the unlimited nature of the object with which a knowledge of the invention was imparted would prevent him from resuming his exclusive right by a subsequent patent." (Wood *v.* Zimmer, 1 Holt, N. P. Rep., ch. 60.)

In Pennock *v.* Dialogue, 2 Peters, 1: "The use here referred to has always been understood to be a public use, and not a private or surreptitious use in fraud of the inventor," but a public use by his consent, by a sale by himself, or by others with his acquiescence, by which he abandons his right or disables himself from complying with the law—it is deemed a fraud in law to take out a patent after such use.

I have now given to the points submitted to me in this case the fullest and most careful consideration in my power. And for the reasons already stated, I am of opinion that Hunt, the appellant, was barred of his title to receive a patent for his invention aforesaid, and that the decision of the Commissioner in the case ought to be affirmed.

W. P. N. Fitzgerald, for the appellant.

Joel Giles, for the appellee.

OLIVER P. DRAKE, APPELLANT,

vs.

CHARLES CUNNINGHAM, ASSIGNOR TO JOHN C. PEDRICK, APPELLEE. INTERFERENCE.

JURISDICTION OF JUDGE—APPEAL BY PATENTEE.—The judge has no jurisdiction to hear and determine any appeal on behalf of a patentee from a decision of the Commissioner in favor of an interfering applicant.

(Before MORSELL, J., District of Columbia, February, 1855.)

MORSELL, J.

This is the case of an appeal by a patentee, which is opposed by the appellee on the ground of want of jurisdiction in the judge

to entertain an appeal from the decision of the Commissioner of Patents in said case.

It has been on several occasions decided, and the question must now be considered as settled, that the act of Congress confers no jurisdiction on the judge to hear and determine any appeal on behalf of a patentee from a decision of the Commissioner of Patents against his priority of claim, as in the present instance. The said appeal must therefore be dismissed; and the same is so certified by me to the Honorable Commissioner accordingly, and all the papers returned.

R. H. Eddy, for the appellant.

N. G. Suethen, for the appellee.

ROBERT S. STEPHENS AND ROBERT S. VAN RENSALAER, APPELLANTS,

vs.

ELAM C. SALISBURY, APPELLEE. INTERFERENCE.

DRAWING AND MODEL TO BE CONSULTED.—The drawing and model filed with an application are to be taken together in explanation of the specification.

SPECIFICATION—LIBERALLY CONSTRUED—REQUIREMENTS OF.—The construction which ought to be given to the specification should not be too strict and technical. The proper inquiry is, Has the specification substantially complied with that which the public has a right to require; has the appellee communicated to the public the manner of carrying his invention into effect, so that a skillful workman can carry into execution the plan of the invention?

EFFECT OF THE RULES OF THE OFFICE.—Whatever may be the meaning or effect of rule 7 of the Patent Office rules, the law must always be looked to, and whatever principle stated in the rules is not found in the provisions of the law cannot be depended on.

REDUCTION TO ACTUAL USE—NOT REQUIRED BY LAW BEFORE PATENT.—There is no express requirement in the patent laws that an inventor shall reduce his invention to actual use before he can obtain a patent, nor is there any