AMENDING SECTION 106 (c) OF THE HOUSING ACT OF 1949 (SLUM CLEARANCE AND REDEVELOPMENT PROJECTS)

The Speaker. Is there objection to the present consideration of the bill?
Mr. SHAVER. Mr. Speaker, I object.

REVISON AND CODIFICATION OF PATENT LAW

The Clerk called the bill (H. R. 7794) to amend section 106 (c) of the Housing Act of 1949, and of other records available either to the public or to the press, as the case may be.

§ 1. Establishment, officers, functions, etc.


§ 3. Practice before the Patent Office.


PART I—PARENT OFFICE

Chapter 1—Establishment, officers, functions, etc.

§ 1. Establishment.

§ 2. Seal.

§ 3. Officers and employees.

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

§ 5. Board of Commissioner and other officers.

§ 6. Duties of Commissioner. Board of Appeals.

§ 7. Classification of patents.

§ 8. Certified copies of patents.

§ 9. Exchange of copies of patents with foreign countries.

§ 10. Copy of patents for public libraries.

§ 11. Annual report to Congress.

§ 12. 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 Patent Office shall have a seal 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 second 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, or, in the event of a vacancy in that office, the assistant commissioner senior in date of appointment, shall fill the office of Commissioner during a vacancy in that office until a Commissioner is appointed and takes office. The Secretary of Commerce, by and with the advice and consent of the Senate, shall fill the vacancy in the office of nomination of the Commissioner in accordance with law, shall appoint all other officers and employees.

The Secretary of Commerce may vest in himself the functions of the Patent Office and its officers and employees specified in this title and may from time to time delegate or authorize their performance by any other officer or employee.

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

Officers and employees of the Patent Office shall be incapable, during the period of their appointments and for 1 year thereafter, of holding any contract or engaging in an occupation, trade, or employment, directly or indirectly, except by inheritance or testament, or any patent or any right or interest in any patent, leased or to be leased by the Office. In patents applied for therefor, the Commissioner shall not be entitled to receive any interest prior to 1 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 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 trade-marks, and he shall have charge of property 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. Office of Appeals.

The Commissioner-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 shall have power to grant rehearings. When the Commissioner considers it necessary to maintain the work of the Board of Appeals current, he may designate any patent examiner of the primary examiner grade or higher, having the requisite ability, to serve as examiner in chief for periods not exceeding 6 months each. An examiner so designated shall be qualified to act as a member of the Board of Appeals. Not more than one such primary examiner shall be a member of the Board of Appeals hearing an appeal from the Commissioner.

§ 8. Library.

The Commissioner shall maintain a library of Patent Office and other works and periodicals, both foreign and domestic, in the Patent Office, and the officers in the discharge of their duties.

§ 9. Classification of patents.

The Commissioner may revise and maintain the classifications 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 respect to the accuracy of 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 either to the public or to the press, as the case may be.

§ 11. Publications.

(a) The Commissioner may print, or cause to be printed, the following:
1. Patents, including specifications and drawings, together with copies of the same. The following shall be printed and distributed: the drawings for patents for the purpose of establishing an index to patents and trade-marks.
2. Certificates of trade-mark registrations, including statements and drawings, together with copies of the same.
4. Annual indexes of patents and patents pending, and of trade-marks and registrants.
5. Annual volumes of decisions in patent and trade-mark cases.
6. Pamphlet copies of the patent laws and rules of practice, laws and rules relating to trade-marks, and court circulars, and publications relating to the business of the Office.
(b) The Commissioner may exchange any or all of the publications specified in paragraphs (3), (4), and (6) of subsection (a) of this section for publications desirable for the use of the Patent Office.

§ 12. Exchange of copies of patents with foreign countries.

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


The Commissioner may supply printed copies of specifications and drawings of patents to public libraries in the United States which shall maintain such copies for the use of the public, at the rate for each year's issue established for this purpose in section 4 of this title.

§ 14. Annual report to Congress.

The Commissioner shall report to Congress annually the money received and expended, statistics concerning the work of the Office, and other information relating to the Office as may be useful to the Congress or the public.

Chapter 1—Proceedings in the Patent Office

§ 1. Day for taking action falling on Saturday.

§ 2. Printing of papers filed.

§ 3. Testimony in Patent Office cases.

§ 4. Subpoenas, warrants.
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§ 21. Day for taking action falling on Sat-

day.

When the day, or the last day, for taking

action falls on a Saturday, Sunday, or a hu-

day within the District of Co-

lumbia, the action may be taken on the

next succeeding secular or in-

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 in the Patent Office. Any person au-

thorized by law to take depositions shall

be heard in the courts of the United States,

or of the States where he resides, may take

such affidavits and depositions.

§ 24. Subpensa, witnesses

The[20] The Commissioner may require

the District Courts of any United States court

for the district wherein testimony is to be

taken for use in any contested case in the Paten-

Office, shall, upon the application of any

party thereto, issue a subpensa for any wit-

ness residing or being within such district,

commanding him to appear and testify be-

fore an officer in such district authorized to

take depositions and affidavits, at the time and

place of the trial of the action, or examination,

of proceedings of the Federal Rules of Civil

Procedure relating to the attendance of wit-

nesses and to the collection of documents and

testimony, and things shall apply to contested
cases.

Every witness summoned and in attend-

ance shall be reimbursed all travel and living

expenses allowed to witnesses attending the

United States district courts.

A judge of a court whose clerk issued

a subpensa may enforce obedience to the pro-

cess by any contempt proceeding as in other

like cases, on proof that a witness, served

with such subpensa, neglected to appear or to

appear. No witness shall be deemed guilty of

contempt for disobeying such sub-

pensa; and all such expenses incurred in go-

ing to and returning from, and 1 day's

attendance at the place of examination,

shall be paid to the witness at the time of

the serving of the subpensa; nor for refusing
to disclose any secret matter except upon

appropriate order of the court which issued

the subpensa.

Chapter 3—Practice before Patent Office

Sec.

§ 21. Regulation for agents and attorneys.

§ 22. Suspension or exclusion from practice.

§ 23. Authorized representation as practi-

tioner.

§ 21. Regulation for agents and attorneys

The Commissioner, subject to the approval

of the Secretary of Commerce, may prescribe

regulations governing the recognition and con-
duct of agents, attorneys, or other persons

representing inventors or other parties before

the Patent Office, and require them, before being

recognized as representing inventors or other

persons, to show that they have good moral charac-

ter and reputation and are possessed of the neces-

sary qualifications to represent inventors or other

persons valuable service, advice, and assistance

in the presentation or prosecution of

their applications or other business be-

fore the Office.

§ 22. Suspension or exclusion from practice

The Commissioner may, after notice and

opportunity for a hearing, suspend or ex-

clude, either generally or in any particular

case, from further practice before the Patent

Office, any person having, or who does not comply

with the regulations hereunder, under sec-

tion 31 of this title, or who, shall by word,
circular, letter, or advertising, with intent

to deceive, mislead, misrepresent, or threaten

tion or procu-

pany or prospective ap-

the reasons for any such suspension or exclusion

shall be duly recorded. The United States

District Court for the District of Columbia,

under such circumstances and upon such pro-
ceedings as it by its rules determines, may

review the action of the Commissioner upon

the petition of the person so refused recogni-

tion or so suspended or excluded.

§ 33. Unauthorized representation as prac-

tioner

Whosoever, not being recognized to practice

before the Patent Office, holds himself out or

permits himself to be held out as so recogni-

ced, or as being qualified to prepare or prose-


cutaneous, or in excess of the fees

amounts.

§ 41. Patent fees

(a) The Commissioner shall charge the

following fees:

1. On filing each application for an orig-

inal patent, except in design cases, $80, and

for reissues in excess of twelve months after

issue, and for reissue by a patentee, $75, for

each additional claim in excess of twenty.

2. On issuing each original patent, except

in reissues, $200, for each design patent, and

$1 for each claim in excess of twenty.

3. In design cases: For 3 years and

6 months, $15; for 5 years, $15; for 7 years,

$50; for 14 years, $50.

4. On every application for the release

of a patent, $80 and $1 for each claim in

excess of fifteen, the fees to be paid to be

above the number of claims of the original

patent.

5. On filing each disclaimer, $10.

6. On filing each petition for the revi-

sion for an abandoned application for a patent

or for the delayed payment of the fee for

issuing each patent, $10.

7. For certificate of correction of appli-

cant's mistake under section 283 of this title,

$5.

8. For uncertified printed copies of spec-

ifications and drawings of patents (except

design patents), 25 cents per copy; for design

patents, 10 cents per copy; special rate for

literature specified in section 13 of this title,

$60 for patents issued in 1 year.

9. For recording every assignment, agree-

ment, or other paper not exceeding six

pages, $2; for each additional two pages or

less, $1; for each additional patent or appli-

cation included in one writing, where more

than one is so included, 50 cents additional.

10. For certificates, $1.

11. The Commissioner may establish

charges for printed copies of records, publica-

tions, or services furnished by the Patent

Office, not exceeding $50.

§ 42. Payment of patent fees; return of excess

amounts

All patent fees shall be paid to the Com-

missioner who shall deposit the same in the

treasury of the United States in such man-

ner as the Secretary of the Treasury directs,

and the Commissioner may refund any sum

paid by mistake or in excess of the fee re-

quired by law.

PART II—PATENTABILITY OF INVENTIONS AND

GRANTS OF PATENTS

Chapter

10. Patentability of inventions

Sec.

10. Patentability of inventions

11. Application for patent

12. abandonment of applications

13. Review of Patent Office decisions

14. Issue of patent

15. Grant of patents

16. Designs

17. Certificates; fees

§ 32. Printing applications abroad

§ 10. Definitions

101. Inventions patentable

102. Condition for patentability; novelty

103. Conditions for patentability; non-ob-

servance of subject matter

104. invention made abroad

§ 105. Definitions

When used in this title unless the con-

text otherwise indicates—

(a) The term "invention" means invention

or discovery.

(b) The term "process" means process, art,

and includes any new and use-

ful improvement thereof, may obtain a pat-

ent under the conditions and requirements of this title.

(c) The terms "United States" and "this

country" mean the United States of America,
its territories and possessions.

(d) The word "patentee" includes not only

the patentee to whom the patent was issued but also the successors in title to the patentee.

§ 101. Inventions patentable

Whoever invents or discovers any new and

useful process, machine, manufacture, or

composition of matter, or any new and use-

ful improvement thereof, may obtain a patent

under the conditions and requirements of this title.

§ 102. Conditions for patentability; novelty

A person shall be entitled to a patent un-

less

(a) The invention was known or used by

others in this country, or patented or de-

scribed in a printed publication in this or a for-

eign country, before the invention thereof by the applicant for patent, or

(b) The invention was patented or de-

scribed in a printed publication in this or a fore-

eign country prior to the date of the appli-

cation for patent in this country, more than 1 year prior to the date of the application for patent in the United States,

(c) he had abandoned the invention, or

any manufacturing or other right to use the

invention, or any part thereof, and had failed to file an application for patent in this country, or any application filed more than 12 months before the filing of the application in the United States,

(d) the invention was described in a paten-

table patent issued to another in this country before an application for patent by the applicant for patent, or

(e) the invention was described in a paten-

table patent issued to another in this country before an application for patent by the applicant for patent, or

(f) he did not himself invent the subject

matter sought to be patented,

(g) before the applicant's invention there-

of the invention was made in this country, or if a foreign country, not abandoned, sup-

pressed, or concealed it. In determining priority of invention, this shall be con-

sidered not only the respective dates of con-

ception and reduction to practice of the invention, but also the reasonable diligence of one of who was first to conceive and last to reduce to practice, from a time prior to con-

ception by the other.

§ 103. Conditions for patentability; nonob-

servance of subject matter

A patent may not be obtained through the

invention is not identically disclosed or dis-

closur at en 103 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter at a whole, any product, or any additional art to which said subject

matter pertains. Patentability shall not be negated by the manner in which the in-

vention was made.
§ 104. Invention made abroad

In proceedings in the Patent Office and in the Circuit Court of the United States for the patentee, may not establish a date of inven-
tion by reference to knowledge or use there-
of, or other activity with respect thereto, in a
foreign country, except as provided in sec-
tion 119 of this title. Where an invention
was made by a person, civil or military, while
domiciled in the United States and serving in
a foreign country in connection with op-
erations by or on behalf of the United States,
he shall be entitled to the same rights of
priority as if the invention, had been made
as if the same had been made in the United States.

Chapter 11—Application for patent

Sec. 111. Application for patent.

112. Drawings.

113. Oath of applicant.

114. Models, specimens.

115. Filing of other than inventor.


117. Death or incapacity of inventor.

118. Filing by other than inventor.

119. Divisional applications.

120. Earlier filing date in the United States.

121. Divisional applications.

122. Confidential status of applications.

123. Application for patent shall be made by the

inventor, except as otherwise provided in
this title, in writing to the Commissioner.
Section shall include: (1) a specifi-
cation as prescribed by section 118 of
this title; (2) a drawing as prescribed by section
119 of this title, and (3) an oath by the
applicant as prescribed by section 115 of this
Title. Said oath shall be taken before
the applicant and accompanied by the fee
required by law.

§ 112. Specification

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

§ 113. Drawings

When the nature of the case admits, the applicant shall furnish a drawing.

§ 114. Models, specimens

The applicant or his attorney may require the appli-
cant to furnish a model of convenient size for
exhibiting advantageously the several parts of
his invention.

When the invention relates to a composi-
tion of matter, the applicant shall furnish
specimens or ingredients necessary to the purpose of inspection or experi-
ment.

§ 115. Oath of applicant

The applicant shall make oath that he be-
believes himself to be the original and first
inventor of the process, machine, manufac-
ture, or composition of matter or improve-
ment thereof, for which he solicits a patent; and
he will aid in the preparation of such oath by
law to administer oaths, or, when made
in a foreign country, before any diplomatic
or consular officer of the United States au-
thorized to administer oaths, or by a
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 a certificate of a diplomat
or consular officer of the United States,
such oath shall be valid if it comply with the
laws of the state or country where made.
When the application is made as provided in
this section, the oath may be so varied in form that it can
be administered as if in the United States.

§ 116. Joint inventors

When an invention is made by two or more persons 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 reached after diligent effort, 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
the same rights which the omitted inventor
would have been had he joined. The
omitted inventor may subsequently join in
the application.

§ 117. Death or incapacity of inventor

Legal representatives of deceased inventors
and representatives under legal incapacity
in the United States to make, use, or sell
inventions, in which capacity he or she
usually shows sufficient proprietary interest
in the invention. Making such justification,
may apply for a patent on behalf of
an agent for the inventor on proof of
the pertinent facts and a show of
how such action is necessary to preserve
the interest of the parties or to prevent irreparable
damage; and the Commissioner may
grant such a patent, if it appears upon such notice
to him as the Commissioner deems sufficient,
and on compliance with such regulations as
he prescribes.

§ 119. Benefit of earlier filing date in foreign
country; right of priority

An applicant who has filed an application for a patent in a foreign country, of which the
Commissioner and foreign courts may not
be the same, shall have the same effect as
in such case, such invention, as if
filed on the date of the prior application, if
filed before the patent or abandonment of
or termination of proceedings on the first
application or on an application similarly
entitled to the benefit of the filing date of
the first application and if it contains or is
amended to contain a specific reference to
the earlier filed application.

§ 120. Divisional applications

If an application in a foreign country or the intervix a Patent Office before the patent is granted or at such time during the pendency of the application as required by the Commissioner not earlier than 6 months after the filing of the application in this country. Such certification shall be signed by the Commissioner of the foreign country in which the application was made and shall bear the seal of the foreign country which the application was made. The Commissioner may require a translation of the papers filed if not in the English language and such other information as he deems necessary.

§ 121. Benefit of earlier filing date in foreign
country; right of priority

An application for patent in an invention disclosed in the manner provided by the first paragraph of section 119 of this title shall not be entitled to the benefit of the filing date of the foreign application, if it is amended to contain a specific reference to the earlier filed application.

§ 122. Confidential status of applications

Applications for patents shall be kept in
confidence by the Patent Office and no infor-
mation for any patent shall be divulged to the
authority of the applicant or his attorney unless
he shall carry out the provisions of any act of Congress or any regulations promul-
gated by the Commissioner of Patents as may be determined by the Com-
missioner.

Chapter 12—Examination of application

Sec. 123. Examination of application.

124. Notice of rejection; reexamination.

125. Time for prosecuting application.

126. Interferences. (Reserved.)

§ 121. Examination of application

Applications for patents shall be kept in
confidence by the Patent Office and no infor-
mation for any patent shall be divulged to the
authority of the applicant or his attorney unless
he shall carry out the provisions of any act of Congress or any regulations promul-
gated by the Commissioner of Patents as may be determined by the Com-
missioner.
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128. Notice of rejection; reexamination where patent is a patent, the applicant shall notify the Commissioner shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement. In any case, the applicant shall receive the proceeding of his application; and if after receiving such notice, the applicant fails to correct his claim for a patent, with or without amendment, the application shall be reexa-
named. No amendment shall introduce new matter into the disclosure of the invention.

129. Time for prosecuting application

Upon failure of the applicant to prosecute the application within 6 months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than 30 days, as is fixed by the Commissioner in such action, the application shall be regarded as aban-
doned by the parties thereto, unless it be made to the satisfaction of the Commissi-
on that such delay was unavoidable.

130. Appeal to the Board of Appeals

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

135. Interferences

An application is made for a patent which, in the opinion of the Commissi-
on, would interfere with any pending requirement, together with such informa-
tion as he shall give notice thereof to the appli-
cant. He shall also give the inventor of such patent, with or without amendment, the application shall be reex-

140. Notice of appeal

When an appeal is taken to the United States Court of Customs and Patent Ap-
peals, the appellant shall give notice there-

142. Proceedings on appeal

The United States Court of Customs and Patent Appeals, before hearing such appeal, give notice of the time and place of the hearing to the Commissioner and the parties thereto. The Commissioner shall transmit to the court certified copies of all argument, memoranda, oral papers and evidences, the case specified by the appellant and any additional papers and evidence specified by the court to be heard in an ex parte case. The Commissi-
on shall furnish the court with a certificate of the decision of the Patent Office. In writing, touching all the points involved by the reasons of appeal.

143. Decision on appeal

The United States Court of Customs and Patent Appeals, on petition, shall hear and determine the issue of the patentability of claims as determined by the Patent Office, and the de-
cision shall be of the court shall return to the Commissioner a certificate of its proceedings and decision, which shall be entered of rec-

145. Civil action to obtain patent

An action, if appealed with the decision of the Board of Appeals may appeal to the United States Court of Customs and Patent Appeals, have remedy by civil action against the Commissioner in the United States District Court for the District of Columbia if commenced within such time after such decision, not less than 60 days, as the Commissioner appoints. The court may adjudge that such applicant is en-
titled to receive a patent for his invention, as specified in any of his claims involved in the decision of the Board of Appeals, as the court may in its discretion and such ad-

146. Civil action in case of interference

Any party to an interference dissatisfied with the decision of the board of patent inferences on the question of priority may appeal to the United States Court of Customs and Pat-
ent Appeals, but such appeal shall be de-

152. No plant patent shall be declared invalid for noncompliance with section 112 of this

Such suit may be instituted against the patentee by the record of the Patent Office at the time the action is filed, or any party in interest may institute a party to the suit, or the Commissioner therefor residing in a plurality of districts not embraced within the same state, or an adverse party residing in a foreign country, by the United States District Court for the District of Columbia shall have juris-
diction and may issue summons against the adverse parties directed to the marshal of any district in which any adverse party re-
siding in foreign countries may be served by publication or otherwise as the court directs. The Commissioner shall not be a necessary party but he shall be notified of the filing of the suit by the clerk of the court in which it is filed and shall have the right to inter-

154. Contents and term of patent

Patents may be granted to the assignee of the inventor of record in the Patent Office, upon the application made and the specifi-
cation and drawings of the invention, except as otherwise provided in this title.

155. How issued

Patents shall be issued in the name of the United States, signed in the seal of the Patent Office, and shall be signed by the Commissioner or his signature placed thereon and attested by an officer of the Patent Office designated by the Commissi-
on, and shall be recorded in the Patent Office.

156. 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 17 years, of the right to exclude others from making, using, or selling the invention throughout the United States, referring to the specification for the particulars thereof. A copy of the patent, together with a list of the names of the inventors, shall be annexed to the patent and be a part thereof.

Chapter 15—Plant patents

161. Patents for plants

Whoever invents or discovers and aesthetically reproduces 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 for inventions shall apply to such patents for plants, except as otherwise provided.

162. Description, claim

No plant patent shall be declared invalid for noncompliance with section 112 of this
title if the description is as complete as is reasonably possible.

The claim in the specification shall be in formal terms to the plant shown and de-
scribed.

§ 163. Grant

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

§ 164. Assistance of Department of Agricult-
ure

The said patent may by Executive order direct the Secretary of Agriculture, in ac-
 cordsance with the requests of the Commission, for the purpose of carrying into ef-
 fect the provisions of this title with respect to plants (1) to furnish available informa-
tion of the Department of Agriculture, (2) to conduct through the appropriate bureau or division of the Department research upon special problems, or (3) to detail to the Com-
m issioner officers and employees of the De-
 partment.

Chapter 16—Designs

Sec.

117. Patents for designs.

118. Right of priority.

119. Term of design patent.

§ 117. Patents for designs

Whoever invents any new, original, and ornamental design for an article of manu-
facture may obtain a patent therefor, sub-
ject to the conditions and requirements of
this title.

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

§ 118. Right of priority

The right of priority provided for by sec-
tion 161 of this title shall be 1 year, as provided in section 103 (d) shall be 6 months in the case of designs.

§ 119. Term of design patent

Patents for designs may be granted for the term of 3 years and 6 months, or for 7 years, or such shorter term as the applicant, in his ap-
plication, elects.

Chapter 17—Secrecy of certain inventions and of information in possession of the government

Sec.

181. Secrecy of certain inventions and with-
holding of patent.

§ 181. Abandonment of invention for au-
 thorized disclose.

182. Abandonment of invention in foreign country.

183. Patent barred for filing without license.

185. Penalty.

186. Nonapplicability to certain persons.

188. Rules and regulations, delegation of power.

§ 181. Secrecy of certain inventions and withholding of patent

Whenever publication or disclosure by the grantee of a patent on an invention in which the Government has a property interest materially diminishes the value of the Government interest, the Commissioner is to be authorized to order the patent to be kept secret and shall withhold the grant of a patent therefor under the condi-
tions set forth hereinafter.

Whenever the publication or disclosure of an invention by the grantee of a patent, in which the Government does not have a property interest, might, in the opinion of the Commissioner, be detrimental to the national security, he shall make the applica-
tion for patent in such invention is downwards of the Atomic Energy Commission, the Secretary of Defense, and the chief officer of any other department or agency of the Government

designated by the President as a defense

Each individual to whom the application is disclosed shall sign a dated acknowledgment thereof, which acknowledgment shall be entered in the file of the application. If, in the opinion of the Atomic Energy Com-
m ission, the Secretary of a Defense Depart-
 ment, or the chief officer of another depart-
 ment or agency so designated, the publica-
 tion or disclosure of the invention by the grantee of a patent therefor would be detri-
 mental to the national security, the Atomic
 Energy Commission, the Secretary of a De-
 fense Department, or such other chief officer shall notify the Commissioner and the Com-
m issioner shall order that the invention be
 kept secret and shall withhold the grant of a patent for such period as the national interest requires, and notify the applicant thereof. Upon proper showing by the head of the department or agency who is authorized by the secret to order that the examination of the application might jeopardize the national interest, the Commis-
sioner shall thereupon maintain the applic-
 ation in a sealed condition and notify the applicant thereof. The owner of an applica-
tion which has been placed under a secrecy
 order shall have a right to appeal from the order to the Secretary of Commerce under rules prescribed by him.

An invention shall not be ordered kept secret and the grant of a patent withheld for a period of more than 1 year. The Commis-
m issioner shall renew the order at the end of the second year, and for additional periods of 1 year upon notifi-
cation by the head of the department or the chief officer of the agency who caused the order to be issued or upon an examination that an adverse determination has been made that the na-
tional interest requires that no order be entered in effect, or issued, during a time when the United States is at war, shall remain in effect for a duration of hostilities in excess of 1 year following cessation of hostilities. An order in effect, or issued, during a national emergency declared by the President shall remain in effect for a duration of at least 6 months after the expiration of the national emergency and 6 months thereafter. The Commissioner may rescind any order entered by him against the heads of the depart-
 ments and the chief officers of the agencies who caused the order to be issued that the publication or disclosure of the invention is hazardous to the national security.

§ 182. Abandonment of invention for un-
authorized disclosure

The invention disclosed in an application for patent subject to an order made pursuant to section 181 of this title may be held abandoned upon its being established by the Commissioner that it has in violation of said order the invention has been published or dis-
closed or that an application for a patent has been filed in the United States by the inven-
tor or anyone acting in his behalf, or by another person, with or without the consent of the inventor, for the same invention.

The abandonment shall be held to have occurred as of the time of the publication or disclosure. The abandonment shall not be held to have occurred without the concurrence of the heads of the departments and the chief officers of the agencies who caused the order to be issued. A holding of abandon-
m ent may constitute forfeiture by the appli-
cant, his successors, assignors, or legal representatives, of all claims against the United States based upon such invention.

§ 183. Right to competition

An applicant, his successors, assignors, or legal representatives, whose patent is held as herein provided, shall have the right, beginning at the date the applicant is notified of the order, for 2 years after such order, to prosecute the invention in any court and in any foreign country.

Notwithstanding any other provisions of law any person, and his successors, assignors, or legal representatives, shall not receive a United States patent for any invention for which his successors, assignors, or legal representatives, shall not procure the
license prescribed in section 184 of this title, have been granted in the United States or any other country at the request of the applicant, and the description of the other's making, application in a foreign country for a patent or for the registration of a utility model, industrial design, or model in respect of the invention. A United States patent issued to such person, his successors, assigns, or legal representatives shall be in- valid.

§ 186. Penalty

Whoever, during the period or periods of time so required in the rules and regulations, to the extent specified in the rule or regulations, to the extent so required, shall, with knowledge of such order and without due authorization, willfully publish, disseminate or authorize to be published or disclose the invention, or material information with respect thereto, or whoever, in violation of the provisions of section 184 of this title, shall file or cause or authorize to be filed in any foreign country an application for patent or for the registration of a utility model, industrial design, or model in respect of any invention made in the United States, upon conviction, be fined not more than $10,000 or imprisoned for not more than 2 years, or both.

§ 187. Nonapplicability to certain persons

The prohibitions and penalties of this chapter shall not apply to any officer or agent of the United States acting within the scope of his office or employment, nor to any person acting upon his written instructions or permission.

§ 188. Rules and regulations, delegation of power

The Atomic Energy Commission, the Secretary of a defense department, the chief officer of any other department or agency of the Government designated by the President as a defense agency of the United States, and the Secretary of Commerce, may separate or delegate any of the powers or duties conferred by this chapter, to the respective department or agency to carry into effect the provisions of this chapter, and may delegate any power conferred by this chapter.

PART III—PATENTS AND PROTECTION OF PATENT RIGHTS

Chapter 25—Issuement and correction of patents

Sec. 251. Issuement and correction of patents.

252. Effect of issuance.

253. Certificate of correction.

254. Certificate of patent Office mistake.

255. Certificate of correction of applicant's mistake.

256. Maintenance of inventor.

§ 251. Issuement of patents

Whenever any patent is issued, through error without fraud, and wholly or partly innocent or invalid, by reason of defective specification or drawing, or by reason of the patentees' claim of more or less than he had a right to claim in the patent, the Commissioner shall, on the surrender of such patent and the payment of the fee required by law, reissue the patent for the invention disclosed in the original patent, and in accordance with a new and amended application, for the unexpired part of the term of the original patent, shall be valid and of the same force and effect, and may be enforced and sued for as the original patent, and all grants of the required fee for a reissue for each of the reissued patents.

The acts of this title relating to applications for patents shall be applicable to applications for patents of a character for which a certificate of correction for causes thereof arising as if the same had been originally issued in such form.

The Commissioner may issue a corrected patent, with like effect as a certificate of correction.

§ 252. 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, and it is found that the Commissioner may, upon payment of the required fee, issue a certificate of correction. If the correction does not involve any change in the patent as will constitute new matter or will require re-examination. Such patent, together with the certificate, shall have the same effect and operation in law as the trial of actions for causes thereafter arising as if the same had been originally issued in such corrected form.

§ 256. Misjoinder of inventor

Whenever a patent is issued on the application of 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 error and without his consent, the Commissioner may, on application of all the parties in such manner and form as he may prescribe, with proof of the facts and such other evidence as he may require, issue a certificate deleting the name of the person from the patent. Whenever a patent is issued and it appears that a person was a joint inventor, but was omitted by error and without deliberate intent on his part, the Commissioner may, on application of all the parties and assignees, with proof of the facts and such other requirements as may be imposed, issue a certificate adding his name to the patent as a joint inventor.

The misjoinder or nonjoinder of joint inventors, to invalidate a patent, if good error can be corrected as provided in this section.

The court before which such matter is called in question may order correction of the patent on notice and hearing of all parties. A certificate of correction shall be issued a certificate accordingly.

Chapter 26—Ownership and assignment

Sec. 261. Ownership; assignment.

262. Joint owners.

§ 261. Ownership; assignment

Subject to the provisions of this title, patent

Every such patent, together with such certificate, shall have the same effect and operation in law as the trial of actions for causes thereof arising as if the same had been originally issued in such corrected form.

Chapter 26—Ownership and assignment

Sec. 261. Ownership; assignment.

262. Joint owners.

§ 261. Ownership; assignment

The Commissioner may issue a corrected patent, with like effect as a certificate of correction.

§ 255. 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 record of the Office, the Commissioner may issue a certificate of correction. If the patent is not in good form and nature of mistake, under seal, without charge, to be presented and filed under seal of the Patent Office. A copy thereof shall be attached to each printed copy of the patent, and such certificate shall be considered as part of the original patent.
272. Temporary presence in the United States temporarily or accidentally, shall not constitute infringement of any patent. If the invention is one mas- sively manufactured for the needs of the vessel, aircraft or vehicle and is not sold or in used for the manufacture of anything to be sold or in exported from the United States.

273. Remedy for infringement of patent, and other actions

274. Premption of validity; defenses

275. Damages

276. Attorney fees

277. Time limitation on damages

278. Additional remedy for infringement of a patent containing an invalid claim

279. Notice to the patentee

280. False marking

281. Nonresident patentees, service and notice

282. Remedy for infringement of patent

283. Infringement of patent

284. Damages

285. Action for infringement of patent containing an invalid claim

286. Additional remedy for infringement of a patent containing an invalid claim

287. Limitation on damages; marking and notice

288. Action for infringement of a patent containing an invalid claim

289. Additional remedy for infringement of design patent

290. Action for infringement of a patent containing an invalid claim

291. Limitation on damages; marking and notice

Patentees, or persons making or selling any patented article for or under them, may give notice to the public that the same is patented, either by painting, impressing, or by marking with the letters "patent" or the abbreviation "pat.," together with the number of the patent, or when, from the character of the article, this cannot be done, by affixing to it, or to the package wherein one or more of them is contained, a label containing a like notice. In the event of failure so to mark, no damages shall be recovered by the patentee in any action for infringement, except on proof that the infringer was notified of the infringement and continued the infringements thereafter, in which event damages may be recovered. An action for infringement occurring after such notice. Plaintiff in an action for infringement shall constitute such notice.

Whenever, without deceptive intention, a claim is made to a patented article which one may be properly maintained for the infringement of a patent which may be valid. The patentee shall recover no damages unless a disclaimer of the invalid claim has been entered at the patent office before the commencement of the suit.

Nothing in this section shall prevent, lessen, or otherwise affect the remedy of an owner of an infringing patent when under process of the suit, but he shall not twice recover the penalty for the same infringement.

The clerks of the courts of the United States, within 1 month after the filing of an action under this title shall give notice thereof in writing to the Commissioner, setting forth so far as known the names and addresses of the parties, name of the invention, and the dates of the issue of the patent upon which the action has been brought. If any such patent is subsequently included in the action the notice shall give notice thereof. Within 1 month after the decision is
referred or a judgment issued by the clerk of the court shall give notice thereof to the Commissioner. The Commissioner shall, on receipt of such notice, enter the same in the file of such patent.

§ 291. Interfering patents

The owner of an interfering patent may have relief against the owner of another 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.

§ 292. False marking

(a) Whoever, without the consent of the patentee, marks upon, or affixes to, or uses in advertising in connection with anything made, used, or sold by him, the name of any invention of the name of the patentee, the patent number, or the words "patent," "patented," or the like, with the intent to cause confusion or to promote the sale of 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.

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

Whoever marks upon, or affixes to, or uses in advertising in connection with any article, the words "patent applied for" or "patent pending," or any word or number importing that an application for a patent has been made, when no application for a 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 each 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.

§ 293. Nuisances patentee; service and notice

Every patentee not residing in the United States, his legal representatives and assigns, may sue for an injunction or other process against the person making or using the invention designated stating the name and address of a person residing within the United States on whom may be served process or notice of proceedings affecting the patent or rights thereunder. Such address shall be found at the address given in the last designation or if no person has been designated, the United States District Court for the District of Columbia shall have jurisdiction to name and summon such person and issue such process or notice of proceedings as the court may determine.

The court shall have the same jurisdiction to take any action respecting the patent or rights thereunder that it would have if the patentee was personally within the jurisdiction of the court.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EASEMENTS FOR RIGHTS-OF-WAY FOR THE TRANSMISSION OF ELECTRICITY ACROSS NATIONAL FOREST LANDS

The Clerk called the bill (H. R. 1243) to amend section 5 of the Act entitled "An act to credit certain service performed by employees of the postal service who are transferred from one position to another within the service for purposes of determining eligibility for promotion," approved June 19, 1948 (sec. 803, title 39, U. S. C. 407). It is hereby amended as follows:

Sec. 8. The rate of compensation of any employee in the postal service, except regular, temporary, or substitute rural carriers, who is transferred from one position to another within the service for purposes of determining eligibility for promotion, shall not be reduced as a result of employment in such capacities to a rate of compensation below the rate in effect at the time of such employment. In the case of any employee in the postal service who is assigned to serve any rural route, and who shall furnish the vehicle used in the performance of such service, shall receive the equipment and maintenance allowance provided for the route served, in addition to the compensation paid such employee.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REVISION OF REPORTING REQUIREMENTS FOR MAIL SCHEDULES

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EMERGENCY ASSIGNMENTS OF POSTAL EMPLOYEES TO RURAL FRANCHISES

The Clerk called the bill (H. R. 1204) to amend section 5 of the Act entitled "An act to credit certain service performed by employees of the postal service who are transferred from one position to another within the service for purposes of determining eligibility for promotion," approved June 19, 1948.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That section 5 of the Revised Statutes relating to the schedules of the arrival and departure of the mail, to require certain certificated mailmen to serve the postal service, and for other purposes.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That section 5841 of the Revised Statutes (sec. 7, title 30, U. S. C.) is hereby amended by adding the following sentence:

"A clerk in charge of a clerk in charge of a class of railway mail office, terminal railway mail office, or transfer office whether he perform service alone or has a crew of clerks under his supervision, or of a crew or a crew within a crew of a terminal railway mail office or transfer office.

Sec. 3. Section 3975 of the Revised Statutes (sec. 408, title 39, U. S. C.) is hereby amended to read as follows:

"Section 3975. The Postmaster General may, when necessary, by order, assign employees to transportation of the mails to and from any post office.

With the following committee amendment.

The amendment is as follows: On page 2, beginning with line 19, strike out through and including line 17, and insert:

"Sec. 3. Section 3975 of the Revised Statutes (sec. 412, title 39, U. S. C.) is hereby amended by striking out the section and adding:

The amendment as follows: On page 2, beginning with line 19, strike out through and including line 17, and insert:

"Sec. 3. Section 3975 of the Revised Statutes (sec. 412, title 39, U. S. C.) is hereby amended by striking out the section and adding:

The amendment as follows: On page 2, beginning with line 19, strike out through and including line 17, and insert:

"Sec. 3. Section 3975 of the Revised Statutes (sec. 412, title 39, U. S. C.) is hereby amended by striking out the section and adding:

The amendment as follows: On page 2, beginning with line 19, strike out through and including line 17, and insert:

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