelling of the word "brass-bright." This is a close case, and it would seem to the average person to come under the rule that the mark is only suggestive because it does not describe the polish, but rather the effect produced by the polish. It, however, serves as an illustration of traveling too close to the line of demarcation. The Office, in taking the position that the word fell within the class of descriptive marks, referred to the following marks which were refused registration: *Sil-*

ver Dip, a preparation in which silver articles may be dipped; *Self-Loading* for cartridges; *Kleanwell* for massage-sponges; *Kantleek* for atomizers; *New-Tone* for a varnish preparation; *Servself* for sandwiches; *Scotissue* for paper towels.

The Automobile Trade Directory, as applied to a publication, has been held not to be descriptive, and so a valid trade-mark.

Tungsteel, as applied to razors and pocket-knives, is descriptive. This is perfectly obvious to a mechanic or engineer or other user of tungsten steel.

The following marks have been held to be properly registrable: *Koffio* for coffee; *Waukeasy* for a corn cure; *Solid Comfort* for furnaces; *Success* for stoves and ranges.

It will be noted that some of the marks given above appear on a first inspection to be descriptive. It has been held that they are suggestive of what will be accomplished by the use of the article rather than descriptive of the article itself. For example, *Solid Comfort* does not describe the furnace, but the condition or physical satisfaction of the person having the charge or use of the furnace.

The following words have also been held not registrable: *Purity* for oleomargarine; *Malted Milk* for a food preparation for infants and invalids; *Kid Nee Kure* for a remedy for kidney and analogous diseases; *Full-cut* for cloth, *Peerless* for malt extract; *Never Fail* as a trade-mark for stock and poultry food; *Nutty-corn* for the mixture of candy, nuts, corn and cocoanut; *Shredded Whole Wheat* for a breakfast food; *Health Food* for bread or crackers.

It is therefore essential in choosing trade-marks to avoid geographical names and descriptive words.

A patent attorney and an advertising writer can usually between them select a word or set of words that will secure to the owner an exclusive and therefore valuable trade-mark.

14. Conflicting Marks.

A trade-mark exactly similar to another trade-mark will not be refused registration unless it appears that the two marks are used upon goods of the same descriptive properties. For example, the trade-mark *Pierce-Arrow*, being a trade-mark for automobiles, would bar the registration of the name *Pierce-Arrow* if an automobile company other than the *Foss-Hughes Company*, makers of the *Pierce-Arrow* car, attempted to register the name as a trade-mark. However, if a manufacturer of candies should apply for the registration of *Pierce-Arrow* as a trade-mark for candies, his application would be allowed. A purchaser of confections would not be deceived to the extent of believing that an automobile company was manufacturing candy.

It is, however, a very difficult matter to apply the above rule, and the following are examples of cases that have caused difficulty:

It has been held that butter and artificial butter or oleomargarine are goods of the same descriptive properties; and that rubber tires and automobiles are not goods of the same descriptive properties.

The word *Velvetina* as a trade-mark for soap and saponified shampoo preparations was refused registra-

tion because the *Proctor & Gamble Company* had registered the name *Velvet* for laundry soap. The Patent Office held that the use of the two words was likely to cause confusion in the mind of the public and deceive purchasers. *Velvet*, however, is an excellent trade-mark for tobacco or butter or candy.

A company known as the *Enterprise Jewelry Company* registered a trade-mark consisting of the letters *E. J. Co.* Another company, known as the *Elliot Jewelry Company*, attempted to obtain registration of the letters *E. Co.*, and it was held that the simultaneous use of these two words was likely to cause confusion in the public mind. It might be remarked here that letters of the alphabet may be registered as trade-marks in the United States, but not as a rule in foreign countries.

Purock, as adopted by *The Charles E. Hires Company*, manufacturers of *Hires Root-beer*, etc., for use on distilled water, lithia water and ginger-ale, was denied registration because of its close resemblance to the word *Purcoxia*.

This case shows the necessity of prompt registration, because it was decided by the Patent Office that although the two marks placed side by side presented differences to the eye, nevertheless when pronounced they had a striking resemblance in sound, and it was believed that there was such a similarity as to cause confusion in the minds of purchasers if the marks were concurrently used on goods of the same kind. The case was a close one, and the benefit of the doubt given to the owners of the trade-mark *Purcoxia* be-

cause they were the first to register their mark, the inference being that if the Hires Company had registered its mark first, it would have been favored in the decision.

It will be noted that the owners of the *Pureoxia* mark had nothing to lose by opposing registration of *Purock*, because if they had lost their case before the Patent Office the result would have been that the Hires Company would have been allowed a certificate of registration for *Purock*. In other words, the two marks would have been registered by the Patent Office, and the two owners entitled to the exclusive use of their respective marks.

Many persons would say that the two marks are dissimilar and their concurrent use would not deceive the public.

Tika, which was used in connection with an emblem of a *Swastika*, was held unregistrable for use as a trade-mark for various kinds of writing paper, and upon paper and blank books, because of the previous registration of the trade-mark *Swastika*.

The Patent Office refused to register a trade-mark representing the foreparts of two elephants holding a piece of material in their trunks for use on silk fabrics sold in the form commonly known as "piece goods."

The two marks similar to the one above given which were cited against the applicant were applied to shirtings, cambrics, drills, checked and striped cotton fabrics, white and colored cotton prints, and cotton piece goods. It was held that silk fabrics and the fabrics just noted

above were of the same descriptive qualities, and the trade-mark was therefore refused registration.

The *Hydrox Chemical Company* attempted to secure registration of *Hydrox* for use on peroxide of hydrogen, this mark having been used on the company's goods since 1905. *The Consumer's Ice Company*, which opposed the registration, had been using the word *Hydrox* for distilled water since 1892. Subsequently, in 1898, the ice company used the trade-mark *Hydrox* in connection with various drinks, such as ginger-ale, root beer and sarsaparilla, and also on metal coolers for *Hydrox* water.

The ice company contended that although distilled water and carbonated water and soft drinks are in some respects quite different from peroxide of hydrogen, nevertheless all the above goods are sold through the same channels, namely, drug stores.

It was decided by the Patent Office that peroxide of hydrogen constitutes a class of goods different from distilled and carbonated water, and that the *Hydrox Chemical Company* was free to register the name *Hydrox* to be used on peroxide of hydrogen.

This recalls another case in which it was held that the use of the word *Educator* upon salt, smoked, pickled and canned fish by *Sylvanus Smith* & *Company, Inc.*, did not invade the right of the *Johnson Educator Food Company* in the use of the word *Educator* as a trade-mark for biscuits and breakfast cereals.

The court stated that it required a great stretch of the imagination to conclude that a purchaser asking for

breakfast food would accept a salted codfish without knowing the difference.

It has also been held that calcimine is not of the same descriptive properties as white lead.

The trade-mark *Rex-O-Tone* was refused registration as a trade-mark for concentrated syrup for flavoring beverages in view of the mark *Rex* applied to ginger-ale, sarsaparilla, lemon-soda and club-soda. The Patent Office held that syrups for flavoring beverages and ginger-ale, etc., were goods of the same descriptive properties, and that *Rex-O-Tone* was so similar to *Rex* as not to be registrable, since the concurrent use of the two names was likely to confuse purchasers.

Applicants in this connection should bear in mind that any person, such as the owner of a similar mark, considering himself injured by the allowance of a trade-mark may take means to prevent such allowance while the application is pending, or, in case the mark has already been issued, may apply for a cancellation of the same.

Business houses whose trade-marks are valued at a good many hundred thousand dollars maintain a systematic watch over pending applications and are prompt to oppose the grant of certificates of registration to persons who are not entitled thereto, or to ask for a cancellation in case a registration has been effected.

Trade-marks, when allowed, are published in *The Official Gazette* and are not registered until thirty days after the appearance of such notice, for the express purpose of allowing persons who may be injured to oppose the registration.

15. Application for Trade-Marks.

A complete application comprises—

1. The petition requesting registration of the mark in question, signed by the applicant.

2. A statement specifying (a) the name; (b) the domicile; (c) the location; (d) citizenship of the applicant; (e) class of merchandise (an official classification is published by the Patent Office) upon which the trade-mark has been actually used; (f) mode of applying and affixing the mark to the goods; (g) length of time trade-mark has been in use; and (h) description of trade-mark.

3. The oath or affirmation of the applicant: (a) that he believes himself to be the owner of the trade-mark sought to be registered; (b) that no other person or company has the right to use the trade-mark in the United States, either in the identical form or in any such near resemblance thereto as might be calculated to deceive the public; (c) that the trade-mark is used in commerce among the several states or Indian tribes; (d) that the drawing and description filed truly represent the mark sought to be registered; (e) that the specimens filed show the trade-mark as actually used upon the goods.

4. A drawing of the mark signed by the applicant or his attorney.

5. Five specimens or facsimiles of the mark as actually used upon the goods.

6. A fee of $10.

The drawing must be (a) on pure white paper, of thickness corresponding to two sheets of bristol-board;

(b) size of sheet, 10 by 15 inches; (c) lines must be clear, sharp and black; (d) name of proprietor signed by himself or his attorney at the lower right-hand corner; and (e) drawing must not be folded.

16. Examination of Application.

The examination of the application is by the Examiner in charge of trade-marks.

If registration is refused, applicant will be fully apprised of reasons for rejection. If allowed, the mark will be published in *The Official Gazette;* and if no opposition is filed within thirty days by another person claiming the right, the mark and certificate of registration will be issued.

The weekly issue closes Thursday and the certificates of that registration bear date as of the fourth Tuesday thereafter.

17. Amendment of Application.

Amendments may be made by the applicant to correct informalities, or to avoid objections made by the Patent Office, or for other reasons. Practice in the matter of amendments is similar to the practice in the amendment of patent applications, which will be treated of at length in another section.

18. Interferences.

Whenever an application is made for the registration of a trade-mark which is substantially identical with a trade-mark appropriated to goods of the same descriptive properties, for which a certificate of registration has been previously issued to another, or for registration of

which another had previously made application, or which so nearly resembles such trade-mark, or a known trade-mark owned and used by another, as, in the opinion of the Commissioner, to be likely to be mistaken therefor by the public, an interference will be declared. The practice in interference cases is similar to that in applications for patents.

19. Opposition.

Any person who believes that he would be damaged by the registration of a mark may oppose the registration of the same by filing a written notice of opposition within thirty days after the publication in *The Official Gazette* of the mark sought to be registered.

20. Cancellation.

If after the registration of the trade-mark in the Patent Office any person (such as, for example, the real owner of the mark) may apply for the cancellation of the registration, and upon hearing it is found that the registrant was not entitled to the use of the mark at the time of his application for registration, or for other reasons not necessary here to state, the registration of the mark may be canceled. It is to be kept in mind throughout this discussion of interference, opposition and cancellation that the principal point considered is the ownership and right to use the trade-mark.

An owner of a trade-mark cannot be deprived of his ownership therein by any form of registration by another person. In other words, his ownership is absolute, just as his ownership in any other property, such as his store, factory or goods, is absolute.

It will be recalled that it was stated in a previous section that the registration of a trade-mark by the real owner is advisable because it added to his rights of ownership by giving him the right to sue in the United States courts, to obtain injunctions, and to collect triple damages for infringement—rights which he otherwise would not possess.

21. Issue and Date of Certificate of Registration.

Upon examination and approval of an application a certificate is issued to the applicant stating the date on which the application was received and containing a photolithographic copy of the mark and a printed copy of the statement and oath, and certifying that the applicant has complied with the law and is entitled to registration of his mark.

22. Duration of Registration.

The term of registration is twenty years, which may be renewed from time to time for like periods upon the payment of the Government fee of $10.

23. Assignments.

Assignments of trade-marks must be in writing. With respect to the purchase and sale of trade-marks and assignment thereof, it is not generally known that a trade-mark of itself is not assignable. It is assignable only in case of transfer of the business in connection with which it has been used. The reason for this is that a trade-mark denotes origin—that the article is made by a certain person or at a certain place.

In connection with the above, it might be said that

it often happens in business practice that a dealer or manufacturer wishes to obtain registration of a trade-mark, but has not actually used the mark on any merchandise. He cannot, of course, obtain registration under such circumstances, because he cannot take an oath or affirmation to the effect that the mark is used on goods and in interstate commerce, nor can he show the exact manner of affixing the mark to merchandise. If he desires to obtain the trade-mark, he must affix it to the goods, and he must see to it that some of these goods bearing the mark pass out into interstate commerce; *i. e.*, that the goods are shipped from one state into another. If the person's trade is wholly within one state, *i. e.*, infra-state, he is precluded from registering a trade-mark of which he may be the owner in the United States Patent Office. He may, of course, register it in his state. It is, however, a comparatively easy matter to negotiate one bona-fide sale in at least one neighboring state.

Assignments are void as against subsequent purchasers for a valuable consideration, provided they have no notice of the first transfer, unless the first assignment be recorded in the Patent Office within three months from the date thereof. Assignments of trade-marks are often made pending the application and before the issue of the mark as well as after registration.

24. Marking Goods With Notice.

Notice of registration should be given to the public by affixing to the mark the words "Registered in U. S. Patent Office" or "Reg. U. S. Pat. Off."

If the character or size of the trade-mark is such that it cannot be affixed to the article of merchandise, or if the character of the merchandise is such that the mark cannot be affixed, a label containing the mark and the notice should be affixed to the package or receptacle in which the article or articles are enclosed.

If notice of registration is not given as stated above, the plaintiff in a suit for infringement cannot recover damages unless he can show that the defendant was notified by plaintiff in some other manner, as, for example, by letter.

25. Abandonment of Trade-Mark.

It frequently happens that the manufacturer or dealer will discontinue the use of a trade-mark. This happened in the case of a firm selling coffee under the name of *Hygeia*. For two or three years the sales of this brand were infrequent and small; for three or four years subsequent thereto there were no sales at all. In the meantime another firm adopted and used the trade-mark, and later the first firm resumed use of the mark. It was held by the Commissioner of Patents that the first users had abandoned the use of the mark, and that therefore the other firm by adopting and using the mark had gained an exclusive right thereto.

CHAPTER II.
Applications for Patents.

26. Patents—General Remarks.

The Constitution of the United States provides that Congress shall have the power "to promote the progress of science and useful arts by securing, for limited times, to authors and inventors the exclusive rights to their respective writings and discoveries." This provision forms the basis for all the subsequent federal legislation relating to patents and copyrights.

It is obvious that inventors are the persons primarily interested in patents. With the exception of inventors, however, manufacturers as employers of inventors, and purchasers of patent rights, form a class primarily interested in patents and patent law. Principally because of the fact that so many patents have been issued by the Patent Office—over 1,000,000 to date—manufacturers are in constant receipt of letters from inventors and their representatives alleging infringement of their patent rights, and are therefore compelled to take cognizance of the patent law and the regulations of the Patent Office relating to patent applications. Furthermore, since a patent secures to the patentee an exclusive right to sell, as well as to make and use, the patented invention, business men generally are more or less affected by the provisions of the patent law, since business is a matter of buying and selling.

27. Number of Patents Granted.

During the year ending June 30, 1912, there were filed in the Patent Office 69,236 applications for pat-

ents, 1775 applications for designs, 195 applications for reissues of patents, 7238 applications for registration of trade-marks, 941 applications for labels, 362 applications for registration of prints; the total number of applications being 79,747.

On July 1, 1912, there were 21,059 patent applications awaiting action on the part of the Patent Office; 6970 patents were withheld for non-payment of final fees; 19,634 patents expired during the year. The total receipts of the Patent Office amounted to $2,094,059.50. As has been stated, over 1,000,000 patents have been issued to date.

These figures will give an idea of the bulk of the business that flows into the Patent Office.

28. Definition of Patent.

A patent may be defined as the grant of some privilege, property or authority made by the government or sovereign of a country to one or more individuals. The term originally had reference to written instruments under the king's seal, conferring grants of land, honors or other rights. They were called letters patent simply because they were open and not sealed, as, for example, *lettres de cachet*, known to the French law.

The meaning of the word in the United States is limited. The word usually signifies the written instrument issued under the seal of the Patent Office, securing to inventors the exclusive right to their inventions. It also means the deed by which states and the United States convey land to individuals. The title to land in the West depends primarily upon such patents from the United States.

A reduced facsimile of a United States patent for a machine is shown on pages 34-36. This patent was granted to Orville Wright and Wilbur Wright for their invention relating to flying machines.

It should be appreciated that the rights of inventors secured by patents are in the nature of monopolies for limited periods. Originally, in England, monopolies were granted to court favorites, usually in commodities of trade, and resulted in great oppression to the people generally. In this country the word "monopoly" has acquired an unsavory reputation, because used to denote huge aggregations of capital and business in violation of the Sherman Act, also known as the Anti-Trust Act. Such monopolies arose, and have continued, because of the inability or unwillingness of the Government to enforce its statutes.

29. Outline of Procedure in Patent Office.

When an inventor has perfected an invention and decides to avail himself of the privileges conferred by the patent statutes, he or his counsel prepares what is known as a "specification," setting forth clearly and simply his invention, describing its structure, and showing what is new and what is old and already in use. He must, in addition, prepare a drawing of his invention.

He also formally petitions the Commissioner of Patents for grant of letters patent, and finally swears or affirms that he believes himself to be the original and first inventor of that for which he asks a patent.

[MACHINE PATENT]

No. 821,390. PATENTED MAY 22, 1906

O. & W. WRIGHT.

FLYING MACHINE.

APPLICATION FILED MAR 23, 1903

3 SHEETS-SHEET 1

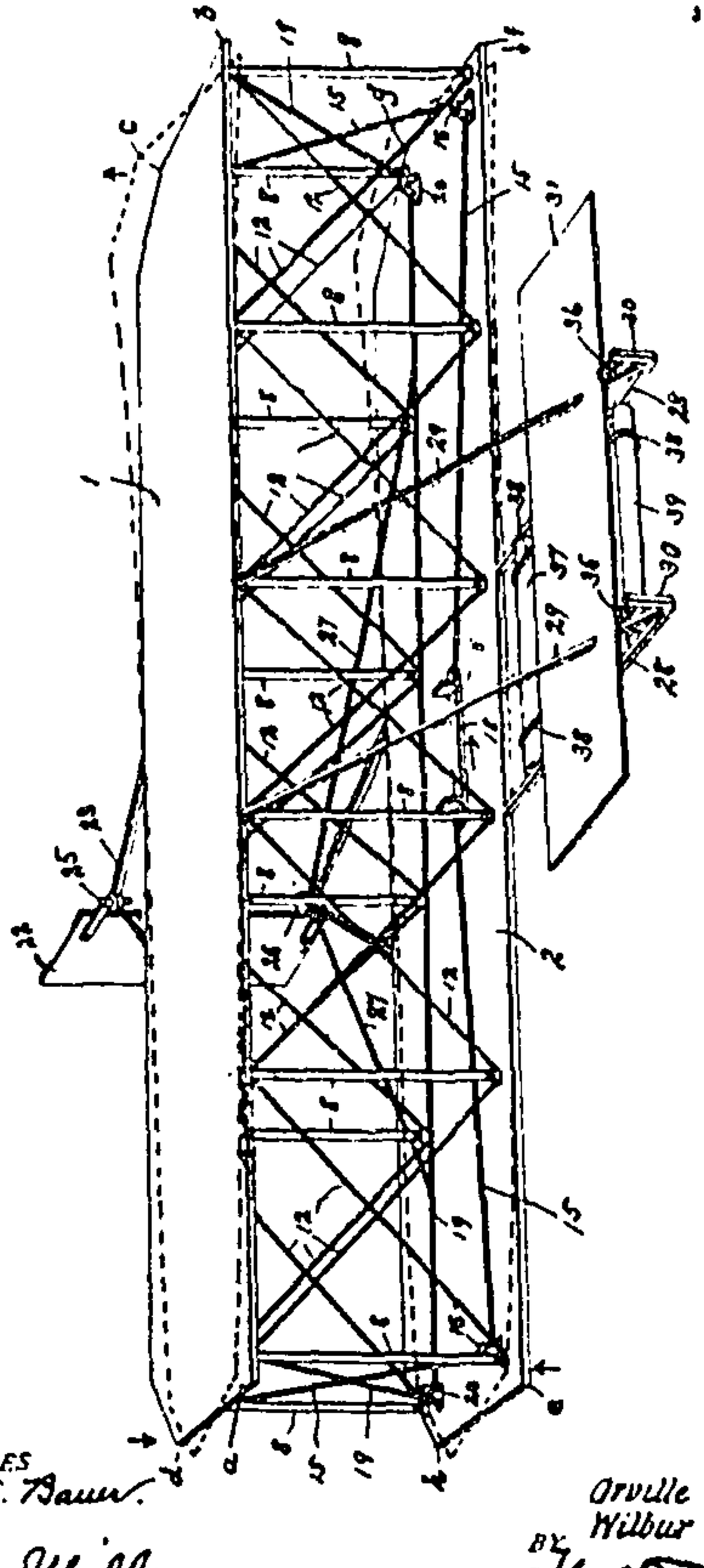


FIG. 1.

WITNESSES

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[MACHINE PATENT]

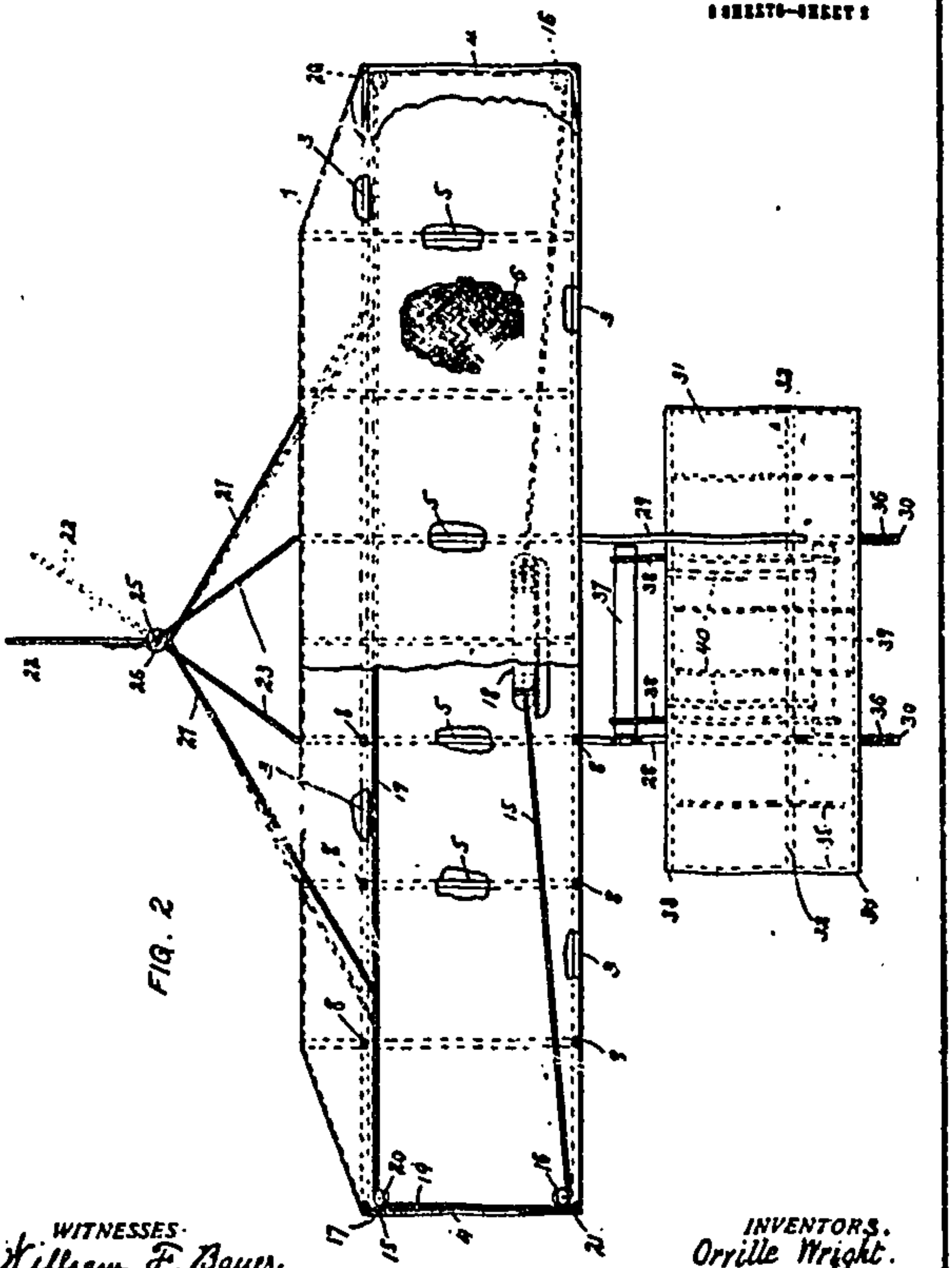
No. 821,393. PATENTED MAY 22, 1906.

O. & W. WRIGHT.

FLYING MACHINE.

APPLICATION FILED MAR 23, 1903.

5 SHEETS—SHEET 2



[MACHINE PATENT]

No. 821,393 PATENTED MAY 22, 1906.

O. & W. WRIGHT.

FLYING MACHINE.

APPLICATION FILED MAR. 23, 1903.

3 SHEETS—SHEET 3

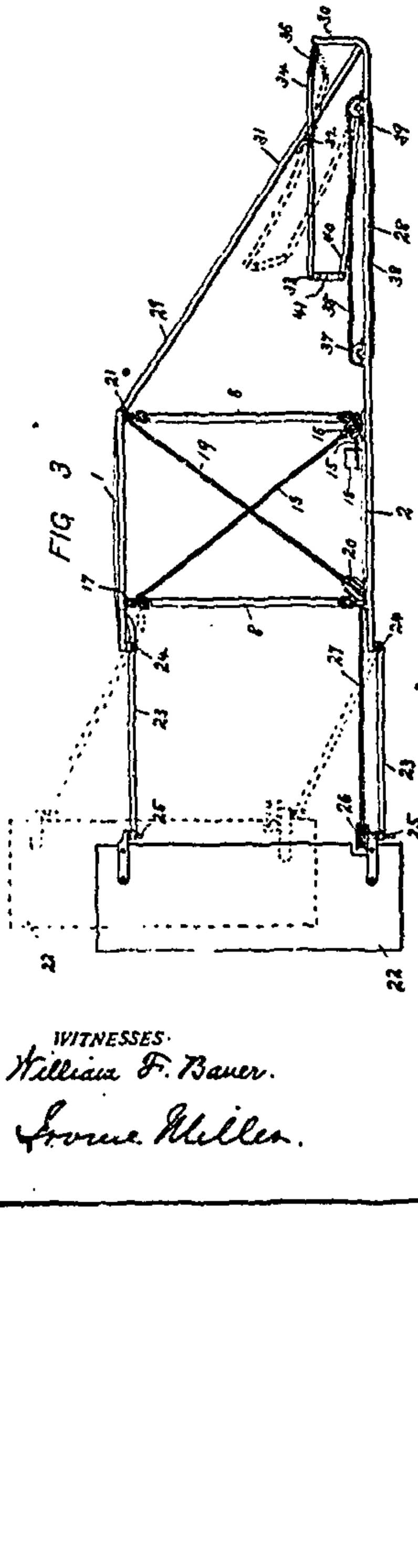


FIG. 3

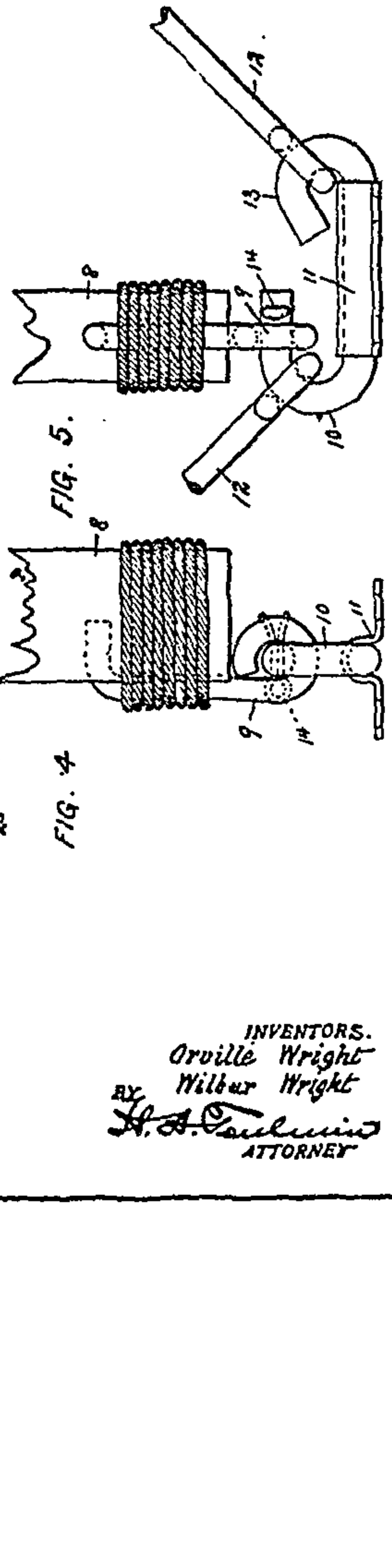


FIG. 5.

FIG. 4

WITNESSES.
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INVENTORS.
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[MACHINE PATENT]

UNITED STATES PATENT OFFICE.

ORVILLE WRIGHT AND WILBUR WRIGHT, OF DAYTON, OHIO.

FLYING-MACHINE.

No. 821,393. Specification of Letters Patent. Patented May 22, 1906.

Application filed March 23, 1903. Serial No. 149,220

To all whom it may concern:

Be it known that we, ORVILLE WRIGHT and WILBUR WRIGHT, citizens of the United States, residing in the city of Dayton, county of Montgomery, and State of Ohio, have invented certain new and useful Improvements in Flying-Machines, of which the following is a specification.

Our invention relates to that class of flying-machines in which the weight is sustained by the reactions resulting when one or more aeroplanes are moved through the air edgewise at a small angle of incidence, either by the application of mechanical power or by the utilization of the force of gravity.

The objects of our invention are to provide means for maintaining or restoring the equilibrium or lateral balance of the apparatus, to provide means for guiding the machine both vertically and horizontally, and to provide a structure combining lightness, strength, convenience of construction, and certain other advantages which will hereinafter appear.

To these ends our invention consists in certain novel features, which we will now proceed to describe and will then particularly point out in the claims.

In the accompanying drawings, Figure 1 is a perspective view of an apparatus embodying our invention in one form. Fig. 2 is a plan view of the same, partly in horizontal section and partly broken away. Fig. 3 is a side elevation, and Figs. 4 and 5 are detail views, of one form of flexible joint for connecting the upright standards with the aeroplanes.

In flying-machines of the character to which this invention relates the apparatus is supported in the air by reason of the contact between the air and the under surface of one or more aeroplanes, the contact-surface being presented at a small angle of incidence to the air. The relative movements of the air and aeroplane may be derived from the motion of the air in the form of wind blowing in the direction opposite to that in which the apparatus is traveling or by a combined downward and forward movement of the machine, as in starting from an elevated position or by combination of these two things, and in either case the operation is that of a soaring-machine, while power applied to the machine to propel it positively forward will cause the air to support the machine in a similar manner. In either case owing to the varying conditions to be met there are numerous disturbing forces which tend to shift the machine from the position which it should occupy to obtain the desired results. It is the chief object of our invention to provide means for remedying this difficulty, and we will now proceed to describe the construction by means of which these results are accomplished.

In the accompanying drawings we have shown an apparatus embodying our invention in one form. In this illustrative embodiment the machine is shown as comprising two parallel superposed aeroplanes 1 and 2, and this construction we prefer, although our invention may be embodied in a structure having a single aeroplane. Each aeroplane is of considerably greater width from side to side than from front to rear. The four corners of the upper aeroplane are indicated by the reference-letters *a*, *b*, *c*, and *d*, while the corresponding corners of the lower aeroplane 2 are indicated by the reference-letters *e*, *f*, *g*, and *h*. The marginal lines *a b* and *c f* indicate the front edges of the aeroplanes, the lateral margins of the upper aeroplane are indicated, respectively, by the lines *a d* and *b c*, the lateral margins of the lower aeroplane are indicated, respectively, by the lines *e h* and *f g*, while the rear margins of the upper and lower aeroplanes are indicated, respectively, by the lines *c d* and *g h*.

Before proceeding to a description of the fundamental theory of operation of the structure we will first describe the preferred mode of constructing the aeroplanes and those portions of the structure which serve to connect the two aeroplanes.

Each aeroplane is formed by stretching cloth or other suitable fabric over a frame composed of two parallel transverse spars 3, extending from side to side of the machine, their ends being connected by bows 4, extending from front to rear of the machine. The front and rear spars 3 of each aeroplane are connected by a series of parallel ribs 5 which preferably extend somewhat beyond the rear spar, as shown. These spars, bows, and ribs are preferably constructed of wood having the necessary strength, combined with lightness and flexibility. Upon this framework the cloth which forms the supporting-surface of the aeroplane is secured, the frame being inclosed in the cloth. The cloth for each aeroplane previously to its attachment to its frame is cut on the bias and made up into a single piece approximately

[MACHINE PATENT]

the size and shape of the aeroplane, having the threads of the fabric arranged diagonally to the transverse spars and longitudinal ribs, as indicated at 6 in Fig. 2. Thus the diagonal threads of the cloth form truss systems with the spars and ribs, the threads constituting the diagonal members. A hem is formed at the rear edge of the cloth to receive a wire 7, which is connected to the ends of the rear spar and supported by the rearwardly-extending ends of the longitudinal ribs 5, thus forming a rearwardly-extending flap or portion of the aeroplane. This construction of the aeroplanes gives a surface which has very great strength to withstand lateral and longitudinal strains, at the same time being capable of being bent or twisted in the manner hereinafter described.

When two aeroplanes are employed, as in the construction illustrated, they are connected together by upright standards 8. These standards are substantially rigid, being preferably constructed of wood and of equal length, equally spaced along the front and rear edges of the aeroplane, to which they are connected at their top and bottom ends by hinged joints or universal joints of any suitable description. We have shown one form of connection which may be used for this purpose in Figs 4 and 5 of the drawings. In this construction each end of the standard 8 has secured to it an eye 9, which engages with a hook 10, secured to a bracket-plate 11, which latter plate is in turn fastened to the spar 3. Diagonal braces or stay wires 12 extend from each end of each standard to the opposite ends of the adjacent standards, and as a convenient mode of attaching these parts I have shown a hook 13 made integral with the hook 10 to receive the end of one of the stay-wires, the other stay-wire being mounted on the hook 10. The hook 13 is shown as bent down to retain the stay-wire in connection to it, while the hook 10 is shown as provided with a pin 14 to hold the stay-wire 12 and eye 9 in position thereon. It will be seen that this construction forms a truss system which gives the whole machine great transverse rigidity and strength, while at the same time the jointed connections of the parts permit the aeroplanes to be bent or twisted in the manner which we will now proceed to describe.

15 indicates a rope or other flexible connection extending lengthwise of the front of the machine above the lower aeroplane, passing under pulleys or other suitable guides 16 at the front corners *e* and *f* of the lower aeroplane, and extending thence upward and rearward to the upper rear corners *c* and *d* of the upper aeroplane, where they are attached, as indicated at 17. To the central portion of this rope there is connected a laterally-movable cradle 18, which forms a means for moving the rope lengthwise in one direction or the other, the cradle being movable toward either side of the machine. We have devised this cradle as a convenient means for operating the rope 15, and the machine is intended to be generally used with the operator lying face downward on the lower aeroplane, with his head to the front, so that the operator's body rests on the cradle, and the cradle can be moved laterally by the movements of the operator's body. It will be understood, however, that the rope 15 may be manipulated in any suitable manner.

19 indicates a second rope extending transversely of the machine along the rear edge of the body portion of the lower aeroplane, passing under suitable pulleys or guides 20 at the rear corners *g* and *h* of the lower aeroplane, and extending thence diagonally upward to the front corners *a* and *b* of the upper aeroplane, where its ends are secured in any suitable manner, as indicated at 21.

Considering the structure so far as we have now described it and assuming that the cradle 18 be moved to the right in Figs. 1 and 2, as indicated by the arrows applied to the cradle in Fig. 1 and by the dotted lines in Fig. 2, it will be seen that that portion of the rope 15, passing under the guide-pulley at the corner *e* and secured to the corner *d* will be under tension, while slack is paid out throughout the other side or half of the rope 15. The part of the rope 15 under tension exercises a downward pull upon the rear upper corner *d* of the structure and an upward pull upon the front lower corner *e*, as indicated by the arrows. This causes the corner *d* to move downward and the corner *e* to move upward. As the corner *e* moves upward it carries the corner *a* upward with it, since the intermediate standard 8 is substantially rigid and maintains an equal distance between the corners *a* and *e* at all times. Similarly, the standard 8, connecting the corners *d* and *h*, causes the corner *h* to move downward in unison with the corner *d*. Since the corner *a* thus moves upward and the corner *h* moves downward, that portion of the rope 19 connected to the corner *a* will be pulled upward through the pulley 20 at the corner *h*, and the pull thus exerted on the rope 19 will pull the corner *b* on the other side of the machine downward and at the same time pull the corner *g* at said other side of the machine upward. This results in a downward movement of the corner *b* and an upward movement of the corner *c*. Thus it results from a lateral movement of the cradle 18 to the right in Fig. 1 that the lateral margins *a d* and *e h* at one side of the machine are moved from their normal positions, in which they lie in the normal planes of their respective aeroplanes, into angular relations with said normal planes, each lateral margin on this side of the machine being raised above said normal plane at its forward end and depressed below said nor-

[MACHINE PATENT]

nal plane at its rear end, said lateral margins being thus inclined upward and forward. At the same time a reverse inclination is imparted to the lateral margins *b c* and *f g* at the other side of the machine, their inclination being downward and forward. These positions are indicated in dotted lines in Fig. 1 of the drawings. A movement of the cradle 18 in the opposite direction from its normal position will reverse the angular inclination of the lateral margins of the aeroplanes in an obvious manner. By reason of this construction it will be seen that with the particular mode of construction now under consideration it is possible to move the forward corner of the lateral edges of the aeroplane on one side of the machine either above or below the normal planes of the aeroplanes, a reverse movement of the forward corners of the lateral margins on the other side of the machine occurring simultaneously. During this operation each aeroplane is twisted or distorted around a line extending centrally across the same from the middle of one lateral margin to the middle of the other lateral margin, the twist due to the moving of the lateral margins to different angles extending across each aeroplane from side to side, so that each aeroplane-surface is given a helicoidal warp or twist. We prefer this construction and mode of operation for the reason that it gives a gradually-increasing angle to the body of each aeroplane from the central longitudinal line thereof outward to the margin, thus giving a continuous surface on each side of the machine, which has a gradually increasing or decreasing angle of incidence from the center of the machine to either side. We wish it to be understood, however, that our invention is not limited to this particular construction, since any construction whereby the angular relations of the lateral margins of the aeroplanes may be varied in opposite directions with respect to the normal planes of said aeroplanes comes within the scope of our invention. Furthermore, it should be understood that while the lateral margins of the aeroplanes move to different angular positions with respect to or above and below the normal planes of said aeroplanes it does not necessarily follow that these movements bring the opposite lateral edges to different angles respectively above and below a horizontal plane, since the normal planes of the bodies of the aeroplanes are inclined to the horizontal when the machine is in flight, said inclination being downward from front to rear, and while the forward corners on one side of the machine may be depressed below the normal planes of the bodies of the aeroplanes said depression is not necessarily sufficient to carry them below the horizontal planes passing through the rear corners on that side. Moreover, although we prefer to so construct the apparatus that the movements of the lateral margins on the opposite sides of the machine are equal in extent and opposite in direction, yet our invention is not limited to a construction producing this result, since it may be desirable under certain circumstances to move the lateral margins on one side of the machine in the manner just described without moving the lateral margins on the other side of the machine to an equal extent in the opposite direction. Turning now to the purpose of this provision for moving the lateral margins of the aeroplanes in the manner described, it should be premised that owing to various conditions of wind-pressure and other causes the body of the machine is apt to become unbalanced laterally, one side tending to sink and the other side tending to rise, the machine turning around its central longitudinal axis. The provision which we have just described enables the operator to meet this difficulty and preserve the lateral balance of the machine. Assuming that for some cause that side of the machine which lies to the left of the observer in Figs. 1 and 2 has shown a tendency to drop downward, a movement of the cradle 18 to the right of said figures, as hereinbefore assumed, will move the lateral margins of the aeroplanes in the manner already described, so that the margins *a d* and *e h* will be inclined downward and rearward and the lateral margins *b c* and *f g* will be inclined upward and rearward with respect to the normal planes of the bodies of the aeroplanes. With the parts of the machine in this position it will be seen that the lateral margins *a d* and *e h* present a larger angle of incidence to the resisting air, while the lateral margins on the other side of the machine present a smaller angle of incidence. Owing to this fact, the side of the machine presenting the larger angle of incidence will tend to lift or move upward, and this upward movement will restore the lateral balance of the machine. When the other side of the machine tends to drop, a movement of the cradle 18 in the reverse direction will restore the machine to its normal lateral equilibrium. Of course the same effect will be produced in the same way in the case of a machine employing only a single aeroplane.

In connection with the body of the machine as thus operated we employ a vertical rudder or tail 22, so supported as to turn around a vertical axis. This rudder is supported at the rear ends of supports or arms 23, pivoted at their forward ends to the rear margins of the upper and lower aeroplanes, respectively. These supports are preferably V-shaped, as shown, so that their forward ends are comparatively widely separated, their pivots being indicated at 24. Said supports are free to swing upward at their free rear ends, as indicated in dotted lines in Fig. 3, their downward movement being limited in any suitable manner. The vertical pivots

[MACHINE PATENT]

of the rudder 22 are indicated at 25, and one of these pivots has mounted thereon a sheave or pulley 26, around which passes a tiller-rope 27, the ends of which are extended out laterally and secured to the rope 19 on opposite sides of the central point of said rope. By reason of this construction the lateral shifting of the cradle 15 serves to turn the rudder to one side or the other of the line of flight. It will be observed in this connection that the construction is such that the rudder will always be so turned as to present its resisting-surface on that side of the machine on which the lateral margins of the aeroplanes present the least angle of resistance. The reason of this construction is that when the lateral margins of the aeroplanes are so turned in the manner hereinbefore described as to present different angles of incidence to the atmosphere that side presenting the largest angle of incidence, although being lifted or moved upward in the manner already described, at the same time meets with an increased resistance to its forward motion, and is therefore retarded in its forward motion, while at the same time the other side of the machine, presenting a smaller angle of incidence, meets with less resistance to its forward motion and tends to move forward more rapidly than the retarded side. This gives the machine a tendency to turn around its vertical axis, and this tendency if not properly met will not only change the direction of the front of the machine, but will ultimately permit one side thereof to drop into a position vertically below the other side with the aeroplanes in vertical position, thus causing the machine to fall. The movement of the rudder hereinbefore described prevents this action, since it exerts a retarding influence on that side of the machine which tends to move forward too rapidly and keeps the machine with its front properly presented to the direction of flight and with its body properly balanced around its central longitudinal axis. The pivoting of the supports 23 so as to permit them to swing upward prevents injury to the rudder and its supports in case the machine alights at such an angle as to cause the rudder to strike the ground first, the parts yielding upward, as indicated in dotted lines in Fig. 3, and thus preventing injury or breakage. We wish it to be understood, however, that we do not limit ourselves to the particular description of rudder set forth, the essential being that the rudder shall be vertical and shall be so moved as to present its resisting-surface on that side of the machine which offers the least resistance to the atmosphere, so as to counteract the tendency of the machine to turn around a vertical axis when the two sides thereof offer different resistances to the air.

From the central portion of the front of the machine struts 28 extend horizontally forward from the lower aeroplane, and struts 29 extend downward and forward from the central portion of the upper aeroplane, their front ends being united to the struts 28, the forward extremities of which are turned up, as indicated at 30. These struts 28 and 29 form truss-skids projecting in front of the whole frame of the machine and serving to prevent the machine from rolling over forward when it alights. The struts 29 serve to brace the upper portion of the main frame and resist its tendency to move forward after the lower aeroplane has been stopped by its contact with the earth, thereby relieving the rope 19 from undue strain, for it will be understood that when the machine comes into contact with the earth further forward movement of the lower portion thereof being suddenly arrested the inertia of the upper portion would tend to cause it to continue to move forward if not prevented by the struts 29, and this forward movement of the upper portion would bring a very violent strain upon the rope 19, since it is fastened to the upper portion at both of its ends, while its lower portion is connected by the guides 20 to the lower portion. The struts 28 and 29 also serve to support the front or horizontal rudder, the construction of which we will now proceed to describe.

The front rudder 31 is a horizontal rudder having a flexible body, the same consisting of three stiff cross-pieces or sticks 32, 33, and 34, and the flexible ribs 35, connecting said cross-pieces and extending from front to rear. The frame thus provided is covered by a suitable fabric stretched over the same to form the body of the rudder. The rudder is supported from the struts 29 by means of the intermediate cross-piece 32, which is located near the center of pressure slightly in front of a line equidistant between the front and rear edges of the rudder, the cross-piece 32 forming the pivotal axis of the rudder, so as to constitute a balanced rudder. To the front edge of the rudder there are connected springs 36, which springs are connected to the upturned ends 30 of the struts 28, the construction being such that said springs tend to resist any movement either upward or downward of the front edge of the horizontal rudder. The rear edge of the rudder lies immediately in front of the operator and may be operated by him in any suitable manner. We have shown a mechanism for this purpose comprising a roller or shaft 37 which may be grasped by the operator so as to turn the same in either direction. Bands 38 extend from the roller 37 forward to and around a similar roller or shaft 39, both rollers or shafts being supported in suitable bearings on the struts 28. The forward roller or shaft has rearwardly-extending arms 40, which are connected by links 41 with the rear edge of the rudder 31. The normal position of the

[MACHINE PATENT]

rudder 31 is neutral or substantially parallel with the aeroplanes 1 and 2, but its rear edge may be moved upward or downward, so as to be above or below the normal plane of said rudder through the mechanism provided for that purpose It will be seen that the springs 36 will resist any tendency of the forward edge of the rudder to move in either direction, so that when force is applied to the rear edge of said rudder the longitudinal ribs 35 bend, and the rudder thus presents a concave surface to the action of the wind either above or below its normal plane, said surface presenting a small angle of incidence at its forward portion and said angle of incidence rapidly increasing toward the rear. This greatly increases the efficiency of the rudder as compared with a plane surface of equal area By regulating the pressure on the upper and lower sides of the rudder through changes of angle and curvature in the manner described a turning movement of the main structure around its transverse axis may be effected, and the course of the machine may thus be directed upward or downward at the will of the operator and the longitudinal balance thereof maintained

Contrary to the usual custom, we place the horizontal rudder in front of the aeroplanes at a negative angle and employ no horizontal tail at all. By this arrangement we obtain a forward surface which is almost entirely free from pressure under ordinary conditions of flight, but which even if not moved at all from its original position becomes an efficient lifting-surface whenever the speed of the machine is accidentally reduced very much below the normal and thus largely counteracts that backward travel of the center of pressure on the aeroplanes which has frequently been productive of serious injuries by causing the machine to turn downward and forward and strike the ground head-on. We are aware that a forward horizontal rudder of different construction has been used in combination with a supporting-surface and a rear horizontal rudder, but this combination was not intended to effect and does not effect the object which we obtain by the arrangement hereinbefore described.

We have used the term "aeroplane" in this specification and the appended claims to indicate the supporting-surface or supporting-surfaces by means of which the machine is sustained in the air, and by this term we wish to be understood as including any suitable supporting-surface which normally is substantially flat, although of course when constructed of cloth or other flexible fabric, as we prefer to construct them, these surfaces may receive more or less curvature from the resistance of the air, as indicated in Fig. 3.

We do not wish to be understood as limiting ourselves strictly to the precise details of construction hereinbefore described and shown in the accompanying drawings, as it is obvious that these details may be modified without departing from the principles of our invention For instance, while we prefer the construction illustrated in which each aeroplane is given a twist along its entire length in order to set its opposite lateral margins at different angles we have already pointed out that our invention is not limited to this form of construction, since it is only necessary to move the lateral marginal portions, and where these portions alone are moved only those upright standards which support the movable portion require flexible connections at their ends

Having thus fully described our invention, what we claim as new, and desire to secure by Letters Patent, is—

1 In a flying-machine, a normally flat aeroplane having lateral marginal portions capable of movement to different positions above or blow the normal plane of the body of the aeroplane, such movement being about an axis transverse to the line of flight, whereby said lateral marginal portions may be moved to different angles relatively to the normal plane of the body of the aeroplane, so as to present to the atmosphere different angles of incidence, and means for so moving said lateral marginal portions, substantially as described

2 In a flying-machine, the combination, with two normally parallel aeroplanes, superposed the one above the other, of upright standards connecting said planes at their margins, the connections between the standards and aeroplanes at the lateral portions of the aeroplanes being by means of flexible joints, each of said aeroplanes having lateral marginal portions capable of movement to different positions above or below the normal plane of the body of the aeroplane, such movement being about an axis transverse to the line of flight, whereby said lateral marginal portions may be moved to different angles relatively to the normal plane of the body of the aeroplane, so as to present to the atmosphere different angles of incidence, the standards maintaining a fixed distance between the portions of the aeroplanes which they connect, and means for imparting such movement to the lateral marginal portions of the aeroplanes, substantially as described

3 In a flying-machine, a normally flat aeroplane having lateral marginal portions capable of movement to different positions above or below the normal plane of the body of the aeroplane, such movement being about an axis transverse to the line of flight, whereby said lateral marginal portions may be moved to different angles relatively to the normal plane of the body of the aeroplane, and also to different angles relatively to each other so as to present to the atmosphere different angles of incidence, and means for si-

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multaneously imparting such movement to said lateral marginal portions, substantially as described.

4. In a flying-machine, the combination, with parallel superposed aeroplanes, each having lateral marginal portions capable of movement to different positions above or below the normal plane of the body of the aeroplane, such movement being about an axis transverse to the line of flight, whereby said lateral marginal portions may be moved to different angles relatively to the normal plane of the body of the aeroplane, and to different angles relatively to each other, so as to present to the atmosphere different angles of incidence, of uprights connecting said aeroplanes at their edges, the uprights connecting the lateral portions of the aeroplanes being connected with said aeroplanes by flexible joints, and means for simultaneously imparting such movement to said lateral marginal portions, the standards maintaining a fixed distance between the parts which they connect, whereby the lateral portions on the same side of the machine are moved to the same angle, substantially as described.

5. In a flying-machine, an aeroplane having substantially the form of a normally flat rectangle elongated transversely to the line of flight, in combination with means for imparting to the lateral margins of said aeroplane a movement about an axis lying in the body of the aeroplane perpendicular to said lateral margins, and thereby moving said lateral margins into different angular relations to the normal plane of the body of the aeroplane, substantially as described.

6. In a flying-machine, the combination, with two superposed and normally parallel aeroplanes, each having substantially the form of a normally flat rectangle elongated transversely to the line of flight, of upright standards connecting the edges of said aeroplanes to maintain their equidistance, those standards at the lateral portions of said aeroplanes being connected therewith by flexible joints, and means for simultaneously imparting to both lateral margins of both aeroplanes a movement about axes which are perpendicular to said margins and in the planes of the bodies of the respective aeroplanes, and thereby moving the lateral margins on the opposite sides of the machine into different angular relations to the normal planes of the respective aeroplanes, the margins on the same side of the machine moving to the same angle, and the margins on one side of the machine moving to an angle different from the angle to which the margins on the other side of the machine move, substantially as described.

7. In a flying-machine, the combination, with an aeroplane, and means for simultaneously moving the lateral portions thereof into different angular relations to the normal plane of the body of the aeroplane and to each other, so as to present to the atmosphere different angles of incidence, of a vertical rudder, and means whereby said rudder is caused to present to the wind that side thereof nearest the side of the aeroplane having the smaller angle of incidence and offering the least resistance to the atmosphere, substantially as described.

8. In a flying-machine, the combination, with two superposed and normally parallel aeroplanes, upright standards connecting the edges of said aeroplanes to maintain their equidistance, those standards at the lateral portions of said aeroplanes being connected therewith by flexible joints, and means for simultaneously moving both lateral portions of both aeroplanes into different angular relations to the normal planes of the bodies of the respective aeroplanes, the lateral portions on one side of the machine being moved to an angle different from that to which the lateral portions on the other side of the machine are moved, so as to present different angles of incidence at the two sides of the machine, of a vertical rudder, and means whereby said rudder is caused to present to the wind that side thereof nearest the side of the aeroplanes having the smaller angle of incidence and offering the least resistance to the atmosphere, substantially as described.

9. In a flying-machine, an aeroplane normally flat and elongated transversely to the line of flight, in combination with means for imparting to said aeroplane a helicoidal warp around an axis transverse to the line of flight and extending centrally along the body of the aeroplane in the direction of the elongation of the aeroplane, substantially as described.

10. In a flying-machine, two aeroplanes, each normally flat and elongated transversely to the line of flight, and upright standards connecting the edges of said aeroplanes to maintain their equidistance, the connections between said standards and aeroplanes being by means of flexible joints, in combination with means for simultaneously imparting to each of said aeroplanes a helicoidal warp around an axis transverse to the line of flight and extending centrally along the body of the aeroplane in the direction of the elongation of the aeroplane, substantially as described.

11. In a flying-machine, two aeroplanes, each normally flat and elongated transversely to the line of flight, and upright standards connecting the edges of said aeroplanes to maintain their equidistance, the connections between such standards and aeroplanes being by means of flexible joints, in combination with means for simultaneously imparting to each of said aeroplanes a helicoidal warp around an axis transverse to

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the line of flight and extending centrally along the body of the aeroplane in the direction of the elongation of the aeroplane, a vertical rudder, and means whereby said rudder is caused to present to the wind that side thereof nearest the side of the aeroplanes having the smaller angle of incidence and offering the least resistance to the atmosphere, substantially as described.

12. In a flying-machine, the combination, with an aeroplane, of a normally flat and substantially horizontal flexible rudder, and means for curving said rudder rearwardly and upwardly or rearwardly and downwardly with respect to its normal plane, substantially as described.

13. In a flying-machine, the combination, with an aeroplane, of a normally flat and substantially horizontal flexible rudder pivotally mounted on an axis transverse to the line of flight near its center, springs resisting vertical movement of the front edge of said rudder, and means for moving the rear edge of said rudder above or below the normal plane thereof, substantially as described.

14. A flying-machine comprising superposed connected aeroplanes, means for moving the opposite lateral portions of said aeroplanes to different angles to the normal planes thereof, a vertical rudder, means for moving said vertical rudder toward that side of the machine presenting the smaller angle of incidence and the least resistance to the atmosphere, and a horizontal rudder provided with means for presenting its upper or under surface to the resistance of the atmosphere, substantially as described.

15 A flying-machine comprising superposed connected aeroplanes, means for moving the opposite lateral portions of said aeroplanes to different angles to the normal planes thereof, a vertical rudder, means for moving said vertical rudder toward that side of the machine presenting the smaller angle of incidence and the least resistance to the atmosphere, and a horizontal rudder provided with means for presenting its upper or under surface to the resistance of the atmosphere, said vertical rudder being located at the rear of the machine and said horizontal rudder at the front of the machine, substantially as described.

16 In a flying-machine, the combination, with two superposed and connected aeroplanes, of an arm extending rearward from each aeroplane, said arms being parallel and free to swing upward at their rear ends, and a vertical rudder pivotally mounted in the rear ends of said arms, substantially as described.

17. A flying-machine comprising two superposed aeroplanes, normally flat but flexible, upright standards connecting the margins of said aeroplanes, said standards being connected to said aeroplanes by universal joints, diagonal stay-wires connecting the opposite ends of the adjacent standards, a rope extending along the front edge of the lower aeroplane, passing through guides at the front corners thereof, and having its ends secured to the rear corners of the upper aeroplane, and a rope extending along the rear edge of the lower aeroplane, passing through guides at the rear corners thereof, and having its ends secured to the front corners of the upper aeroplane, substantially as described.

18. A flying-machine comprising two superposed aeroplanes, normally flat but flexible, upright standards connecting the margins of said aeroplanes, said standards being connected to said aeroplanes by universal joints, diagonal stay-wires connecting the opposite ends of the adjacent standards, a rope extending along the front edge of the lower aeroplane, passing through guides at the front corners thereof, and having its ends secured to the rear corners of the upper aeroplane, and a rope extending along the rear edge of the lower aeroplane, passing through guides at the rear corners thereof, and having its ends secured to the front corners of the upper aeroplane, in combination with a vertical rudder, and a tiller-rope connecting said rudder with the rope extending along the rear edge of the lower aeroplane, substantially as described

ORVILLE WRIGHT
WILBUR WRIGHT

Witnesses
CHAS. E. TAYLOR,
E EARLE FORBER

30. Patent Office Rules—General.

The rules of practice of the Patent Office are general, both in their conception and application, and therefore often work a hardship in particular cases. On the whole, however, they are wisely drawn and ably applied.

It is not sufficient to know these rules only, one must

know the reasons for their existence. As Lord Coke says, "The law is unknown to him who knoweth not the reason thereof." Not that any enterprising American can regard Lord Coke as an authority on patent matters or modern business, but the quotation is worth remembering, regardless of its author.

31. Correspondence with Patent Office.

Every business man well knows that verbal statements and agreements are the subject of endless misunderstandings. Courts and other judicial bodies have for years worked on the principle that all proceedings must be reduced to writing, whenever possible, in order to avoid uncertainties and misunderstandings, although the expense of preparing written records is often a serious hardship and a great burden to litigants. For reasons similar to those above stated, all business with the Patent Office must be transacted in writing by letters addressed only to the Commissioner of Patents. Personal attendance at the Patent Office is therefore not necessary and not desirable.

All letters and other papers forming an application are kept secret until a patent is finally granted. The reason for this is obvious. If such were not the case, an inventor might be seriously prejudiced in his rights before he obtained his patent. If, for example, the application should be held open to the public inspection, other alleged inventors might, in good faith, or in bad faith, file applications for the same invention, stating that they were the first and original inventors, and although they might not be able to sustain their allega-

tions by proof, they would subject the real inventor to unnecessary trouble and expense in the further prosecution of his case. There are, of course, other reasons for keeping the application secret, the principal object, however, being the protection of the inventor.

The question, therefore, of the form of correspondence and what parties shall be recognized by the Patent Office in a given case, and entitled to inspect the application, is a most important one.

The Patent Office has ruled that the assignee of the entire interest of the invention is entitled to hold correspondence with the Patent Office to the exclusion of the inventor. It might be added that it is customary and quite proper practice for manufacturers who employ inventors, for a proper consideration, to obtain from the inventor an assignment of his interest at the time of filing the application. In the case of an assignment of a part interest only, official letters of the Patent Office will be addressed only to the inventor.

As a matter of fact, it is not necessary for the applicant to post himself as to the rules relating to correspondence, since the majority of applications are prosecuted, not by the inventor or assignee, but by attorneys duly admitted to practice before the Patent Office, and usually by attorneys who are also admitted to practice in the state courts and in the United States courts, because after the issuing of the patent it may become necessary to protect the rights of a patentee by suits against infringers. An attorney who has prosecuted a patent for the applicant would naturally be better in-

formed in a given case than a stranger who comes in when litigation becomes necessary.

Then again, it is to be borne in mind that the courts have the final say as to the validity of patents, the effect of the grant of letters patent by the Patent Office being a certification to the effect that the application has been carefully examined and the Patent Office is of the opinion that the inventor is entitled to a patent; and although the United States courts give great weight and consideration to a patent when issued, they nevertheless declare many patents so issued invalid on the ground of lack of invention, lack of novelty, or for any one of many other reasons which will be more fully set forth in another section.

The Patent Office advises an applicant to employ a competent attorney, as the value of patents depends upon the careful and skillful preparation of the specification and claims. It is customary to supply one's attorney with a power of attorney, which is forwarded with the application to the Commissioner of Patents at Washington. Under such circumstances the Patent Office will correspond only with the attorney. This fact presents another reason for the careful selection of an attorney, as the subsequent prosecution of the application, involving rejections, amendments and alterations to the specification and claims, a procedure usually extending over a period of two years or more, is entirely within the control and judgment of the attorney.

Correspondence as a rule is carried on with only one person at a time, attorney, inventor or assignee, as the

case may be. Owing to the volume of correspondence pouring into the Patent Office, it is safer practice for applicants to write separate letters for each subject of inquiry, although all the letters may be mailed at the same time. To avoid delay and confusion in correspondence, letters to the Commissioner of Patents should state the name of the applicant, date of application, and the serial number, which is given to an application as soon as received, provided the application is complete. No matter how intimate may be the personal or business relation of persons associated with applicant in his business or experimental work, the Patent Office will accord such persons no attention. The reasonableness of this requirement is of course apparent —the application must be kept secret for the protection of the inventor. If the inventor wishes any person to have access to the files of the application, the proper course, as already explained, is to supply such person with a power of attorney.

Although letters are answered as promptly as possible, the correspondence of the Patent Office is often beyond the ability of the clerical force to answer in less time than a month or two months, or even longer.

Applicants frequently write to the Patent Office asking whether an invention submitted is new, or whether a patent has already been issued for the invention to some other person, and whether it is advisable to make an application. Although the office will give information on a variety of matters, information or advices as to the novelty of any invention, or as to whether the invention has been patented, cannot be

given. Inventors should appreciate that the Patent Office cannot act as a legal adviser, and that such inquiries as those just stated should be addressed only to one's attorney. The inventor, or his assignee, or his attorney, is the only proper judge of the propriety of applying for a patent.

If the applicant wishes to avoid payment of the filing fee, amounting to $15, and the fee for legal services involved in the preparation of the application, which varies from $40 to $1000 or more, he should request his attorney to make a preliminary search of the records of patents issued and relating to the art in question. Such a search will determine whether a patent has already been issued for the particular invention. A simple preliminary search can usually be had for $5 or $10. All patents issued by the Patent Office are carefully classified and indexed, and every patent attorney maintains an office or has a correspondent in Washington to make searches among these classified patents. After an attorney receives the result of his search, he supplies his client with copies of patents relating to the invention and an opinion as to their relevancy to his invention. It is then a comparatively easy matter to decide whether an application should be made.

Correspondence and other papers forming a patent application are, as has already been stated, kept secret pending the application, but after the grant of letters patent to the inventor, all the documents of the files are open to public inspection.

32. Attorneys.

The successful prosecution of a patent in the Patent Office requires as much knowledge of technicalities as the prosecution of a case at law. The Patent Office therefore strongly advises all applicants to retain attorneys and supply them with powers of attorney. The power, like any other power of attorney, may be revoked at any stage of the proceeding at the option of the applicant, and is revoked upon the death of the applicant.

Many inventors entertain the impression that a senator or representative can be of service to an applicant. Senators and representatives accordingly receive many letters requesting their assistance in the prosecution of patent cases. Unless the senator or member of Congress is duly authorized to act by a power of attorney, the Patent Office will refuse him any recognition and attention.

33. Applicants.

"A patent may be obtained by any person who has invented or discovered any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement thereof, not known or used by others in this country before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country before his invention or discovery thereof, or more than two years prior to his application, and not patented in a country foreign to the United States on an application filed more than twelve months before his application,

and not in public use or on sale in the United States for more than two years prior to his application, unless the same is proved to have been abandoned, upon payment of the fees required by law and other due proceedings had."—*Revised Statutes of the United States.*

In case of the death of the inventor, the application should be prosecuted by his administrator or executor. It is therefore important that persons interested in the estate of the inventor should consult their attorney, probate the will of the decedent, and obtain letters testamentary. The application should then be prosecuted by the duly qualified executor or administrator.

If an inventor has become insane, the application should be made, or continued, if already filed, by his guardian, committee or conservator or other representative.

An inventor believing himself to be the first inventor of the invention will not be denied a patent because the invention was known or used in any foreign country before his invention, provided the invention was not patented or described in any printed publication.

Joint inventors are entitled to have a patent issued in their joint names, but to be named as joint inventors the applicants must have together actually devised the invention. It is not sufficient that one produce a novel device, and another pay the fees for procuring the patent; such a patent, if issued, will be invalid.

If an inventor files an application in a foreign country more than twelve months before filing an application in this country, the subsequent receipt of foreign letters patent will prevent the obtaining of a United States

patent; but if he files his application in the United States within twelve months after filing his foreign application, the receipt of foreign letters patent will not prevent the grant of a patent in this country.

34. Applications.

An application must be addressed to the Commissioner of Patents and signed by the inventor. The complete application comprises (1) the Government fee of $15, (2) petition, (3) specification, (4) oath and (5) drawings. The final Government fee of $20 is due and payable any time within six months after the patent is allowed. An attorney's fee varies from $40 up, depending upon the nature of the case.

The application will not be placed in the files or given a serial number until all the parts above stated have been received by the Patent Office.

The date that the application becomes officially a part of the files and receives a serial number is more important than one would suppose, because it fixes the date from which a certain two-year period is reckoned backward. The law provides that if an invention has been in public use more than two years before the date of application for a patent, the inventor's rights are forever lost, the law providing in effect that the two years of public use amounts to a dedication of all the inventor's rights to the public. An applicant is very likely to conclude that if he rushes his application to Washington within the last few days of the two-year period, he has saved his invention from dedication to the public. The Office may not reply for several days,

and the reply may state that the application is incomplete and therefore has not been given a date and serial number, because, for example, the drawing was not received. The two-year period may have passed, because the actual receipt at the Patent Office of the specification, filing fee, petition and oath did not together constitute a complete application. The lapse of time has tolled the inventor's right to obtain a patent.

Manufacturers especially are very likely to begin the manufacture and sale of an invented article in advance of the preparation of an application. As soon as an improvement is perfected in the shops, the article is made, often in thousands, and distributed all over the United States and abroad, and an application not filed until many months later, or perhaps too late to secure a patent.

The application must not be sworn to in blank, nor altered after being signed and sworn to.

An application will be considered abandoned unless complete as to all its parts and fully prepared for examination by the Patent Office within one year after filing the petition.

The failure to prosecute an application within one year after receiving a letter or other official communication from the Patent Office, relative to the merits of the invention, will work an abandonment of the application, but not, as a rule, of the invention.

An abandonment means, among other things, that the filing fee of $15 is forfeited. If the applicant renews his application, he must deposit an additional $15. In brief, he must begin his proceedings all over again.

He also loses his filing date, and often his invention, by lapse of two years.

The complete application should of course be deposited in the mails at the same time. It frequently happens, however, that all the parts of the application are not mailed at the same time; the drawings, being on separate bristol-board, sometimes leave an attorney's office a day before or after the mailing of the other parts of the application.

35. Petition.

The petition must be addressed to the Commissioner of Patents, stating (1) the name, (2) residence and (3) post-office address of the petitioner, and (4) specifically requesting the grant of the patent, (5) designating the title of the invention, and (6) referring to the specification for a full disclosure of the invention. Finally, (7) it must be signed by the applicant.

Any omission of the above requirements will result in delays until the application is corrected and made complete.

36. Specification.

The specification is a written description of the invention or discovery and of the manner and process of making, constructing, compounding, and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make, construct, compound, and use the same.

The specification must set forth the precise inven-

tion for which a patent is solicited and explain the principle thereof, and the best mode in which the applicant has contemplated applying that principle, in such manner as to distinguish it from other inventions.

In case of a mere improvement, the specification must particularly point out the part to which the improvement relates, and must by explicit language distinguish between what is old and what is claimed as new; and the description and the drawings, as well as the claims, should be confined to the specific improvement and such parts as necessarily coöperate with it.

The specification must conclude with a specific and distinct claim or claims of the part, improvement or combination which the applicant regards as his invention or discovery.

When there are drawings, the description must refer to the different views by figures and to the different parts by letters or numerals, preferably the latter, since, unlike the letters of the alphabet, they are unlimited in number, and besides are easily read.

A complete specification comprises the following:

1. Preamble stating the name and residence of the applicant and the title of the invention.
2. General statement of the object and nature of the invention.
3. Brief description of the several views of the drawings, if the invention admits of such illustration.
4. Detailed description.
5. Claim or claims.
6. Signature of the inventor.
7. Signature of two witnesses.

37. Division of Application.

Two or more independent inventions should not be claimed in one application. If several inventions are shown in a single application, the Patent Office will require a division of the application and the applicant must then file a second application. It is often difficult to determine whether one or two patents should be solicited in a given case, but the first official letter from the Patent Office after receipt of the application will set forth the proper procedure. It is perhaps better to claim two inventions in case of doubt and later divide the application, than to divide in the beginning and afterwards learn that division was unnecessary.

There is no statutory provision authorizing the Patent Office to require division of the application which contains two or more separate inventions. It is a right —of convenience—assumed by the Patent Office. As soon as an application is received it is assigned to be examined by an examiner according to an intricate system of classification of subjects of invention arranged by the Patent Office. If the invention falls under two classes rather than one, the Office will require a division, and the filing of one or more additional applications, depending on the number of separate inventions. This rule calling for a division is curious, because in cases where one patent has been inadvertently issued covering two or more inventions the courts have not held it invalid because undivided. Then again, since the courts have decided that every claim of the patent is a patent in itself, it is obvious that a patent for a single invention containing, for example, one hundred claims is in effect one hundred patents.

38. Oath of Inventor.

The inventor must make oath or affirmation (1) that he believes himself to be the first inventor of the invention in question; (2) that he does not know or believe that the invention was ever known or used before his invention or discovery thereof; (3) or patented or described in any printed publication in any country before his invention or discovery thereof, or more than two years prior to his application; (4) or in public use or on sale in the United States for more than two years prior to his application; (5) that the invention has not been patented in any foreign country or an application filed by him or his legal representatives or assigns more than twelve months prior to his application in the United States.

The inventor must also state in his oath (6) of what country he is a citizen, (7) where he resides, and (8) whether he is the sole or joint inventor of the invention claimed.

If an applicant has filed an application abroad or patented an invention abroad, he should consult carefully the statutes of the United States and the Rules of Practice of the United States Patent Office. It might be added that before filing an application in any country the applicant should consider carefully whether there is any possibility of his taking out patents in other countries. The rules of the Patent Office and the laws of the United States, the laws of foreign countries, and the reciprocal treaty relations between our country and foreign countries, are so complicated that it is an exceedingly dangerous proceeding to file an ap-

plication in any country without first considering the effect on the applicant's rights under the laws and treaties of other countries. Many inventors have lost valuable rights by neglecting the consideration of the foreign field.

39. Drawings.

Drawings must be signed by the inventor or the name of the inventor may be signed by his attorney-in-fact, but in either case the signature must be attested by two witnesses. The Patent Office does not require and will not accept working drawings. The drawings are reproduced by a photolithographic process for publication in *The Official Gazette*. This fact accounts for many of the rules relating to drawings. Drawings not conforming to the rules will not be accepted.

The following is a summary of the Patent Office rules relating to drawings:

1. Drawings must be made upon pure white paper, with India ink only, of a thickness corresponding to three-sheet bristol-board.

2. Size, 10 inches by 15 inches, having a marginal line one inch from each edge.

3. No shading, except to indicate curved surfaces.

4. Few lines as possible.

5. Scale to be large enough to show mechanism clearly. Two or more sheets if necessary, but number of sheets no more than is absolutely necessary.

6. Letters and figures must be large enough to show in reproduction.

7. Signature of inventor at lower right-hand corner

on each sheet of drawings. Signatures of two witnesses at lower left-hand corner, and a blank space of one and one-quarter inches below the upper marginal line for the title of the invention to be inserted later by the Patent Office.

40. Models.

Models are now practically never required, and will be accepted only when requested by the Patent Office.

41. Examination by the Patent Office.

Applications filed in the Patent Office are classified according to the various arts and examined in order of time of receipt. Certain applications, such as those affecting the United States Government, are given preference as to time of examination.

It is to be borne in mind that the examination is along two lines, to wit, an examination of the application as to its form and an examination as to the merits of the invention described. It is therefore necessary to satisfy the Examiner on both points before a patent can be obtained.

42. Rejections and References.

As has already been stated, the specification contains, among other things, a written description of the invention, following which are the claims. These claims are by all odds the most important features of the application, because an applicant secures by his patent, when granted, only that which he specifically claims. Whenever upon examination the claim is rejected, the Examiner must give his reasons for the rejection; and if the

applicant persists in his claim without altering or amending, the application will be reëxamined, and if again rejected, the Examiner must give his reason for rejection, precisely stated. Some of the reasons for rejecting an application are: (1) Lack of invention, novelty or utility; (2) public use or sale; (3) inoperativeness of the invention, and so forth. Decisions of the Commissioner of Patents, decisions of the United States courts, references to domestic and foreign patents, and publications in general, are freely cited. If the applicant is of the opinion that his position is tenable, he may appeal his case to the Examiner-in-Chief, or to even higher authorities, as is explained more fully later. If, however, he is convinced that the Examiner is correct in his contention, he will of course amend or alter his application in accordance with the suggestion or criticism of the Examiner.

43. Amendments of Application and Action by Applicant.

The applicant, if he chooses, may amend his application as often as the Examiner presents new reasons for rejections. In requesting a reconsideration the applicant must distinctly point out the Examiner's errors. Drawings may be corrected only after a photographic copy of the original has been filed, upon which the corrections are made. After filing the application, none of the papers will be returned to the applicant for any purpose whatever. Amendments must be signed by the applicant or his attorney. If an applicant neglects to prosecute his application for one year after the date

when the last official notice of any action by the Patent Office was mailed to him, the application will be held to be abandoned. Such abandonment does not mean necessarily that the invention is lost forever to the applicant, but does mean that if he wishes to obtain an invention he must begin his proceedings all over again, pay another filing fee, and prepare another application, including drawings.

44. What is Patentable.

Patents will be allowed for inventions covering any new and useful art, machine, manufacture or composition of matter, or any new and useful improvements thereof. The distinction between a machine and a manufacture and a composition of matter is not altogether clear to the average person. As a rule, patents are spoken of as "mechanical" patents, or "process" patents, or patents for "composition of matter": an example of a mechanical patent being a machine; a process patent, a method, such as that of obtaining gold from the ore; and a composition patent, a chemical compound, such as a spraying solution for fruit trees.

A reduced facsimile of the mechanical patent issued to Orville and Wilbur Wright for their invention of a flying machine has already been shown on pages 34-43.

The process patent for manufacturing "Puffed Wheat" and "Puffed Rice" is shown on pages 61-67.

The patent for a composition of matter known to the trade as "Sanatogen" is shown on pages 68-69.

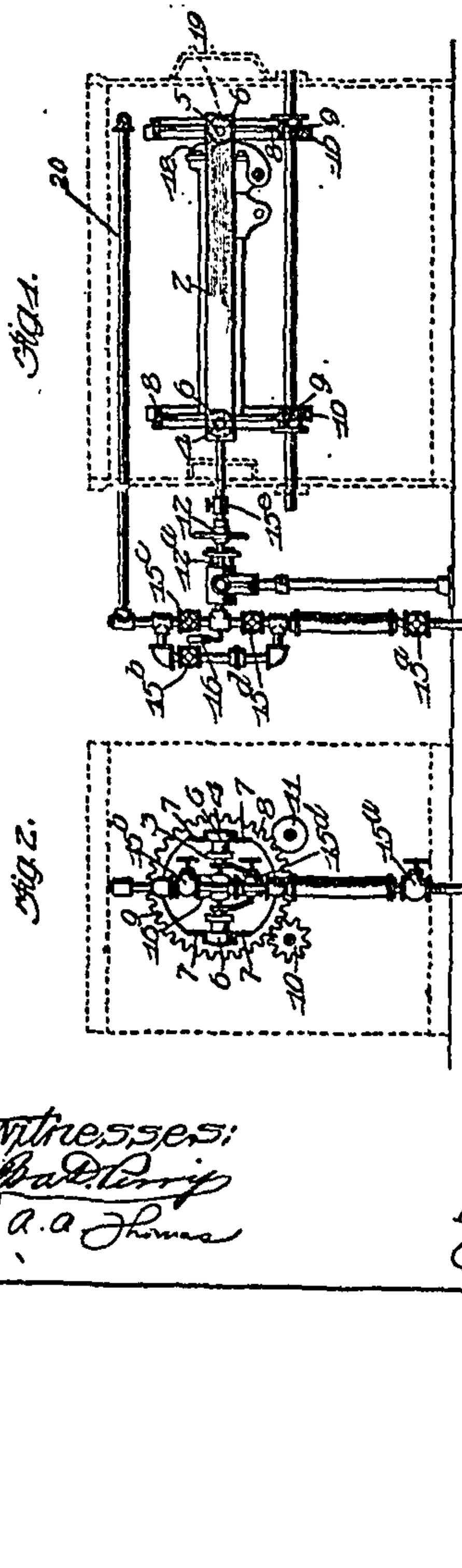
[PROCESS PATENT]

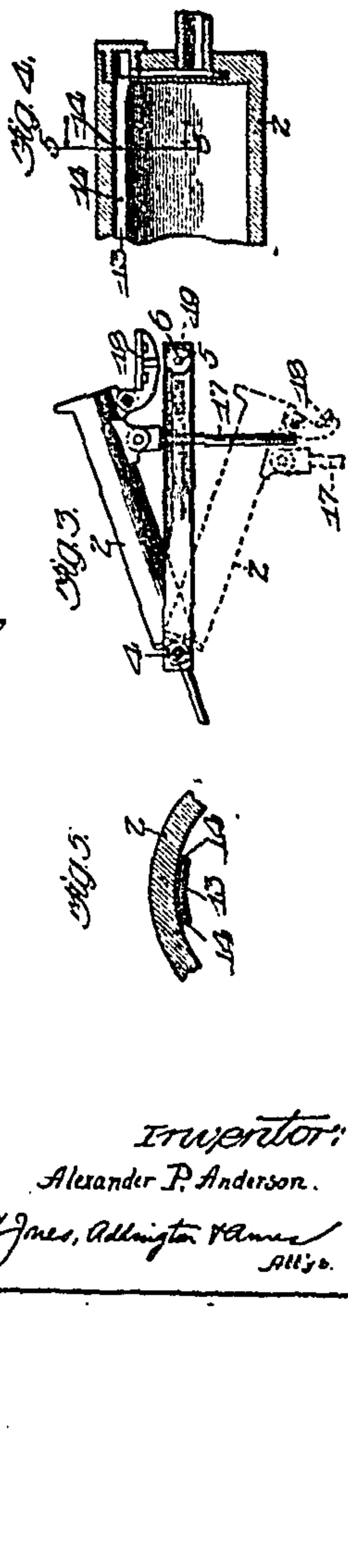
A. P. ANDERSON.

ART OF TREATING STARCH MATERIALS.

APPLICATION FILED APR. 24, 1907.

1,035,835. Patented Aug. 20, 1912.





Witnesses:
Ed. L. Ripley
A. A. Thomas

Inventor:
Alexander P. Anderson.
By Jones, Addington & Ames
Att'ys.

[PROCESS PATENT]

Correction in Letters Patent No. 1,035,835.

It is hereby certified that in Letters Patent No. 1,035,835, granted August 20, 1912, upon the application of Alexander P. Anderson, of Chicago, Illinois, for an improvement in "The Art of Treating Starch Materials," errors appear in the printed specification requiring correction as follows: Page 1, line 68, for the word "oven" read *arrangement shown in Fig. 1;* page 4, lines 65 and 66, after the word "degrees" insert the abbreviation *C.;* page 5, line 97, for the word "the" read *then;* and that the said Letters Patent should be read with these corrections therein that the same may conform to the record of the case in the Patent Office.

Signed and sealed this 29th day of October, A. D., 1912.

[SEAL.]

C. C. BILLINGS,

Acting Commissioner of Patents.

[PROCESS PATENT]

UNITED STATES PATENT OFFICE.

ALEXANDER P. ANDERSON, OF CHICAGO, ILLINOIS.

ART OF TREATING STARCH MATERIALS.

1,033,835. Specification of Letters Patent. Patented Aug. 20, 1912.

Application filed April 24, 1907. Serial No. 370,004.

To all whom it may concern:

Be it known that I, ALEXANDER P ANDERSON, a citizen of the United States, residing at Chicago, in the county of Cook and State of Illinois, have invented new and useful Improvements in the Art of Treating Starch Materials, of which the following is a full, clear, concise, and exact description, reference being had to the accompanying drawing, forming a part of this specification.

My invention relates to an improvement in the art of treating starch material and has for its object a new process for the production of puffed or swelled starch-materials, such as starch, cereal grains of all kinds, whether hulled or unhulled, and other seeds or kernels containing starch.

In my United States Patent No. 707,892, dated August 26, 1902, I have described a process of swelling starch-materials. According to such process, the material in a substantially air-dry condition is heated under pressure, which when suddenly reduced causes the moisture contained in the material to burst into steam, whereby the material is puffed or inflated several times its original volume. It will be observed that by this process the puffing is accomplished with steam derived solely from the natural moisture of the material under treatment. Now, during the practice of the said process with cereal grains, I discovered that by injecting steam into the cylinder at a certain stage of the process, so as to subject the grain in the cylinder to the action of the steam, I obtained far better results. For example, when the material is in a practically anhydrous condition, or when it contains an amount of moisture that is insufficient for its proper swelling or puffing, the necessary percentage of moisture may be readily supplied according to my new method by the injection of steam into the cylinder containing the material under treatment. In this connection I furthermore discovered that the best and most satisfactory results are obtainable by the use of dry steam, preferably steam in a superheated condition, as will hereinafter be fully explained.

In carrying out my new process in the preferred manner, the material under treatment is heated in a closed receptacle which is preferably rotated, provision being made for the admission of steam into and withdrawal of vapors from the receptacle, and for the sudden reduction of pressure surrounding the material for the purpose of puffing or swelling the same.

In the accompanying drawings I show one form of apparatus suitable for treating starch materials in accordance with the herein described process.

Figure 1 is a side view of the piping together with a longitudinal sectional elevation of the drum-support in the oven, the latter being indicated in dotted lines: Fig. 2 is a rear end view of the oven; Fig. 3 shows the drum in charging and discharging positions, the latter position being indicated in dotted lines. Fig. 4 is a sectional view of the rear end of the drum; and, Fig. 5 is a section of the drum on the line 5—5 of Fig. 4.

The material to be treated is put into a drum 2, mounted upon a suitable car capable of being rolled about and brought to the various parts of the apparatus for handling. The car consists of two side members 3, 3, having a trunnion 4 extending therebetween at the rear end: a shaft or axle 5 connects the forward ends of said members. Small wheels or rollers 6 are mounted outside of the members 3, upon the projecting ends of trunnion 4 and shaft 5. The cars run on a track 7 within the oven consisting of four rails fastened to the inside of the cage 8. At each end of the oven is a ring 9 having teeth outside forming a gear, which meshes with another gear 10 adapted to rotate the cage. The gears 10 and rollers 11 support the cage and inclosed drum, in addition to turning it by any suitable power applied to one of their supporting shafts outside of the oven. After the drum has been run into the oven, a steam-connection is made at 12, thus admitting steam to the flattened pipe 13 inside of the drum. The steam escapes into the drum through numerous holes 14 in the pipe, said holes becoming more frequent in proportion to the drop in pressure as the steam advances.

By means of gears 9 and 10 the cage containing the drum is rotated slowly during the heating. Rotation is permitted by the stuffing box 12^a which at the same time maintains the steam-connection. The arrangement of the piping shown is as follows: 15^a, 15^b, 15^c, 15^d and 15^e are valves; 16 is a pressure gage. By opening valves 15^b

[PROCESS PATENT]

and 15ᵉ, and closing valves 15ᵈ and 15ᵉ, the steam is by-passed around the drum. By closing valves 15ᵇ and 15ᵈ, and opening 15ᵉ, the pressure in the drum may be brought to any desired point, as shown by gage 16. To reduce the pressure in the drum, valve 15ᵉ may be closed, and 15ᵈ opened. Thus, by proper valve-manipulation the conditions of pressure and temperature in the drum may be regulated and controlled absolutely. It will be understood that the oven is heated by any suitable or desired means,—as, for example, by gas.

The lid 18 of the drum is clamped tightly closed, a suitable soft-metal gasket being provided to cause an airtight connection, when the drum is in the horizontal position in the frame. In order that the heating may not unseal the lid, I prefer to make the drum of bronze, or some material having a higher coefficient of expansion than the side members of the frame.

To remove the drum from the oven after the heating, valve 15ᵉ is closed, the drum is disconnected at 12, and is run out of the oven to a raising and lowering mechanism suitably connected with the drum through the arm 17. By means of this mechanism the drum is lowered about the shaft 4 as a pivot, as indicated in dotted lines in Fig. 3. The lid 18, previously held shut by the roller 19, suddenly flies open from internal pressure, and the contents are discharged, assisted by gravity, and at the same time puff up in size. The puffed product is discharged with considerable force into a receptacle or cage many times the volume of the drum and adapted to confine it. In charging, the drum is raised by the same arm or screw 17 until it tilts upwardly, when the material to be treated may be fed into the drum.

It will be observed that in Fig. 1 the pipe 20 passes for its greater length through the upper part of the oven. The purpose of this arrangement is to cause superheating of the steam during its passage through said pipe to the drum or cylinder. For the sake of clearness and simplicity, I have omitted to show the right end of said pipe 20 connected with the source of steam supply, inasmuch as such a connection is entirely obvious to any one skilled in the art. Then again, although I have shown the pipe 20 as a single pipe, it is to be understood that the pipe 20 may be coiled back and forth in the upper part of the oven in order to provide a longer passage for the steam through the oven. Of course any other suitable form of steam superheater may be employed, the one shown being for the sake of illustration only.

For the purpose of making a full and complete disclosure of my invention, I shall describe in detail the preferred manner of carrying out the process, at the same time realizing that variations may be made therein without departing from the scope or principle of the invention.

A sufficient quantity of the material to be treated—as, for instance, rice, either hulled or unhulled—is poured into a drum or cylinder, preferably in an air-dry condition. Enough rice is used to fill the cylinder from one-half to three-fourths. The cylinder is now sealed so as to be air-tight, or substantially so, and is then run into the oven where it is heated while being rotated. It is understood that the cylinder may be either cold or hot before the rice is poured into it for treatment.

Owing to the fact that rice in its substantially air-dry condition contains a certain amount of moisture, say from 10 to 20%, the first effect of the heating is to evaporate or drive off a portion of this moisture so that the air confined in the cylinder becomes saturated with water vapor or steam. As soon as the temperature of the rice reaches 100 degrees C., or soon thereafter, pressure begins to form inside of the cylinder, the pressure increasing correspondingly with the increase of temperature. The temperature of the cylinder should be about 175 to 275 degrees C., so that any pressure up to 100 lbs. or more may be obtained within the cylinder as a result of the heat applied to it. It is evident that during the treatment the rice becomes drier, due to the conversion of its moisture into steam which causes pressure in the confined space in the cylinder not occupied by the rice. When this space is large, as *e. g.*, when the cylinder contains only a small amount of rice—say only one-fourth or one-third filled with it—the chance of the rice drying is still greater, becoming in fact anhydrous, or nearly so, as soon as pressure begins to develop out of the steam from the moisture of the rice grains. The treatment is continued until a pressure of from 10 to 110 lbs. develops within the cylinder, depending upon the color, flavor and cook that it is desired to give the finished product. Thus, when a whitish puffed rice is desired, a pressure of 10 lbs. is sufficient; and when a cream-colored or brownish puffed rice is desired, 110 lbs. pressure is sufficient to give it this added cook and temperature. This pressure within the cylinder may now be reduced slowly, as by blowing off the confined atmosphere whereby all air is removed, together with any deleterious vapors arising from the grain. The blowing off is done slowly, as by opening the cylinder valve, and is continued until the pressure runs down to zero or only until a slight pressure reduction results. The blowing off may be continued for some time—say ten minutes or more; thus, when the rice contains about 20% of moisture and it is de-

[PROCESS PATENT]

sired to dry out some or all of this, it may be readily accomplished by continuing the blowing off and drying until the grain contains any moisture percentage desired, readily determined by practice. The blowing out of a part or all of the pressure that has developed within the cylinder during this heating is not essential to the final step of puffing, nor is it essential that the cylinder should be made perfectly air-tight during the heating and drying of the grain as has been described. Thus, the cylinder valve may be left open and the steam or water vapor arising from the rice grains during their heating inside of the rotating cylinder may be allowed to escape as soon as formed. In this case the rice grains lose all or nearly all of their moisture. In either case, the moisture that has been given off from the grains is now replaced by injecting steam into the cylinder, especially dry and preferably superheated, in order to assure its absolute dryness, as well as to give the rice grains a higher temperature when this is desired. The steam thus injected is preferably at a pressure of 150 to 200 lbs. Enough of this steam is blown into the cylinder to produce a pressure of from 10 to 150 lbs.,—preferably 150 lbs. when the cylinder valve is closed. This steam may now be blown off slowly, in part or completely, by opening the cylinder valve, and thus the grain becomes again free from moisture to a greater or less degree. In this case, however, steam is again injected up to a pressure of about 140 lbs. This is preferably left in the cylinder for a short time—say from one-half minute to five minutes—during which time the cylinder is kept in continuous rotation so that all of the grains become exposed to the steam atmosphere now surrounding them. In this way the slight condensation of the steam on the surface, as well as on the inside of each rice grain, is uniform and even. Due to the condensation of the steam on the grain, there occurs a slight fall of pressure within the cylinder. This, however, is only slight—say from 5 to 25 lbs. per square inch. As soon as the rice grains have received enough moisture from the condensing steam to give them a total moisture of about 10 to 20%, the rice is suddenly discharged from the cylinder while under the maximum pressure, whereby a sudden and practically instantaneous reduction of pressure is obtained. This sudden reduction of pressure surrounding the grains causes the pressure within the interior of each kernel to assert itself and swell the grain to a large size, puffing it by steam inflation, rendering it cellular, and giving it all the characteristics of puffed rice.

The aim throughout the whole process is to keep the grain under treatment as near as possible in its air-dry moisture condition, not carrying it more than 10% either below or above the air-dry moisture percentage of the grain. Such moisture percentage may be maintained as explained. When the grain falls below the air-dry percentage—say to 5% or less—this loss can be replaced by the injection of steam into the cylinder; or should the grain contain too much moisture—say as high as 25%—this excess can be eliminated by blowing off the pressure, if any exists, as by leaving the cylinder valve open and thus allowing the excess moisture to escape. The final or puffing pressure, however, is obtained by injecting steam to a pressure of 75 to 150 lbs., it having been determined by practice that in order to puff any cereal grain, a pressure inside of the grain or kernels of from 75 to 150 lbs. per square inch is necessary. Steam may be injected at any time and any number of times and the pressure thus formed reduced by blowing off, but it has been found that it is preferably injected after the air-dry grain in the cylinder has become heated to a temperature varying from 115 to 180 degrees C., or to a pressure of from 10 lbs. to 110 lbs. per square inch. This is necessary in order that the steam injected may not cause too much condensation on the grains and thus prevent their perfect stirring, as well as cause them to stick together.

I have discovered that by the use of ordinary or wet steam, the condensation on the grains is more or less irregular, for the reason that the moisture carried into the cylinder by the steam is not distributed evenly over the grains but is liable to condense in certain places more than in others. Furthermore, wet steam is apt to introduce into the cylinder undesirable quantities of dripping water which causes many of the grains or particles to stick together in lumps, thus preventing the even and perfect puffing of the individual grains. What is known as saturated steam answers the purpose well when such steam does not drip water upon entering the cylinder. Small particles of moisture, nearly always present in saturated steam, condense evenly on the surface of the grains, with the result that the material preserves a desired crispness and imperviousness due to the formation of a coating that covers the entire puffed grain, seed or starch-lump. In general, however, I have found that the most satisfactory results are obtained by the use of superheated steam, which, having the characteristic properties of a gas, prevents local and uneven condensation upon entrance into the cylinder, but condenses on the grains in infinitesimal quantities and with great uniformity, at the same time causing steam-saturation of the whole grain or lump of starch-material. Also, such superheated steam adds to the

[PROCESS PATENT]

material a certain amount of heat, whereby a greater steriliaing as well as cooking effect takes place.

It is not essential that the cylinder should be discharged as soon as the steam for the puffing of the grain has been injected; thus, when a greater cooking of the grain is desired the treatment may be prolonged after the steam is injected, especially when not enough steam is injected to cause puffing, until the pressure increases to puffing pressure.

It is evident that the injected steam not only fills the space unoccupied by the rice within the cylinder but also saturates each grain of rice at the pressure indicated on the cylinder pressure-gage. Each rice grain has thus an internal pressure as well as an external one. When the external pressure is suddenly or instantaneously removed, the internal pressure puffs the grain, since the steam and moisture inside of the grain cannot escape fast enough on account of the grain having been rendered resistant to the rapid escape of its moisture. Hence the whole rice kernel is puffed, increasing its volume evenly from four to fifteen times. It is apparent that when paddy rice is treated as above described, the hulls are thrown off from the expanding kernels. Inasmuch as the hulls do not themselves expand, they are now too small to inclose the kernel after it has become increased in volume as stated.

In case it is desired to subject wheat to the treatment above described, the wheat is well cleaned and scoured so as to remove all its dust and the outer epidermal layer of the grain but not any of the nutritive bran portion, since it is designed to retain in the berry all of its nutritive portion after puffing. Enough of this wheat in its substantially air-dry condition is poured into the cylinder to fill it from one-half to three-fourths. It is then treated in a manner similar to that of rice above explained, or it may be treated as follows: The cylinder with the grain is preferably sealed air tight. It is then run into the oven kept at a temperature of about 200 degrees C., and its rotation begun. After about ten minutes the cylinder-gage begins to show pressure, and after about thirty minutes the pressure has reached about 40 lbs. per square inch. Now without any blowing off of this pressure, except to blow out any condensed water that may have formed in the cylinder connections, the steam injection valve is opened and steam is injected into the cylinder at a pressure of 150 to 200 lbs. This steam just before reaching the cylinder is passed through a steam superheater, *e. g.*, a heated coil of sufficient length set above the burners inside of the oven used for heating the rotating cylinder, such steam superheater giving the steam a temperature varying from about 185 to 500 degrees. I have found that steam superheated as high as 500 degrees, may safely be injected into the cylinder,—it being evident that the steam in passing from the superheater loses much of its heat before reaching the grain or starch material in the cylinder, whereby undue heating of the material is prevented. It is, of course, apparent that one may employ any approved form of well-known superheater used in connection with steam-boilers and the like. For this reason I have deemed it unnecessary and superfluous to show in the drawing any particular type of superheater. The superheated steam is allowed to flow into the cylinder until the gage shows about 145 lbs., when the steam injection valve is closed, leaving this pressure inside of the cylinder. The latter is now allowed to rotate within the oven about one minute longer, during which time its pressure will fall slightly to about 140 lbs., such drop in the pressure being due to the steam condensing slightly on the wheat berries. The cylinder is now stopped, disconnected and run to the discharge machine, and the lid suddenly opened to allow the confined steam and wheat to be discharged from it like shot from a gun. The wheat berries come out puffed and greatly increased in size, as well as in a substantially air-dry condition. Other cereal grains, *e. g.*, Kafir corn, millet, corn, barley and the like may be similarly treated and puffed.

Cereal grains treated as herein set forth have essentially the characteristics of the cereal products described and claimed in my United States Patent No. 750,212, dated Aug. 2, 1904, while starch thus treated presents a product such as claimed in my United States Patent No. 769,289.

The above described process of puffing starch materials by the injection into the cylinder of dry steam, especially superheated steam, is applicable not only to starches and cereal grains of all kinds, but is equally applicable to the puffing of such starch-containing materials as spaghetti or macaroni in its various forms,—as, for example, alphabet macaroni, stick macaroni, star macaroni, and the like. The product obtained by the puffing of these last-mentioned materials according to my improved method would in substance be the same as that claimed in my co-pending application Serial No. 116,279, filed July 19, 1902; Patent No. 874,279 Dec. 17, 1907.

It will be apparent from the above description, that the all-important step in this my new and improved process in the treatment of starch materials, is the subjecting of the material in a substantially air dry condition to the action of steam, especially dry and preferably superheated steam, injected into the cylinder, for the purposes above set forth. Wherefore, in the appended claims

[PROCESS PATENT]

I cover broadly this step of thus subjecting the material under treatment to the action of steam, especially dry and preferably superheated steam, injected at the proper time into the cylinder containing the material.

Inasmuch as it is not necessary to have the drum air-tight during the treatment of the material, as hereinbefore fully explained, I would have it understood that by the term "closed receptacle" as used in some of the appended claims, I mean a receptacle which may or may not be air-tight according as it is desired to carry out the process with or without extreme pressure within the receptacle,—all as previously set forth.

Having thus described my invention, what is claimed as new and desired to secure by Letters Patent of the United States is:—

1. The process disclosed which consists in confining lumps or grains of starch or starch-containing material in a closed receptacle and injecting steam into the receptacle to generate an internal pressure within the lumps or grains, and then suddenly reducing the pressure within the receptacle, whereby the grains or lumps, due to their internal pressure, become puffed or expanded.

2. The process disclosed which consists in confining lumps or grains of starch or starch-containing material in a closed receptacle and injecting superheated steam into the receptacle to generate an internal pressure within the lumps or grains considerably in excess of atmospheric pressure, and then suddenly reducing the pressure within the receptacle, whereby the grains or lumps, due to their internal pressure, become puffed or expanded.

3. The process of puffing cereal grains which consists in confining the same in a closed receptacle and injecting steam into said receptacle until and whereby an internal pressure is created within the grains considerably in excess of atmospheric pressure, and then suddenly reducing the pressure within the receptacle, whereby the grains become puffed or expanded.

4. The process of puffing cereal grains which consists in confining such grains in a substantially air-dry condition in a closed receptacle and injecting superheated steam into said receptacle until and whereby an internal pressure is created within the grains considerably in excess of atmospheric pressure, and then suddenly reducing the pressure within the receptacle, whereby the grains become puffed.

5. The process of treating cereal grains which consists in heating the substantially air-dry grains in a closed receptacle, then injecting steam into the receptacle to quickly increase the pressure within and the temperature of the individual grains, and then suddenly reducing the pressure within the receptacle, whereby the grains become puffed.

6. The process of treating cereal grains which consists in heating the substantially air-dry grains in a closed receptacle, then injecting superheated steam into the receptacle to quickly increase the pressure within and the temperature of the individual grains, and then suddenly reducing the pressure within the receptacle, whereby the grains become puffed.

7. The process of treating cereal grains, which consists in heating substantially air-dry grain in a closed receptacle, meanwhile agitating or tumbling the grain, until pressure has developed therein, then reducing the pressure to reduce the moisture content of the grain, then injecting steam until a pressure of about 75 to 150 pounds per square inch has developed within the receptacle, whereby the pressure within the individual grains is increased, and then suddenly reducing this pressure, whereby the grains become puffed.

8. The process of treating cereal grains, which consists in heating substantially air-dry grain in a closed receptacle, meanwhile agitating or tumbling the grain until pressure has developed therein, then slowly reducing the pressure to reduce the moisture content of the grain, the injecting steam into the receptacle to develop an internal pressure of about 75 to 150 pounds per square inch within the individual grains, and then suddenly reducing the pressure within the receptacle, whereby the grains become puffed.

9. The process of treating cereal grains, which consists in tumbling and heating the substantially air-dry grain in a closed receptacle until pressure has developed therein, then slowly reducing the pressure to reduce the moisture content of the grain, then injecting superheated steam into the receptacle to develop an internal pressure of about 75 to 150 pounds per square inch within the individual grains, and then suddenly reducing the pressure within the receptacle, whereby the grains become puffed.

In witness whereof, I have hereunto subscribed my name in the presence of two witnesses.

ALEXANDER P. ANDERSON.

Witnesses:

A. A. THOMAS,

C. L. HOPKINS.

[PATENT FOR A COMPOSITION OF MATTER]

UNITED STATES PATENT OFFICE.

FELIX BAUER, OF BERLIN, AND ALBERT BUSCH, OF ELBERFELD, GERMANY, ASSIGNORS TO BAUER & CIE., OF BERLIN, GERMANY.

ALBUMEN PREPARATION SOLUBLE IN WATER.

SPECIFICATION forming part of Letters Patent No. 601,995, dated April 5, 1898.

Application filed March 1, 1898. Serial No. 672,183. (No specimens.)

To all whom it may concern:

Be it known that we, FELIX BAUER, doctor of philosophy, chemist, a subject of the King of Saxony, residing in Berlin, and ALBERT BUSCH, doctor of philosophy, chemist, a subject of the Duke of Brunswick, residing in Elberfeld, in the Kingdom of Prussia, German Empire, have invented a certain new and useful Process for Manufacturing Albumen Preparations Soluble in Water, of which the following is a specification.

According to the works of Robin and other authors the glycerophosphates increase the availability of the albumen in the process of digestion. They favor, moreover, the metabolism of sulfur and the assimilation of nutritive phosphates. In consequence of these properties it should appear advisable to manufacture preparations which in addition to the glycerophosphates contain at the same time albuminoids in an easily-assimilable form. We have found that glycerophosphates are capable of rendering soluble in a considerable quantity albuminoids which are insoluble in water and of rendering them thereby easily assimilable. If solutions prepared in this way are evaporated in vacuo at a low temperature, particularly efficacious and also durable nutritive preparations are obtained, which are readily soluble in cold water and dissolve by heat into a milky liquor.

The process of manufacturing the preparations in question can be carried out in several ways. Particularly good practical results ensue from the process hereinafter described.

The albuminoids (albuminates, casein of milk, and vegetable casein, which are used for this purpose) are mixed with water containing alcohol or other liquids which do not act chemically on the material, and the quantity of glycerophosphate of soda necessary for rendering them soluble is added in small portions with constant stirring. A twenty-per-cent. solution of glycerophosphate of soda is found suitable for this proportion, although it is evident that solutions of a different strength may be used. For example, the casein of milk is a material suitable for preparing the soluble foods in question. A convenient proportion in which the ingredients are used is shown in the following example: A quantity of the fresh curd corresponding to one gram of the dry substance is suspended mechanically in a fine state of subdivision in about ten cubic centimeters of the alcoholic mixture mentioned above. The percentage strength of alcohol may be varied, but about ten per cent. will be found advantageous. To the suspended casein the solution of glycerophosphate above mentioned is added little by little with constant stirring. About an equal quantity of the solution—viz., ten cubic centimeters—will be found sufficient to secure the solution of the proteid substance. It is evident that other proteid matters—as, for instance, the gluten of wheat or the zein of Indian corn—may be used and the proportions of solvent, aqueous alcohol, and glycerophosphate may be varied, so as to produce the best results in each case. The mixture is then gently heated and the small quantities of water are removed. This may be advantageously done by washing with strong alcohol, after which the residual alcohol is removed by drying. In place of alcohol other liquids not acting on the substance—such as ether, &c.—may be used. After having let the mixture stand for some time the undissolved albumen is removed and the solution of albumen in the glycerophosphate of soda is evaporated in vacuo at a temperature of 40° centigrade. In lieu of evaporating, the albumen dissolved in the glycerophosphate of soda may be precipitated from the aqueous solution by means of alcohol. The behavior of the products and their properties, whichever albuminates or caseins are combined with the glycerophosphates, is the same.

We claim—

1. The process for manufacturing albumen preparations soluble in water from glycerophosphates and albuminoids (albuminates, casein of milk and vegetable casein), consisting in mixing the albuminoids suspended in an inactive liquid with the quantities of glycerophosphates necessary for solution, in heating the mixture, in eliminating the water, and

[PATENT FOR A COMPOSITION OF MATTER]

in drying the product, substantially as set forth.

2. The within-described water-soluble albuminoid product containing glycerophosphate of soda, and obtained as set forth, in the form of a powder, white in color, without smell and taste, absorbing cold water readily and dissolving by heat into a milky liquor, substantially as described.

In witness whereof we have hereunto signed our names in the presence of two subscribing witnesses.

FELIX BAUER.
ALBERT BUSCH.

Witnesses to Felix Bauer's signature:
BERNARD MÜLLER,
GUSTAV KÜLMANN.

Witnesses to Albert Busch's signature:
R. E. JAHN,
OTTO KÖNIG.

45. Design Patents.

There is, however, one kind of patent not included in the classification above given; this is known as the "design" patent. This will be issued to any person who has invented any new and original and ornamental design for an article of manufacture.

Under this provision, design patents have been issued for freight cars, automobile bodies, lamp-shades, rug patterns, chinaware, silverware, oilcloth, inkstands, and a great variety of other objects.

The facsimile of Patent No. 43,871, shown on pages 69-70, is an illustration of a design patent for a rug.

[DESIGN PATENT]

UNITED STATES PATENT OFFICE.

WILLIAM A. ELLIOT, OF YONKERS, NEW YORK, ASSIGNOR TO BIGELOW CARPET COMPANY, A CORPORATION OF MASSACHUSETTS.

DESIGN FOR A RUG.

43,871. Specification for Design. Patented Apr. 22, 1913.

Application filed March 14, 1912. Serial No. 734,380. Term of patent 3½ years.

To all whom it may concern:

Be it known that I, WILLIAM A. ELLIOT, a citizen of the United States, residing at Yonkers, in the county of Westchester and State of New York, have invented a new, original, and ornamental Design for a Rug, of which the following is a specification, reference being had to the accompanying drawing, forming part thereof.

The drawing illustrates one quarter of a rug, showing my new design, the remaining three quarters become duplicates thereof when the one quarter shown in the drawing is reversed bi-symmetrically from the central axes, both horizontal and vertical.

I claim:

The ornamental design for a rug, as shown.

WILLIAM A. ELLIOT.

Witnesses:
THOMAS P. COSTELLO,
DAVID G. BARRY.

[DESIGN PATENT]

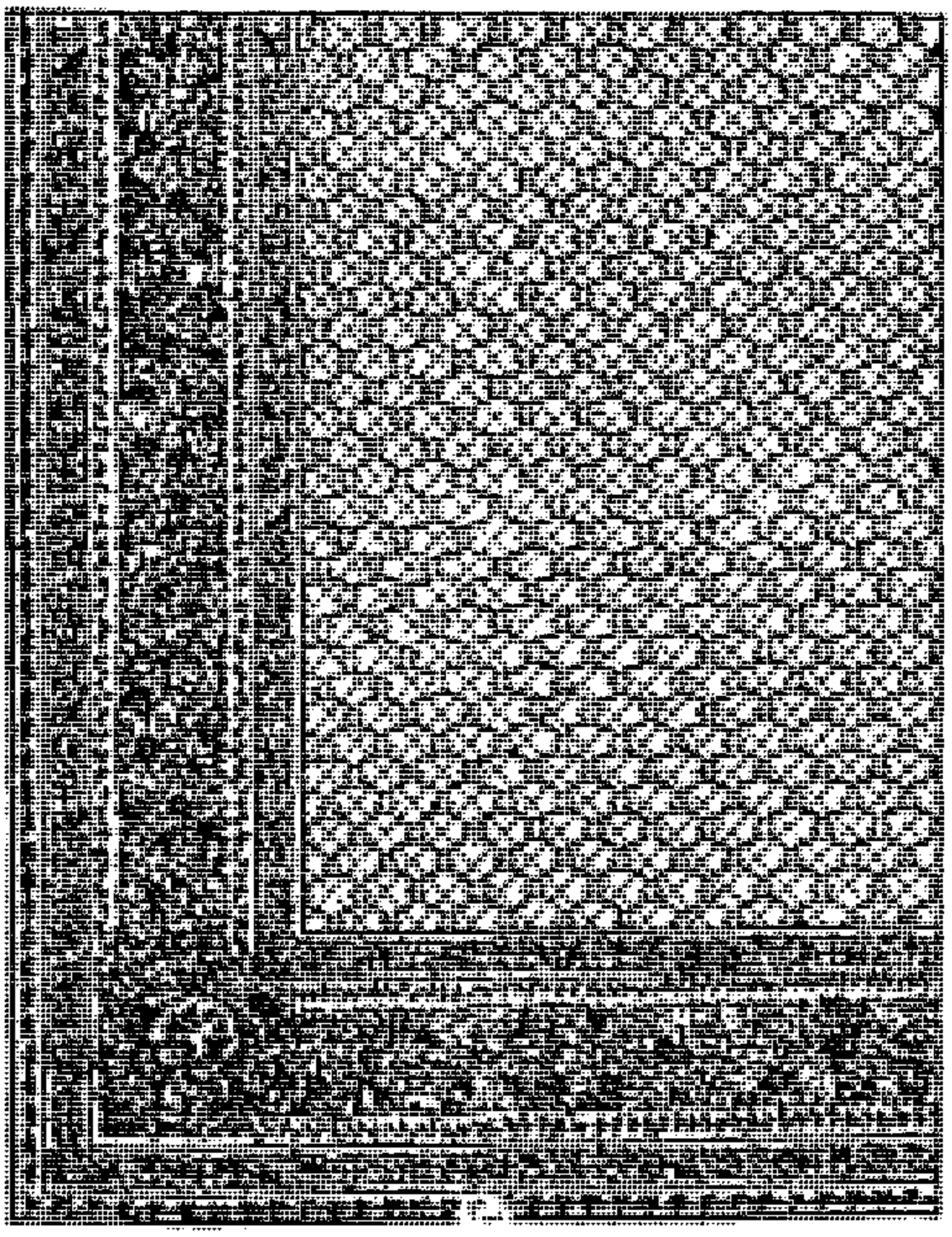
DESIGN.

W. A. ELLIOT.

RUG.

APPLICATION FILED MAR 14, 1913.

43,871. Patented Apr. 22, 1913.



WITNESSES:
Howard H. Estes
Rene E. Barry

INVENTOR
William A. Elliot

The following illustrations show the great variety of designs that have been patented.

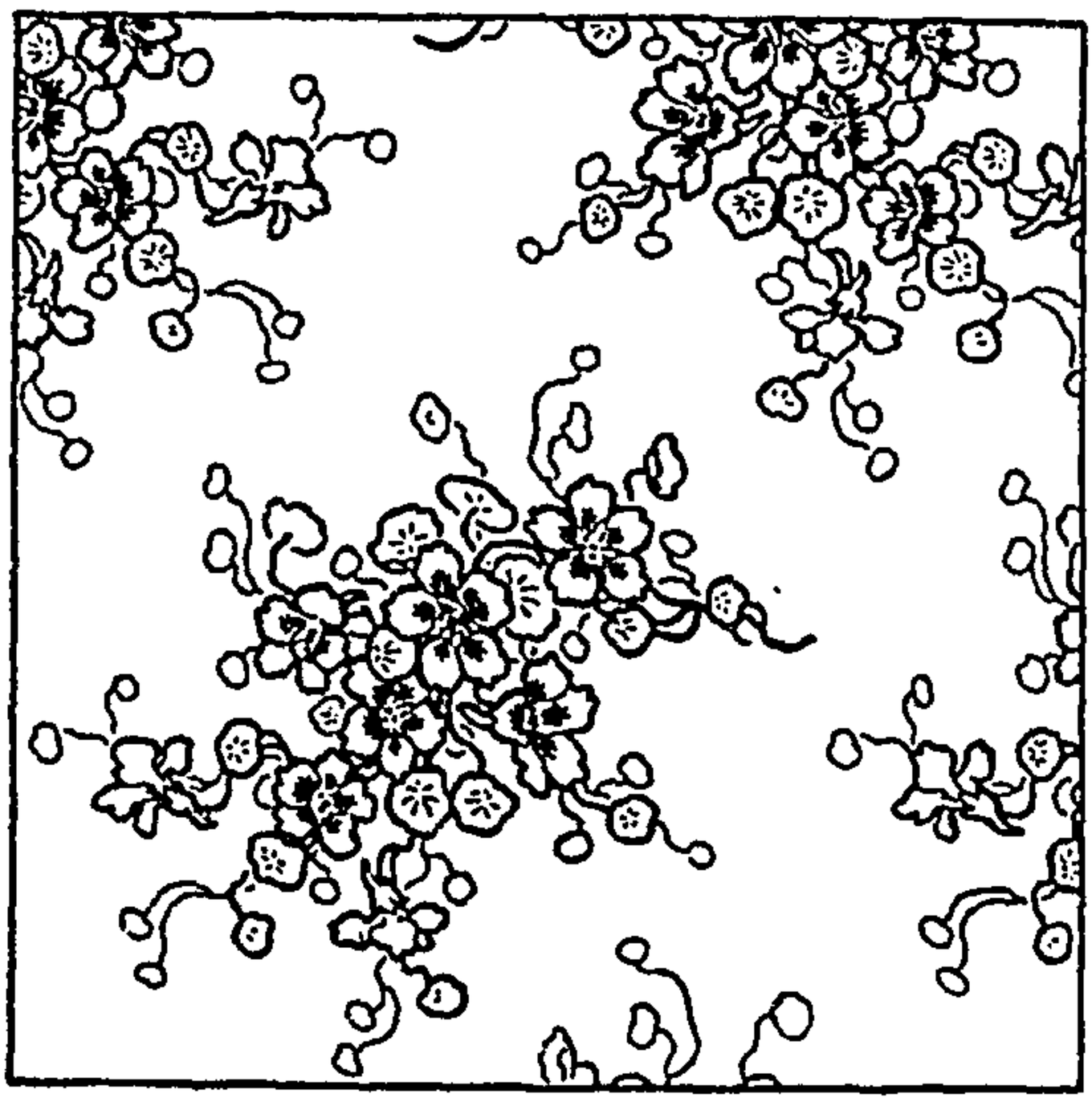
DESIGN

E. HOCH

TEXTILE FABRIC OR WALL PAPER

APPLICATION FILED JAN. 7. 1913

43,616 Patented Feb. 25, 1913

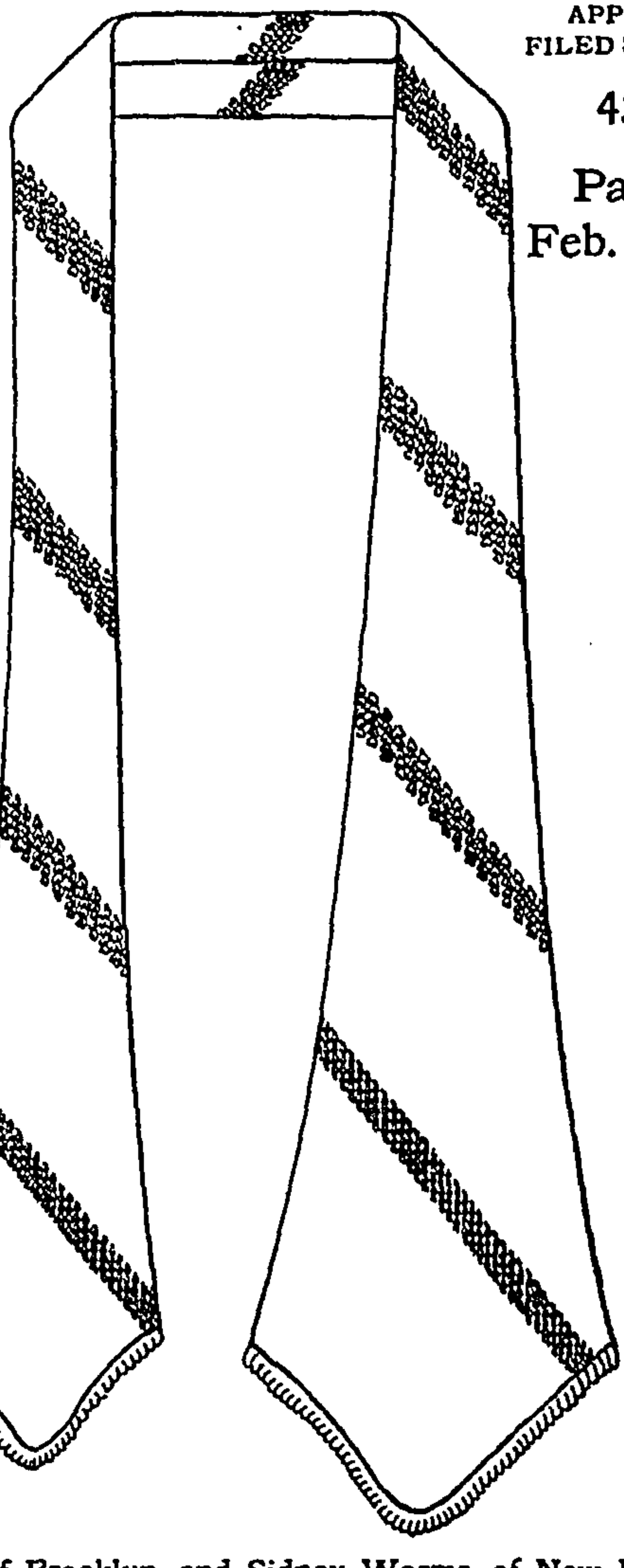


Ernest Hoch, of New York, N. Y., Assignor to Pacific Mills, of Boston, Massachusetts, a Corporation of Massachusetts.

DESIGN

J. KELLNER
& S. WORMS

KNITTED
NECKTIE
OR SCARF



APPLICATION
FILED SEPT. 20, 1912

43,572

Patented
Feb. 18, 1913

Josef Kellner, of Brooklyn, and Sidney Worms, of New Rochelle, New York, Assignors to Franklin Knitting Mills, of New York, N. Y., a Corporation of New York.

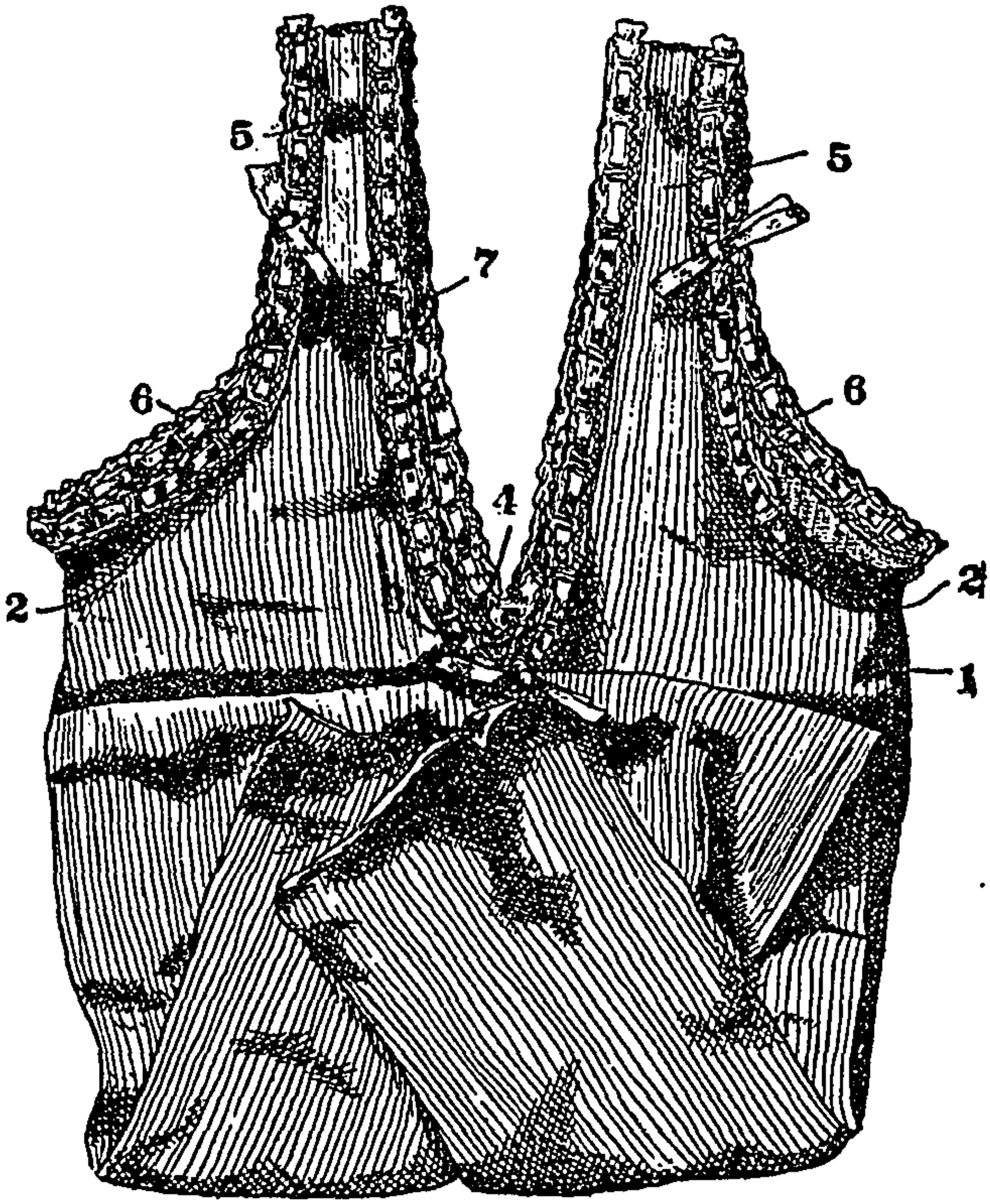
DESIGN

W. L. SIEWERS

UNDERGARMENT

APPLICATION FILED DEC. 7, 1912

43,788 Patented Apr. 1, 1913



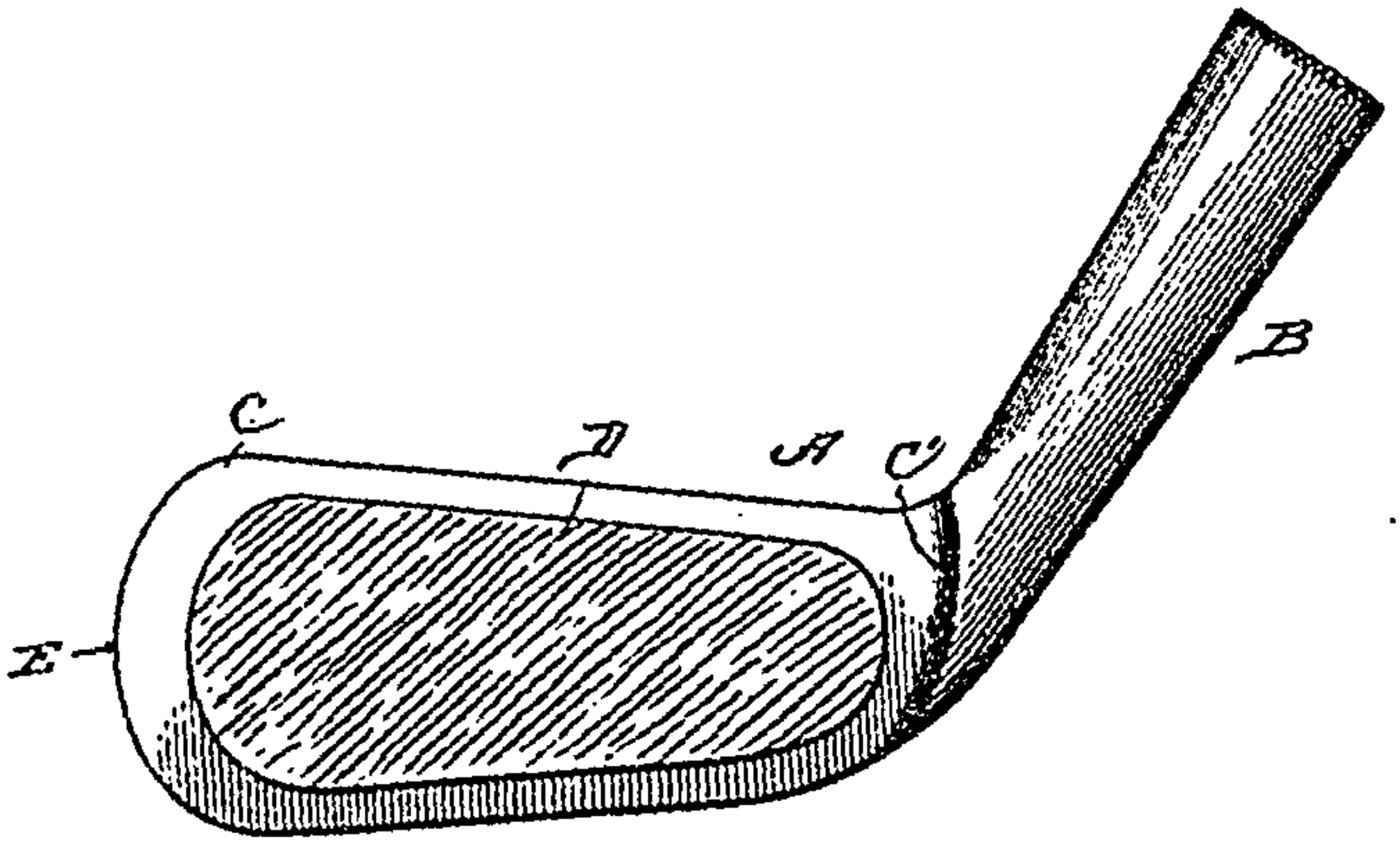
Walter L. Siewers, of Winston-Salem, North Carolina.

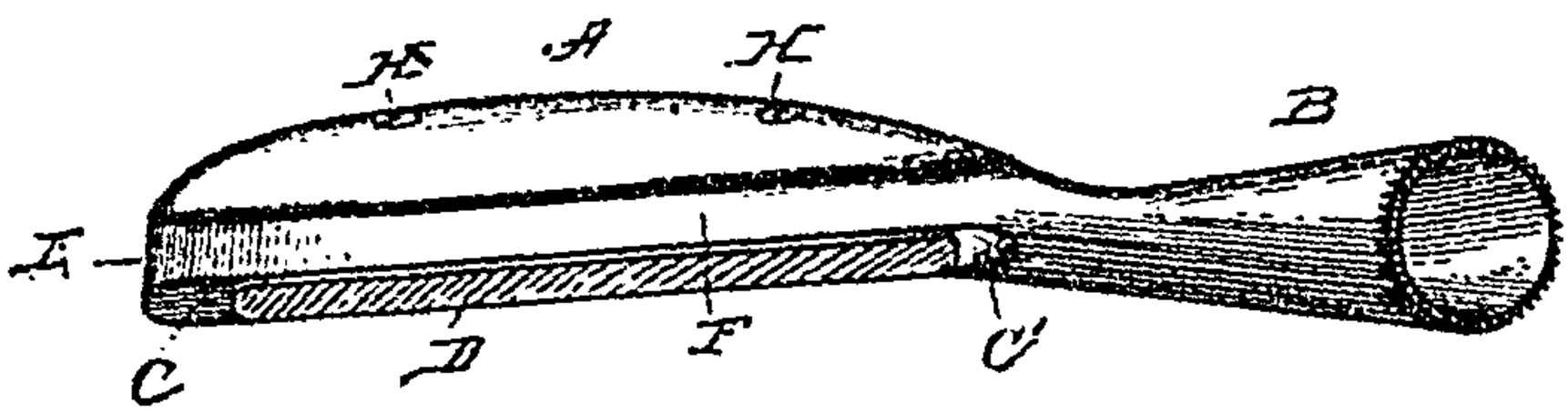
DESIGN

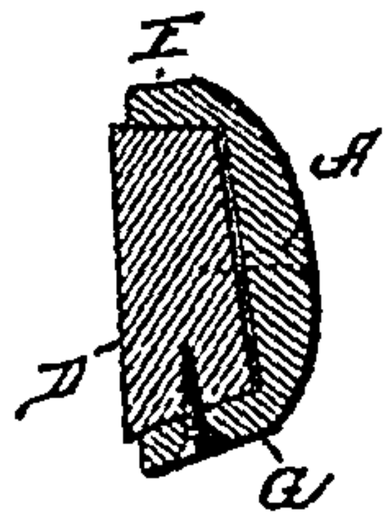
J. CRAN
GOLF CLUB

Patented June 8, 1897

27,190







James Cran, of Chicopee Falls, Massachusetts, Assignor to the A. G. Spalding & Brothers, of New York, N. Y.

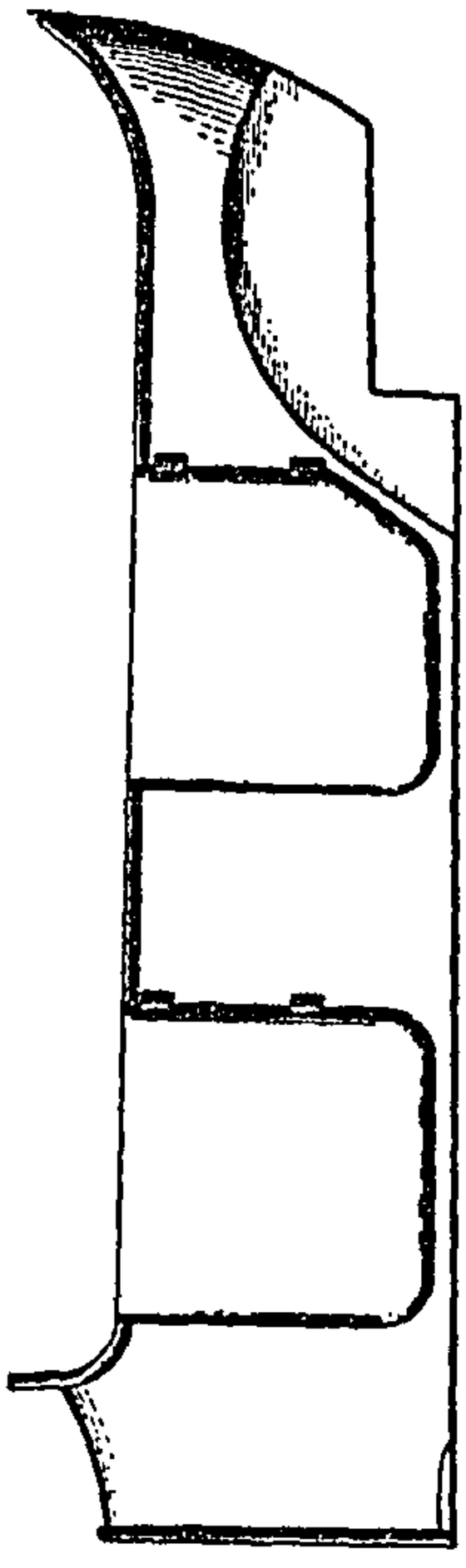
DESIGN

G. W. DUNHAM

AUTOMOBILE BODY

APPLICATION FILED DEC. 21, 1912

43,731 Patented Mar. 18, 1913



George W. Dunham, of Detroit, Michigan, Assignor to
Chalmers Motor Company, of Detroit, Michigan,
a Corporation of Michigan.

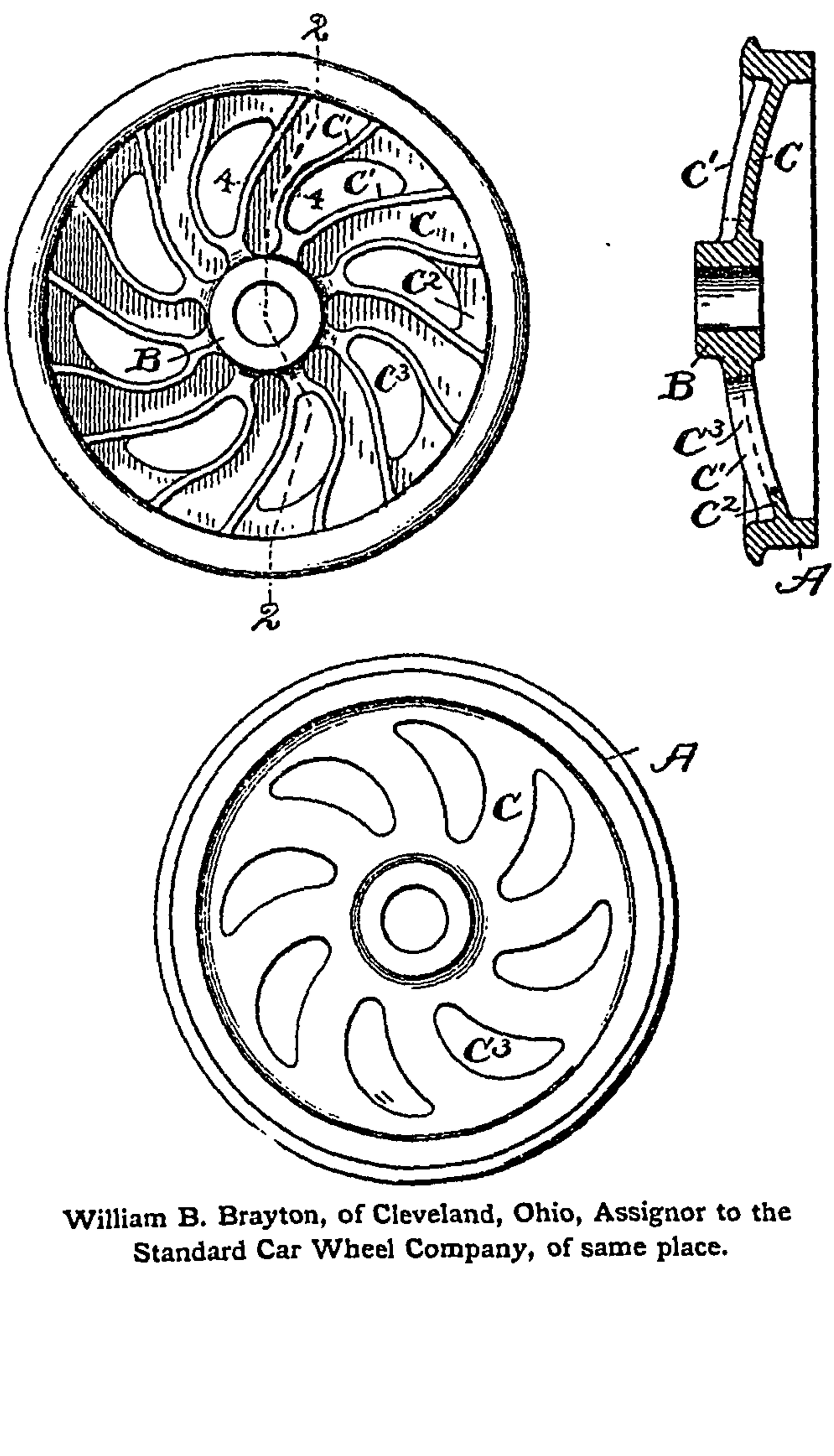
DESIGN

W. B. BRAYTON

CAR WHEEL

APPLICATION FILED JAN. 26, 1901

34,108 Patented Feb. 19, 1901



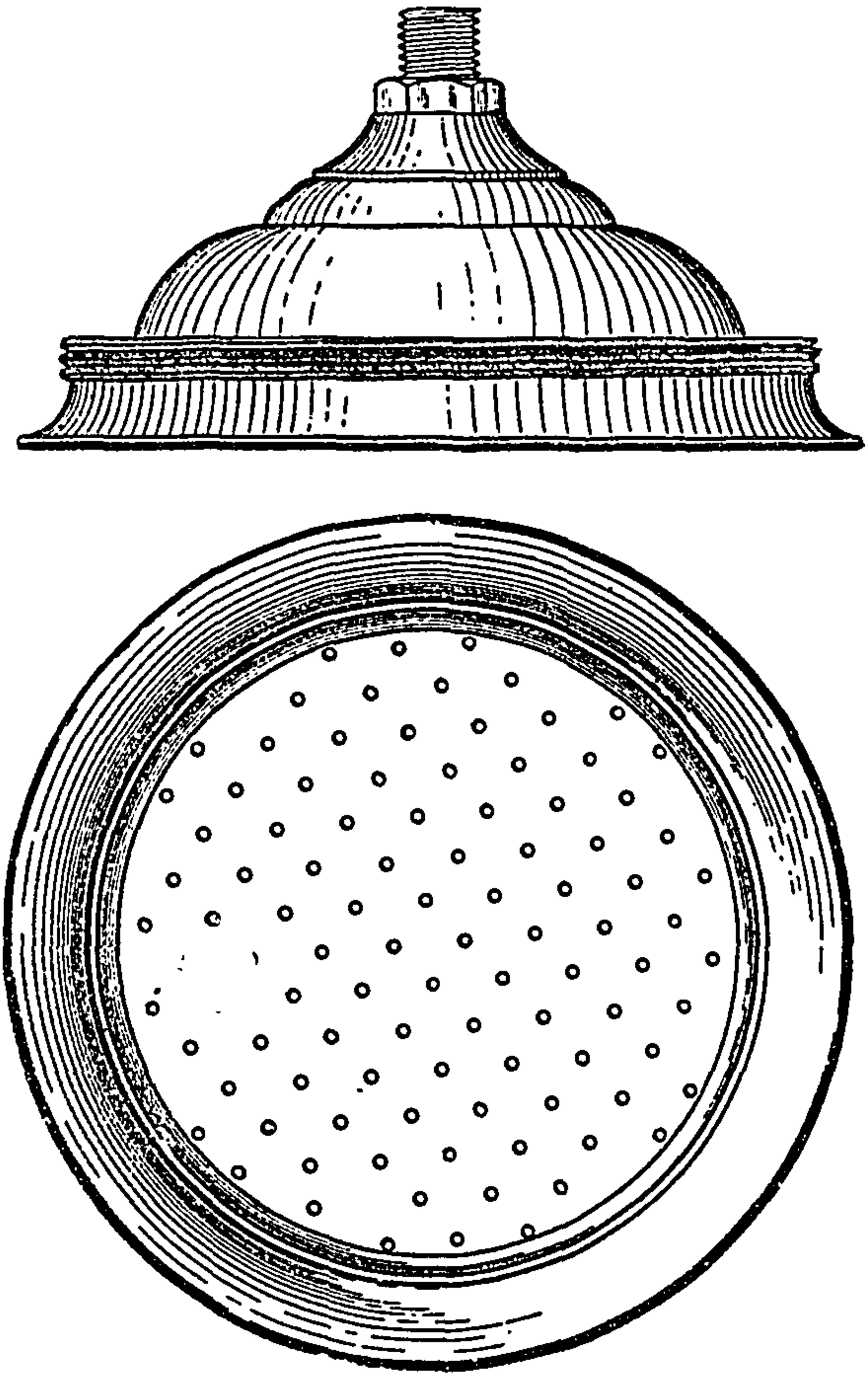
William B. Brayton, of Cleveland, Ohio, Assignor to the Standard Car Wheel Company, of same place.

DESIGN

A. C. RECKER
SHOWER HEAD

APPLICATION FILED JAN. 11, 1913

43,894 Patented Apr. 22, 1913



Adolph C. Recker, of Oak[illegible], Connecticut, Assignor to Waterbury Manufacturing Co., of Waterbury, Connecticut, a Corporation.

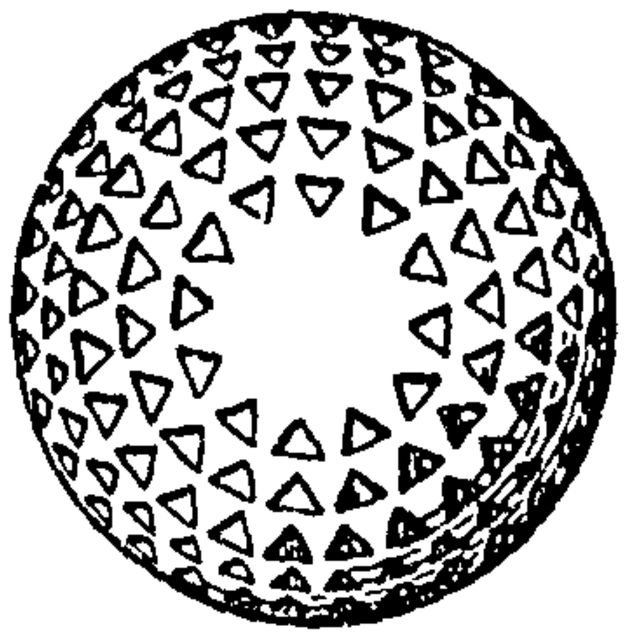
DESIGN

W. PEARCE

GOLF BALL

APPLICATION FILED JULY 11, 1910

41,327 Patented Apr. 25, 1911



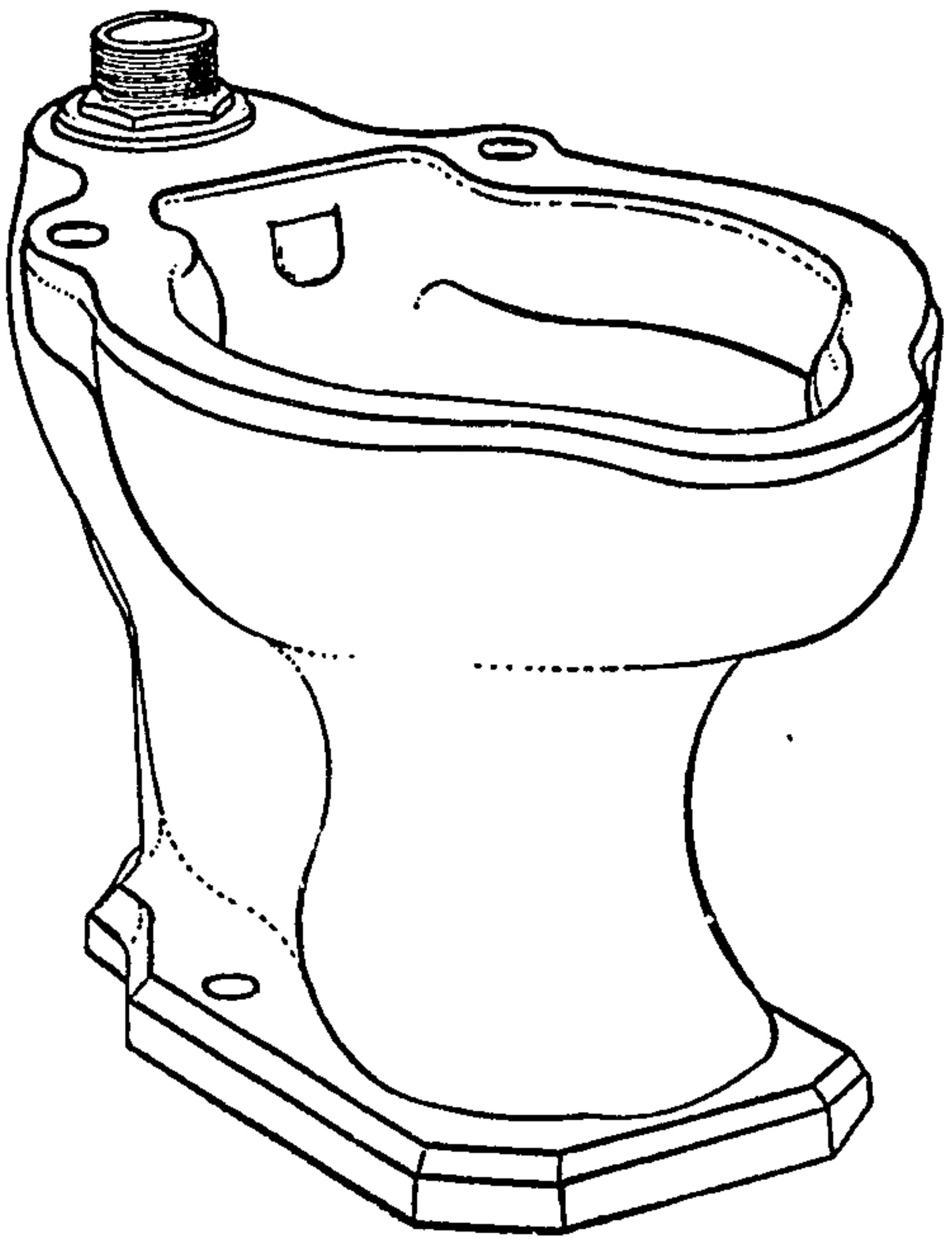
William Pearce, of Akron, Ohio, Assignor to the B. F. Goodrich Company, of Akron, Ohio, a Corporation of Ohio.

DESIGN

T. F. PAYNE
CLOSET BOWL

APPLICATION FILED FEB. 1, 1913

43,850 Patented Apr. 15, 1913



Thomas F. Payne, of Pittsburgh, Pennsylvania.

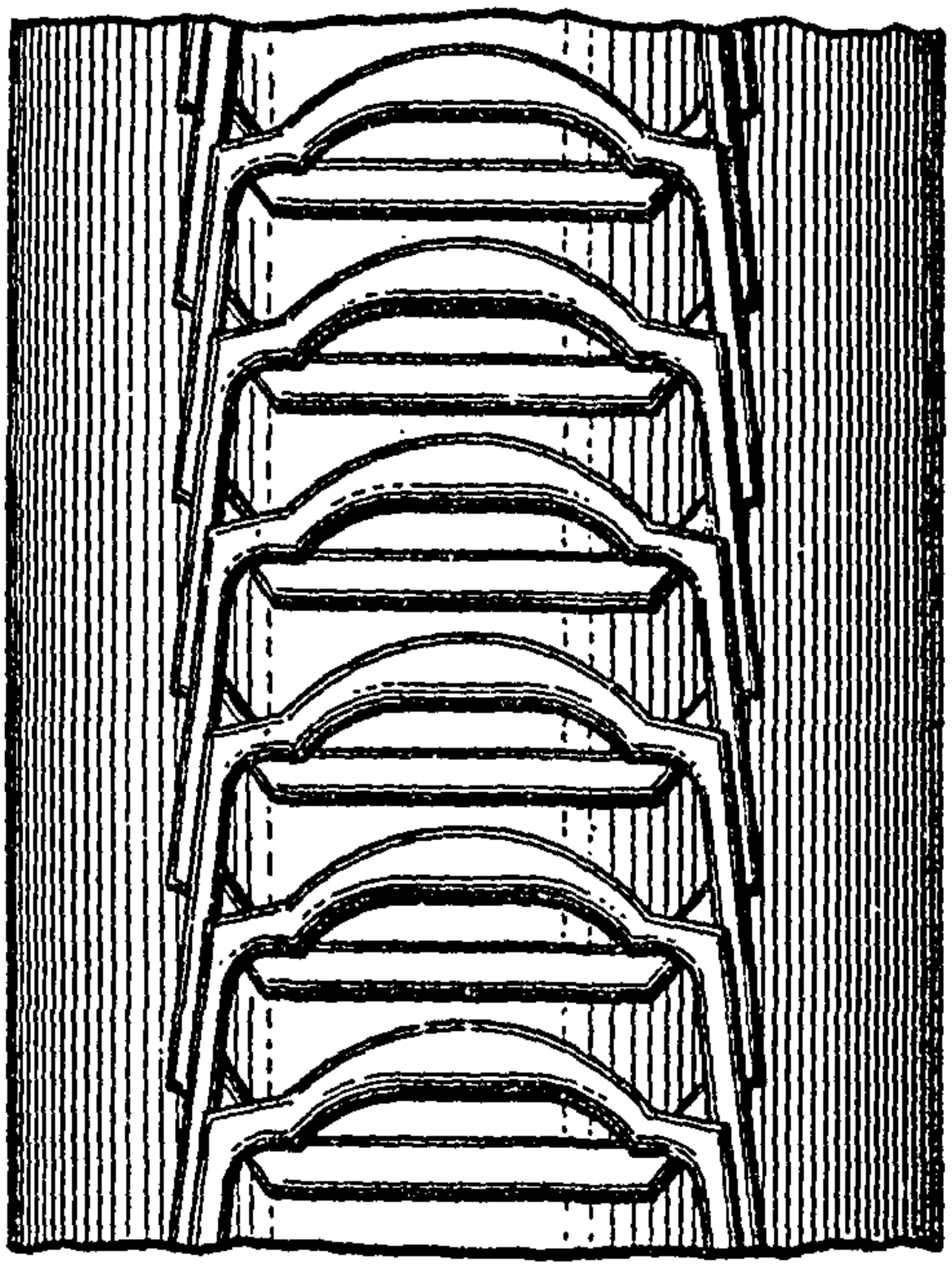
DESIGN

M. TIBBETTS

VEHICLE TIRE

APPLICATION FILED FEB. 3, 1909

41,400 Patented May 23, 1911



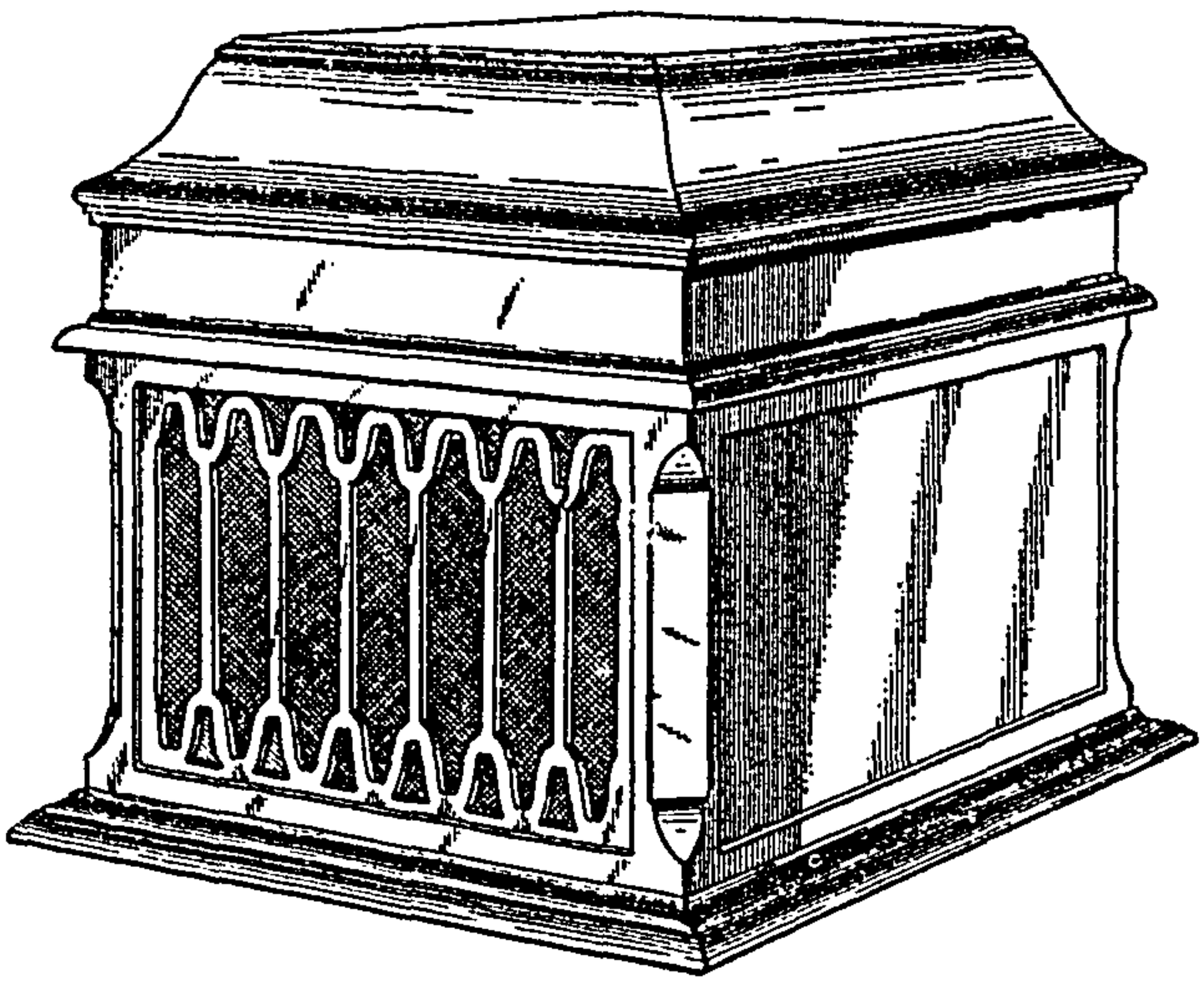
Milton Tibbetts, of Detroit, Michigan, Assignor, by Mesne Assignments, to Packard Motor Car Company, of Detroit, Michigan, a Corporation of Michigan.

DESIGN

J. RUBINO
CABINET

APPLICATION FILED JAN. 22, 1913

43,896 **Patented Apr. 22, 1913**



Joseph Rubino, of Orange, New Jersey, Assignor to Thomas A. Edison, Incorporated, of West Orange, New Jersey, a Corporation of New Jersey.

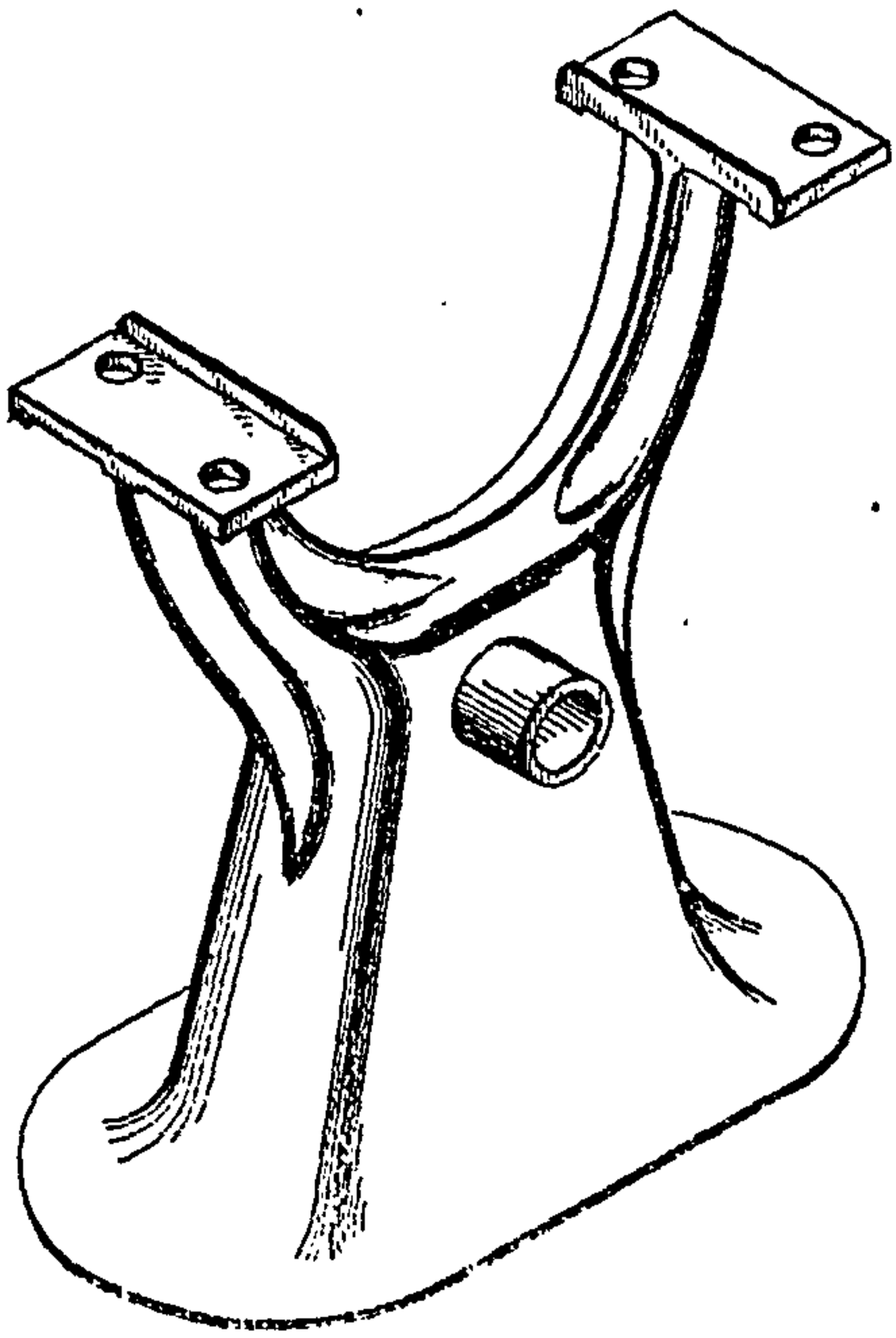
DESIGN

R. B. LIDDELL

PEDESTAL FOR CAR SEATS

APPLICATION FILED SEPT. 23, 1911

43,461 Patented Jan. 21, 1913



Robert B. Liddell, of Philadelphia, Pennsylvania, Assignor to the J. G. Brill Company, of Philadelphia, Pennsylvania, a Corporation of Pennsylvania.

DESIGN

S. M. WEATHERLY
FONT OF TYPE

APPLICATION FILED JUNE 28, 1907

43,587 Patented Feb. 18, 1913

ABCDEFGHIJKLMNOP
QRSTUVWXYZ&ÆŒ
£$1234567890.,;:'-!?
abcdefghijklmnopqrstu
vwxyzœæſtct

Sidney M. Weatherly, of Philadelphia, Pennsylvania, Assignor to Keystone Type Foundry, of Philadelphia, Pennsylvania, a Corporation of Pennsylvania.

DESIGN

W. J. B. TERRY

TOY

APPLICATION FILED JAN. 18, 1913

43,858 Patented Apr. 15, 1913



William John Bernard Terry, of London, England, Assignor to Eisenmann & Co., of London, England.

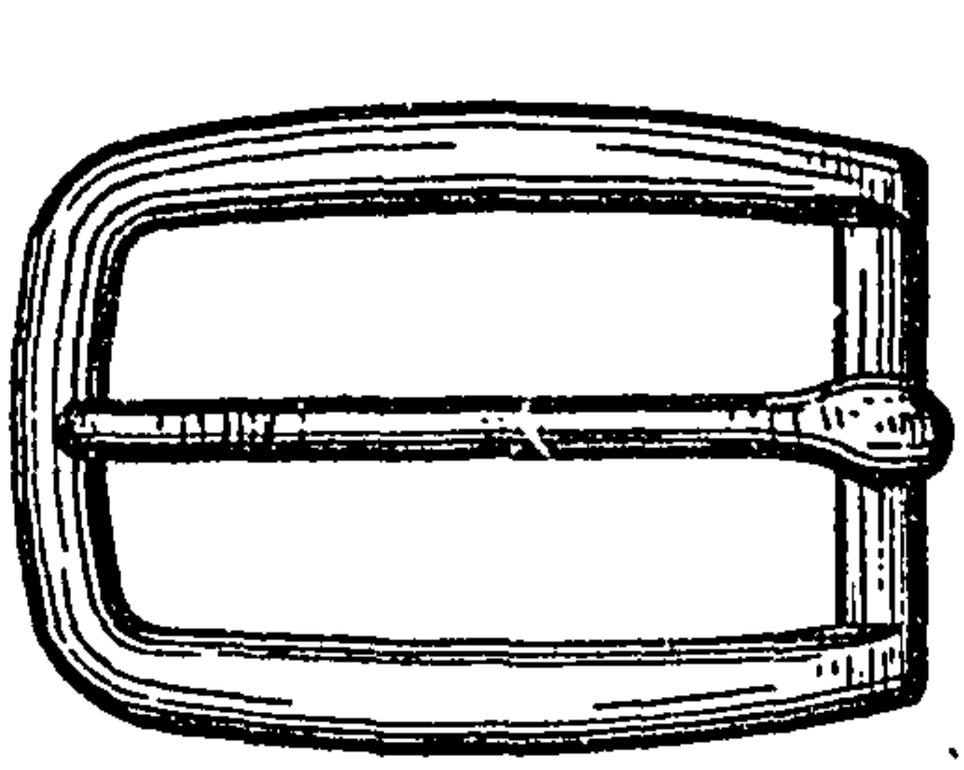
DESIGN

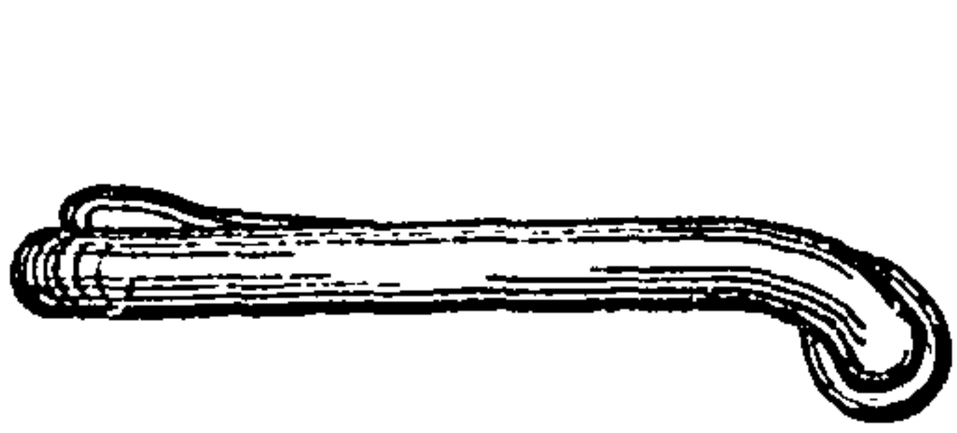
C. W. WARNER

BUCKLE

APPLICATION FILED JAN. 5, 1911

43,584 Patented Feb. 18, 1913





Charles W. Warner, of Middletown, Connecticut.

DESIGN

B. D. MYERS

SPOON, FORK, OR SIMILAR ARTICLE

APPLICATION FILED JAN. 20, 1913

43,805 Patented Apr. 1, 1913



Burton D. Myers, of Wallingford, Connecticut, Assignor to Simeon L. and George H. Rogers Company, of Wallingford, Connecticut, a Corporation.

Design patents are granted for the term of three and one-half years, seven years, or fourteen years, as the applicant may elect.

If, for example, he elects the three-and-one-half-year term, he stands or falls according to his election and is not permitted to renew the patent for seven or fourteen years. It might be added that the Government filing fee for the three-and-one-half-year design patent is $10, for the seven-year term $15, and for the fourteen-year term $30. If the patent is worth anything it should be taken out for the term of fourteen years. But if the applicant is of an economical turn of mind and applies for and pays his filing fee of $10 for a three-and-one-half-year patent and obtains a patent which later proves valuable, the three and one-half years pass all too soon, and he regrets his economy. If, on the other hand, he decides upon the fourteen-year patent, pays his filing fee of $30, and his application is rejected by the Patent Office, he regrets his extravagance. Filing fees are never returned by the Patent Office, regardless of whether the patent is allowed or not. There is no final fee payable in design patent cases. In other patent cases a final fee of $20 is required before the patent is issued, making the total Government fee for such patents $35.

The specification for the design patent differs from the specification for other patents generally in that the written description and explanation of the design with reference to the drawing is brief, while in other patents the descriptions are in detail and necessarily long, involved and technical. The drawings of design patents

rarely exceed one sheet in number. Otherwise the prosecution of a design patent application differs very little from that of any other patent case.

46. Reissues.

A reissued patent is, as its name indicates, a patent which has already been issued and then reissued. When the original patent is inoperative or invalid by reason of a defective or insufficient specification, or by reason of the patentee claiming as his invention more than he had a right to claim (trespassing, as it were, upon the prior art), provided the error has arisen through inadvertence, accident or mistake, and without any fraudulent or deceptive intention, another patent will be issued to him for matter within the scope of, or disclosed by, the original patent.

47. Interferences.

An interference is a judicial proceeding instituted by the Patent Office for the purpose of determining the question of priority of invention between two or more applicants claiming substantially the same patentable invention.

The fact that one of the parties has already obtained a patent will not prevent an interference, for, although the Commissioner has no power to cancel a patent, he may grant another patent for the same invention to a person who proves to be the prior inventor.

Interferences will be declared in the following cases when all the parties claim substantially the same invention:

1. Between two or more original applications.

2. Between an original application and an unexpired patent.

3. Between an original application and an application for the reissue of a patent granted during the pendency of the original application.

4. Between an original application and a reissue application, when original applicant made the invention before the patentee's original application was filed.

5. Between two or more applications for the reissue of patents granted on applications pending at the same time.

6. Between two or more applications for the reissue of patents granted on applications not pending at the same time, subject to certain provisions.

7. Between a reissue application and an unexpired patent.

8. Between an application for reissue of a later unexpired patent and an earlier unexpired patent granted before the original application of the later patent was filed.

9. An interference will not be declared between an original application filed subsequently to December 31, 1897, and a patent issued more than two years prior to the date of filing such application or an application for a reissue of such a patent.

Interference proceedings are involved and highly technical, and in many instances very expensive. Some cases of interferences have cost as much as $40,000. A full discussion of the subject of interferences would be beyond the scope of the present book.

48. Appeals.

Every applicant for a patent, any of the claims of whose application have been twice rejected for the same reasons upon grounds involving the merits of the invention—such as (1) lack of invention; (2) novelty; (3) utility; (4) abandonment; (5) public use or sale; (6) inoperativeness of invention; (7) aggregation of elements; (8) incomplete combination of elements; (9) want of identity with invention originally disclosed; (10) departure from the invention originally disclosed; (11) when the applicant has been required to divide his application; and (12) when the applicant has applied for a reissue of the patent—may appeal from the primary Examiner in charge of his application to the Examiners-in-Chief, and in certain cases to the Commissioner of Patents.

The fee for such appeal is $10.

49. Issue of Patent.

If upon examination of an application it appears that the applicant is entitled to the patent under the law, notice is mailed to him or his attorney.

The final fee of $20 must be paid within six months of the date of such notice.

Upon the receipt of the fee a patent will be prepared for issue and publication in *The Official Gazette*.

It might be added that the weekly issues close on Thursday and the patents of that issue bear date as of the fourth Tuesday thereafter. If the final fee is not paid on or before Thursday, a patent will not go to issue before the following week.

The exact date that letters patent will bear is often a matter of considerable importance to the applicant, for the reason that on or after that date only can he begin infringement suits on his patent, it being customary in the meantime to mark the article being manufactured "Patent applied for" or "Patent pending." Such a notice, however, is in effect only a warning that a patent is pending, and if granted will give the patentee rights to sue for infringement. If the patent is not granted, parties who have been making, using and selling the article, pending the application, are of course free to continue making, using and selling the article. There is no penalty for marking an article "Patent pending" or "Patent applied for," although no patent is in fact pending or applied for.

50. Date, Duration and Form of Patents.

The patent bears a date, as a rule, not later than six months and never later than seven months from the time the application was passed, approved and allowed. It is unnecessary to pay the final fee until the expiration of the six months. If a final fee is not paid within six months the patent will be withheld, and if the applicant decides to prosecute his case further he must file a renewal of the application. Such a renewal must be made within two years after the date of the allowance of the original application.

The duration of the patent is seventeen years for all patents for inventions covering machines, manufactures or compositions of matter. This term cannot be renewed for a like term or extended in any way whatever.

The duration of a design patent, as already stated, may be for the term of three and one-half, seven or fourteen years, as the applicant may elect. Any of these terms, once elected, cannot be extended.

51. Abandoned, Forfeited, Revived and Renewed Applications.

An abandoned application is--

1. One that has not been completed and prepared for examination within one year after the filing of the petition;

2. Or one which the applicant has failed to prosecute within one year after an official communication of the Patent Office thereon;

3. Or one which the applicant has expressly abandoned by filing a written declaration of the abandonment.

A forfeited application is one upon which a patent has been withheld because of non-payment of the final fee of $20.

An abandoned application may be revived and a forfeited application renewed upon certain conditions which will not be considered here.

52. Assignments of Patents.

An assignment is the transfer of the whole interest of the original patent or of an undivided part of such whole interest.

An assignment must be in writing and should be recorded in the Patent Office within three months from the date thereof. Failure to record may result in the assignee's losing his rights under the assignment, in case

the assignor in the meantime should assign the patent to an innocent third party. It might be added that the records of assignment in the Patent Office constitute a great number of books, and that assignments are recorded only in the name of the original inventor, and not, as is the case in the transfer of land, in the names of both grantors and grantees. Without the name of the inventor, a search of the records is a more or less hopeless proceeding. If, for example, a person is interested in knowing whether an invention for an automobile appliance has been assigned to the XYZ Automobile Company, he has two courses he may pursue. If he knows the name of the inventor, he can discover if the particular inventor has made any assignments and so trace the whole line of assignments and reassignments down to date. If he has only the name of the XYZ Automobile Company—as the names of assignees are not indexed—his only course is to examine every assignment ever made in the Patent Office, beginning with the present date and running back until he strikes the particular assignment in which he is interested. One glance at the records will convince the average person that life is too short to carry on such a search as this. If, however, the information is necessary, law clerks must be set to work and the search continued until results are obtained.

Of course, if the company gives the date of the patent on its car, the search is comparatively easy. Very often only the word "Patent" will appear.

53. Official Publication of Patent Office.

The Official Gazette, which appears weekly, is the official publication of the Patent Office and contains the claims of all patents issued for that week, as well as the drawings of those patents, together with decisions of the Commissioner of Patents, decisions of the United States courts, and other matter of special interest to inventors.

CHAPTER III.

Rights of Patentee After Grant of Patent.

54. General Remarks.

Thus far this book has treated of the rights of the applicant for a patent, inventor or assignee, as the case might be. The question now arises, what are the patentee's rights after a patent has been granted, and what are his remedies in case his rights are invaded?

55. Courts.

Patent suits are brought only in the District Courts of the United States. It might be added that all suits arising under the laws relating to trade-marks, prints, labels and copyrights are also brought in the United States District Courts, the procedure being about the same as in patent cases.

A person who makes, uses or vends an article which is protected by a patent of another person commits a wrong technically known as an infringement. Suits for infringement must be brought in the district in which the defendant is a resident or where the act of infringement was committed and where the defendant has a regular and established place of business. It is often a very nice question to decide what is an established place of business. There are a great many court decisions on this point.

Take, for example, the case of a plaintiff in Philadelphia who contemplates bringing suit against a defendant residing in Chicago whose factory is located in Chicago but whose goods are sold principally in

New York City through jobbers. It would be more convenient and less expensive for the plaintiff to bring suit in New York City rather than Chicago. The courts would hold, however, under the facts stated, that selling goods through a jobber is not maintaining a place of business in New York City. The plaintiff, as much as he would dislike it, would therefore be compelled to bring suit in Illinois, the place of business and residence of the defendant.

Patent causes, except in rare instances, are not appealable to the Supreme Court of the United States. It may therefore happen that two District Courts of the United States, for example, in New York City and in Chicago, may render conflicting decisions in infringement cases involving precisely the same facts. The defendant finds himself in the position of being an infringer in one jurisdiction and not in another. The plaintiff is in an equally anomalous position so far as his rights are concerned. It, however, should be stated that a judge in one District Court will give very careful consideration and great weight to decisions of judges of other districts, and unless the question is a very doubtful one, the court in which the case arises subsequently will follow the decision of the court in which a similar case first arose.

56. Parties to a Suit.

Owners in common of a patent must sue jointly. It should be remembered that even an exclusive licensee has no right to sue in his own name in case a patent is infringed. The suit should be brought in the name of

the owner of the patent as well as that of the licensee. If the licensee has not an exclusive license, the owner is the only person whose name should appear.

A licensee cannot grant sublicenses.

Of course an assignee has all the rights that the original inventor or owner possessed. The distinction between an assignee and a licensee has been fully set forth in a previous section.

57. Form of Action.

Suits for infringement are usually brought in equity rather than at law; in fact, suits at law are very rare indeed. In equity the plaintiff can usually obtain a preliminary injunction against the defendant, ordering him to refrain from making, using or selling the patented article, pending the suit, and if successful in his suit he can obtain a permanent injunction. Again, in equity proceedings the plaintiff can obtain damages he has suffered by the infringement and profits as well. If the infringement was willful he can obtain exemplary damages to the amount of three times the actual damages. In equity the entire proceeding is before a judge alone, unless he chooses to call in a jury to aid him in deciding questions of fact. This course, however, is very rarely adopted.

58. How Suit is Begun.

A suit in equity in a patent case is begun by filing what is technically known as a bill in equity, which usually contains, among other things, the following statements:

1. That the plaintiff was granted a patent under the laws of the United States, giving date of issue and number of the patent.

2. That the plaintiff was the true, original and first inventor.

3. That the invention was not known or used in this country and not patented or described in any printed publication in this or in any foreign country before his said invention or discovery thereof, and not more than two years prior to his application for patent therefor, and not in public use or on sale for more than two years prior to his application therefor, and that no application for a foreign patent was filed more than twelve months prior to the filing of an application in this country.

4. That he is the exclusive owner of the patent.

5. That he invested and expended large sums of money for the purpose of carrying on the business of manufacturing and selling machines or articles containing the invention, and that the invention has been and is of great benefit and advantage to the public.

6. That machines or articles made according to the invention have been sold.

7. That the public has generally acknowledged and acquiesced in the rights of the plaintiff.

8. That the plaintiff believes that he will realize and receive gains and profits if the infringements by the defendant can be prevented.

9. That the defendant has infringed the patent (naming the district in which the infringement occurred).

10. That the defendant continues to infringe.

11. That the defendant has in his possession machines or articles manufactured under the patent.

12. That the defendant had notice of the existence of the patent, by reason of the fact that the article was stamped with the patent and number, or that the defendant had other notice, such as a letter from the plaintiff giving the date and number of the patent.

13. That the plaintiff can have no adequate relief, except in a court of equity.

After making the above allegations the plaintiff prays for relief, to the end that (a) the defendant may be compelled to account for, and pay over, the income unlawfully derived by reason of the infringement; (b) that the defendant be restrained from further infringement, by grant of injunction; (c) that the defendant account for the profits earned by reason of the infringement; (d) that the defendant pay damages sustained by the plaintiff by reason of the infringement; (e) if the infringement was willful, that the defendant pay damages to the amount of three times the actual damages; (f) that a writ of injunction and a writ of subpœna of the United States issue commanding the defendant to appear and answer the complaints of the bill, and abide, and perform such order and decree as to the court shall seem meet, such as is required by the principles of equity and good conscience.

The foregoing represents the outline of a simple bill in equity. Particular cases will require allegations not covered by the statement above.

Counsel for the plaintiff will file this bill with the

clerk of the District Court of the United States, in the district in which the suit is brought, and at the same time deposit with the clerk a sum of money which varies from $25 to $55, to cover any costs that may accrue, the balance being returned to the plaintiff after the suit is ended. The fees for filing the bill amount to about $6, and the United States Marshal fees for serving the papers $5 or more, depending upon the distance traveled. Other items from twenty-five cents up are charged as the case develops.

Under the law the defendant is required to file what is technically known as an answer, in which he must either admit or deny the allegations of the plaintiff, as the facts may warrant. Among those allegations, usually admitted, are those relating to the filing of the application by the inventor, and grant of letters patent, these facts being matters of public record and within the defendant's knowledge.

The other allegations of the bill he will deny, if facts so warrant, such as, for example, that he has infringed plaintiff's patent, by saying that the plaintiff's patent does not cover the articles that he, the defendant, is manufacturing, or that the defendant is not making or selling the article; or he may admit the grant of letters patent, but deny their validity; that is, he will admit that the Patent Office granted letters patent to the plaintiff, but aver that the Patent Office was not justified in so granting the patent. Allegations of the plaintiff concerning which the defendant has no knowledge will be answered by the defendant by saying that he has no knowledge of the facts, and so cannot an-

swer. As a rule there is a sufficient denial of material facts to form what is known in the law as an issue. In explanation it might be said that whenever one side alleges and the other denies a fact, there is created an issue which the court will try. The defendant must not give evasive answers.

59. Taking of Testimony.

After the filing of the answer it is customary for the plaintiff to support his allegations by the testimony of witnesses, usually taken before a notary public or a commissioner, the counsel for the defendant being invited to attend and cross-examine. Such an invitation often means a trip for the defendant from Chicago to New York City, or to some other distant point. After the plaintiff has completed the taking of his testimony, the defendant will offer testimony supporting the allegations in his answer in much the same manner as that of the plaintiff, the counsel for the plaintiff being invited to attend and cross-examine. This in turn may mean a trip for the plaintiff from New York City to Chicago. When the testimony is all taken, the case then goes up for final hearing; that is, the record containing the bill, answer, testimony and exhibits, consisting of drawings, machinery or other articles, is placed before the judge, who then hears argument of the two opposing counsel on the law relating to the facts as they appear on the record before the court. The court may then hand down any one of a number of possible decisions. If, for example, the court thinks that the patent was not properly issued by the Patent

Office, it will find that the patent is invalid, and so not infringed. On the other hand, it may be the opinion of the court that the patent shows invention, was properly issued by the Patent Office, and is a valid subsisting patent, but it may find that the defendant has not infringed, or, on the other hand, may find that the defendant has infringed. In the latter case, if a temporary injunction has been issued, it will be made permanent, and the defendant will be compelled to pay to the plaintiff the profits and damages sustained, and will be compelled to turn over to the plaintiff all the infringing articles, or at least surrender them for destruction, and if the infringement was willful he must pay three times the amount of actual damages by way of punishment.

60. Defenses Available to Defendant.

It is thought worth while to give in full the various defenses which may be taken advantage of by a defendant in an action in equity such as the one above described. These are very well set forth by Mr. Albert H. Walker in his book, "The Patent Laws of the United States of America," and are given in the next paragraph, with the arrangement somewhat changed.

"Where the facts appear to warrant so doing, a defendant may plead:

1. That the matter covered by the letters patent was not a statutory subject of a patent: or

2. That it was not an invention: or

3. That it was not novel at the time of its alleged invention: or

4. That it was not useful at that time: or

5. That the inventor actually abandoned the invention: or

6. That he constructively abandoned it by not applying for a patent on it during the time allowed by the statutes for such an application to be made: or

7. That the invention claimed in the original patent is substantially different from anything indicated, suggested or described in the original application therefor: or

8. That the patentee surreptitiously or unjustly obtained the patent for that which was in fact the invention of another, who was using reasonable diligence in adapting and perfecting the same: or

9. That the invention was made by another jointly with the sole applicant: or

10. That it was made by one only of two or more joint applicants: or

11. That for the purpose of deceiving the public, the description and specification filed in the Patent Office was made to cover less than the whole truth relevant to the invention, or was made to cover more than was necessary to produce the desired effect: or

12. That the description of the invention in the specification is not in such full, clear, concise and exact terms as to enable any person skilled in the art or science to which it pertains, or with which it is most clearly connected, to make, construct, compound and use the same: or

13. That the claims of the patent are not distinct: or

14. That the patentee unreasonably delayed to enter a needed disclaimer: or

15. That the original patent was surrendered and reissued in the absence of every statutory foundation thereof: or

16. That the claims of the reissued patent in suit are broader than those of the original, and that the reissue was not applied for until a long time had elapsed after the original was granted: or

17. That the reissued patent in suit covers a different invention from any which the original patent shows was intended to be secured thereby: or

18. That the invention claimed in the original patent is substantially identical with an invention claimed in a prior patent granted on the application of the same inventor: or

19. That the patent was repealed: or

20. That the patent legally expired before the alleged infringement began or before it ended: or

21. That the patentee made or sold specimens of the invention covered by his patent without marking them "patented," and without notifying the defendant of his infringement: or

22. That the plaintiff has no title to the patent, or no such title as can enable him to maintain the action: or

23. That the defendant has a license, which authorized part or all of the doings which constitute the alleged infringement: or

24. That the defendant has a release, discharging

him from liability on account of part or all of the alleged infringement: or

25. That the defendant is not guilty of any infringement of the patent upon which he is sued: or

26. That the plaintiff is estopped from enforcing any right of action against the defendant: or

27. That the cause of action sued upon is partly or wholly barred by some statute of limitation."

The first fourteen of these defenses relate to the validity of the patent; and if the defendant can support the allegation relating to these defenses, the court will hold that the patent is invalid, and the suit will fall as a consequence.

The fifteenth, sixteenth and seventeenth defenses relate to reissued patents, which have been treated of in another chapter.

The eighteenth defense requires no explanation.

The nineteenth and twentieth defenses are also clear.

The twenty-first defense, if successful, will bar the plaintiff from recovering damages, but, of course, will not affect the patent, so far as its validity is concerned, nor will it prevent the plaintiff from obtaining an injunction, and damage for infringement occurring after suit was begun.

It may happen, however, that the plaintiff, although he did not mark his articles "patented," nevertheless did give the defendant actual notice of the patent—for example, by letter; and the beginning of a suit in equity is ample notice to a defendant of the existence of the patent, and if he continues making the patented article after the receipt of the letter, or the beginning

of the suit, this defense will be of no advantage to the defendant, so far as damages sustained after notice is concerned.

The six remaining defenses do not relate to the validity of the patent. These defenses do not require explanation, except to remark that if the plaintiff does not begin suit for infringement within six years after the infringement occurred, his action is barred and no recovery will be allowed by the court, provided the defendant pleads the bar of the statute.

61. Marking of Articles "Patented."

A United States statute provides that it shall be the duty of all patentees, and their assigns and legal representatives, and of all persons making or vending a patented article for or under them, to give sufficient notice to the public that the same is patented; either by fixing thereon the word "patented," together with the day and year the patent was granted; or when, from the character of the article, this cannot be done, by fixing to it, or to the package wherein one or more of them is inclosed, a label containing like notice; and in any suit for infringement, by the party failing so to mark, no damages shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued, after such notice, to make, use or vend the article so patented.

There seems to be a certain hardship to the defendant if the court finds that the plaintiff is entitled to damages from the time of giving notice by letter or otherwise, when the plaintiff has failed to mark the patented

article "patented." For example, a defendant not knowing of the existence of the patent may have begun manufacturing, and so infringing the plaintiff's patent innocently, and he may have gone to great trouble and expense in having manufactured thousands of the patented articles. There is no question that the court would prevent a continuance of the manufacture. The next question to be decided would be as to whether the court would prohibit the sale of the articles already manufactured, and in possession of the defendant. If so, such a judgment would work a great hardship upon the person who has innocently infringed the patent. On the other hand, on behalf of the plaintiff, it can be said, especially in the case of articles that cannot be marked "patented" except at great expense, that many unscrupulous manufacturers keep a very close watch on the issue of patents which are published each week in *The Official Gazette* of the Patent Office; and when a patent is issued, and the article of the patentee not marked "patented," the unscrupulous manufacturer will proceed immediately to manufacture a great number of articles, and then, if sued, will allege in his answer that the article was not marked "patented," and that before written notice was received from the patentee he had already manufactured thousands of the particular article. The fact that he consulted the Patent Office records does not appear in the case, and does not come to the notice of the judge, because it is not within the knowledge of the plaintiff, it being more a matter of correct suspicions. It is an act done secretly, and although the plaintiff may have strong reasons for

suspecting such action, and may have proof convincing to himself, he is precluded from alleging the fact and swearing to it. And since he does not allege it, the defendant is under no obligation to deny it.

In justification of the plaintiff's position, it can be said that the records of the Patent Office are open to the public, and the rights secured by the issue of the patent are absolute rights, and therefore he who manufactures any article does so at his peril, unless he first makes a search in the Patent Office in order to learn whether patents have been issued covering the article in question.

It has been stated that a patentee who sells or distributes his patented article, without marking it with a notice of the number and date of his patent—for example, "Patented Nov. 1, 1912, No. 1,053,141"—cannot recover damages against an infringer who had no notice of the existence of the patent, although, as before explained, a patentee can bring suit against the infringer and obtain an injunction restraining the further sale and use and manufacture of the article. Although a patentee is under the duty of marking his patented articles with a notice of the patent, he, of course, has no control over infringers who may wrongfully make, use and sell the patented article without marking it "patented." If such wrongfully manufactured articles are sold to innocent persons who have no knowledge of the existence of a valid patent, such innocent persons are nevertheless liable in damages, to the patentee, in case he should bring suit against them.

There is a certain public service corporation doing business in every state in the United States that exer-

cises the greatest care in its building contracts, to avoid any conflict with patentees. This particular company owns a great deal of real estate, and is erecting many buildings from time to time. It is its custom to have inserted, in every contract with the building contractor, a provision to the effect that all patented articles going into the construction of a building shall be clearly marked with the number and date of the patent, and that the contractor shall save the corporation harmless in case of patent suits arising by reason of patented articles not being marked.

The patent right is, as already stated, an absolute right, and therefore in the case given above, if the contractor intentionally, or even innocently, supplied the company with patented doors, and the fact should come to the knowledge of the patentee, he could sue either the contractor or the company owning the building, because the patentee's right is an exclusive right to make, use and sell. The patentee, of course, cannot be held responsible for failure of an infringer to mark articles "patented." The patentee would in all probability sue the corporation rather than the contractor, who might not be a responsible party. It is therefore of considerable importance that persons engaged in building operations, or in the business of jobbers or dealers in patented articles, should see to it that by their contract with sellers they are saved harmless from suits of patentees. The fact that large corporations, such as the one cited above, exercise such careful preventive means for avoiding infringements is one indication of the value of patent rights. It is also an

indication that there is a growing respect for patent rights.

62. Penalties for Falsely Marking or Labeling Articles "Patented."

The United States statute provides that—

"Every person who in any manner marks upon anything made, used or sold by him for which he has not obtained a patent, the name, or any imitation, of the name of any person who has obtained a patent therefor without the consent of such patentee, or his assigns or legal representatives; or

Who in any manner marks upon or affixes to any such patented article the word 'patent' or 'patentee,' or the words 'letters patent,' or any word of like import, with intent to imitate or counterfeit the mark or device of the patentee, without having the license or consent of such patentee or his assigns or legal representatives; or

Who in any manner marks upon or affixes to any unpatented article the word 'patent,' or any word importing that the same is patented, for the purpose of deceiving the public, shall be liable, for every such offense, to a penalty of not less than one hundred dollars, with costs; one half of said penalty to the person who shall sue for the same and the other half to the use of the United States, within whose jurisdiction such offense may have been committed."

In a certain case the defendant corporation marked certain instep arch-supporters, being worn as a corrective for flat feet, as follows: "Dunbar's Foot Sup-

port, Pat. Feb. 27, 1900." The defendant corporation in this case did not deny the marking. The allegation against the company contained one hundred counts, each claiming a penalty of $100, one half to be paid to the United States and the other half to the plaintiff. One would think on a first reading of the statute that the plaintiff could recover for every article falsely marked, but the court held that it was not sufficient simply to show the number of articles falsely marked, but that the plaintiff must also show that the defendant actually did mark the goods falsely, showing specifically the time, the place and the circumstances of the distinct offenses. It must also be proved that the marking was done for the purpose of deceiving the public. In this case the defendant corporation had obtained a patent, but not for the particular article, and the question arose as to whether the defendant did not honestly believe that the patent covered the article marked and sold. Again, the statute provides a penalty to be paid by persons falsely marking articles, and the defendant being a corporation urged that the statute did not apply to itself. The court, however, was of the opinion that the statute contemplated corporations in the word "person."

In another case the defendant had marked certain articles with the date of the patent which covered another article, but did so under the honest impression that he was entitled to mark all the articles "patented," believing that the patent covered these articles, and being further fortified in his belief by the advice of his counsel, who also believed that the patent was broad

enough to cover the articles in question. The court held that there was no intention to deceive the public, the defendant simply laboring under a misapprehension.

Cases arising under the statute have also raised the question as to what constitutes marking. It appeared in one case that the defendant engaged in the manufacture of oval wooden dishes marked on the crate containing the dishes the word "patented," when in fact he owned no patent for the dishes. Since the dishes were of such character that the word "patented" could have been affixed thereon, and since it was clear that the word "patented" was not affixed thereon, the plaintiff could not recover $100 for each plate alleged to have been marked, since in fact they were not marked. It is to be remembered that another section of the patent statutes places upon the patentee the duty of marking the patented article with the number and date of the patent, unless the article is of such a character that it cannot be so marked; in which case the package or crate should bear the notice of the patent. With this provision of the statute in mind, it is clear why the above case was decided as it was.

The penalty cannot be recovered under the statute from the person who takes stamped articles into another district, with the intent to sell them, because the penalty is for stamping the article and not for selling it. The action for recovery must be brought in the district where the act of stamping was committed, not where the defendant may be found.

In another case in which the corporation was the de-

fendant, the stamping of the word "patented" having been done by the superintendent, it was held that the act of the superintendent was the act of the corporation; and if the superintendent knew, or should have known, that the articles were not covered by patent, the corporation would be liable; but if he honestly believed that they were, it would not be liable.

In connection with the statute, it might be said that marking goods with the words "Patent applied for" on an unpatented article does not subject the person to the penalty of the statute, even if no patent has been applied for.

If a suit for the recovery of penalties is brought more than five years after the marking, no recovery can be had.

It has also been held that the marking of a number of separate articles, with the intent to deceive the public, does not constitute separate offenses when done at the same time. In such case one offense is committed, and one penalty is recoverable.

It will be observed that the statute provides a penalty in cases where the patentee's name or patented mark is imitated or counterfeited. Under this statute it has been held that where a person has himself no patent, but has marked an article patented, and another person has imitated his mark, the first person cannot recover against the second, because the statute contemplates only the cases of persons who are owners of patents.

It has also been decided that when the seventeen years have elapsed and the patentee continues marking

his goods patented, he has no valid subsisting patent, such as will enable him to prevent a second person from imitating or counterfeiting his name or mark. There seems to be no penalty for continuing to mark an article patented, giving the date of the patent, after the patent has expired, because the date is sufficient notice that the patent has expired, it being necessary only to add seventeen years to this date to discover that the term of the patent has run out.

It will be observed that it is difficult to recover penalties under the statute, but it will also be observed that if the plaintiff succeeds in proving his case, the penalties may be enormous. The question of marking articles patented should receive the most careful attention of the manufacturer or seller.

63. Penalties in Design Cases.

It will be recalled that, in a previous section, the nature of a design patent and form of application for such a patent was fully discussed. Since a design patent is for a new and original and ornamental design for an article of manufacture, and so differs materially from a machine or process or patent for a composition of matter, the penalty for infringement is somewhat different.

The following statute has been passed relating to the unauthorized use of design patents, and prescribing penalties for infringement:

"That hereafter, during the term of letters patent for a design, it shall be unlawful for any person other than the owner of said letters patent, without the license

of such owner, to apply the design secured by such letters patent, or any colorable imitation thereof, to any article of manufacture for the purpose of sale, or to sell or expose for sale any article of manufacture to which such design or colorable imitation shall, without the license of the owner, have been applied, knowing that the same has been so applied. Any person violating the provisions, or either of them, of this section, shall be liable in the amount of two hundred and fifty dollars; and in case the total profit made by him from the manufacture or sale, as aforesaid, of the article or articles to which the design, or colorable imitation thereof, has been applied, exceeds the sum of two hundred and fifty dollars, he shall be further liable for the excess of such profit over and above the sum of two hundred and fifty dollars; and the full amount of such liability may be recovered by the owner of the letters patent, to his own use, in any circuit court [district court] of the United States having jurisdiction of the parties, either by action at law or upon a bill in equity for an injunction to restrain such infringement."

These penalties are in the nature of additional remedies and do not deprive the patentee of the design patent of any rights that he might otherwise have under the patent law.

CHAPTER IV.
Prints and Labels.

64. Definition of Print and Label.

The word "print" as used in the copyright act, so far as it relates to registration, means an artistic and intellectual production designed for the purpose of being used for an article of manufacture, and in some fashion relating thereto but not borne by it, as an advertisement thereof.

The word "label" is defined as an artistic and intellectual production impressed or stamped directly upon the article of manufacture or upon a slip or piece of paper or other material, to be attached in any manner to manufactured articles or to bottles, boxes and packages containing them, to indicate the article of manufacture.

A facsimile of a print entitled "Playing Hookey," copyrighted by the Cream of Wheat Company, is shown facing page 118.

A facsimile of a label copyrighted by the H. J. Heinz Company is shown facing page 120.

65. What May be Registered.

No print or label can be registered unless it properly belongs to an article of manufacture and is descriptive thereof, and unless the application is filed before publication.

It is interesting to compare the law of prints and labels with that of trade-marks. For example, rights in trade-marks are not lost by prior use and publica-

tion; in fact, a trade-mark cannot be registered unless actually used--and used in interstate commerce—and affixed to the merchandise; whereas the right to register a print or a label does not depend upon use in interstate or foreign commerce, and the right to register a print or label is lost by use and publication before the application for registration. Furthermore, a trade-mark must not be descriptive of the merchandise to which it is affixed, while a print or a label must be. A trade-mark need not be artistic; a print or a label must be. A print must not be borne by the article; a label and a trade-mark must be.

The difference existing between the law relating to trade-marks and that relating to prints and labels can be explained on the ground that a trade-mark, being a word or symbol of a manufacturer or seller indicating the origin of the article to which it is affixed, does not partake of the nature of a writing, and so does not come under the head of literary productions contemplated by the copyright law. Furthermore, the right in a trade-mark is a right arising under the common law relating to property and is a right existing entirely independently of any statutory provision, the statutory provisions relating to the trade-marks merely increasing the rights of an owner. A print or a label, on the other hand, is regarded as an artistic or intellectual production, the exclusive right to which is secured under the provisions of the copyright law, passed as a result of the constitutional provision that Congress may secure to writers the exclusive right to their respective writings for a limited time.

[PRINT]



PLAYING HOOKEY

Printed by Leslie Thrasher for Cream of Wheat Co. Copyright 1913 by Cream of Wheat Co.

Reproduced by permission of Cream of Wheat Co.

In further explanation, it should be stated that under the common law a writer possessed the exclusive right to his literary efforts only so long as he did not publish his works. There has been a great number of cases defining publication. For instance, it has been held that a college professor who delivers lectures before classes has not published his writings, these lectures being in the nature of a private hearing. This one point, however, is very clear, that under the common law, publication, whatever it might be, operated to deprive the author of all right or rights in his productions. Hence, if an author wishes to publish his works and at the same time retain the exclusive right of publication, he must avail himself of the rights of the copyright law.

To carry the comparison further, a trade-mark can be indefinitely renewed, whereas a copyright, although renewable for twenty-eight years, is not renewable after expiration of that term. Patents are not renewable at all after the expiration of the first seventeen years.

It is a curious fact to many persons that Congress should have given to the Patent Office jurisdiction in the matter of the registration of prints and labels rather than the Library of Congress, where all other copyright applications are filed. The fact that the Patent Office is in charge of copyright applications for prints and labels has led to a great deal of confused thought on the subject.

66. Attorneys.

Applications for prints and labels are usually prosecuted by attorneys, the practice before the Office being very similar to that in patent and trade-mark cases. Although there is nothing in the rules of the Office to prevent an applicant from prosecuting his own case, the Patent Office advises one to employ a competent attorney.

67. Who May Register a Print or Label.

The author of any print or label who is a citizen and resident of the United States, or a subject and citizen of any country to whose subjects or citizens the United States has extended the benefits of copyrights, may obtain registration of a print or label in the United States.

68. Application.

The application for registration of prints and labels is made to the Commissioner of Patents. A complete application comprises—

1. A statement of (a) applicant's name; (b) nationality; (c) place of business; (d) whether author or proprietor, and if proprietor, a disclosure of the citizenship of the author, the title of the print or label, and the name of the article of manufacture for which the print or label is to be used;
2. Ten copies of the print or label;
3. Statement of date of publication, with notice of copyright in the print or label;
4. Filing fee of $6.

Pending applications are kept secret.

[LABEL]



Printed by The Nevins-Church Press, N. Y.

Reproduced by permission of H. J. Heinz Co.

69. Examination of Applications.

The law relating to prints and labels has been construed to mean that the Examiner of the Patent Office is not required to examine a print or label to determine whether it is novel or not, as is the case in patent applications.

If the application is refused for any reason other than that of want of novelty, the applicant will be fully advised and given such information as will aid him in the amendment of his application.

70. Amendment.

The application may be amended to correct informalities or to avoid objections made by the Patent Office.

71. Appeals.

Appeals may be had from the Examiner to the Commissioner of Patents in case of an adverse decision of the Examiner in regard to the right of registration. When the Office rules and law relative to registration have been complied with, a certificate of registration will be issued to which is attached a copy of the print or label.

The weekly issue of prints and labels closes on Thursday. Certificates of that issue bear date as of the fourth Tuesday thereafter.

72. Duration of Registration.

The certificate of registration remains in force twenty-eight years. This term may be renewed for a

further term of twenty-eight years, provided a second application is filed within six months before the expiration of the term of the original certificate.

73. Assignments.

An assignment should state—

1. Name of assignor and assignee;
2. Title of print or label;
3. Date of filing application, if certificate has not been issued;
4. Date of registration, if certificate has been issued;
5. Statement of the fact that a valuable consideration has been paid;
6. Date of signing.

74. Notice of Registration on Print or Label.

In order to maintain an action for an infringement of a print or label it is necessary that the claim of copyright be printed on each copy of the print or label published. Notice should be given as follows, "Copyright 19— by (insert name of author or proprietor)." An example of such notice would be "Copyright 1913 by John Smith" or "Copyright 1913 by the North Publishing Company."

CHAPTER V.

Copyrights.

75. General Remarks.

The copyright law of the United States is based on the constitutional provision giving Congress "power to promote the progress of science and useful arts by securing, for limited times, to authors and inventors the exclusive right to their respective writings or discoveries."

The person who obtains a copyright is thereby entitled to the exclusive right (1) to print, publish and vend the copyrighted work; (2) to translate, dramatize, arrange and adapt, etc.; (3) to deliver lectures, sermons, etc.; (4) to represent in dramatic works or make record or exhibit or perform, etc.; (5) to perform in music and make any arrangement or setting of it, or record thereof.

76. What Works May be Copyrighted.

The statute contemplates registration of the following classes of works:

(a) Books, including composite and cyclopedic works, directories, gazetteers and other compilations.

(b) Periodicals, including newspapers.

(c) Lectures, sermons, addresses, prepared for oral delivery.

(d) Dramatic or dramatico-musical compositions.

(e) Musical compositions.

(f) Maps.

(g) Works of art, models or designs for works of art.

(h) Reproductions of a work of art.

(i) Drawings or plastic works of a scientific or technical character.

(j) Photographs.

(k) Prints and pictorial illustrations.

77. What Works May Not be Copyrighted.

The copyright laws contain no provisions under which copyrights can be had for the following:

1. A mere name or title, coined names, names of articles of manufacture, names of games or puzzles, names of substances, names of products, or names of medicines.

2. Stage names, names of theatrical combinations or troupes, professional names, business names, or names of companies or corporations.

3. The title as such of any literary, musical, dramatic or artistic production.

4. Names for series or for libraries.

5. The name or title of a newspaper or magazine.

6. A mere form of words or mottoes, phrases, sayings, catch-words, riddles, or any similar combination of words.

78. Cost of Application.

The practice in filing an application is first to publish the work with the notice of copyright thereof, for example, "Copyright 1913 by North & Company," and then to mail to the Register of Copyrights, Library

of Congress, Washington, D. C., an application form containing, among other allegations, an allegation of the date of publication, and remit registration fee of $1.

It will be noted that the work is first published and an allegation filed alleging publication. If for any reason the work should belong to that class of works not copyrightable, the copyright law provides that publication of a work containing a notice of copyright, when no copyright has in fact been secured, will subject the proprietor to a fine of not less than $100 or not more than $1000. If the author publishes a book without the notice, the law provides that under such circumstances he has dedicated the work to the public and is precluded forever from obtaining a copyright. In doubtful cases it is therefore a difficult matter to decide whether to risk the penalty or the loss of the copyright.

An attorney's fee is usually $10 for preparing an application.

79. Duration of Copyright.

The term of a copyright is twenty-eight years, and may be renewed for a like term.

80. Infringements, Penalties and Damages.

In case of infringements of proprietor's rights in copyright works, the plaintiff is entitled to—

1. An injunction restraining further infringement;
2. Payment of such damages as the proprietor of the copyrighted work has suffered, and payment of profits earned by the infringer.

The court in estimating damages may allow $50 to

$200 for each newspaper reproduction of a photograph.

In proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or, in lieu of actual damages and profits, such damages as to the court shall appear just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated. In the case of a newspaper reproduction of a copyrighted photograph, such damages shall not exceed the sum of $200 and not be less than the sum of $50, and such damages shall in no other case exceed the sum of $5000 and not be less than the sum of $250, and shall not be regarded as a penalty.

(a) In the case of a painting, statue or sculpture, $10 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employes.

(b) In the case of any work enumerated in section five of the act, except a painting, statue or sculpture, $1 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employes.

(c) In the case of a lecture, sermon or address, $50 for every infringing delivery.

(d) In the case of a dramatic or dramatico-musical or choral or orchestral composition, $100 for the first and $50 for every subsequent infringing performance. In the case of other musical composition, $10 for every infringing performance.

3. To deliver up on oath, to be impounded during the pendency of the action upon such terms and condi-

tions as the court may prescribe, all articles alleged to infringe a copyright.

4. To deliver up on oath for destruction all infringing copies or devices, as well as all plates, molds, matrices or other means for making such infringing copies, as the court may order.

5. Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use or sale of interchangeable parts, such as discs, rolls, bands or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover, in lieu of profits and damages, a royalty as provided in section one, subsection (e) of the copyright act: provided also, that whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this act, he shall serve notice of such intention, by registered mail, upon the copyright proprietor, at his last address disclosed by the records of the Copyright Office, sending to the Copyright Office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to

exceed three times the amount provided by section one, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

The person who willfully and for profit infringes any copyright and who knowingly and willfully aids and abets such infringements will be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not exceeding one year, or by a fine of not less than $100 or not more than $1000, or both, in the discretion of the court.

A person who has made application for the registration of a copyright, and who has published his book containing a copyright notice but has failed to deposit a copy of the publication, shall, upon notice to deposit the same within three months, be liable to a fine of $100, payable to the Library of Congress, twice the amount of the retail price of the best edition of the work, and the copyright shall be void.

The person who for the purpose of registration makes a false affidavit as to the American manufacture of the work shall be punished by a fine of not more than $1000, and his copyright shall be forfeited.

A person who with fraudulent intent shall insert or impress any notice of copyright, or words of the same purport, upon an uncopyrighted article, or with fraudulent intent shall remove or alter a copyright notice upon any article duly copyrighted, shall be guilty of a misdemeanor punishable by a fine of not less than $100 or not more than $1000.

A person who innocently sells a work which has not

been copyrighted, but which bears a notice of United States copyright, shall be liable to a fine of $100.

81. Notice by Marking "Copyright."

The notice ordinarily consists of the word "copyright," accompanied by the name of the copyright proprietor; for example, "Copyright 1913 by North Company."

In cases of maps, copies of works of art, photographs and prints, the letter ©, accompanied by the initials, monogram, mark or symbol of the copyright proprietor, provided that on some accessible portion of the copies or of the margin, back, permanent base or pedestal, or of the substances on which such copies shall be mounted, the proprietor's name shall appear.

82. How to Obtain a Copyright.

1. Publish the work with the copyright notice. The notice may be in the form "Copyright 19— (year date of publication) by ———— (name of copyright proprietor.)"

2. Promptly after publication send to the Copyright Office two copies of the best edition of the work, with an application for registration and a money order payable to the Register of Copyrights for the statutory registration fee of $1.

In the case of books, the copies must be accompanied by an affidavit under the official seal of an officer authorized to administer oaths, stating that the typesetting, printing and binding of the book have been performed within the United States.

This affidavit is not required in the case of a book of foreign origin, in a language or languages other than English, as such books are not required to be manufactured in the United States.

In the case of contributions to periodicals send one complete copy of the periodical containing the contribution and fee. No affidavit is required.

83. Works Not Reproduced for Sale.

Copyright may also be had of certain classes of which copies are not reproduced for sale, by filing in the Copyright Office an application for registration, with the statutory fee of $1, sending therewith—

(a) In the case of lectures or other oral addresses, or of dramatic or musical composition, one complete manuscript or typewritten copy of the work;

(b) In the case of photographs not intended for general circulation, one photographic print;

(c) In the case of works of art (paintings, drawings, sculpture), or of drawings or plastic works of a scientific or technical character, one photograph or other identifying reproduction of the work;

(d) In the case of motion-picture photoplays, a title and description, with one print taken from each scene or act;

(e) In the case of motion-pictures other than photoplays, a title and description, with not less than two prints taken from different sections of a complete motion-picture.

In the case of each of the works here noted, not reproduced in copies for sale, the law expressly requires

that a second deposit of printed copies for registration and the payment of a second fee must be made upon publication.

The statutory fee for registration of any work, except a photograph, is $1, including a certificate of registration under seal. In the case of a photograph, if a certificate is not demanded, the fee is fifty cents. In the case of several volumes of the same book deposited at the same time, only one registration and one fee is required.

CHAPTER VI.

Forms.

84. Patent Forms.

PETITIONS.

1. By a Sole Inventor.

TO THE COMMISSIONER OF PATENTS:

Your petitioner, Thomas A. Edison, a citizen of the United States and a resident of Llewellyn Park, West Orange, in the County of Essex and State of New Jersey, whose post-office address is Llewellyn Park, West Orange, New Jersey, prays that letters patent may be granted to him for the Improvement in Devices for Viewing Moving Pictures, set forth in the annexed specification.

Signed at Orange, in the County of Essex and State of New Jersey, this 16th day of November, 1908.

THOMAS A. EDISON.

2. By Joint Inventors.

TO THE COMMISSIONER OF PATENTS:

Your petitioners, Orville Wright and Wilbur Wright, citizens of the United States, residing at Dayton, in the County of Montgomery and State of Ohio, the post-office address of both of whom is 1127 West Third Street, Dayton, Ohio, pray that letters patent may be granted to them, as joint inventors, for the Improvement in Flying Machines, set forth in the annexed specification.

Signed at Dayton, in the County of Montgomery and State of Ohio, this 9th day of March, 1903.

ORVILLE WRIGHT,
WILBUR WRIGHT.

3. By an Inventor, for Himself and Assignee.

TO THE COMMISSIONER OF PATENTS:

Your petitioner, Frank James, a citizen of the United States and a resident of Chicago, in the County of Cook and State of Illinois, whose post-office address is 260 Dearborn Street, in said city, prays that letters patent may be granted to himself and Alexander K. Johnson, a citizen of the United States and a resident of New York, in the County and State of New York, whose post-office address is 163 Broadway, New York City, as his assignee, for the Improvements in Davits, set forth in the annexed specification.

Signed at New York, in the County of New York and State of New York, this 14th day of December, 1881.

FRANK JAMES.

4. Petition with Power of Attorney.

TO THE COMMISSIONER OF PATENTS:

The petition of Charles Y. Knight, a citizen of the United States, residing at and whose post-office address is Oak Park, in the County of Cook and State of Illinois, prays that letters patent may be granted to him for Improvements in Internal Combustion Engines, as set forth in the annexed specification.

And he hereby appoints the firm of Elliott & Hopkins (composed of Jno. G. Elliott and F. A. Hopkins), 260 Dearborn Street, Chicago, Illinois, his attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to sign the drawings, to receive the patent, and to transact all business in the Patent Office connected therewith.

Signed at Chicago, in the County of Cook and State of Illinois, this 30th day of March, 1904.

CHARLES Y. KNIGHT.

5. By an Administrator.

TO THE COMMISSIONER OF PATENTS:

Your petitioner, Joseph W. Bettendorf, a citizen of the United States and a resident of Davenport, in the County of Scott and State of Iowa, whose post-office address is General Delivery in said city, administrator of the estate of William P. Bettendorf, deceased, late a citizen of Bettendorf, Iowa (as by reference to the duly certified copy of letters of administration, hereto annexed, will more fully appear), prays that letters patent may be granted to him for the invention of the said William P. Bettendorf for Improvements in Roofs for Railway Cars, set forth in the annexed specification.

Signed at Bettendorf, in the County of Scott and State of Iowa, this 2d day of July, 1910.

JOSEPH W. BETTENDORF,

Administrator of the estate of William P. Bettendorf, deceased.

6. By an Executor.

TO THE COMMISSIONER OF PATENTS:

Your petitioner, Harleston C. Gesner, a subject of the King of Great Britain and a resident of New York, in the County of New York and State of New York, whose post-office address is 18 West 84th Street, New York City, executrix of the last will and testament of George W. Gesner, late a citizen of the United States and a resident of New York City, deceased (as by reference to the certified copy of letters testamentary, recorded in the United States Patent Office, Liber R 71, page 463, will more fully appear), prays that letters patent may be granted to her for the invention of the said George W. Gesner for Improvements in Insulators, set forth in the annexed specification.

Signed at New York, County of New York and State of New York, this 10th day of June, 1905.

HARLESTON CORBETT GESNER,
Executrix.

7. By a Guardian of an Insane Person.

TO THE COMMISSIONER OF PATENTS:

Your petitioner, Sadie E. Glidden, a citizen of the United States and a resident of Beverly, in the County of Essex and State of Massachusetts, whose post-office address is Beverly, Massachusetts, guardian of the estate of John E. Glidden, a citizen of the United States, insane (as appears from the certificate of appointment of the Register of the Probate Court of Essex County, Massachusetts, which has been re-

corded in the assignment records of the Patent Office), prays that letters patent may be granted to her for the invention of the said John E. Glidden for the Improvements in Heel Compressors, set forth in the annexed specification; and she hereby appoints Nelson W. Howard, of the Albany Building, Boston, Massachusetts (Registry No. 3029), her attorney, with full power of substitution and revocation, to sign the drawings, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office in connection therewith.

Signed at Beverly, in the County of Essex and State of Massachusetts, this 11th day of July, 1910.

SADIE E. GLIDDEN,
Guardian of John E. Glidden.

8. For a Reissue (by the Inventor).

TO THE COMMISSIONER OF PATENTS:

Your petitioner, James O'Connor, a citizen of the United States and a resident of the City, County and State of New York, whose post-office address is at the corner of Austin Place and 144th Street, in the City of New York, prays that he may be allowed to surrender the letters patent for Improvements in Web-Guiding Devices, which were granted to him as No. 789,053 on May 2, 1905 (whereof the Autopiano Company, a corporation duly organized and existing in the State of New York, and having its principal and established place of business at 614 West Fifty-first Street, in the Borough of Manhattan, in the City,

County and State of New York, on whose behalf and with whose assent this application is made, is now sole owner by assignment); and that letters patent may be reissued to the said Autopiano Company for the same invention upon the annexed amended specification. With this petition is filed an abstract of title, duly certified, as required in such cases.

Signed in the City, County and State of New York, this 28th day of March, 1911.

JAMES O'CONNOR.

[Assent of Assignee to Reissue.]

The undersigned, assignee of the entire ownership and interest in and to the above-mentioned Letters Patent No. 789,053 of May 2, 1905, hereby assents to the accompanying application that the said letters patent may be reissued.

THE AUTOPIANO COMPANY,
By Charles Kohler, *Treasurer.*

9. For a Reissue (by the Assignee).

[When Inventor is Dead.]

TO THE COMMISSIONER OF PATENTS:

Your petitioner, Koch Sons & Company, a firm of the City and State of New York, pray that they may be allowed to surrender the letters patent for an Improvement in Book Clasps, granted June 22, 1875, to Newton Harlan, now deceased, whereof they are now the owners by assignment, of the entire interest, and that the letters patent may be reissued to them for the same invention upon the annexed amended specification.

With this petition is filed an order for making and filing an abstract of title.

KOCH SONS & CO.,
By W. C. Horn.

New York, N. Y., December 21, 1881.

10. For Letters Patent for a Design.

TO THE COMMISSIONER OF PATENTS:

Your petitioner, Joseph Rubino, a subject of the King of Italy and a resident of Orange, in the County of Essex and State of New Jersey, whose post-office address is 117 Lakeside Avenue, prays that letters patent may be granted to him for the term of fourteen years for the new and original Design for Cabinets set forth in the annexed specification; and he hereby appoints Dyer & Holden (Registration No. 3244), a firm composed of Frank L. Dyer and Delos Holden, whose address is Edison Office Building, Orange, New Jersey, his attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith.

JOSEPH RUBINO.

[Seal]

Signed at West Orange, County of Essex and State of New Jersey, this 20th day of January, 1913.

11. For a Caveat.

[Now obsolete; the law relating to caveats was repealed by act of July 1, 1910.]

12. For the Renewal of a Forfeited Application.

TO THE COMMISSIONER OF PATENTS.

SIR: Your petitioner, George P. Brand, a citizen of the United States and a resident of New York, in the County and State of New York, whose post-office address is 861 East 162d Street, New York City, represents that on October 7, 1905, he filed an application for letters patent for an Improvement in Variable Tension Bellows (Serial No. 281,835), which application was allowed October 1, 1907, but that he failed to make payment of the final fee within the time allowed by law. He now makes renewed application for letters patent for said invention, and prays that the original specification, oath and drawings may be used as a part of this application.

Signed at Washington, in the District of Columbia, this 10th day of April, 1908.

GEORGE P. BRAND.

SPECIFICATIONS.

13. For an Art or Process.

[The reduced facsimile on pages 61-67, of Patent No. 1,035,835, granted to Alexander P. Anderson, gives a form of specification for an art or process. This patent is for the process of manufacturing "Puffed Rice" and "Puffed Wheat," as mentioned in a previous section.]

14. For a Machine.

[The reduced facsimile on pages 34-43, of Patent No. 821,393, granted to Orville Wright and Wilbur

Wright, gives a form of specification for a machine. This patent is for the invention of a flying machine.]

15. For a Composition of Matter.

[The reduced facsimile on pages 68-69, of Patent No. 601,995, granted to Felix Bauer and Albert Busch, gives a form of specification for a composition of matter known to the trade as "Sanatogen."]

16. For a Design.

TO ALL WHOM IT MAY CONCERN:

Be it known that I, Florence Pretz, a citizen of the United States, residing at Kansas City, in the County of Jackson and State of Missouri, have invented a new, original and ornamental Design for Images of which the following is a specification, reference being had to the accompanying drawing forming part thereof.

The figure is a front elevation of an image showing my new design.

I claim:

The original design for an image as shown.

FLORENCE PRETZ.

WITNESSES:

F. G. Fischer,

M. Cox.

17. For a Caveat.

[This form is now obsolete; the law relating to caveats was repealed by act of July 1, 1910.]

OATHS.

18. Oath to Accompany an Application for a United States Patent.

STATE OF OHIO, }
COUNTY OF MONTGOMERY, } ss.

Orville Wright and Wilbur Wright, the above-named petitioners, being sworn, depose and say that they are citizens of the United States and residents of 7 Hawthorne Street, in the City of Dayton, County of Montgomery and State of Ohio, and that they verily believe themselves to be the original, first and joint inventors of the Improvement in Flying Machines described and claimed in the annexed specification; that they do not know and do not believe that the same was ever known or used before their invention or discovery thereof, or patented or described in any printed publication in any country before their invention or discovery thereof, or more than two years prior to this application, or in public use or on sale in the United States for more than two years prior to this application; and that no application for patent on said improvement has been filed by them or their representatives or assigns in any country foreign to the United States.

ORVILLE WRIGHT,
WILBUR WRIGHT.

Sworn to and subscribed before me this 19th day of March, 1903.

J. R. THOMSON,
Notary Public,
Montgomery County.

[Seal]

19. Oath to Accompany an Application for a United States Patent for a Design.

STATE OF NEW JERSEY, }
COUNTY OF ESSEX, } *ss.*

Joseph Rubino, being duly sworn, deposes and says that he is a subject of the King of Italy and a resident of Orange, in the County of Essex and State of New Jersey; that he verily believes himself to be the original, first and sole inventor of the Design for Cabinets described and claimed in the annexed specification; that he does not know and does not believe that the same was ever known or used before his invention thereof, or patented or described in any printed publication in any country before his invention thereof, or more than two years prior to this application, or in public use or on sale in the United States for more than two years prior to this application; that said design has not been patented in any country foreign to the United States on an application filed by him or his legal representatives or assigns more than four months prior to this application; and that no application for patent on said design has been filed by him or his legal representatives or assigns in any country foreign to the United States.

JOSEPH RUBINO.

Sworn to and subscribed before me this 20th day of January, 1913.

MARY J. LAIDLAW,
[Seal] *Notary Public,*
State of New York.
(Commission expires Sept. 5, 1917.)

20. By an Applicant for a Reissue (Inventor).

STATE OF NEW YORK,
COUNTY OF NEW YORK,
CITY OF NEW YORK, } ss.

Francis C. W. Stelter, being duly sworn, deposes and says that he does verily believe himself to be the original and first inventor of the improvement set forth and claimed in the foregoing specification, and for which improvement he solicits a patent; that deponent does not know and does not believe that the said improvement was ever before known or used; that the invention has not been patented to himself or to others with his knowledge or consent in any foreign country for more than two years prior to his original application, and to the best of his knowledge and belief has not been in public use or on sale in the United States, nor described in any printed publication or patent in this or in any foreign country for more than two years prior to his application in this country; that deponent is a citizen of the United States of America and resides in Long Island City, in the County of Queens and State of New York; that deponent verily believes the letters patent referred to in the foregoing specification and herewith surrendered are inoperative and invalid for the reason that the specification thereof is deceptive and insufficient; and that said defect and insufficiency consist particularly in his specification not containing Claim 3, herewith submitted, which renders said patent inoperative to the extent that it does not fully protect the invention, and which arose from inadvertence, accident or mistake and without any

fraudulent or deceptive intention; and that such inadvertence, accident or mistake arose from the fact that deponent and his solicitors were mistaken about the state of the art, and that when deponent and his solicitors were drawing the claims of said patent they inadvertently failed to make them as extensive as the invention; and that the inadvertence, accident or mistake particularly consists in deponent not securing a broad claim for a strip for a perpetual calendar, said strip having a plurality of divisions or sections, of which one section indicates the days for all months having thirty-one days, another section indicates days for all months having thirty days, and the remainder of the strip indicates days for February only; whereas in prior inventions of this class a single section indicating thirty-one days has been used for every month of the year, or else a strip having twelve sections, one each for the respective months of the year, has been employed; and deponent says that so far as he is now advised he is broadly entitled to and was the first to invent a strip for perpetual calendars as specified in said Claim 3; and deponent further says that such defect and insufficiency have within two weeks been called to his attention and that he at once took the necessary steps to make this application for reissue.

FRANCIS C. W. STELTER.

Sworn to and subscribed before me this 15th day of September, 1903.

ABRAHAM S. SOLOMON,
[Seal] *Notary Public,*
New York County.

21. By an Applicant for a Reissue (Assignee).
[To be Used Only When the Inventor is Dead.]

STATE OF NEW YORK, }
COUNTY OF NEW YORK, } ss.

William C. Horn, being duly sworn, deposes and says that he is a member of the firm of Koch Sons & Company, the above-named petitioners; that he verily believes that the aforesaid letters patent granted to Newton Harlan are inoperative by reason of a defective specification, and that the error arose by inadvertence, accident or mistake and without any fraudulent or deceptive intent; that the entire title to said letters patent is vested in said Koch Sons & Company; and that he verily believes the said Newton Harlan to be the first and original inventor of the invention set forth and claimed in the foregoing amended specification; and that said Newton Harlan is now deceased.

WILLIAM C. HORN.

Sworn to and subscribed before me this 21st day of December, A. D. 1881.

GEO. T. PINCKNEY,
[Seal] *Notary Public,*
Kings County.

22. Supplemental Oath to Accompany a Claim for Matter Disclosed but Not Claimed in an Original Application.

Applicant—Edson O. Sessions. Case 1.
Invention—Cable End Bells. Room 107.
Serial No. 521,764. Filed October 8, 1909.

SUPPLEMENTAL OATH.

STATE OF ILLINOIS, }
COUNTY OF COOK, } ss.

Edson O. Sessions, whose application for letters patent for an Improvement in Cable End Bells (Serial No. 521,764) was filed in the United States Patent Office on or about the 8th day of October, 1909, being duly sworn, deposes and says that the subject-matter of present Claims 21 and 22 was part of his invention; was invented before he filed his original application, above identified, for such invention; was not known or used before his invention; was not patented or described in a printed publication in any country more than two years before his application; was not patented in a foreign country, on an application filed more than twelve months before his application; was not in public use or on sale in this country for more than two years before the date of his application; and has not been abandoned.

EDSON O. SESSIONS.

Subscribed and sworn to before me this 24th day of January, 1911.
ARTHUR H. BOETTCHER,
[Seal] *Notary Public.*

23. Oath as to Loss of Letters Patent.

NEW YORK, }
NEW YORK, } ss.

Joseph G. Childs, being duly sworn, deposes and says that Letters Patent No. 963,359 granted to him

and bearing date on the 5th day of July, 1910, have been either lost or destroyed; that he has made diligent search for the said letters patent in all places where the same would probably be found, if existing; and that he has not been able to find them.

JOSEPH G. CHILDS.

Sworn to and subscribed before me this 19th day of June, 1911.

MATILDA MURPHY,
[Seal] *Notary Public*,
New York County.

24. Oath of Assignee as to the Loss of Letters Patent.

STATE OF NEW YORK,
COUNTY OF NEW YORK, } ss.

Oscar Woodward, being duly sworn, deposes and says as follows, to wit:

That he is the owner by assignment of the Letters Patent No. 960,854 for Improvements in Tabulating Mechanism for Typewriters granted to George Wilson Dudley on June 7, 1910;

That the said letters patent, original document, are lost or mislaid.

That application for reissue of the said letters patent is about to be filed, said application having been executed by the said Dudley with the assent of deponent on the 28th day of May, 1912.

That for the reason that the original letters patent have been lost or mislaid, it is impossible to accompany said original letters patent with said reissue ap-

plication, as provided for in Rule 91, but in lieu thereof a certified copy of the said letters patent will be filed with said reissue application.

OSCAR WOODWARD.

Subscribed and sworn to before me this 29th day of May, 1912.

CHARLES E. SMITH,
[Seal] *Notary Public,*
Kings County.

(Certificate filed in New York County.)

MISCELLANEOUS.

25. Power of Attorney after Application Filed.

TO THE COMMISSIONER OF PATENTS,
WASHINGTON, D. C.

In re application
Harry G. Webster.
Serial No. 219,413. Telephone Exchange Systems.
Filed April 4, 1904.
Room 109.

ROOM 670, 308 DEARBORN ST.,
CHICAGO, ILL., Nov. 11, 1905.

SIR: I hereby appoint Thomas H. Ferguson (Registration 6739), of Room 670, 308 Dearborn Street, Chicago, Illinois, as my attorney in the matter of the above-entitled application, with full power of substitution and revocation, to receive the patent and to transact all business in the Patent Office connected therewith.

Signed at Chicago, in the County of Cook and State of Illinois, this 11th day of November, 1905.

HARRY G. WEBSTER.

26. Revocation of Power of Attorney.

NEW YORK CITY, N. Y.,
April 7, 1908.

HON. COMMISSIONER OF PATENTS,
WASHINGTON, D. C.

SIR: In the matter of my application for patent for Relief Valve, filed June 29, 1907 (Serial No. 381,418), allowed August 9, 1907, I hereby revoke all powers of attorney heretofore given and request that all correspondence be had with me direct until further notice.

Very respectfully,

GEO. P. BRAND.

27. Amendment.

IN THE UNITED STATES PATENT OFFICE.

Thomas A. Edison.
Storage Batteries and Process
of Treating the Same. Room No. 175.
Filed March 20, 1908.
Serial No. 422,361.

HON. COMMISSIONER OF PATENTS.

SIR: In response to the Office action of June 16, 1908, please amend the above-entitled case as follows:

Claim 1, line 3, cancel "or oxide thereof."

Claim 2, line 3, cancel "or oxide thereof."

Insert the following claims numbered 3 and 4:

"3. An active material for the negative electrode of a storage battery, comprising electrolytically active, finely divided metallic material and metallic bismuth intimately associated with the active particles, substantially as set forth.

4. An active material for the negative electrode of a storage battery, comprising electrolytically active, finely divided metallic material and bismuth amalgam intimately associated with the active particles, substantially as described."

REMARKS.

The Examiner's objection as to alternativeness in Claims 1 and 2 has been overcome and the case is now thought to be in condition for immediate allowance, which is requested.

THOMAS A. EDISON,
By Frank L. Dyer,
His Attorney.

Orange, N. J., June 11, 1909.

DISCLAIMERS.

28. Disclaimer after Patent.

TO THE HONORABLE COMMISSIONER OF PATENTS:

Your petitioner, Scheollkopf, Hartford & Hanna Company, a corporation organized and existing under the laws of the State of New York and having its principal place of business at Buffalo, New York, represents that it is the sole owner of Letters Patent

of the United States No. 688,478, granted to it as assignee of Oscar Mueller, of Buffalo, New York, on December 10, 1901, for Black Dye and Process of Making Same.

Your petitioner further represents that in a deposition closed February 6, 1913, by defendant's expert in a suit under said patent of your petitioner against Read, Holliday & Sons, Limited, in the District Court of the United States for the Southern District of New York, said expert alleges:

1. That the Claim 1 of said patent is broad enough to include the products made by following the processes of the following patents:

No. 561,709, dated June 9, 1896, to Herzberg *et al.*

No. 515,381, dated February 27, 1894, to Ulrich *et al.*

2. That the formulæ set forth in said Herzberg and Ulrich patents are erroneous.

Your petitioner, whilst not admitting the correctiveness of said allegations, chooses to disclaim the products of said Herzberg and Ulrich patents.

NOW THEREFORE, your petitioner has reason to believe that through inadvertence, accident or mistake, and without any fraudulent or deceptive intention, the claims of said Mueller Patent No. 688,478 are too broad, including that of which said Mueller was not the first inventor.

Your petitioner, therefore, hereby enters its disclaimer from said Claim 1 of any and all dyestuffs in which — N-N-R_1 of the formula of said claim would

stand for or represent diazotized acetyl-paraphenylene-diamin or diazotized acetyl-naphthalene-diamin, or diazotized naphthylamin, or any other substance containing the acetyl-amido group ($NH,COCH_3$) or the naphthyl radical.

Your petitioner also hereby enters its disclaimer from Claims 2 and 3 of said patent of all processes in which the "diazo compound" is a diazo compound of acetyl-paraphenylene-diamin or of acetyl-naphthalene-diamin, or of naphthylamin, or of any other substance containing the acetyl-amido group ($NH,COCH_3$) or the naphthyl radical.

Signed at Buffalo, in the County of Erie and State of New York, this 31st day of March, 1913.

SCHEOLLKOPF, HARTFORD & HANNA CO.,
By Jacob F. Scheoilkopf, *President.*

WITNESSES:
Frank L. Bufpt,
F. C. Cratinick.

29. Disclaimer During Interference.

DOERING, JR. *vs.* BRADLEY. } Before the Examiner of Interferences.
Subject-Matter: Apparatus for Coating Articles.

DISCLAIMER.

TO THE COMMISSIONER OF PATENTS:

Your petitioner, Adams & Elting Co., a corporation of Illinois, domiciled at Chicago, in the County of Cook and State of Illinois, represents that in the mat-

ter of a certain Improvement in Apparatus for Coating Articles with Pulverulent Material, for which Letters Patent of the United States No. 976,443 were granted to Charles Doering, Jr., on the 22d day of November, 1910, it is assignee of the entire interest by virtue of an assignment from Charles Doering, Jr., the inventor, dated October 7, 1910, and recorded October 10, 1910, in Liber L 85, page 243, of Transfers of Patents, and that it has reason to believe that through inadvertence the specification and claims of said letters patent are too broad, including that of which the said patentee was not the first inventor. Your petitioner, therefore, enters this disclaimer to that part of the claim in said specification which is in the following words, to wit:

1. A machine of the kind specified comprising a closed chamber adapted to receive articles to be coated, means for creating air currents in said chamber to impinge upon all portions of the surfaces of said articles, means for introducing coating material into said air currents for transmission to the surfaces to be coated, and means for clarifying the chamber of unapplied coating material after the article has been coated.

2. A machine of the kind specified comprising a closed chamber adapted to receive articles to be coated, means for creating air currents in said chamber to impinge upon all portions of the surfaces of said articles, means for introducing coating material into said air currents for transmission to the surfaces to be coated, and means for clarifying the chamber of un-

applied coating material after the article has been coated and during circulation of air around the coated article.

3. A machine of the kind specified comprising a closed chamber adapted to receive articles to be coated, means for setting the air contained in said chamber in motion to impinge upon the surfaces of the articles to be coated, means for introducing coating material into said air for transmission thereby to the surfaces of said articles, and manually controlled means operable from the exterior of the casing for clarifying the chamber of unapplied coating material after the articles have been coated and during maintenance of air in motion within said chamber.

4. A machine of the class specified comprising a coating material supply, means for creating currents of air to take up the coating material in suspension and apply it to the article to be coated, means for closing the material supply to the air currents, and means for simultaneously removing the unapplied material from the air and the surplusage from the article after the latter has been coated.

Signed at Chicago, in the County of Cook and State of Illinois, this 1st day of May, 1912.

ADAMS & ELTING CO.,
By M. F. Elting,
Treasurer.

Attest:
MARTIN ELTING,
Secretary.

WITNESSES:
H. L. Hale,
M. M. Boyle.

APPEALS AND PETITIONS.

39. From a Principal Examiner to the Examiners-in-Chief.

In re application of
B. McCaughey,
Broilers.

Filed March 30, 1909.
Serial No. 486,740.
Room 236.

APPEAL TO THE HONORABLE BOARD OF EXAMINERS-IN-CHIEF.

HON. COMMISSIONER OF PATENTS.

SIR: Appeal is hereby taken from the decision of the Primary Examiner in the matter of the above-entitled application, rejecting Claims 3, 4 and 5.

The reason for such appeal is that the Examiner erred in refusing to allow the claims. Further, the Examiner erred in holding that the references cited show an anticipation of the structure set up in the claims.

An oral hearing is respectfully asked.

Herewith find $10 appeal fee.

Respectfully submitted,

B. MCCAUGHEY,

By E. H. Bond, *Attorney.*

January 6, 1910.

31. From the Examiner in Charge of Interferences to the Examiners-in-Chief.

IN THE UNITED STATES PATENT OFFICE.

SOLEY *vs.* PECK *vs.* CLEMENT *vs.* RICHARDS *vs.* MEISSNER.	Interference No. 22,170. Pneumatic Hammers.

TO THE COMMISSIONER OF PATENTS.

SIR: The above-named John F. Clement hereby appeals to the Examiners-in-Chief from the decision of the Examiner of Interferences in the above-entitled interference in which priority of invention was awarded to Edward C. Meissner.

The following are assigned as reasons of appeal:

1. The Examiner erred in holding that Clement's exhibit, Carlisle Tracing, was not commenced prior to March 1, 1900.

2. The Examiner erred in holding that Clement was not exercising due diligence to reduce to practice at the time Meissner and Richards entered the field.

3. The Examiner erred in holding Clement's excuse for delay in reducing to practice unjustifiable.

4. The Examiner erred in holding that Clement purposely delayed taking the proper steps to protect his rights.

5. The Examiner erred in holding that Meissner has established that he disclosed the invention in issue as early as the 1st of January, 1900, and that by the end of January, 1900, he had reduced the invention to practice.

6. The Examiner erred in holding that Clement cannot be given the benefit of his steps in reducing to practice the so-called mechanically operated valve to show diligence in reduction to practice the issue of the interference.

7. The Examiner erred in awarding judgment of priority to Meissner.

8. The Examiner erred in not awarding judgment of priority to Clements.

The appeal fee of $10 is filed herewith.

HOWSON & HOWSON,
Attorneys for Clement.

Philadelphia, Pa., December 30, 1903.

32. From the Examiners-in-Chief to the Commissioner in Ex Parte Cases.

Application of
C. A. von Welsbach.
Serial No. 688,205.
Filed August 9, 1898.

Subject-Matter: Manufacture of Electric Filaments.

APPEAL.

NEW YORK, April 20, 1911.

HONORABLE COMMISSIONER OF PATENTS.

SIR: In the above-entitled case appeal is hereby taken from the decision of the Board of Examiners-in-

Chief, dated April 20, 1910, rejecting Claims 1, 2, 3, 4, 5 and 6.

The grounds upon which this appeal is taken are that the rejected claims are not met by the references cited nor for the reasons given in the said decision.

We hand you herewith our check for $20 in payment of the appeal fee and request that an oral hearing be granted.

PENNIE & GOLDSBOROUGH,
Attorneys.

33. From the Examiners-in-Chief to the Commissioner in Interference Cases.

IN THE UNITED STATES PATENT OFFICE.

SOLEY
vs.
PECK
vs.
CLEMENT
vs.
RICHARDS
vs.
MEISSNER.

Interference No. 22,170.
Pneumatic Hammers.

TO THE COMMISSIONER OF PATENTS.

SIR: The above-named John F. Clement hereby appeals to your Honor in person from the decision of the Board of Examiners-in-Chief in the matter of the above-entitled Interference No. 22,170, in which an award of priority of invention to Edward C. Meissner was affirmed.

The following are assigned as reasons for appeal:

The Board of Examiners-in-Chief erred—

1. In holding that Meissner has established conception as early as January or February, 1900, and reduction to practice prior to the 1st of March, 1900.

2. In holding that Clement did not exercise reasonable diligence in reducing to practice.

3. In awarding priority of invention to Meissner and in not awarding priority to Clement.

The appeal fee of $20 is filed herewith.

Respectfully submitted,

HOWSON & HOWSON,

Attorneys for J. F. Clement.

Philadelphia, Pa., March 9, 1904.

34. Petition from a Principal Examiner to the Commissioner.

Application of Roy Barrett.
Serial No. 442,856.
Revolving Teeter Board.

HONORABLE COMMISSIONER OF PATENTS.

SIR: Your petitioner avers:

1. That he is the applicant above named.

2. That said application was filed on the 10th day of July, 1908.

3. That when so filed said application contained twenty-seven claims.

4. That your petitioner was informed by Office letter of August 3, 1909, that his Claims 1 to 12 and 19 to 27 were functional and not for structure. Also that many of the other claims were objectionable for the same and other reasons.

5. That he was informed by Office letter of September 9, 1908, that most of these claims and others were still open to the same objection. That by Office letter of October 10, 1908, these claims were still objected to for the same reasons and other claims objected to for like reasons, and upon the further ground that they were incomplete.

6. That by Office letter of December 22, 1908, applicant is informed that the claims are still open to the same objection, and the action is made final.

7. That your petitioner has endeavored by amendments and arguments and the citation of decisions to remove the objections or to show the Examiner that he was in error.

8. That in the various Office letters the Examiner raised objection to certain showing which it is believed to be unnecessary to show, but which applicant has expressed a willingness to eliminate.

9. That the Examiner was asked to have furnished for the file a blueprint of the drawing under Commissioner's Order No. 1135.

10. That the Examiner refuses to so furnish the print, notwithstanding the fact that the order states that when the Examiner shall require a change in the drawing and there is no print in the file, print will be furnished at the expense of the Office.

Wherefore your petitioner requests that the Examiner in charge of this application be advised and instructed to order furnished for the file a blueprint of the drawing as provided for in such order, and, furthermore, that he be directed to proceed to examine

the claims upon their merits and also be advised that the claims as now drawn are not to function but to structure, reliance being had upon the decision of the Supreme Court of the United States in Continental Paper Bag Co. *vs.* Eastern Paper Bag Co., 136 O. G., page 1297, October 6, 1908, which would seem to clearly settle this point. In this connection it is also desired that the Commissioner, if he sees so fit, direct the Examiner to follow the decisions and rulings of the higher tribunals as noted in *ex parte* Konold, 133 O. G., page 2179, April 28, 1908. It is thought that the following of such orders of your Honor would greatly facilitate the work of the Office.

A hearing on this petition is desired on as early a date as practicable.

Very respectfully,

ROY BARRETT,

By E. H. Bond, *Attorney.*

December 28, 1908.

35. Petition for Copies of Rejected and Abandoned Applications.

NEW YORK, N. Y., March 15, 1909.

TO THE HONORABLE COMMISSIONER OF PATENTS:

The petition of the Vacuum Specialty Company, a resident of the City, County and State of New York, respectfully shows that on the 14th day of April, 1908, Patent No. 884,582 was issued to one Hubert Penn, assignor to the American Thermos Bottle Company of Brooklyn, New York, a corporation of Maine.

Second, that your petitioner is informed and believes that at the time said application was pending in the Patent Office the said patentee or the said assignee had pending an application for a patent for substantially the same subject-matter, the source of your petitioner's information being the statement in the file of said Patent No. 884,582 that the claims thereof were taken from a co-pending application in which they were deemed allowable, and which said application had been abandoned. The said application is not referred to by serial number or date of filing, nor the date of its abandonment given.

Third, on information and belief that said application has become and now stands abandoned.

Fourth, that on or about the 5th day of January, 1909, said assignee, American Thermos Bottle Company, began suit in the Circuit Court of the United States for the Southern District of New York against your petitioners, which suit is based upon said patent, and the same is now pending and undetermined.

Fifth, your petitioner is informed and believes that to enable it to prepare and conduct its defense in such suit it is material and necessary that it be allowed access to and copies of the files of such abandoned case.

Sixth, your petitioner therefore requests that it or Hillary C. Messimer, Esq., in its behalf and as its attorney, be permitted to inspect and be furnished copies of all or any portion of such case.

VACUUM SPECIALTY CO.,
Petitioner.
By Hillary C. Messimer,
Its Attorney.

STATE OF NEW YORK, }
COUNTY OF NEW YORK, } ss.

On this 15th day of March, 1909, before me, a notary public in and for said state, personally appeared Hillary C. Messimer, the above-named attorney, who being by me duly sworn deposes and says that he has read the foregoing petition and that he knows its contents, and that the same is true except as to the matters therein stated on information or belief, and as to these matters he believes it to be true.

HILLARY C. MESSIMER.

Subscribed and sworn to before me this 15th day of March, 1909.

GERTRUDE W. MARTLING,
Notary Public (180),
[Seal] New York County.

Copy of above petition received this 16th day of March, 1909.

BROWN & DEWARD,
Attorneys of Record for Patentee.

. . . . . .

Solicitors for complainant in above-mentioned suit.

STATE OF NEW YORK, }
COUNTY OF NEW YORK, } ss.

Raymond Le Blanc, being duly sworn, deposes and says that he is over the age of eighteen years and is in the employ of Hillary C. Messimer, Esq., 56 Pine Street, New York City. That on the 16th day

of March, 1909, he served the annexed petition on Alfred Wilkinson, as solicitor for complainant in the suit of the American Thermos Bottle Company against Vacuum Specialty Company, at his office, 52 Broadway; Borough of Manhattan, City, County and State of New York, by delivering to the person in charge in his said office a true copy thereof.

RAYMOND LE BLANC.

Subscribed and sworn to before me this 17th day of March, 1909.

GERTRUDE W. MARTLING,
Notary Public (180),
[Seal] New York County.

36. Preliminary Statement of Domestic Inventor.

GEORGE P. BRAND
vs.
ROBERT FOWLER
vs.
JOHN B. WALKER.

No. 24,302.
Interference.
Automatic Piano Players.

PRELIMINARY STATEMENT OF GEORGE P. BRAND.

STATE OF NEW YORK, }
CITY OF NEW YORK, } ss.

George P. Brand, residing in the City, County and State of New York, being duly sworn, doth depose and say that he is a party to the interference declared by the Commissioner of Patents, December 9, 1904, between his application for Letters Patent for Pneumatic Mechanical Musical Instruments, filed Decem-

ber 26, 1902 (Serial No. 136,565), and the application of Robert Fowler, of 13 Derwent Road, Stonycroft, Liverpool, England, for Machines for Playing upon Keyboard Musical Instruments, and an application of John B. Walker, of 234 East Twelfth Street, New York City, for Automatic Piano Players; that deponent originally conceived the invention set forth in the declaration of interference in May, 1900; that deponent made a drawing of the invention in June, 1900; that deponent made a model in February, 1901; that deponent made other drawings and sketches in January, 1901; and about the month of February, 1901, he made full-sized working parts embodying the invention in issue; that deponent first disclosed the invention to others during the month of July, 1900; that the invention was first reduced to practice in February, 1901; that between February and May, 1902, deponent made a full-sized machine of 85 notes embodying the invention in issue; that in April, 1904, deponent completed a full-sized working machine of 65 notes with finished case and nickel trimmings ready to put on the market; that in January, 1902, deponent contracted with a New York firm to manufacture the machines for him; that in February, 1903, October, 1903, and April, 1904, deponent made other contracts with New York firms to manufacture the machines; and that the first complete machine is still in working condition in New York City.

Deponent further states that for lack of capital the invention has not yet gone extensively into use.

GEORGE P. BRAND.

Subscribed and sworn to before me this 4th day of April, 1905.

HERMAN BORSIG, JR.,
Notary Public (111),
[Seal] New York County.

37. Preliminary Statement of Foreign Inventor.

U. S. CONSULATE GENERAL
STOCKHOLM, SWEDEN.

INTERFERENCE IN THE UNITED STATES PATENT OFFICE.

PRELIMINARY STATEMENT OF PER THEODOR SUNDBERG.

Per Theodor Sundberg, of Stockholm, in the Kingdom of Sweden, being duly sworn, doth depose and say that he is a party to the interference declared by the Commissioner of Patents and mailed on November 23, 1909, between his application for patent, filed February 27, 1906 (Serial No. 303,308), and the application of one Charles H. Shaw for an Improvement in Separator [illegible] Rack; that he made the invention set forth in the declaration of interference, being at that time in Sweden; and that patents for such invention were applied for and obtained as follows:

Application filed in Germany February 28, 1905, and accepted on April 28, 1906, and Patent No.

177,185 granted August 29, 1906, and printed specification published November 2, 1906.

Application filed in France February 28, 1906, and Patent No. 363,739 granted May 12, 1906, and printed specification published August 7, 1906.

Application filed in Great Britain February 27, 1906, and accepted May 10, 1906, and printed specification No. 4830, 1906, published in *The Official Journal* June 19, 1906.

Application filed in Sweden February 27, 1906, and Patent No. 22,852 granted July 25, 1907, and the printed specification published August 3, 1907.

Application filed in Belgium February 24, 1906, and Patent No. 190,349 granted March 15, 1906.

Application filed in Russia March 3, 1906, and Patent No. 14,115 granted July 31, 1908.

That said invention was set forth in an illustrated direction for use printed in June, 1905, at the printing office of P. Palmquists Aktiebolag in Stockholm, Sweden, in four languages, viz., Swedish, German, French and English. A copy of the Swedish edition is here annexed, no copy of the others being now at hand. The use of the invention is shown on pages 5, 8 and 9, and described on page 7 of said copy.

The knowledge of such invention was introduced into the United States under the following circumstances: Lars Romell, Swedish attorney for the said Per Theodor Sundberg, wrote a letter to G. Dittmar, residing at Washington, D. C., describing such invention and soliciting his services in procuring a patent therefor in the United States. This letter, he is in-

formed and believes, was received by the said D. Dittmar on or about February 24, 1906, and the application filed on February 27, 1906 (Serial No. 303,308).

On October 26, 1907, the said Per Theodor Sundberg arrived at New York for negotiating the invention in the United States, and the machines involving the said invention were on that day uncovered in the Custom House and shortly afterwards exhibited and demonstrated before experts belonging to the staff of Messrs. Sears, Roebuck & Co., Chicago, Illinois, and others during a period of about three months.

PER THEODOR SUNDBERG.

U. S. CONSULATE GENERAL,
STOCKHOLM, SWEDEN. } ss.

Subscribed and sworn to before me this 4th day of January, 1910.

[Seal] TOWALD NYSTROM,
U. S. Deputy Consul-General.

ASSIGNMENTS.

38. Of an Entire Interest in an Invention before the Issue of Letters Patent.

Whereas, I, Walter E. Smith, of Hillsboro, New Hampshire, have invented an Improvement in Antiseptic Nest Egg and have executed an application for letters patent of the United States for the same (Serial No. 582,588), filed September 19, 1910, allowed February 27, 1912;

And whereas, Charles C. Rogers, of Winchester, Massachusetts, is desirous of acquiring an interest therein and in the letters patent to be obtained therefor:

Now therefore, to all whom it may concern, be it known that, for and in consideration of one dollar ($1) to me in hand paid, the receipt of which is hereby acknowledged, I have sold and assigned unto the said Charles C. Rogers the full and exclusive right to the said invention; and I do hereby authorize and request the Commissioner of Patents to issue the said patent to the said Charles C. Rogers in accordance with this assignment.

And I hereby agree to execute properly and sign without further compensation any other instruments or applications, original or reissue, which may be necessary to secure fully to the said Charles C. Rogers, his legal representatives or assigns, the aforesaid invention.

In witness whereof I have hereunto set my hand and seal this 7th day of August, 1912.

WALTER E. SMITH.

39. Of the Entire Interest in Letters Patent.

Whereas, I, Charles W. Bradshaw, formerly of Argentine, in the County of Wyandotte and State of Kansas, and now of Kansas City, in the County of Jackson and State of Missouri, have obtained letters patent of the United States for an Improvement in Wrenches, which letters patent are numbered 635,463 and bear date the 24th day of October, 1899; and whereas, I am now the sole owner of said patent and

of all rights under the same; and inasmuch as William Disney, of Kansas City, County of Jackson and State of Missouri, is desirous of acquiring the entire interest in the same;

Now therefore, this deed witnesseth that for and in consideration of the sum of five dollars ($5) to me in hand paid, the receipt of which is hereby acknowledged, I, the said Charles W. Bradshaw, have sold, assigned and transferred, and by these presents do sell, assign and transfer, unto the said William Disney the whole right, title and interest in and to the said Improvement in Wrenches and in and to the letters patent therefor aforesaid; the same to be held and enjoyed by the said William Disney, his heirs, executors and assigns, to the full end of the term for which said letters patent are or may be granted, as fully and entirely as the same would have been held and enjoyed by me had this assignment and sale not been made.

In witness whereof I have hereunto set my hand and affixed my seal at Kansas City, in the County of Jackson, State of Missouri, this 22d day of January, A. D. 1906.

CHARLES W. BRADSHAW. [Seal]

Signed, sealed and delivered
in the presence of
WARREN D. HOUSE,
G. C. LA MOUNTAIN.

40. Of an Undivided Interest in Letters Patent.

Whereas, I, David H. Rowe, of Oakland, County of Alameda, State of California, have obtained letters patent of the United States for an Improvement in Trucks, which letters patent were granted March 13, 1906, and were numbered 814,874; and

Whereas, I am now sole owner of said letters patent and have at this time a right to assign the whole or any part of the same; and

Whereas, Annie M. Johnson, of Oakland, County of Alameda, State of California, is desirous of acquiring a one-half interest in and to the said invention and to the letters patent therefor:

Now this indenture witnesseth that for and in consideration of the sum of one dollar ($1) to me in hand paid, the receipt of which is hereby acknowledged, I, the said David H. Rowe, have sold, assigned and transferred, and by these presents do sell, assign and transfer, unto the said Annie M. Johnson an undivided one-half interest in all my right, title and interest in and to the said invention and in and to the letters patent therefor aforesaid; the said undivided one-half part to be held and enjoyed by the said Annie M. Johnson for her use and behoof, and for the use and behoof of her legal representatives, to the full end of the term for which said letters patent are or may be granted, as fully and entirely as the same would have been held and enjoyed by me had this assignment and sale not been made.

In testimony whereof I have hereunto set my hand and affixed my seal at Oakland, in the County of Alameda and State of California, this 10th day of April, 1906.

DAVID H. ROWE. [Seal]

In presence of
F. M. BARTEL,
W. S. BOYD.

41. Territorial Interest after Grant of Patent.

Whereas, Wm. H. Laraway did obtain Letters Patent of the United States for an Improvement in Vending Machines, which Letters Patent are No. 1,018,507 and bear date the 27th day of February, 1912;

And Whereas, Esta F. Culbertson, of Indianapolis, Indiana, is now the sole owner of said patent and all rights under the same in the below-recited territory;

And Whereas, Gladys I. Caswell (the machines for the individual territory of the vendee to be furnished at the price of $3.25 each) is desirous of acquiring an interest in the same:

Now therefore, to all whom it may concern, be it known that, for and in consideration of the sum of four hundred dollars, to me in hand paid, the receipt of which is hereby acknowledged, I, the said Esta F. Culbertson, have sold, assigned and transferred unto the said Gladys I. Caswell all the right, title and interest in and to the said invention, as secured to me by said Letters Patent, for, to, and in the State of Ohio (except Franklyn County) and for, to, or in no other

place or places; the same to be held and enjoyed by the said Gladys I. Caswell within and throughout the above specified territory, but not elsewhere; for her own use and behoof, and for the use and behoof of her legal representatives, to the full end of the term for which said Letters Patent are granted, as fully and entirely as the same would have been held and enjoyed by me had this assignment and sale not been made.

In testimony whereof, I have hereunto set my hand and affixed my seal this 3d day of September, 1912.

[Seal] ESTA F. CULBERTSON.

STATE OF INDIANA,
COUNTY OF MARION, } ss.

Before me, the undersigned, a notary public in and for said County and State, personally appeared Esta F. Culbertson, and personally acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal this 3d day of September, 1912.

[Seal] GRACE HADLEY.
Notary Public.

My commission expires March 29, 1915.

NOTARY PUBLIC SEAL,
INDIANA.

Recorded September 25, 1912.

42. License—Shop right.

Whereas, I, John Lindall, of Boston, County of Suffolk and Commonwealth of Massachusetts, have invented an Improvement in Brush-Holders for

Motors and Generators, covered by Letters Patent of the United States No. 848,182, dated March 26, 1907; and

Whereas, The Boston Elevated Railway Company, a corporation organized and existing according to law and having its principal place of business at 101 Milk Street, Boston, Massachusetts, is desirous of acquiring an interest in the said invention:

Now therefore, for and in consideration of the sum of one dollar ($1) to me in hand paid by the aforesaid corporation, the receipt of which is hereby acknowledged, and for other good and valuable consideration to me received, I, for myself, license and empower the said Boston Elevated Railway Company and their successors and assigns to manufacture or to have manufactured for use on the road or roads operated by it the said Improvement in Brush-Holders for Motors and Generators during the term of said letters patent, or any renewal or reissue thereof; and I hereby agree to properly execute and sign without further consideration any other papers which may be necessary to secure to the said Boston Elevated Railway Company, or its successors and assigns, the rights herein contained.

In witness whereof I have hereunto set my hand and seal at Boston, Massachusetts, this 25th day of April, A. D. 1907.

JOHN LINDALL.

In the presence of

ALBERT R. MACKUSICK,

G. LESTER MARSTRED.

COMMONWEALTH OF MASSACHUSETTS, }
COUNTY OF SUFFOLK, } ss.

Then personally appeared before me the above-named John Lindall and acknowledged the foregoing instrument to be his free act and deed.

[Seal] ANDREW J. HOWARD,
Notary Public.

Attached to this deed is a printed copy of Letters Patent No. 848,182 granted March 26, 1907, to John Lindall for Brush-Holder for Motors and Generators.

43. License—With Royalty.

This agreement, made this 30th day of November, 1912, between Henry H. Ashlock, of Kansas City, in the County of Jackson and State of Missouri, party of the first part, and The Cincinnati Manufacturing Company, a corporation incorporated and existing under and by virtue of the laws of the State of Ohio, with principal offices in Cincinnati, in the County of Hamilton and State of Ohio, party of the second part, Witnesseth, That whereas Letters Patent of the United States No. 895,832 was granted to the party of the first part on August 22, 1911, for an Improvement in Door and Window Guards; and whereas the parties hereto are desirous that the party of the second part, its successors and assigns, have the exclusive right to manufacture and sell guards containing said patented improvements in the territory hereinafter named:

Now therefore, the parties hereto have agreed as follows:

First. The party of the first part hereby licenses and empowers the party of the second part, its successors and assigns, exclusively, to manufacture guards containing said patented improvements, to the end of the term for which said letters patent were granted or may be renewed, and sell the same in the following states of the United States of America, to wit: Ohio, Kentucky and Indiana.

Second. The party of the second part agrees to make full and true returns to the party of the first part, his heirs or assigns, on or about the 1st day of March, June, September and December of each year, of all guards sold by it containing said patented improvements, during the three months immediately preceding said date.

Third. The party of the second part agrees to pay to the party of the first part, his heirs or assigns, as a license for each royalty, the sum of five cents for each square foot of guards manufactured and sold by it containing said patented improvements, and to pay the same quarter-yearly, as and when the returns are made as aforesaid.

Fourth. The party of the second part agrees to keep a separate book account showing all sales and accounts under this contract, which account shall be open for inspection to the party of the first part at reasonable times.

Fifth. It is further mutually agreed between the parties that the party of the second part will not manufacture, sell or otherwise handle any folding window guard which is an infringement upon the patents issued

to the party of the first part; and the party of the second part further and mutually agrees to use every reasonable effort to sell the Ashlock Window Guard over all the territory above mentioned.

Si-th. It is further mutually agreed that neither party shall assign his or their interest herein without a written consent of the other, and in the event the party of the first part desires to engage in the manufacture of any other folding window guard that the party of the second part may terminate this agreement on giving ten days' notice in writing.

In witness whereof the parties above named have hereunto set their hands the date and year first above written, at Cincinnati, in the County of Hamilton, State of Ohio.

HENRY H. ASHLOCK,
THE CINCINNATI MFG. CO.,
By H. H. Suydam,
Its President and Treasurer.

In the presence of
DAVID REESE,
A. F. MCCALLUM.

DEPOSITIONS.

44. Notice of Taking Testimony.

IN THE UNITED STATES PATENT OFFICE.

BEFORE THE COMMISSIONER OF PATENTS.

GEORGE P. BRAND vs. ROBERT FOWLER.	In Interference. No. 24,302. Subject - Matter: Pneumatic Mechanical Musical Instruments.

WASHINGTON, D. C., August 29, 1905.

DEAR SIRS: Please take notice that on Monday, September 11th, at ten o'clock in the forenoon, at 1033 East 165th Street, New York City, I shall proceed to testify in my own behalf, and to take testimony of Ray Scott, 66 West 140th Street, New York City; Julian Pascal, Carnegie Hall, 57th Street and 7th Avenue, New York City; William Winter, 10 West 125th Street, New York City; Mrs. F. Ellis, 18 West 102d Street, New York City; George Butler, 185 East 117th Street, New York City; W. F. Coppinger, 902 East 138th Street, New York City; John Stanbly, 629 East 136th Street, New York City; Arthur Hint, 357 Willis Avenue, New York City; Peter Duffy, 541 East 134th Street, New York City; Harry Bainton, 1011 East 136th Street, New York City; C. Ericson, 146 Alexander Avenue, New York City; Charles Lohse, 115 Cypress Avenue, New York City; Francis Pope, New York City, and others as witnesses in my behalf.

The examination will continue from day to day until completed. You are invited to attend and cross-examine.

GEORGE P. BRAND,
By E. H. Bond, *Attorney.*

To ROBERT FOWLER, or
To MASON, FENWICK & LAWRENCE,
Washington, D. C.

Service of the above notice acknowledged this 31st day of August, 1905.

MASON, FENWICK & LAWRENCE,
Attorneys for Robert Fowler.

45. Form of Deposition.

IN THE UNITED STATES PATENT OFFICE.

BEFORE THE COMMISSIONER OF PATENTS.

In the matter of the interference between the applications of Clarence B. Hodges and Frank W. Edwards for Lubricators.

Interference No. 19,916.

Depositions of witnesses examined on behalf of Clarence B. Hodges, pursuant to the annexed notice, at the office of Parker & Burton, 12 Hodges Building, Detroit, Michigan, on Thursday, September 20, 1900, at 10 o'clock A. M.

Present, C. F. Burton on behalf of Clarence B. Hodges, and E. H. Bond, Esq., on behalf of Frank W. Edwards.

Clarence B. Hodges, produced on his own behalf, having been first duly sworn, deposes and says

in answers to questions proposed to him by C. F. Burton, as follows:

Q. 1. State your name, age, residence and occupation.

A. Clarence B. Hodges, age 44; occupation, manager of the Detroit Lubricator Company; residence, Detroit, Michigan.

Q. 2. I will read to you the issue in this case which is as follows:

"In combination with a lubricator, provided with suitable pipes and passageways whereby the contents of the lubricator are adapted to be balanced between opposing forces, an auxiliary steam passageway adapted to furnish an auxiliary supply of steam to carry forward the lubricating oil escaping from the oil cup of the lubricator, and an automatically actuated valve adapted to close said auxiliary passage and to control the steam passing therethrough."

Q. 3. Are you the inventor of the combination of elements embraced in that issue?

A. I am.

And in answer to cross-interrogatories proposed to him by E. H. Bond, Esq., counsel for Frank W. Edwards, he saith:

X.-Q. 1. In your answer to question seven, you state that you think you explained the idea and showed the sketch of March 3, 1895, to Mr. H. C. Hodges and to Mr. Wills; have you no recollection as to whether or not you did explain and show the sketch to them?

A. Well, I am very positive now that I did explain

the idea to Mr. Wills on that same day, from the fact that one of the sketches in evidence tells that on that same time we made an incomplete sketch.

X.-Q. 2. On the back of the pencil sketch designated "Exhibit Wills Drawing of March 3, 1895" there is a freehand sketch; will you please explain it?

A. That freehand drawing was made by myself. It is intended to represent the valve that is open to the —it is simply a sketch that was evidently made at the same time, with the idea of making the valve that would open and close by steam pressure.

HENRY C. HODGES.

46. Certificate of Officer.
[To follow Deposition.]

STATE OF NEW YORK,
COUNTY OF NEW YORK, } ss.
CITY OF NEW YORK,

I, Weeks W. Culver, a notary public within and for the County of New York, State of New York, do hereby certify that the foregoing depositions of George P. Brand, Fannie Ellis, William Winter and Ray Scott were taken on behalf of Brand, in pursuance of the notice hereto annexed, before me at the residence of George P. Brand, 1033 East 165th Street, in said City of New York, in the County and State of New York, on the 11th and 12th days of September, 1905. Said witnesses were by me duly sworn before the commencement of their testimony, and the testimony of said witnesses was written out by James P. Martin in my presence (the opposing party not being present or

represented by counsel), and said testimony was taken at the address above, 1033 East 165th Street, and was commenced at 11.30 A. M. on September 11, 1905, and continued over until the next day at 10.30 A. M., and was concluded on said next day, September 12th; that the deposition was read by each witness before the witness signed the same; that I am not connected by blood or marriage with either of said parties, nor interested directly or indirectly in the matter in controversy.

I transmit herewith all exhibits referred to in the depositions except Brand's exhibits "X," "1," "5," "6," "7," "8," "9," "10," "11," "2" and "3," which are retained in my custody, per stipulation and agreement attached hereto, for use in the taking of testimony in other interferences in which this application of Brand is involved. These will be forwarded as soon as the testimony in the other interferences has been taken.

In testimony whereof I have hereunto set my hand and affixed my seal of office, in said county, this 12th day of September, 1905.

W. W. CULVER,
Notary Public,
New York County.

APPEALS FROM THE COMMISSIONER OF PATENTS TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

1. Form of Notice of Appeal to the Court of Appeals of the District of Columbia in an Ex Parte Case, with Reasons of Appeal and Request for Transcript.

IN THE UNITED STATES PATENT OFFICE.

Application of
C. A. von Welsbach.
Serial No. 688,205.
Filed August 9, 1898.

Improvements in Manufacture of Electric Filaments.

HONORABLE COMMISSIONER OF PATENTS.

SIR: You are hereby notified of my appeal to the Court of Appeals of the District of Columbia, from the decision of the First Assistant Commissioner of Patents, rendered on or about the 9th day of August, 1911, rejecting my above-entitled application and refusing me a patent for the invention set forth therein.

The following are assigned as reasons of appeal:

1. That the First Assistant Commissioner of Patents erred in his affirmance of the decision of the Examiners-in-Chief rejecting the appealed claims.

2. That the First Assistant Commissioner of Patents erred in finding that osmium and ruthenium are disclosed by the Reynier Patent No. 242,948 of record to be equivalent metals in the art to which the invention of appellant relates, to wit, the Art of Manufacturing Electric Filaments.

3. That the First Assistant Commissioner of Patents erred in considering British Patent No. 6135 of

1898 as a patent of the prior state of the art, for the reason that the effective date of the said British patent is later than the record date in the United States Patent Office of appellant's invention involved in this appeal.

Respectfully submitted,

CARL AUER VON WELSBACH,

By Pennie & Goldsborough,

Attorneys.

New York, September 20, 1911.

2. Form of Petition for an Appeal to the Court of Appeals of the District of Columbia in an Ex Parte Case.

IN THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

In re application of Carl Auer Von Welsbach. Filed August 9, 1898.

Serial No. 688,205. Improvements in Manufacture of Electric Filaments..

TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA:

Your petitioner, Carl Auer von Welsbach, of Vienna, Austria, respectfully represents:

That he is the original and first inventor of certain new and useful Improvements in the Manufacture of Electric Filaments.

That on the 9th day of August, 1898, in the manner prescribed by law, he presented his application to the Patent Office, praying that a patent be issued to him for the said invention.

That such proceedings were had in said Office upon said application, that on the 9th day of August, 1911, it was rejected by the First Assistant Commissioner of Patents, and a patent for said invention was refused him.

That on the 20th day of September, 1911, your petitioner, pursuant to Sections 4912 and 4913, Revised Statutes of the United States, gave notice to the Commissioner of Patents of his appeal to this Honorable Court from the said refusal to issue a patent to him for said invention upon said application as aforesaid, and filed with him, in writing, the following reasons of appeal:

1. That the First Assistant Commissioner of Patents erred in his affirmance of the decision of the Examiners-in-Chief rejecting the appealed claims.

2. That the First Assistant Commissioner of Patents erred in finding that osmium and ruthenium are disclosed by the Reynier Patent No. 242,948 of record to be equivalent metals in the art to which the invention of appellant relates, to wit, the Art of Manufacturing Electric Filaments.

3. That the First Assistant Commissioner of Patents erred in considering British Patent No. 6135 of 1898 as a patent of the prior state of the art, for the reason that the effective date of the said British patent is later than the record date in the United States Patent Office of appellant's invention involved in this appeal.

Wherefore your petitioner prays that his said appeal may be heard upon and for the reasons assigned

therefor to the Commissioner as aforesaid, and that said appeal may be determined and the decision of the First Assistant Commissioner be revised and reversed that justice may be done in the premises.

CARL AUER VON WELSBACH,
By Pennie & Goldsborough,
His Attorneys.

JOHN C. PENNIE,
Solicitor and of Counsel.

3. Form of Notice of Appeal to the Court of Appeals of the District of Columbia in an Interference Case, with Reasons of Appeal and Request for Transcript.

IN THE UNITED STATES PATENT OFFICE.
BEFORE THE COMMISSIONER OF PATENTS.

CLEMENT
vs.
RICHARDS
vs.
MEISSNER.

Interference No. 22,170.
Pneumatic Hammers.

And now comes John F. Clement, by his attorneys, Howson & Howson, and gives notice to the Commissioner of Patents of his appeal to the Court of Appeals of the District of Columbia from the decision of the said Commissioner rendered on or about the 26th day of April, 1904, awarding priority of invention to Meissner in the above-entitled case, and assigns as his reasons of appeal the following:

1. The Commissioner erred in finding that Meissner had established conception prior to April, 1900.

2. The Commissioner erred in holding that Clem-

ent was not in the exercise of reasonable diligence in reducing to practice at the time his opponents entered the field.

3. The Commissioner erred in holding that the steps taken by Clement in testing his so-called mechanically actuated valve are not to be placed to his credit in determining the question of his diligence in adopting and perfecting the valve in issue.

4. The Commissioner erred in awarding priority of invention to Meissner and in not awarding priority of invention to Clement.

JOHN F. CLEMENT,
By *Howson & Howson*,
His Attorneys.

Philadelphia, June 8, 1904.

4. Form of Petition for an Appeal to the Court of Appeals of the District of Columbia in an Interference Case.

IN THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

IN RE INTERFERENCE NO. 22,170.

CLEMENT
vs.
RICHARDS
vs.
MEISSNER.

Pneumatic Hammers.

TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA:

Your petitioner, Charles B. Richards, of Cleveland, in the County of Cuyahoga and State of Ohio, respectfully represents:

That he is the original and first inventor of certain new and useful Improvements in Pneumatic Hammers.

That on the 24th day of December, 1900, in the manner prescribed by law he presented his application to the Patent Office praying that a patent be issued to him for the said invention.

That thereafter, to wit, on the 28th day of October, 1902, an interference proceeding was instituted and declared between his said application and a pending application of one John F. Clement, and a pending application of Edward C. Meissner for a similar invention.

That the subject-matter of said interference as set forth in the official declaration was as follows:

1. The combination in an impact tool, of a cylinder, a piston reciprocable therein, inlet and exhaust passages for the motive fluid, and a valve movable in a chamber at one end of the cylinder and serving to control the flow of motive fluid to and from each end of the cylinder, one face of said valve being open to a chamber in which motive fluid is compressed by the piston as the latter approaches one end of its stroke, and the other face of the valve being open to a chamber to which motive fluid under normal pressure is admitted.

2. The combination in an impact tool, of a cylinder, a piston reciprocable therein, inlet and exhaust passages for the motive fluid, and a valve movable in a chamber at one end of the cylinder and serving to control the flow of motive fluid to and from each end of the cylinder, said valve having one face open to a

chamber in which motive fluid is compressed by the piston as the latter approaches one end of its stroke, and another face of larger area than the first open to a chamber to which motive fluid under normal pressure is admitted.

3. In a pneumatic tool of the type described, a valve to control the admission and exhaust to and from the cylinder, said valve being actuated by direct air pressure at one stroke of the piston and by compression of the air between it and the piston at the return stroke.

4. The combination in an impact tool, of a cylinder, a piston reciprocable therein, inlet and exhaust passages for the motive fluid, a valve movable in a chamber at one end of the cylinder and serving to control the flow of motive fluid to and from each end of the cylinder, said valve having an enlarged head, and one face of the valve being open to a chamber in which the motive fluid is compressed by the piston as the latter approaches one end of its stroke, and a passage leading from the chamber which ceives the enlarged head of the valve to a point in the cylinder where it will be uncovered by the piston when the latter reaches the forward limit of its stroke, whereby the valve will be moved in one direction by motive fluid compressed by the piston at one end of its stroke, and in the other direction by motive fluid under normal pressure when the piston reaches the other limit of its stroke.

5. In a fluid-pressure operated tool, the combination with a cylinder, of a reciprocating piston therein, a valve casing, a differential piston valve in said casing

controlling the supply and exhaust of fluid pressure to and from the opposite ends of the cylinder, said valve casing and cylinder having ports and passages whereby the valve is moved in one direction by air compressed by the piston and in the other direction by fluid pressure flowing through the cylinder from the supply port.

That thereafter, to wit, the 9th day of September, 1903, the case having been submitted upon the preliminary statement and evidence presented by the parties thereto, the Examiner of Interferences rendered a decision awarding priority of invention to Edward C. Meissner.

That, pursuant to the statutes and rules of practice in the Patent Office in such cases made and provided, Richards appealed from the said adverse decision of the Examiner of Interferences to the Board of Examiners-in-Chief, and the case having been argued and submitted to said Board, a decision was rendered by said Board on the 3d day of January, 1904, affirming the decision of the Examiner of Interferences.

That thereafter, pursuant to said statutes and rules, Richards appealed from the said adverse decision of the Board of Examiners-in-Chief to the Commissioner of Patents, and the same coming on to be heard and having been argued and submitted, a decision was rendered by the Commissioner adverse to your petitioner, affirming the decision of the Board of Examiners-in-Chief and awarding priority of invention to the said Edward C. Meissner.

That on the 8th day of June, 1904, your petitioner, pursuant to Sections 4912 and 4913, Revised Stat-

utes of the United States, gave notice to the Commissioner of Patents of his appeal to this Honorable Court from his decision awarding priority of invention to Edward C. Meissner, as aforesaid, and filed with him, in writing, the following reasons of appeal:

1. The Commissioner erred in awarding priority of invention to Meissner.

2. The Commissioner erred in not awarding priority of invention to Richards.

3. The Commissioner erred in not considering all of Richards' evidence and proof.

4. The Commissioner erred in excluding evidence and proof on behalf of Richards.

5. The Commissioner erred in considering Meissner's contradicted and rebuttal testimony as conclusive.

6. The Commissioner erred in not considering Richards' unrebutted and unshaken testimony in rebuttal of Meissner.

7. The Commissioner erred in considering matters not in issue in this case and foreign thereto, and in basing his conclusions on such extraneous matters.

That the Commissioner of Patents has furnished your petitioner a certified transcript of the record and proceedings relating to said interference case, which transcript is filed herewith and is to be deemed and taken as a part hereof.

Wherefore your petitioner prays that his said appeal may be heard upon and for the reasons assigned therefor to the Commissioner, as aforesaid, and that said appeal may be determined and the decision of the

Commissioner be revised and reversed that justice may be done in the premises.

CHARLES B. RICHARDS,
By William Secher,
Attorney.

85. Trade-Mark Forms.

1a. Petition of an Individual.

TO THE COMMISSIONER OF PATENTS:

The undersigned presents herewith a drawing and five specimens of her trade-mark, and requests that the same, together with the accompanying statement and declaration, may be registered in the United States Patent Office in accordance with the law in such cases made and provided.

MARY M. HERRICK.

May 4, 1912.

1b. Petition of a Corporation and Power of Attorney.

TO THE COMMISSIONER OF PATENTS:

Your petitioner, a corporation duly organized and existing under and by virtue of the laws of the State of New Jersey, with its principal office at Jersey City, in said state, respectfully represents that it is engaged at Chicago, in the County of Cook and State of Illinois, in the manufacture and sale of crackers, biscuits, cakes, bread, snaps, jumbles, hard and soft boiled confectionery, including grainwork, creamwork, panwork, chocolate-work, lozenges and medicated candies, under the name of the National Biscuit Company, said company being duly organized as aforesaid, and having its

principal office and business located outside of said State of New Jersey, at said Chicago, with other or branch places of business at a number of different places in different states, and that said corporation is entitled to the exclusive use of the lawful trade-mark which is correctly represented by the facsimile herewith filed and described in the annexed statement or specification.

Said corporation therefore prays that the said trade-mark may be duly registered in the United States Patent Office, and that said company may obtain protection therefor, in accordance with the provision of the Act of Congress in such cases made and provided.

And it hereby authorizes Charles K. Offield, Henry S. Towle and Charles C. Linthicum, composing the firm of Offield, Towle & Linthicum, of the City of Chicago, in the County of Cook and State of Illinois, to act as its attorneys in preparing this application, to sign the facsimile, to make necessary amendments, and to perform every act which is or may be required and necessary in this matter and to receive the certificate of registration.

NATIONAL BISCUIT COMPANY,
By H. F. Vories,
Vice-President.

1c. Letter of Advice.

TO THE COMMISSIONER OF PATENTS:

The undersigned presents herewith a drawing and five specimens of their trade-mark, and requests that the same, together with the accompanying statement and declaration, may be registered in the United

States Patent Office in accordance with the law in such cases made and provided.

Your petitioners hereby appoint Edward H. Merritt, Fort Wayne, Indiana, U. S. A., as their attorney to represent them in the Patent Office of the United States, in causing the registration of said trade-mark, with power of substitution and revocation, to make amendment therein and sign the name of applicant thereto, to sign the drawings or facsimile, to receive the certificate of registration, and to do all things necessary to be done in connection with securing the registration of their trade-mark in the United States Patent Office as fully as they could have done if personally present.

C. KECK MANUFACTURING CO.,
By Harry Hyman Hyams,
Member of the Firm.

2. Statement for an Individual.

TO ALL WHOM IT MAY CONCERN:

Be it known that I, Mary M. Herrick, a citizen of the United States of America, residing at Troy, County of Rensselaer, State of New York, and doing business at Sharpes, County of Brevard, State of Florida, have adopted and used the trade-mark, shown in the accompanying drawing, for fresh and preserved oranges, grapefruit and tangerines, in Class No. 46, Foods and Ingredients of Foods.

The trade-mark has been continuously used in my business since December 1, 1908.

The trade-mark is applied or affixed to the goods,

or to the packages containing the same, by placing thereon a printed label on which the trade-mark is shown; and by wrapping the oranges, grapefruit and tangerines with a paper bearing an imprint on which the trade-mark is shown.

MARY M. HERRICK.

3. Declaration for an Individual.

STATE OF FLORIDA,
COUNTY OF BREVARD, } *ss.*

Mary M. Herrick, being duly sworn, deposes and says that she is the applicant named in the foregoing statement; that she believes the foregoing statement is true; that she believes herself to be the owner of the trade-mark sought to be registered; that no other person, firm, corporation or association, to the best of her knowledge and belief, has the right to use said trade-mark in the United States, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that said trade-mark is used by her in commerce among the several states of the United States, and between the United States and foreign nations or Indian tribes, and particularly with England and Germany; that the description and drawing presented truly represent the trade-mark sought to be

registered; and that the specimens show the trade-mark as actually used upon the goods.

MARY M. HERRICK.

Subscribed and sworn to before me, a notary public, this 4th day of May, 1912.

R. N. ANDREWS,
[Seal] *Notary Public.*

4. Statement for a Firm.

TO ALL WHOM IT MAY CONCERN:

Be it known that we, C. Keck Manufacturing Co., a firm domiciled in the City of Cincinnati, County of Hamilton, State of Ohio, doing business at 77 Elm Street in said city, and composed of the following members, Christian Keck and Harry H. Hyams, citizens of the United States of America, have heretofore adopted and used the trade-mark, shown in the accompanying drawing, for laundry washing-machines with and without power, in Class No. 24, Laundry Appliances and Machines.

The trade-mark has been continuously used in our business since May 4, 1912.

The trade-mark is applied or affixed to the goods by placing thereon a printed label on which the trade-mark is shown.

C. KECK MANUFACTURING CO.,
By Harry Hyman Hyams,
Member of the Firm.

5. Declaration for a Firm.

STATE OF OHIO,
COUNTY OF HAMILTON, } ss.

Harry Hyman Hyams, being duly sworn, deposes and says that he is a member of the firm of C. Keck Manufacturing Co., the applicant named in the foregoing statement; that he believes the foregoing statement is true; that he believes said firm is the owner of the trade-mark sought to be registered; that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use said trade-mark either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that the said trade-mark is used by said firm in commerce among the several states of the United States; that the drawing presented truly represents the trade-mark sought to be registered; and that the specimens show the trade-mark as actually used upon the goods.

HARRY HYMAN HYAMS.

Subscribed and sworn to before me this 3d day of June, 1912.

JOHN E. FITZPATRICK,
[Seal] *Notary Public.*

6. Statement for a Corporation or Association.

TO ALL WHOM IT MAY CONCERN:

Be it known that the National Biscuit Company, a corporation duly organized under and existing by virtue of the laws of the State of New Jersey, with its

principal office at Jersey City, in said state, and with its principal office and business location outside of the State of New Jersey, at Chicago, in the County of Cook and State of Illinois, and with branch offices and places of business at various other cities in different states, has adopted for its use a trade-mark for biscuits, crackers, cakes, bread, snaps, jumbles, hard and soft boiled confectionery, including grainwork, creamwork, panwork, chocolate-work, lozenges and medicated candies, of which trade-mark the following is a full, clear and exact statement or specification.

Said trade-mark consists of the arbitrarily selected word-symbo! "Uneeda." The facsimile filed herewith represents said trade-mark as appearing in plain black letters in a horizontal line and as used on labels for the outside of boxes or cartons containing biscuits manufactured by said company. It is immaterial as to the size, style or color of the letters employed for said trade-mark word or as to the arrangement of the same or as to the color of the ground on which said word appears, the essential and paramount feature of said trade-mark consisting of the word-symbol "Uneeda."

The application of said trade-mark to the manufacture by said company of biscuits, crackers, cakes, bread, snaps, jumbles, hard and soft boiled confectionery, including grainwork, creamwork, panwork, chocolate-work, lozenges and medicated candies is principally by applying the same to labels for boxes, cartons and packages used in connection with said goods of its manufacture, said labels containing, in addition to said trade-mark, the name of the com-

pany, the name of the particular goods with which the same is employed, as well as the place of manufacture, and other suitable matter pertaining to such goods.

Said trade-mark when used for bakery products, in addition to being printed on box cartons and package labels, is generally impressed upon or into such goods by means of suitable dies, which manner of applying the same is also followed to some considerable extent in connection with confectionery. Said trade-mark is also employed by being stenciled on the outside of boxes containing the goods.

This trade-mark was first adopted by said corporation on or about September 6, A. D. 1898, and has been continuously used since for the purposes aforesaid.

The class of merchandise to which this trade-mark is applied is bakery products and confectionery, and the particular description of the goods comprised in such class for which said corporation uses said trade-mark is biscuits, crackers, cakes, bread, snaps, jumbles, hard and soft boiled confectionery, including grain-work, creamwork, panwork, chocolate-work, lozenges and medicated candies.

Said trade-mark may be used in any manner or way calculated to designate the goods to which the same is applied as being of the manufacture of said company, and to cause the same to be known to the trade and the public by the employment of said distinguishing designation. Said company intends to use said

trade-mark in every lawful manner at will as may be deemed expedient.

NATIONAL BISCUIT COMPANY,
By H. F. Vories,
Vice-President.

Witnesses:
JOS. GRONEAU,
W. C. LLOYD.

7. Declaration for a Corporation or Association.

STATE OF ILLINOIS, } ss.
COUNTY OF COOK, }

Harry F. Vories being duly sworn, deposes and says that he is vice-president of the corporation named in the foregoing statement; that he believes that the foregoing statement is true; that said corporation has at this time a right to the use of said trade-mark therein described; that no other person, firm or corporation has the right to such use, either in the identical form or in any other such near resemblance thereto as might be calculated to deceive; that it is used by said corporation in commerce between the United States and foreign nations or Indian tribes, and particularly with the Dominion of Canada; and that the description and facsimile presented for record truly represent the trade-mark sought to be registered.

HARRY F. VORIES.

Subscribed and sworn to before me this 16th day of November, A. D. 1898.
FREDERICK C. GOODWIN,
[Seal] *Notary Public.*

8. Declaration for Applicants Under the Ten-Year Proviso.

STATE OF NEW YORK,
COUNTY OF NEW YORK, } ss.

Edward Holbrook, being duly sworn, deposes and says he is the president and treasurer of the corporation, the applicant named in the foregoing statement; that he believes that the foregoing statement is true; that he believes said corporation to be the owner of the trade-mark sought to be registered; that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use said trade-mark, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that the said trade-mark is used by the applicant in commerce among the several states of the United States; and that the description, drawing and specimens (or facsimiles) presented truly represent the trade-mark sought to be registered, and that the mark has been in actual use as a trade-mark of the applicant or its predecessors, from whom it derived its title, for ten years next preceding the passage of the act of February 20, 1905, and that, to the best of his knowledge and belief, such use has been exclusive.

EDWARD HOLBROOK.

Subscribed and sworn to before me this 22d day of January, 1906.

EDWARD MCCARTHY,
Notary Public (No. 8),
[Seal] New York County.

9. Declaration for Foreigner.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
CITY OF BERLIN, EMPIRE OF GERMANY, } ss.

Anna Taeschner, being duly affirmed, deposes and says that she is the applicant named in the foregoing statement; that she believes the foregoing statement is true; that she believes herself to be the owner of the trade-mark sought to be registered; that no other person, firm, corporation or association, to the best of her knowledge and belief, has the right to use said trade-mark in the United States, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that said trade-mark has been registered in Germany, March 25, 1911; that the description and drawing presented truly represent the trade-mark sought to be registered; and that the specimens show the trade-mark as actually used upon the goods.

ANNA TAESCHNER.

Subscribed and affirmed to before me, a United States Deputy Consul-General. this 6th day of August, 1912.

HAROLD B. QUARTON,
Consul-General of the United States of America at Berlin, Germany.
[Seal]

10. Statement for a Corporation Under Section 3 of the Act of May 4, 1906.

TO ALL WHOM IT MAY CONCERN:

Be it known that Kingan & Company, Limited, a corporation duly organized under the laws of the Kingdom of Great Britain and Ireland, and having an office and place of business in Belfast, Ireland, and having its principal packing-house and place of business in the City of Indianapolis, County of Marion and State of Indiana, United States of America, and doing business at said packing-house situate at the west end of Maryland Street, in said city, and also having other packing-houses at Baltimore, State of Maryland, and at Richmond, State of Virginia, which it operates under the name Kingan Provision Company, has adopted for its use a trade-mark, which is shown in the accompanying drawing, for the hereinafter-named products of one or more of such packing-houses.

The trade-mark has been continuously used in the business of said corporation since about the year 1877.

The class of goods to which the trade-mark is appropriated is Class 52, Packing-house Products; and the particular description of goods comprised in said class, upon which said trade-mark is used, is fresh cured, cooked, canned and salted meats, lard and sausage.

The trade-mark is usually applied or affixed to the goods, or to the packages containing the same, by placing thereon a printed label on which the same is

shown, or by applying said mark with a stencil or a brand.

[Seal] KINGAN & COMPANY, LIMITED,
By Robert Denison,
Secretary.
Thomas Sinclair,
William S. Kingan,
Directors.

11. Declaration for Foreigners Under Section 3 of the Act of May 4, 1906.

KINGDOM OF GREAT BRITAIN, BELFAST, IRELAND.

Thomas Elliott, being duly sworn, deposes and says that he is the secretary of the corporation, the applicant named in the statement forming part of trade-mark application (Serial No. 28,421); that he believes the said statement is true; that he believes said corporation is the owner of the trade-mark sought to be registered; that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use said trade-mark, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that said trade-mark is used by said corporation in commerce among the several states of the United States; that the drawing presented truly represents the trade-mark sought to be registered; that the specimens (or facsimiles) show the trade-mark as actually used upon the goods; that the mark has been in actual use as a trade-mark of the applicant for ten years next preceding the passage of the act of February 20, 1905, and that, to the best of

his knowledge and belief, such use has been exclusive; that the principal packing-house of said corporation is located at Indianapolis, State of Indiana; that said corporation also has other packing-houses at Baltimore, State of Maryland, and at Richmond, State of Virginia, operated under the name Kingan Provision Company; and that the goods named in said application are the products of one or more of said packing-houses.

THOMAS ELLIOTT.

Subscribed and sworn to before me, the undersigned, an officer duly commissioned and qualified to administer oaths, at Belfast, Ireland, this 22d day of October, A. D. 1907.

SAMUEL S. KNABENSHUE,
Consul of the United States, Belfast, Ireland.
[Seal]

12. Notice of Opposition.

TO THE COMMISSIONER OF PATENTS:

In the matter of an application for the registration of a trade-mark for knitting and crochet cotton (Serial No. 10,410), filed June 30, 1905, by Watson, Porter, Giles & Company, New York, N. Y., the Dexter Yarn Company, a corporation organized under the laws of the State of Rhode Island and doing business at Pawtucket in said state, hereby gives notice of its

intention to oppose the registration of said trade-mark which was published on page 2096, No. 10,410, of *The Official Gazette* of August 15, 1905.

The grounds for opposition are as follows:

1. Said Dexter Yarn Company long prior to the date of filing of said application adopted and made use of the word "Silko" as a trade-mark for the same class of goods, and has continued to use said word "Silko" as its trade-mark for such goods since its adoption on the same.

2. The word "Silcone" is so nearly like said Dexter Yarn Company's trade-mark "Silko" as to deceive and mislead the trade and public, and said word "Silcone" ought not to be registered to another party as a trade-mark for the same class of goods.

3. Said Dexter Yarn Company would be greatly damaged by the registration of the word "Silcone" by said Watson, Porter, Giles & Co., which is so nearly like said Dexter Yarn Company's trade-mark "Silko."

Wherefore said Dexter Yarn Company desires to oppose the registration of the said word "Silcone" by said Watson, Porter, Giles & Co.

DEXTER YARN COMPANY,
By S. Willard Thayer,
Treasurer.

Dated this 12th day of September, 1905.

On this 12th day of September, 1905, before me, a notary public in and for the State of Rhode Island, personally appeared S. Willard Thayer, treasurer of the Dexter Yarn Company, the above-named party,

who, being duly sworn, deposes and says that, to the best of his knowledge and belief, the facts above stated are true.

JAMES H. THURSTON,
Notary Public.

13. Application for Cancellation of Trade-Mark.

TO THE COMMISSIONER OF PATENTS:

In the matter of the Trade-Mark No. 47,163 registered October 31, 1905, by Lewis Oppenheimer's Sons of Philadelphia, Pennsylvania, and published on page 254, Volume 118, No. 1, of *The Official Gazette* for September 5, 1905, the undersigned Pioneer Suspender Company, a corporation organized under the laws of the State of Pennsylvania, having its place of business at 717 Market Street, in the City of Philadelphia, State of Pennsylvania, hereby applies for the cancellation of the registration of the above-noted trade-mark, and as grounds therefor submits the following:

1. The undersigned Pioneer Suspender Company is a manufacturer and dealer in articles of personal wear, and particularly garment supporters, such as suspenders, garters, arm-bands, etc., and in common with other manufacturers it has been its practice since August, 1905, to package combinations of such articles as sets adapted for one person's use and to designate the same as combination sets; these combination sets were placed in paper boxes, and the contents of each were frequently designated by the dealer or retailer, on the box itself, as a Combination Set, these words being the most appropriate to designate a com-

bination set of articles designed for simultaneous personal wear.

2. The registrants, Lewis Oppenheimer's Sons, are engaged in manufacturing and selling the same line of goods, to wit, suspenders, garters, arm-bands, etc., for personal wear, which they package in boxes and designate the contents of the boxes as "Eagle Make Combination Sets," the word "Eagle" being a registered trade-mark, No. 42,156, March 1, 1904, owned by the said Lewis Oppenheimer's Sons.

Dated this 18th day of January, 1906.

PIONEER SUSPENDER COMPANY,
By Frank A. Freeman,
Its Treasurer.

STATE OF PENNSYLVANIA, }
COUNTY OF PHILADELPHIA, } ss.

On this 18th day of January, 1906, before me, a notary public in and for the Commonwealth of Pennsylvania, personally appeared Frank A. Freeman, who, being duly sworn, deposes and says that he is the treasurer of the Pioneer Suspender Company above mentioned; that he is personally familiar with the facts above stated; and that, to the best of his knowledge and belief, said facts above stated are true.

FRANK A. FREEMAN.

Sworn and subscribed to before me this 18th day of January, 1906.

HOWARD S. OKIE,
[Seal] *Notary Public.*

86. Print and Label Forms.

PRINTS.

1. For an Individual.

TO THE COMMISSIONER OF PATENTS:

The undersigned, Ira J. O'Malley, a citizen of the United States, residing at Chicago, in the County of Cook and State of Illinois, and doing business at 79 West Lake Street, in said City of Chicago, hereby applies as author for registration of the print shown in the accompanying copies, ten of which are furnished.

The print was first published, with notice of copyright thereon, on the 15th day of February, 1913. Its title is "The Submarine Water Heater," and it is used for advertising purposes for Water Heaters.

Signed at Chicago, County of Cook and State of Illinois, this 20th day of March, 1913.

IRA J. O'MALLEY,
Author.

2. For a Firm.

TO THE COMMISSIONER OF PATENTS:

The undersigned, Samuel Rosenthal & Bros., a firm composed of the following members, Samuel Rosenthal, Simon M. Rosenthal and Harris L. Rosenthal, citizens of the United States, domiciled in the City of New York, Borough of Manhattan, State of New York, and doing business at 136 Bleecker Street, in said city, hereby applies as proprietor (the author being a citizen of the United States) for registration of the print shown in the accompanying copies, ten of which are furnished.

The print was first published, with notice of copyright, on the 7th day of October, 1911. Its title is "The Adamant Suit," and is used on Boys' Clothing, advertising it in the ordinary manner.

SAMUEL ROSENTHAL & BROS.,
By Samuel Rosenthal,
A Member of the Firm.

Dated this 19th day of October, 1911.

3. For a Corporation.

TO THE COMMISSIONER OF PATENTS:

The applicant, Cream of Wheat Co., a corporation duly created by authority of the laws of the State of North Dakota, located in the City of Minneapolis, County of Hennepin, State of Minnesota, and doing business at Fifth Street and First Avenue North in said city, hereby applies as proprietor (the author being a citizen of the United States of America) for registration of the print shown in the accompanying copies, ten of which are furnished.

The print was first published, with notice of copyright, on March 1, 1910. Its title is "Encore," and it is used for advertising purposes for Wheat Breakfast Food.

CREAM OF WHEAT CO.,
By Paul & Paul,
Attorneys.

Dated this 28th day of March, 1910.

3b. Power of Attorney.

TO THE COMMISSIONER OF PATENTS:

The undersigned herewith files an application for registration of print, and hereby appoints Paul & Paul (a firm composed of A. C. Paul and Richard Paul), 854 Security Bank Building, Minneapolis, Minnesota (Registration Nos. 863 and 864 and 5035), its attorneys, with full power of substitution and revocation, to make alterations and amendments therein, to sign the application, to receive the certificate, and to transact all business in the Patent Office connected therewith.

CREAM OF WHEAT CO.,
By F. W. Clifford,
Treasurer.

Dated March 28, 1910.

4. For Executors or Administrators.

TO THE COMMISSIONER OF PATENTS:

The undersigned, Lucy Malnati, administratrix of the estate of Angelo Malnati, deceased, a citizen of the United States, residing at Quincy, in the County of Norfolk and Commonwealth of Massachusetts, and doing business at East Lyme, Connecticut, and also at said Quincy, hereby applies as proprietor (the nationality of the author from whom title is derived being American) for the registration of the print shown in the accompanying copies, ten of which are furnished.

The print was first published on the 2d day of January, 1911. Its title is "Golden Pink Granite," and

it is used for advertising Granite, both rough and finished.

LUCY MALNATI,
Administratrix of the Estate of Angelo Malnati.

LABELS.

1. For an Individual.

TO THE COMMISSIONER OF PATENTS:

The undersigned, Samuel Liberman, a subject of the Czar of Russia, residing at the village of Peekskill, in the County of Westchester, State of New York, and doing business at 907 Central Avenue, in said village, county and state aforesaid, hereby applies as author for registration of the label shown in the accompanying copies, ten of which are furnished.

The title is "Top-Notch," and it is used on bread loaves of 12 and 25 ounces respectively, and was first published with notice of copyright on February 26, 1913.

SAMUEL LIBERMAN,
Author.

2. For a Firm.

TO THE COMMISSIONER OF PATENTS:

The undersigned, Rosenberg Bros. & Co., a firm domiciled in San Francisco, in the County of San Francisco and State of California, and doing business at 153 California Street, San Francisco, California, hereby applies as proprietor (the author from whom title is derived being a citizen of the United States) for

registration of the label shown in the accompanying copies, ten of which are furnished.

The label was first published, with notice of copyright thereon, on March 17, 1913. Its title is "Apex," and it is used on Raisins.

ROSENBERG BROS. & CO.,
By Abraham Rosenberg,
A Member of the Firm.

San Francisco, Cal., March 20, 1913.

3. For a Corporation, with Power of Attorney.

TO THE COMMISSIONER OF PATENTS:

The applicant, American Chicle Co., a corporation duly organized under the laws of the State of New Jersey, and doing business in the Borough of Manhattan, City, County and State of New York, having a post-office address at Royal Building, corner of William and Fulton Streets, in said borough, hereby furnishes five copies of a label, which has never been published and which is to be used on chewing gum, of which it is the sole proprietor.

The title of said label is "Adams' Spearmint Chewing Gum," and the said label is as follows: The label has a green background with a margin of yellow; an ornamental border is formed of a continuous line of green circles, with black star-shaped figures in each circle. The word "Spearmint" is shaded from yellow to white.

It is requested that the said label be registered in the Patent Office in accordance with the Act of Congress to that effect approved June 18, 1874.

And it hereby appoints the firm of Dyer & Dyer, Registration No. 2586 (a firm composed of Richard N. Dyer, Leonard H. Dyer and John Robert Taylor), of 31 Nassau Street, Borough of Manhattan, City of New York, its attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the certificate, and to transact all business in the Patent Office connected therewith.

AMERICAN CHICLE CO.,
By Henry Rowley,
Secretary.

[Seal]

4. For Executors or Administrators.

TO THE COMMISSIONER OF PATENTS:

The undersigned, Max Yankauer, residing at 142 West 88th Street, Borough of Manhattan, New York City, New York, and Louis Yankauer and Gustavus Yankauer, both residing at 114 East 80th Street, New York City, Borough of Manhattan, New York, executors of the estate of David Yankauer, deceased (late of the United States, and a resident of New York City, Borough of Manhattan, New York, doing business under the firm name and style of Yankauer & Co., at 166 West Broadway, New York City, Borough of Manhattan, New York), hereby apply for the registration of the label shown in the accompanying copies, of which ten are furnished and of which said estate is the proprietor, the nationality of the author being the United States.

The label was first published, with notice of copyright, on the 7th of June, 1911. Its title is "Jim Dandy," and it is used on Candy-coated Popcorn and Nuts.

MAX YANKAUER,
LOUIS YANKAUER,
GUSTAVUS YANKAUER,
Executors of the Estate of David Yankauer,
Trading as Yankauer & Co.
New York, N. Y., June 2, 1911.

CHAPTER VII.

Costs of Obtaining Patents, Trade-Marks and Copyrights.

87. General Remarks.

Inventors, manufacturers and other business men ask two questions with respect to patents, "What does it cost to obtain a patent?" and "What protection do I get under the patent?" Similar questions are asked in regard to trade-marks, prints and labels, and copyrights. The attorney engaged in the general practice of law is apt to ask the same questions. For these reasons it has been decided to print in this chapter a schedule of charges for preparing patent, trade-mark and copyright applications both in the United States and foreign countries, together with the duration or term of the grant.

It is to be understood that the following costs are estimated costs and apply only to cases without complications, where the amount at stake is small and the responsibility of counsel correspondingly small.

88. United States.

PATENTS.

Term seventeen years. Not renewable.

First Government fee	$15
Attorney's fee:	
Preparing specification	40
Preparing simple drawings, per sheet.	5
Final Government fee, payable when patent is allowed	20
	$80

TRADE-MARKS.

Term twenty years. Renewable indefinitely.

Government filing fee	$10
Attorney's fee	25
Simple drawing	5
	$40

COPYRIGHTS.

Term twenty-eight years. Renewable for like term.

Government fee (in some cases 50c.) ..	$1
Attorney's fee	10
	$11

DESIGN PATENTS.

Term three and one-half, seven or fourteen years. Not renewable.

Government filing fee:

For three and one-half years	$10
For seven years	15
For fourteen years	30
Attorney's fee	30
Drawing	5

Total cost, depending on term, $45, $50, $65

PRINTS.

Term twenty-eight years. Renewable for like term.

Government fee	$6
Attorney's fee	20
	$26

LABELS.

Term twenty-eight years. Renewable for like term.

Government fee	$6
Attorney's fee	20
	$26

89. Foreign Patents.

Charges include fees of government and attorney.

Country.	Term of Patent. Years.	Charge.
EUROPE.		
Austria	15	$75
Belgium	20	30
Denmark	15	75
Finland	15	90
France	15	65
Germany	15	65
Gibraltar	14	200
Great Britain	14	75
Guernsey	14	100
Hungary	15	70
Iceland	5	90
Italy	1	70
Italy	6	90
Italy	15	125
Jersey	14	75
Luxemburg	15	50
Malta	14	100
Norway	15	70
Portugal	15	75

Country.	Term of Patent. Years.	Charge.
Roumania	15	$125
Russia	15	150
Spain	20	75
Sweden	15	75
Switzerland	15	70
Turkey	15	150
NORTH AMERICA.		
Canada	18	50
Mexico	20	90
Newfoundland	14	150
WEST INDIES.		
Bahamas	7	200
Barbados	14	150
Bermuda	14	275
Cuba	17	125
Danish West Indies	15	110
Grenada	14	150
Jamaica	14	150
Leeward Islands	14	200
Porto Rico	17	20
St. Lucia	14	150
St. Vincent	14	150
Santo Domingo	15	175
Trinidad and Tobago	14	175
CENTRAL AMERICA.		
British Honduras	14	175
Costa Rica	20	150

Country.	Term of Patent. Years.	Charge.
Guatemala	15	$225
Honduras	10	175
Nicaragua	10	225
Salvador	20	250
SOUTH AMERICA.		
Argentina	5	120
Argentina	10	160
Argentina	15	210
Bolivia	10	250
Brazil	15	125
British Guiana	14	200
Chili	9	200
Colombia	5	150
Colombia	10	175
Colombia	15	200
Colombia	20	250
Ecuador	10	200
Falkland Islands	14	150
Panama	5	175
Panama	10	215
Panama	15	250
Panama	20	300
Paraguay	10	225
Peru	10	250
Uruguay	9	250
Venezuela	5	225
Venezuela	10	280
Venezuela	15	350

Country.	Term of Patent. Years.	Charge.
ASIA.		
British North Borneo	14	$200
Ceylon	14	125
China	—	100
Deccan (Hyderabad)	14	175
Hongkong	14	150
India	14	100
Japan	15	150
Korea	15	125
Mysore	14	125
Negri Sembilan	14	200
Pahand	14	200
Perak	14	200
Philippines	17	35
Selangor	14	195
Straits Settlements	14	160
AFRICA.		
Belgian Congo	20	150
British Central Africa	14	125
Cape Colony	14	140
East Africa Protectorate	14	140
Egypt	—	100
Gambia, British	14	150
Gold Coast Colony	14	250
Liberia	20	275
Mauritius	14	200
Natal	14	120
Nigeria, Northern	14	250

Country.	Term of Patent. Years.	Charge.
Nigeria, Southern	14	$250
Orange River Colony	14	180
Portuguese Colonies	15	90
Rhodesia, Southern	14	120
St. Helena	14	200
Seychelles	14	195
Transvaal	14	115
Tunis	15	115
Zanzibar	14	150
AUSTRALASIA.		
Australian Commonwealth	14	115
Fiji	14	225
New Zealand	14	70

90. Foreign Trade-Marks.

Charges include fees of government and attorney. The term in most countries is renewable.

Country.	Years.	Charge
EUROPE.		
Austria	10	$30
Belgium	Indefinite	40
Bulgaria	10	80
Denmark	10	45
Finland	10	45
France	15	40
Germany	10	40
Gibraltar	10	85
Great Britain	14	40

Country.	Years.	Charge.
Greece	10	$65
Guernsey	14	50
Hungary	10	30
Italy	Indefinite	50
Jersey	14	50
Luxemburg	10	40
Malta	14	70
Netherlands	20	40
Norway	10	40
Portugal	10	40
Roumania	15	65
Russia	10	75
Servia	10	100
Spain	20	50
Sweden	10	45
Switzerland	20	45
Turkey	15	100
NORTH AMERICA.		
Canada	25	55
Mexico	20	40
Newfoundland	Indefinite	60
WEST INDIES.		
Bahamas	14	75
Barbados	Indefinite	70
Bermuda	14	75
Cuba	15	65
Curaçao (Dutch West Indies)	20	70
Grenada	10	80
Jamaica	14	60

Country.	Years.	Charge.
Leeward Islands	14	$75
Porto Rico, registration	20	50
Porto Rico, filing copy, U. S.	20	20
St. Lucia	10	80
St. Vincent	10	90
Santo Domingo	Indefinite	55
Trinidad and Tobago	14	75
CENTRAL AMERICA.		
British Honduras	10	75
Costa Rica	15	65
Guatemala	10	95
Honduras	Indefinite	90
Nicaragua	10	70
Salvador	Indefinite	90
SOUTH AMERICA.		
Argentina	10	70
Bolivia	10	90
Brazil	15	70
British Guiana	Indefinite	75
Chili	10	60
Colombia	Indefinite	75
Ecuador	Indefinite	90
Falkland Islands	14	85
Panama	10	100
Paraguay	10	90
Peru	10	85
Surinam (Dutch Guiana)	20	65
Uruguay	10	90
Venezuela	30	70

Country.	Years.	Charge.
ASIA.		
British North Borneo	Indefinite	$75
Ceylon	14	60
China	Indefinite	50
Crete	10	75
Cyprus	10	75
Dutch East Indies	20	65
Hongkong	14	95
India	Indefinite	45
India, Upper	Indefinite	65
Japan	20	70
Korea	20	70
Philippines	30	55
Portuguese Colonies:		
Maco	10	40
Portuguese India	10	40
Timor	10	40
Siam	Indefinite	75
Straits Settlements	10	75
Federated Malay States:		
Negri Sembilan, Pahang, Perak, Selangor	10	75
AFRICA.		
Belgian Congo	Indefinite	65
British Central Africa	14	85
Cape Colony	14	80
East Africa Protectorate	10	100
Egypt	10	70
Eritrea	Indefinite	65

Country.	Years.	Charge.
Gambia, British	14	$75
Gold Coast Colony and Ashanti	14	85
Mauritius	Indefinite	85
Natal	14	75
Nigeria, Southern	14	100
Orange River Colony	Indefinite	95
Portuguese Colonies (each)	10	45
Rhodesia, Southern	14	90
Transvaal	Indefinite	70
Tunis	15	55
Zanzibar	10	100
AUSTRALASIA.		
Australian Commonwealth	14	80
Fiji Islands	7	85
New Zealand	14	45

91. Foreign Copyrights.

Country.	Charge.
Argentina	$75
Commonwealth of Australia	55
Austria	35
Belgium	40
Bolivia	80
Brazil	75
Canada	35
Cape Colony	55
Chili	80
China	100
Colombia	80
Costa Rica	75

Country.	Charge.
Cuba	$55
Denmark	50
Ecuador	85
Egypt	70
Finland	60
France	40
Germany	40
Great Britain	40
Greece	70
Guatemala	100
Holland	60
Honduras	80
Hungary	40
India	55
Italy	50
Japan	55
Luxemburg	40
Mexico	50
Montenegro	50
Natal	55
Newfoundland	75
New Zealand	45
Nicaragua	75
Norway	48
Orange River Colony	85
Panama	55
Paraguay	80
Peru	80
Portugal	55
Rhodesia	55

Country.	Charge.
Roumania	$50
Russia	55
Salvador	80
Santo Domingo	65
Siam	80
Spain	50
Sweden	50
Switzerland	45
Transvaal	50
Trinidad	65
Tunis	55
Turkey	75
Uruguay	80
Venezuela	75

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