81ST CONGRESS
2D SESSION

H. R. 9133

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 1950

Mr. BRYSON introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To revise and codify the laws relating to patents and the Patent Office, and to enact into law title 35 of the United States Code entitled "Patents".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 35 of the United States Code, entitled "Patents", is revised, codified, and enacted into law, and may be cited, "Title 35, United States Code, section—", as follows:

TITLE 35—PATENTS

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§ 1. Establishment

The Patent Office shall continue as an office in the Department of Commerce, where records, books, drawings, specifications, and other papers and things pertaining to patents and to trade-mark registrations shall be kept and preserved except as otherwise provided by law.

§ 2. Seal

The seal provided for the Patent Office before July 8, 1870 is the seal of the Office, with which letters patent, certificates of trade-mark registrations, and papers issued from the Office shall be authenticated.

§ 3. Officers and employees

A Commissioner of Patents, one first assistant commissioner, two assistant commissioners, and nine examiners-in-chief, shall be appointed by the President, by and with the advice and consent of the Senate. The assistant commissioners shall perform the duties pertaining to the office of commissioner assigned to them by the Commissioner. The first assistant commissioner shall fill the office of Commissioner of Patents during a vacancy in that office until a Commissioner of Patents is appointed and takes office. All other officers, clerks, and employees shall be appointed by the Secretary of Commerce upon the nomination of the Commissioner of Patents in accordance with law.

§ 4. Restrictions on officers and employees as to interest in patents

All officers and employees of the Patent Office shall be incapable, during the period for which they hold their appointments and one year thereafter, of applying for a patent and of acquiring, directly or indirectly, except by inheritance or bequest, any patent or any right or interest in any patent, issued or to be issued by the Office, and if they apply for a patent thereafter they shall not be entitled to any

priority date earlier than one year after the termination of their appointment.

§ 5. Bond of commissioner and other officers

The Commissioner and such other officers as he designates, before entering upon their duties, shall severally give bond, with sureties, the former in the sum of $10,000, and the latter in sums prescribed by the Commissioner, conditioned for the faithful discharge of their respective duties and that they shall render to the proper officers of the Treasury a true account of all money received by virtue of their offices.

§ 6. Duties of commissioner

The Commissioner, under the direction of the Secretary of Commerce, shall superintend or perform all duties required by law respecting the granting and issuing of patents and the registration of trademarks; and he shall have charge of things belonging to the Patent Office. He may, subject to the approval of the Secretary of Commerce, establish regulations, not inconsistent with law, for the conduct of proceedings in the Patent Office.

§ 7. Board of Appeals

The examiners-in-chief shall be persons of competent legal knowledge and scientific ability. The Commissioner, the assistant commissioners, and the examiners-in-chief shall constitute a Board of Appeals, which, on written appeal of the applicant, shall review adverse decisions of examiners upon applications for patents. Each appeal shall be heard by at least three members of the Board of Appeals, the members hearing such appeal to be designated by the Commissioner. The Board of Appeals has sole power to grant rehearings.

Whenever the Commissioner considers it necessary to maintain the work of the board of appeals current, he may designate any patent examiner of the grade GS–13 or higher, having the requisite ability, to serve as examiner-in-chief for periods not exceeding six months each, and any examiner so designated shall be qualified to act as a member of the Board of Appeals. Not more than one such GS–13 grade examiner shall be among the members of the Board of Appeals hearing an appeal.

§ 8. Library

A library of scientific and other works and periodicals, both foreign and domestic, shall be maintained in the Patent Office to aid the officers in the discharge of their duties.

§ 9. Classification of patents

The Commissioner may revise and perfect, and maintain, the classification by subject matter of United States letters patent, and such other patents and printed publications as may be necessary or practicable, for the purpose of determining with more readiness and accuracy the novelty of inventions for which applications for patent are filed.

§ 10. Certified copies of records

The Commissioner may furnish certified copies of specifications and drawings of patents issued by the Patent Office, and of other records available to the public or to the person applying, upon payment of the rates for uncertified copies and the fee for each certification.

§ 11. Publications

The Commissioner may print, or cause to be printed the following:

(a) Patents for inventions and designs, including specifications and drawings, together with copies of the same. The headings of the drawings for patents may be multigraphed in the Patent Office for the purpose of photolithography.

(b) Certificates of trade-mark registrations, including statements and drawings, together with copies of the same.

(c) The Official Gazette of the United States Patent Office, copies of which, and of the following publications, may be exchanged for publications desirable for the use of the Patent Office.

(d) Annual indexes of patents and patentees, and of trade-marks and registrants.

(e) Annual volumes of decisions of the Commissioner of Patents and of the United States courts in patent and trade-mark cases.

(f) Pamphlet copies of the patent laws and rules of practice, laws and rules relating to trade-marks, and circulars or other publications relating to the business of the Office.

§ 12. Exchange of copies of patents with foreign countries

The Commissioner may exchange copies of specifications and drawings of United States patents for those of foreign countries.

§ 13. Copies of patents for public libraries

The Commissioner may supply printed copies of specifications and drawings of patents to public libraries in the United States which he may approve and which shall maintain such copies for the use of the public, at the rate for each year's issue established for this purpose.

§ 14. Annual report to Congress

The Commissioner shall lay before Congress annually a report giving a statement of moneys received and expended, statistics concerning the work of the Office, and such other information of the condition of the Office as may be useful to Congress or the public.

ACTIONS IN THE PATENT OFFICE

§ 21. Day for taking action falling on Saturday, Sunday, or holiday

Where the day, or the last day, for taking any action or paying any fee in the United States Patent Office falls on Saturday, Sunday, or a holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding secular or business day.

§ 22. Printing of papers filed

The Commissioner may require papers filed in the Patent Office to be printed or typewritten.

§ 23. Testimony in Patent Office cases

The Commissioner may establish rules for taking affidavits and depositions required in cases pending in the Patent Office, and such affidavits and depositions may be taken before any officer authorized by law to take depositions to be used in the courts of the United States, or of the State where the officer resides.

§ 24. Subpoenas, witnesses

The clerk of any court of the United States, for any district or Territory wherein testimony is to be taken for use in any contested case pending in the Patent Office, shall, upon the application of any party thereto, issue a subpoena for any witness residing or being within such district or Territory, commanding him to appear and testify before an officer in such district or Territory authorized to take depositions and affidavits at the time and place stated in the subpoena. No witness shall be required to attend at any place more than one hundred miles from the place where the subpoena is served upon him; and the provisions of the Federal Rules of Civil Procedure relating to the issuance of subpoenas duces tecum shall apply to contested cases in the Patent Office.

Every witness subpoenaed and in attendance shall be allowed the fees and traveling expenses allowed to witnesses attending the courts of the United States.

Whenever any witness, after being duly served with such subpoena, neglects or refuses to appear, or after appearing refuses to testify, a judge of the court whose clerk issued the subpoena may, on proof of such neglect or refusal, enforce obedience to the process, or punish the disobedience, as in other like cases. But no witness shall be deemed guilty of contempt for disobeying such subpoena, unless his fees and traveling expenses in going to, returning from, and one day's attendance at the place of examination, are paid or tendered him at the time of the service of the subpoena; nor for refusing to disclose any secret invention or discovery made or owned by himself.

PRACTICE BEFORE PATENT OFFICE

§ 31. Regulations for agents and attorneys

The Commissioner, subject to the approval of the Secretary of Commerce, may prescribe regulations governing the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the Patent Office, and may require them, before being recognized as representatives of applicants or other persons, to show that they are of good moral character and reputation, are possessed of the necessary qualifications to render to applicants or other persons valuable service, and to advise and assist them in the presentation or prosecution of their applications or other business before the Office.

§ 32. Suspension or exclusion from practice

The Commissioner may, after notice and opportunity for a hearing, suspend or exclude, either generally or in any particular case, from further practice before the Patent Office any person, agent, or attorney shown to be incompetent or disreputable, or guilty of gross misconduct, or who does not comply with the regulations established under section 31 of this title, or who shall, with intent to defraud in any manner, deceive, mislead, or threaten any applicant or prospective applicant, or other person having immediate or prospective business before the Office. The reasons for any such suspension or exclusion shall be duly recorded. The action of the Commissioner may be reviewed upon the petition of the person so refused recognition or so suspended or excluded by the United States District Court for the District of Columbia under such conditions and upon such proceedings as the said court may by its rules determine.

§ 33. Unauthorized representation as practitioner

Whoever, not being recognized to practice before the Patent Office, holds himself out or permits himself to be held out as so recognized, shall be fined not more than $1,000.

PATENT FEES

§ 41. Patent fees

The following shall be the rates for patent fees:

(a) On filing each original application for a patent, except in design cases, $30, and $1 for each claim in excess of twenty.

(b) On issuing each original patent, except in design cases, $30, and $1 for each claim in excess of twenty.

(c) In design cases: For three years and six months, $10; for seven years, $15; for fourteen years, $30.

(d) On every application for the reissue of a patent, $30.

(e) On filing each disclaimer, $10.

(f) On an appeal for the first time from the examiner to the Board of Appeals, $25.

(g) On filing each petition for the revival of an abandoned application for a patent or for the delayed payment of the fee for issuing each patent, $10.

(h) For certificate of correction of applicant's mistake under section 205 of this title, $10.

(i) For uncertified printed copies of specifications and drawings of patents (except design patents), 25 cents per copy; for design patents, 10 cents per copy; special rate for libraries specified in section 13 of this title, $50 for patents issued in one year.

(j) For recording every assignment, agreement, power of attorney, or other paper not exceeding six pages, $3; for each additional two pages or less, $1; for each additional patent or application included or involved in one writing, where more than one is so included or involved, 50 cents additional.

(k) For each certificate, $1.

(l) For copies of records, publications, or services furnished by the Patent Office, not specified above, for which a charge may be made, such reasonable charge for the same as may be established.

§ 42. Payment of patent fees; return of excess amounts

All patent fees shall be paid to the Commissioner who shall deposit the same in the Treasury of the United States in such manner as the Secretary of the Treasury shall direct, and the Commissioner is authorized to pay back any sum or sums of money paid to him by any person by mistake or in excess of the fee required by law.

CHAPTER 2—PATENTABILITY OF INVENTIONS AND GRANT OF PATENTS

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PATENTABILITY OF INVENTIONS

§ 101. Inventions patentable

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, may obtain a patent therefor upon making application for a patent, subject to the conditions and requirements of this title.

An invention in the nature of a discovery as embodied in a new and useful art, machine, manufacture or composition of matter, or new and useful improvement thereof may be patented. The term "invention" when used in this title includes such discoveries.

The term "art", when used in this title, includes a new use of a known material.

§ 102. Conditions for patentability. Novelty and loss of right to patent

An invention shall not be considered new or capable of being patented if

(a) the invention was known or used by others in this country, or patented or described in any printed publication in this or any foreign country, before the invention thereof by the applicant for patent, or if

(b) the invention was patented or described in any printed publication in this or any foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or if

(c) the invention is proved to have been abandoned, or if

(d) the invention was first patented or caused to be patented by the inventor or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country, except as provided by section 118 of this title, or if

(e) the invention was described in an application for patent by another filed in the United States before the invention thereof by the applicant for patent, which first-mentioned application issued as a patent or was published in accordance with section 121, or if

(f) the applicant knew at the time of making his application for patent that he was not the original and first inventor of any material and substantial part of the thing sought to be patented, or if

(g) the invention was in fact invented before the applicant's invention thereof by another who had not abandoned the invention and who was using reasonable diligence in adapting and perfecting the same.

§ 103. Conditions for patentability, non-obvious subject matter

A patent may not be obtained though the invention is not identically disclosed or described in the material specified in section 102 of this title, if the differences between the subject matter sought to be patented and said material are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art.

Patentability as to this condition shall be determined by the nature of the contribution to the art, and shall not be negatived by the manner in which such contribution may have been accomplished.

§ 104. Invention made abroad

In proceedings in the Patent Office and in the courts, an applicant for a patent, or a patentee, may not establish a date of invention by reference to knowledge or use thereof, or other activity with respect thereto, in a foreign country, other than the filing in a foreign country of an application for a patent for the same invention by reason of which his application for patent in the United States is entitled to have the same force and effect as if filed in the United States on the date on which it was filed in such foreign country.

APPLICATION FOR PATENT

§ 111. Application for patent

Application for patent shall be made by the inventor in writing to the Commissioner. Such application shall include: (1) a specification as prescribed by section 112 of this title; (2) a drawing as prescribed by section 113 of this title; and (3) an oath by the applicant as prescribed by section 115 of this title. The application must be signed by the applicant and accompanied by the fee required by law.

§ 112. Specification

The specification shall contain a written description of the invention, and of the manner and process of making, constructing, compounding, and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

§ 113. Drawings

When the nature of the case admits of drawings, the applicant shall furnish one copy signed by the inventor or his attorney in fact.

§ 114. Models, specimens

When the nature of the case admits of representation by model, the Commissioner may require the applicant to furnish a model of convenient size to exhibit advantageously the several parts of his invention.

When the invention relates to a composition of matter, the Commissioner may require the applicant to furnish specimens or ingredients for the purpose of inspection or experiment.

§ 115. Oath of applicant

The applicant shall make oath that he believes himself to be the original and first inventor of the art, machine, manufacture, composition, or improvement, for which he solicits a patent and that he does not know and does not believe that the same was known or used before his invention; and shall state of what country he is a citizen. Such oath may be made before any person within the United States authorized by law to administer oaths, or, when made in a foreign country, before any diplomatic or consular officer of the United States authorized to administer oaths, or before any officer having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by certificate of a diplomatic or consular officer of the United States, and such oath shall be valid if it complies with the laws of the state or country where made.

§ 116. Joint inventors

When an invention is made by two or more persons jointly, they shall apply for patent jointly and each sign the application and make the required oath, except as otherwise provided in this title.

If a joint inventor refuses to join in an application for patent or cannot be found after diligent inquiry, the application may be made by the other inventor on behalf of himself and the omitted inventor. The Commissioner, on proof of the pertinent facts and after such notice to the omitted inventor as he prescribes, may grant a patent to the inventor making the application, subject to the rights of the omitted inventor. The omitted inventor may join in the application when found.

Whenever a person was joined in an application for patent as joint inventor by inadvertent error, or a joint inventor was not included in an application by inadvertent error, the Commissioner may permit the application to be appropriately amended, under such terms as he prescribes.

§ 117. Death or insanity of inventor

The Commissioner is authorized to receive applications of and to issue patents to legal representatives of deceased inventors and those under legal incapacity, upon compliance with such requirements and on the same terms and conditions applicable to the inventor, and the oath required to be made shall be so varied in form that it can be made by them.

§ 118. Right of priority based on foreign application

An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same invention in a foreign country which, by treaty, convention, or law, affords similar privileges in the case of applications filed in the United States or to citizens of the United States, shall have the same force and effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, provided the application in this country is filed within twelve months from the earliest date on which any such foreign application was filed. But no patent shall be granted on any application for patent for an invention which had been patented or described in a printed publication in this or any foreign country more than one year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.

No application or patent shall be entitled to the right of priority based on a foreign application as provided for by the preceding paragraph unless a claim for such right of priority and a copy of the original foreign application (with the specification and drawings if any) upon which it is based, certified as correct by the patent office of the country in which filed (which certificate shall also show the date of the application and of the filing of the specification and other papers if different therefrom), are filed in the Patent Office before the patent is granted, or before such time during the pendency of the application, as may be required by the Commissioner provided the same is not earlier than six months after the filing of the application in this country. The Commissioner may require a translation of the papers filed if not in the English language and such other information as he may deem necessary.

§ 119. Benefit of earlier filing date in the United States

An application for patent for an invention disclosed in the manner provided by section 112 of this title in an application previously filed in the United States by the same inventor shall have the same effect, as to such invention, as though filed on the date of the prior application, if, and to the extent that, the disclosure of the later application has been continuously pending in the Patent Office since the date of the prior application and if the later application contains a specific reference to the earlier filed application.

§ 120. Divisional applications

If two or more independent or distinct inventions are claimed in one application, the Commissioner may in his discretion require the application to be restricted to one of the inventions; and the other invention or inventions may be made the subject of divisional applications. A divisional application shall be entitled to the benefit of the filing date of the original application if it complies with the requirements of section 119 of this title. If two or more patents are issued in consequence of a requirement for restriction under this section, neither patent may be used as a reference against the other for the purpose of section 103 of this title. If a divisional application is directed solely to subject matter described and claimed in the original application as filed, signing and execution by the inventor may be dispensed with.

§ 121. Confidential status of applications

Applications for patents shall be kept in confidence by the Patent Office and no information concerning the same given without authority of the applicant or owner unless necessary to carry out the provisions of this or any other law or in such special circumstances as may be determined by the Commissioner.

Pending applications for patents may be printed and published by the Commissioner, at the request and at the expense of the applicant or owner. Such publication shall have the same effect as an issued patent for the purposes of section 102 (e) of this title.

EXAMINATION OF APPLICATION

§ 131. Examination of application

The Commissioner shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is justly entitled to a patent under the law, the Commissioner shall issue a patent therefor as provided in this chapter.

§ 132. Notice of rejection

Whenever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Commissioner shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application; and if after receiving such notice, the applicant persists in his claim for a patent, with or without amendment, the application shall be reexamined.

§ 133. Time for prosecuting application

Upon failure of the applicant to prosecute the application within six months (or such shorter time, not less than thirty days or any extensions thereof, as shall be fixed by the Commissioner and the applicant notified thereof in writing) after any action therein, of which notice shall have been given or mailed to the applicant, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

§ 134. Appeal to the Board of Appeals

An applicant for a patent, any of whose claims have been twice rejected, may appeal from the decision of the examiner to the Board of Appeals, having once paid the fee for such appeal.

§ 135. Interferences

Whenever an application is made for a patent which, in the opinion of the Commissioner, would interfere with any pending application, or with any unexpired patent, he shall give notice thereof to the applicants, or applicant and patentee, as the case may be. The question of priority of invention shall be determined by a board of three examiners of interferences. The judgment of the board adverse to the claim of an applicant shall constitute a final refusal of the claims involved by the Patent Office and the Commissioner may issue a patent to the applicant who is adjudged the prior inventor. Judgment adverse to a patentee when final shall constitute cancellation of the claims involved from the patent.

No amendment for the first time presenting or asserting a claim which is the same as, or for substantially the same subject matter as, a claim of an issued patent may be made in any application unless such amendment is filed within one year from the date on which said patent was granted.

REVIEW OF PATENT OFFICE DECISIONS

§ 141. Appeal to Court of Customs and Patent Appeals

An applicant dissatisfied with the decision of the Board of Appeals may appeal to the United States Court of Customs and Patent Appeals, in which case he waives his right to proceed under section 145 of this title. A party to an interference dissatisfied with the decision of the board of interference examiners on the question of priority may appeal to the United States Court of Customs and Patent Appeals, but such appeal shall be dismissed if any adverse party to such interference shall, within twenty days after the appellant shall have

filed notice of appeal according to section 142 of this title, file notice with the Commissioner that he elects to have all further proceedings conducted as provided in section 146 of this title. Thereupon the appellant shall have thirty days thereafter within which to file a civil action under section 146, in default of which the decisions appealed from shall govern the further proceedings in the case.

§ 142. Notice of appeal

When an appeal is taken to the United States Court of Customs and Patent Appeals, the appellant shall give notice thereof to the Commissioner, and file in the Patent Office, within such time as the Commissioner appoints, his reasons of appeal, specifically set forth in writing.

§ 143. Proceedings on appeal

The court shall, before hearing such appeal, give notice of the time and place of the hearing to the Commissioner and the parties thereto. The party appealing shall lay before the court certified copies of all the necessary original papers and evidence in the case, and the Commissioner shall furnish the court with the grounds of the decision of the Patent Office, fully set forth in writing, touching all the points involved by the reasons of appeal.

§ 144. Decision on appeal

The court, on petition, shall hear and determine such appeal on the evidence produced before the Patent Office, at such early and convenient time as the court may appoint; and the decision shall be confined to the points set forth in the reasons of appeal. After hearing the case the court shall return to the Commissioner a certificate of its proceedings and decision, which shall be entered of record in the Patent Office and govern the further proceedings in the case.

§ 145. Civil action to obtain patent

An applicant dissatisfied with the decision of the Board of Appeals may, unless appeal has been taken to the United States Court of Customs and Patent Appeals, have remedy by civil action, if commenced within sixty days after such decision. The court having cognizance thereof may adjudge that such applicant is entitled to receive a patent for his invention, as specified in any of his claims involved, as the facts in the case may appear. Such adjudication, if it be in favor of the right of the applicant, shall authorize the Commissioner to issue such patent on compliance with the requirements of

law. A copy of the complaint shall be served on the Commissioner and all the expenses of the proceedings shall be paid by the applicant.

§ 146. Civil action in case of interference

Any party to an interference declared in accordance with section 135 of this title dissatisfied with the decision of the board of interference examiners on the question of priority, unless appeal has been taken to the United States Court of Customs and Patent Appeals, and such appeal is pending or has been decided, in which case no action may be brought under this section, may have remedy by civil action, if commenced within sixty days after such decision or as provided in section 141 of this title. In all suits brought hereunder the record in the Patent Office shall be admitted in whole or in part, on motion of either party, subject to such terms and conditions as to costs, expenses, and the further cross-examination of the witnesses as the court may impose, without prejudice to the right of the parties to take further testimony. The testimony and exhibits or parts thereof, of the record in the Patent Office when admitted shall have the same force and effect as if originally taken and produced in the suit.

Such civil action may be commenced against the party or parties in interest as shown by the records of the Patent Office, but any party in interest may become a party to the action. If there be adverse parties residing in a plurality of districts not embraced within the same state, or an adverse party residing in a foreign country, the United States District Court for the District of Columbia shall have jurisdiction. The Commissioner shall not be a necessary party but he shall be notified of the filing of the action by the clerk of the court in which it is filed and shall have the right to intervene in the action.

ISSUE OF PATENT

§ 151. Time of issue of patent

The patent shall issue within three months from the date of the payment of the final fee, which fee shall be paid not later than six months from the time when notice of allowance of the application was sent to the applicant; and if the final fee is not paid within that period the patent shall be withheld. The Commissioner may in his discretion receive the final fee if paid within one year after the six months' period for payment has passed and the patent shall issue.

§ 152. Issue of patent to assignee

Patents may be granted to the assignee of the inventor but the assignment must first be entered of record in the Patent Office, and the application must be made and the specification sworn to by the inventor, except as otherwise provided in this title.

§ 153. How issued

All patents shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall either be signed by the Commissioner or have his signature placed thereon and attested by an officer of the Patent Office designated by the Commissioner, and shall be recorded in the Patent Office.

§ 154. Contents and term of patent

Every patent shall contain a short title of the invention and a grant to the patentee, his heirs or assigns, for the term of seventeen years, of the right to exclude others from making, using, or selling the invention throughout the United States and the territories thereof, referring to the specification for the particulars thereof. A copy of the specification and drawings shall be annexed to the patent and be a part thereof.

PATENTS OF ADDITION

§ 161. Patents of addition

Whenever an application is made for a patent for an improvement on or modification of an invention for which the applicant has previously applied for or obtained a patent, or when an application for patent for an improvement is owned by the same person who owns the prior application or patent, the Commissioner may at the request of the applicant issue the patent for the improvement as a patent of addition. A patent of addition shall not be granted before the grant of the main patent, and the term of a patent of addition shall expire on the same date as the main patent. A patent of addition shall not be refused nor held invalid solely on the ground that the subject matter thereof may not be considered to involve invention, within the meaning of section 103, over the invention of the main patent or other patents of addition thereto, provided the subject matter claimed in a patent of addition is included within the scope of a claim of the main patent.

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AMENDMENT AND CORRECTION OF PATENTS

§ 201. Reissue of defective patents

Whenever any patent is deemed wholly or partly inoperative or invalid, by reason of a defective or insufficient specification, or by reason of the patentee claiming more or less than he had a right to claim in the patent, if the error has arisen by inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, the Commissioner shall, on the surrender of such patent and the payment of the fee required by law, reissue the patent for the same invention, and in accordance with a new and amended application, for the unexpired part of the term of the original patent. No new matter shall be introduced into the application for reissue.

The Commissioner may, in his discretion, cause several reissued patents to be issued for distinct and separate parts of the thing patented, upon demand of the applicant, and upon payment of the required fee for a reissue for each of such reissued letters patent.

Application for reissue of a patent shall be made in the same manner as applications for patent and the provisions of this title relating to applications for patent shall be applicable to applications for reissue of a patent, except that application for reissue may be made and sworn to by the assignee of the entire interest if the application does not seek to enlarge the scope of the original patent, and except that the Commissioner shall publish notice of each application for reissue, and applications for reissue shall be open to the public.

No reissued patent shall be granted enlarging the scope of the original patent unless applied for within one year from the grant of the original patent.

§ 202. Effect of reissue

The surrender of the original patent shall take effect upon the issue of the reissued patent, and every patent so reissued shall have the same effect and operation in law, on the trial of all actions for causes thereafter arising, as if the same had been originally granted in such amended form, but in so far as the claims of the original and reissued patents are identical, such surrender shall not affect any action then pending nor abate any cause of action then existing, and the reissued patent to the extent that its claims are identical with the original patent shall constitute a continuation thereof and have effect continuously from the date of the original patent.

No reissued patent shall abridge the right of any person or his successors in business to continue the manufacture, use and sale in any amount of anything commenced, or for the manufacture, use or sale of which substantial preparation was made, before the filing of the application for such reissue, which did not constitute an infringement of the original patent.

§ 203. Disclaimer of invalid claim

Whenever, through inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, a claim of a patent is invalid the remaining claims shall not thereby be rendered invalid, and the patentee, his heirs or assigns, whether of the whole or any sectional interest therein, may, on payment of the fee required by law, make disclaimer of the invalid claim, stating therein the extent of his

interest in such patent. Such disclaimer shall be in writing, and recorded in the Patent Office; and it shall thereafter be considered as part of the original patent to the extent of the interest possessed by the disclaimant and by those claiming under him after the record thereof.

§ 204. Certificate of correction of Patent Office mistake

Whenever a mistake in a patent, incurred through the fault of the Patent Office, is clearly disclosed by the records or files of the Office, a certificate stating the fact and nature of such mistake, signed by the Commissioner and sealed with the seal of the Patent Office, may be issued, without charge, and recorded in the records of patents, and a printed copy thereof attached to each printed copy of the patent, and such certificate shall thereafter be considered as part of the original patent, and every such patent, together with such certificate, shall have the same effect and operation in law on the trial of all actions for causes thereafter arising as if the same had been originally issued in such corrected form. In the discretion of the Commissioner, a corrected patent may be issued without charge in lieu of a certificate of correction.

§ 205. Certificate of correction of applicant's mistake

Whenever a mistake of a clerical or typographical nature, or of minor character, which was not the fault of the Patent Office, appears in a patent and a showing has been made that such mistake occurred in good faith, the Commissioner may, upon payment of the required fee, issue a certificate of correction, provided that the correction does not involve such changes in the patent as would require re-examination, and every such patent, together with such certificate, shall have the same effect and operation in law on the trial of all actions for causes thereafter arising as if the same had been originally issued in such corrected form.

§ 206. Misjoinder of inventor

Whenever a patent has been issued on the application of two or more persons as joint inventors and it appears that one of such persons was not in fact a joint inventor, and that he was included as a joint inventor by inadvertence or mistake and without any fraudulent or deceptive intention, the Commissioner may, on application of all the parties and the assignee if any, with proof of the facts and such other requirements as may be imposed, issue a certificate deleting the name of the erroneously joined person from the patent as a joint inventor.

Whenever a patent has been issued on the application of a person as a sole inventor, or on the application of two or more persons as

joint inventors, and it appears that an additional person was in fact a joint inventor with the applicant or applicants and should have been included as a joint inventor, but was not included through inadvertence or mistake and without any fraudulent or deceptive intention, the Commissioner may, on application of all the parties and the assignee if any, with proof of the facts and such other requirements as may be imposed, issue a certificate adding the name of the erroneously omitted person to the patent as a joint inventor.

No patent shall be held invalid solely because of misjoinder or nonjoinder of a joint inventor, if such error can be corrected in the manner specified in this section, and the court before which such matter may be called in question may order correction of the patent on notice and hearing of all parties concerned.

OWNERSHIP AND ASSIGNMENT

§ 211. Ownership; assignment

Subject to the provisions of this title, patents shall be protected as and have the applicable rights of other property, and the rules of law applicable to the ownership and devolution of personal property generally shall apply to patents as they apply to other intangible property.

Every application for patent, or patent, or any interest therein, shall be assignable in law by an instrument in writing, and the applicant or patentee or his assigns or legal representatives may in like manner grant and convey an exclusive right under his application for patent, or patent, to the whole or any specified part of the United States.

If any such assignment, grant, or conveyance of any application for patent, or patent, shall be acknowledged before any person within the United States authorized by law to administer oaths, or, when made in a foreign country, before any diplomatic or consular officer of the United States authorized to administer oaths, or before any officer having an official seal and authorized to administer oaths in a foreign country whose authority shall be proved by certificate of a diplomatic or consular officer of the United States, the certificate of such acknowledgment, under the hand and official seal of such notary or other officer, shall be prima facie evidence of the execution of such assignment, grant or conveyance.

An assignment, grant or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration,

without notice, unless it is recorded in the Patent Office within three months from its date, or prior to the date of such subsequent purchase or mortgage.

The word "patentee" when used in this title includes not only the patentee to whom the patent was issued but also the successors in title to the patentee.

§ 212. Joint owners

Whenever two or more persons own a patent jointly, either by the issuing of the patent to them jointly or by reason of the assignment of an undivided interest in the patent or by reason of succession in title to such interest, each of the joint owners, in the absence of any agreement to the contrary, shall be entitled to make, use or sell the patented invention, or license others so to do, or assign or encumber his interest without accounting to the other joint owners.

GOVERNMENT INTERESTS IN PATENTS

§ 221. Issue of patents without fees to Government officers for inventions used in public service

The Commissioner may grant, subject to the requirements of this title, to any officer, enlisted man, or employee of the Government, except officers and employees of the Patent Office, a patent without the payment of any fee, when the head of the department or agency certifies such invention is used or likely to be used in the public interest and the applicant in his application states that the invention described therein, if patented, may be manufactured and used by or for the Government for governmental purposes without the payment to him of any royalty thereon, which stipulation shall be included in the patent.

§ 222. Time for taking action in Government applications

Notwithstanding the provisions of sections 133, 145, and 151 of this title, the Commissioner may extend the time for taking any action to three years, in the case of any application which has become the property of the Government of the United States and with respect to which the head of the appropriate department or agency of the Government has certified to the Commissioner that the invention disclosed therein is important to the armament or defense of the United States.

§ 223. Inventions of Government employees

The President may prescribe regulations governing the ownership of the patent rights to inventions made by officers and employees of the Government during the course of or in consequence of their employment.

§ 231. Infringement of patent

(a) Any person who makes, uses or sells any patented machine, manufacture, composition of matter or improvement, or uses any patented process or improvement, within the territory of the United States and its Territories during the term of the patent therefor without authority, infringes the patent and shall be liable to a civil action for infringement, except as otherwise provided in this title.

(b) Any person who, after actual notice to him, imports into or uses or sells within the United States or its Territories any product produced in a foreign country by the use of a process covered by a United States patent shall be liable for infringement.

(c) Any person who actively induces infringement of a patent shall be liable as an infringer.

(d) Any person who contributes to the infringement of a patent in the manner set forth in paragraph (e) of this section shall be liable as an infringer.

(e) The sale of a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, if a material part of the invention and especially made or especially adapted for use in an infringement of such patent, and not suitable for substantial noninfringing use, shall constitute contributory infringement.

(f) The mere sale of any staple article or commodity of commerce not especially made or especially adapted for use in a patented invention, and suitable for substantial noninfringing use, shall not of itself constitute contributory infringement, even though sold with the knowledge or expectation that it will be used in an infringement of the patent.

(g) No patent owner otherwise entitled to relief for infringement or contributory infringement of a patent shall be denied relief or deemed guilty of misuse or illegal extension of the patent right because he has done one or more of the following: (1) derived revenue from acts which if performed by another without his consent would constitute contributory infringement of the patent; (2) licensed or authorized one or more persons to perform acts which if performed without his consent would constitute contributory infringement of the patent; (3) sought to enforce his patent rights against infringement or contributory infringement.

§ 232. Experimental use of invention

The making or using of a patented invention solely for the purpose of research or experiment, or for instruction, in connection with the patented invention, and not for sale or for the making of anything for sale, shall not constitute infringement, without prejudice to the rights of the patentee against anyone who makes for sale or sells the patented invention which may be subsequently used for such non-infringing use.

§ 233. Temporary presence in the United States

No patent shall prevent the use of any invention in any ship, vessel, aircraft or land vehicle of any other country entering the territory of the United States temporarily or accidentally, and such use shall not constitute infringement of any patent, provided such invention is used exclusively for the needs of the ship, vessel, aircraft or land vehicle and is not sold in or used for the manufacture of anything to be sold in or exported from the United States.

§ 234. Use by the Government

Whenever an invention described in and covered by a patent of the United States is used or manufactured by or for the United States without license of the owner thereof or lawful right to use or manufacture the same, the owner's remedy shall be by action against the United States in the Court of Claims or in the District Court of the United States of the district of which such owner is a resident (or, if the owner is not a resident of any district, in the District Court of the United States for the District of Columbia) for the recovery of his reasonable and entire compensation for such use and manufacture. The court shall not award compensation under this section if the claim for compensation is based on the use or manufacture by or for the United States of any article owned, leased, used by, or in the possession of the United States prior to July 1, 1918. This section shall not confer a right of action on any patentee who, when he makes such a claim, is in the employment or service of the Government of the United States, or any assignee of any such patentee, and shall not apply to any device discovered or invented by an employee during the time of such employment or service.

REMEDY FOR INFRINGEMENT OF PATENT, AND OTHER ACTIONS

§ 241. Remedy for infringement of patent

Any patentee shall have remedy for violation of any right secured by patent by a civil action for infringement.

§ 242. Defenses; presumption of validity

In any action for infringement the defendant, in addition to absence of infringement or absence of liability for infringement may plead as a defense the invalidity of the patent or any claim thereof on any ground specified in chapter 2 of this title as a condition for patentability, or for failure to comply with the requirement of sections 112 or 201 of this title; or any fact or act made a defense by this title.

In all actions for infringement the party asserting invalidity or non-infringement of a patent shall give notice in writing to the adverse party at least thirty days before the trial, of the number, date, and name of the patentee of any patent, the title, date, and page numbers of any publication to be relied upon as anticipations of the patent in suit or as showing the state of the art, and the name and address of any person who may be relied upon as having prior knowledge of or as having previously used the invention of the patent in suit, and in the absence of such notice proof of the said matters may not be made at the trial.

A patent shall be presumed to be valid unless and until it has been held invalid by the final judgment of a court of competent jurisdiction from which no appeal is or can be taken, and the burden of establishing invalidity shall rest on any person asserting invalidity of the patent.

§ 243. Injunction

The several courts vested with jurisdiction of cases arising under this title shall have power to grant injunctions in accordance with the principles of equity to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable.

§ 244. Damages

In an action wherein a patent is held valid and infringed, the claimant shall be entitled to recover damages adequate to compensate for any loss suffered from the infringement, the award in no event to be less than a reasonable royalty for the use made of the invention by the infringer, together with such interest from the beginning of the infringement complained of and costs as may be fixed by the court.

When not found by a jury, the court shall assess the damages. In either event the court shall have the power, in its discretion, to increase the damages up to three times the amount found or assessed.

The court is authorized to receive expert testimony as an aid to the determination of damages or of what royalty would be reasonable

under the circumstances, and such testimony shall be competent and admissible.

§ 245. Attorney's fees

The court may award reasonable attorney's fees to the prevailing party upon the entry of judgment.

§ 246. Limitation on damages; time

No recovery shall be had for any infringement committed more than six years prior to the commencement of the action.

§ 247. Limitation on damages; marking and notice

All patentees, and all persons making or selling any patented article for or under them, may give notice to the public that the same is patented, either by fixing thereon the word "patent" or the abbreviation "pat.", together with the number of the patent, or when, from the character of the article, this can not be done, by fixing to it, or to the package wherein one or more of them is contained, a label containing the like notice. In any suit for infringement by the party failing so to mark, no damages shall be recovered by the patentee, except on proof that the infringer was duly notified of the infringement and continued to infringe after such notice.

§ 248. Suit for infringement when a claim may be invalid

Whenever, through inadvertence, accident, or mistake and without any fraudulent or deceptive intention, any claim of a patent is invalid, an action may be maintained for the infringement of any claim of the patent which may be valid, notwithstanding the invalid claim. But in every such case in which a judgment or decree shall be rendered for the patentee no costs shall be recovered unless a proper disclaimer of the invalid claim has been entered at the Patent Office before the commencement of the suit.

§ 249. Notice of patent suits

The clerks of the courts of the United States shall within one month after the filing of any action, suit, or proceeding arising under the patent laws, give notice thereof in writing to the Commissioner, setting forth in order so far as known the names and addresses of the parties, names of the inventors, and the designating number or numbers of the patent or patents upon which the action, suit, or proceeding has been brought, and in the event any other patent or patents be subsequently included in the action, suit, or proceeding by amendment, answer, cross bill, or other pleading, the clerk shall give like notice thereof to the Commissioner, and within one month after the decision is rendered or a judgment issued the clerk of the court shall

give notice thereof to the Commissioner, and the Commissioner shall, on receipt of such notice forthwith, endorse the same upon the file wrapper of the said patent or patents, and incorporate the same as a part of the contents of said file wrapper.

§ 250. Interfering patents

Whenever there are interfering patents, the owner of any one of them may have relief against the owner of the other by civil action, and the court may adjudge the question of the validity of any of the interfering patents, in whole or in part. The provisions of the second paragraph of section 146 of this title shall apply to actions brought under this section.

§ 251. False marking

(a) Whoever without the consent of the patentee, marks upon, or affixes to or uses in advertising associated with, anything made, used, or sold by him for which he has not obtained a patent, the name or any imitation of the name of the patentee, or the words "patent," "patentee" or the like with the intent of counterfeiting or imitating the mark of the patentee, or of deceiving the public and inducing them to believe that the thing was made or sold by or with the consent of the patentee; or

Whoever marks upon, or affixes to or uses in advertising associated with, any unpatented article, the word "patent" or any word importing that the same is patented, for the purpose of deceiving the public; or

Whoever marks upon, or affixes to or uses in advertising associated with, any article, the words "patent applied for," "patent pending" or any word importing that an application for patent has been made, when no application for patent has been made, or if made is not pending, for the purpose of deceiving the public—

Shall be fined not more than $500 for every such offense.

(b) Any person may sue for the penalty, in which event one-half shall go to the person suing and the other to the use of the United States.

§ 256. Service and notice; non-resident patentee

Every patentee not domiciled in the United States may designate by a notice in writing filed in the Patent Office the name and address of some person residing within the United States on whom may be served process or notice of proceedings affecting the patent or rights thereunder. Such notice or process may be served upon the person so designated; but if the person cannot be found at the address given

in the last designation, or if no person has been designated, such notice or process may be served upon the Commissioner, who shall mail a copy to the address of the patentee as shown by the records of the Patent Office and shall publish a notice thereof in the Official Gazette. The court shall have the same jurisdiction to take any action respecting the patent or rights thereunder that it would have if the patentee were personally within the jurisdiction of the court.

CHAPTER 4—PLANTS AND DESIGNS

PLANTS

Sec.
301. Patents for plants.
302. Description, claim.
303. Grant.
304. Assistance of Department of Agriculture.

DESIGNS

311. Patents for designs.
312. Right of priority.
313. Term of design patent.
314. Additional remedy for infringement of design patent.

PLANTS

§ 301. Patents for plants

Any person who has invented or discovered and asexually reproduced any distinct and new variety of plant, other than a tuber-propagated plant, may obtain a patent therefor, subject to the conditions and requirements of this title.

The provisions of this title relating to patents, other than for designs, shall apply to patents for plants except as otherwise provided.

§ 302. Description, claim

No plant patent shall be declared invalid on the ground of non-compliance with section 112 of this title if the description is made as complete as is reasonably possible.

The claim in the specification shall be in formal terms to the plant shown and described.

§ 303. Grant

In the case of a plant patent the grant shall be of the right to exclude others from asexually reproducing the plant or selling or using the plant so reproduced.

§ 304. Assistance of Department of Agriculture

The President may by Executive order direct the Secretary of Agriculture (1) to furnish the Commissioner such available information of the Department of Agriculture, or (2) to conduct through the appropriate bureau or division of the department such research upon special problems, or (3) to detail to the Commissioner such officers

and employees of the department, as the Commissioner may request for the purposes of carrying into effect the provision of this title relating to plants.

DESIGNS

§ 311. Patents for designs

Any person who has invented any new, original and ornamental design for an article of manufacture may obtain a patent therefor, subject to the conditions and requirements of this title.

The provisions of this title relating to patents for inventions and applications therefor, shall apply to patents for designs except as otherwise provided.

§ 312. Right of priority

The period for the right of priority provided for by section 118 of this title shall be six months in the case of designs.

§ 313. Term of design patent

Patents for designs may be granted for the term of three years and six months, or for seven years, or for fourteen years, as the applicant may, in his application, elect.

§ 314. Additional remedy for infringement of design patent

During the term of a patent for a design, it shall be unlawful for any person other than the owner of said patent, without the license of such owner, to apply the design secured by such 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. Any person violating the provisions, or either of them, of this section, shall be liable in the amount of $250; 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 $250, he shall be further liable for the excess of such profit over and above the sum of $250. And the full amount of such liability may be recovered by the owner of the patent, to his own use, by civil action in any district court of the United States having jurisdiction of the parties.

Nothing in this section shall prevent, lessen, impeach, or avoid any other remedy which any owner of a patent, aggrieved by the infringement of the same, may have under the provisions of this title, but such owner shall not twice recover the profit made from the infringement.

SEC. 2. Section 21 of the Act approved July 5, 1946, 60 Stat. 435, (United States Code, title 15, sec. 1071, 1946 ed.) is amended by changing "Revised Statutes 4911" appearing in said section to read "35 United States Code, section 47"; by changing "section 4915, Revised Statutes" appearing in said section to read "35 United States Code, sections 51 and 52"; and by changing "Revised Statutes 4915" appearing twice in said section to read "35 United States Code, section 52".

SEC. 3. If any provision of this title is declared unconstitutional or the application thereof to any person or circumstance held invalid, the validity of the remainder of this title or the application of such provision to other persons or circumstances shall not be affected.

SEC. 4. (a) This Act shall take effect on January 1, 1952 and shall apply to all applications for patent filed on or after such date and to all patents granted on such applications. It shall apply to further proceedings on applications pending on such date and to patents granted on such applications except as otherwise provided. It shall apply to unexpired patents granted prior to such date except as otherwise provided.

(b) Section 102 (d) of title 35, as enacted by section 1 hereof, shall not apply to existing patents, but the law previously in effect, namely the first paragraph of R. S. 4887 (U. S. Code, title 35, sec. 32, first paragraph, 1946 ed.), shall apply to such patents.

(c) Section 118, second paragraph of Title 35 as enacted by section 1 hereof shall not apply to existing patents.

(d) The period of one year specified in section 102 of title 35 as enacted by section 1 hereof shall not apply in the case of applications filed before August 5, 1940, and patents granted on such applications, and with respect to such applications, and patents, said period is two years instead of one year.

(e) No variety of plant which has been introduced to the public prior to May 23, 1930, shall be subject to patent.

(f) Nothing contained in this title shall operate to nullify any judicial finding on the validity of any patent by a court of competent jurisdiction.

(g) Nothing in this title shall affect any provision of the Atomic Energy Act of 1946 (Aug. 1, 1946, ch. 724, 60 Stat. 755).

SEC. 5. The sections or parts thereof of the Revised Statutes or Statutes at Large enumerated in the following schedule are hereby repealed. Any rights or liabilities now existing under such sections or parts thereof shall not be affected by this repeal.

Revised Statutes	U. S. Code, 1946 edition	
	Title	Section
Section:		
475	35	1
476	35	2
478	35	3
479	35	5
480	35	4
481	35	6
482	35	7
483	35	6
486	35	10
487	35	11
488	35	12
489	35	13
493	35	78
494	35	20
495	35	17
496	35	19
4883	35	39
4884	35	40
4885	35	41
4886	35	31
4887	35	32
4888	35	33
4889	35	34
4890	35	34
4891	35	34
4892	35	35
4893	35	36
4894	35	37
4895	35	44
4896	35	46
4898	35	47

Revised Statutes	U. S. Code, 1946 edition	
	Title	Section
Section—Continued		
4899	35	48
4900	35	49
4901	35	50
4903	35	51
4904	35	52
4905	35	53
4906	35	54
4907	35	55
4908	35	56
4909	35	57
4911	35	59a
4912	35	60
4913	35	61
4914	35	62
4915	35	63
4916	35	64
4917	35	65
4918	35	66
4919	35	67
4920	35	69
4921	35	70
4922	35	71
4923	35	72
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4930	35	76
4931	35	77
4933	35	73
4934	35	78
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4936	35	79

Statutes at Large					U. S. Code, 1946 edition	
Date	Chapter	Section	Volume	Page	Title	Section
1883—Mar. 3	143	Part [1]	22	625	35	45.
1887—Feb. 4	105	1	24	387	35	74.
		2	24	388	35	75.
1888—Feb. 18	15		25	40	35	39.
1891—Mar. 3	541	1 part [2]	26	939	35	14.
1896—May 19	204		29	124	35	78.
1897—Mar. 3	391	1	29	692	35	31.
		2		692	35	69.
		3		693	35	32.
		4		693	35	37.
		5		693	35	47.
		6		694	35	70.
		7		694	35	43.
1898—June 10	423	1	30	440	35	6 note.
1899—Feb. 28	227		30	915	35	46.
1902—Apr. 11	417		32	95	35	39.
May 9	783		32	193	35	73.
1903—Mar. 3	1019	1	32	1225	35	32.
		2		1226	35	35.
		3		1226	35	46.
1908—May 23	188		35	245	35	46.
May 23	189		35	246	35	41.
May 27	200	1 part [3]	35	343	35	78.
1915—Jan. 14	Pub. Res. 61.		38	1221	35	15.
Mar. 3	94	1	38	958	35	33.
		2		959	35	34.
1916—Feb. 15	22	1	39	8	35	2.
1916—July 6	225	1 part [4]	39	348	35	37.
1919—Nov. 4	93	1 part [5]	41	335	35	78.
1920—Mar. 6	94	1 part [6]	41	512	35	79.
1921—Mar. 3	126	1	41	1313	35	80.
		2		1314	35	81.
		3		1314	35	82.
		4		1314	35	83.
		5		1314	35	84.
		6		1314	35	85.
		7		1314	35	86.
		8		1315	35	87.
1922—Feb. 18	58	3	42	390	35	11.
		5		391	35	39.
		6		391	35	47.
		7		391	35	54.
		8		392	35	70.
		9		393	35	78.
1925—Mar. 4	535	1	43	1268	35	88.

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Date	Chapter	Section	Volume	Page	Title	Section
1927—Feb. 7	67		44	1058	35	49.
Feb. 14	139	1	44	1098	35	2.
		2		1099	35	78.
Mar. 2	273	1	44	1335	35	37.
		3		1335	35	7.
		4		1336	35	52.
		5		1336	35	57.
		8		1336	35	59a.
		9		1336	35	60.
		10		1336	35	61.
		11		1336	35	63.
		12		1337	35	66.
		13		1337	35	78.
		14		1337	35	21.
1927—Mar. 3	364		44	1394	35	72a.
1928—Apr. 30	460		45	467	35	45.
May 24	730		45	732	35	64.
May 31	992	1	45	1012	35	40a.
		2		1013	35	40b.
		3		1013	35	40c.
		4		1014	35	40d.
1929—Mar. 2	488	2b	45	1, 476	35	59a, 60, 63.
1930—Apr. 11	132	1	46	155	35	2.
		2		155	35	7.
		3		155	35	78.
		5		156	35	22.
		6		156	35	23.
May 23	312	1	46	376	35	31, 40.
		2		376	35	33.
		3		376	35	35.
		4		376	35	56a.
		5		376	35	32a.
		6		376	35	32b.
1932—June 30	314	308	47	410	35	78.
		309		410	35	78.
1936—June 19	94		49	1529	35	32.
1938—May 9	188		52	342	35	11a.
1939—Aug. 5	450	1	53	1212	35	31, 32, 69, 73.
		2		1212	35	31 note.
Aug. 5	451	1	53	1212	35	52.
		2		1212	35	57.
		3		1212	35	59a.
		4		1212	35	63.
Aug. 5	452	1	53	1213	35	61.
Aug. 7	568		53	1264	35	37.
Aug. 9	619	2	53	1293	35	41.
		3		1293	35	78.
1941—Aug. 18	370		55	634	35	47.
1946—July 5	541	301 part [1]	60	471	35	78.
Aug. 1	726		60	778	35	70.
Aug. 8	910	9 part [8]	60	943	35	109 (part).
1950—Mar. 4	50	Public Law 452, 81st Cong.			35	7.
June 15	249	Public Law 549, 81st Cong.			35	78.

[1] The part relating to the granting of patents to Government employees without fees.
[2] The part relating to certified copies of drawings and specifications.
[3] The part relating to fees for recording assignments.
[4] The part amending R. S. 4894.
[5] The part relating to the price of copies of patents.
[6] The part relating to payment of fees.
[7] The part relating to the fee for copies of specifications and drawings of patents.
[8] The first part of the section, excluding the matter following the word "*Provided*."

81ST CONGRESS
2D SESSION

H. R. 9133

A BILL

To revise and codify the laws relating to patents and the Patent Office, and to enact into law title 35 of the United States Code entitled "Patents".

By Mr. BRYSON

JULY 17, 1950
Referred to the Committee on the Judiciary