

take testimony as to the operativeness of an opponent's device, pending a motion to dissolve the interference. *Barber v. Wood*, 127 O. G. 1991 (1907). Or from a decision of the Examiner of Interferences on a motion to shift the burden of proof, though the question will be considered on final hearing on priority. *Dukesmith v. Corrington*, 125 O. G. 348; *Hewitt v. Thomas, et al.*, 122 O. G. 1045 (1906); *McGill v. Adams*, 119 O. G. 1924 (1905); *Lowry v. Spoon*, 14 Gour. 52-7 (July, 1902). Or from a decision of the Examiner of Interferences refusing to require a party to file a supplemental oath. *Dukesmith v. Corrington*, 125 O. G. 348 (1906). Or the refusal of the Examiner of Interferences to grant a rehearing, though the right to a rehearing may be considered on appeal on the entire record. *Hewitt v. Thomas, et al.*, 122 O. G. 1045 (1906); *Dunbar v. Schellenger*, 121 O. G. 2663 (1906). Or from the granting or denying of a motion to extend time for filing a preliminary statement except where there is an abuse of discretion. *Ohmer v. Neth*, 118 O. G. 1686 (1905). Or from a decision of the Examiners in Chief reversing a decision of the Primary Examiner rejecting a count of the issue and refusing to dissolve the interference as to that count. *Coleman v. Bullard v. Struble*, 114 O. G. 973. Or from a favorable decision of the Examiner rendered on a motion to dissolve as to the sufficiency of an affidavit filed under Rule 75. *McChesley v. Kruger*, 101 O. G. 219; 1902 C. D. 349; *Byron v. Maxwell*, 105 O. G. 499 (1903). Or from a refusal of the Examiner to rehear a motion to dissolve. *Macy v. Laning*, 101 O. G. 1608; 1902 C. D. 399. Or from a decision of the Examiner denying a motion to amend under Rule 109, since appeal in such case is to the Board. *Hillard v. Eckert*, 101 O. G. 1831; 1902 C. D. 413.

257. Right to Make the Claims and Patentability of the Issue. No appeal lies to the Commissioner, inter partes, from a favorable decision of the Law Examiner

on the patentability of the issue or the right to make the claims. The Commissioner will interfere in such cases only to correct an error which is clear and evident. *Niedermeyer v. Wallon*, 98 O. G. 1707; 1902 C. D. 56; *Miskolczy v. Glebsattel*, 13 Gour. 19-6 (Apr., 1901); *Kempshall v. Seiberling*, 104 O. G. 1395 (1903); *Faller v. Lorimer*, 14 Gour. 50-2 and 3 (July, 1902); *Whipple v. Sharp*, 14 Gour. 66-2 (Sept., 1902); *Lammers v. Weinwurm*, 15 Gour. 66-2 (Sept., 1903). Notwithstanding numerous decision to the same effect, parties have persisted in many cases covering a period of years in such attempted appeals to the Commissioner. If upon motion to dissolve on the ground that a party has no right to make the claims, it is held that he has a right to make the claims, the party who is defeated on the motion need not appeal from such interlocutory judgment, but he may present the same question for review before the Examiner of Interferences, before the Examiners in Chief, before the Commissioner, and the Court of Appeals, D. C., as a question ancillary to that of priority. If the motion is sustained and the interference dissolved, there is then no question of priority to be determined because it has already been held that one of the parties has no right to make the claims and this holding is equivalent to saying that he never invented the issue and is therefore not entitled to a patent. Under the present Rule 124 he may appeal inter partes to the Examiners in Chief and from the Board he may appeal to the Commissioner. If the Commissioner holds that he has no right to make the claims, he can appeal no farther inter partes, but he has a right to further prosecute his application and if his claims are rejected and patent refused, he has a statutory right to appeal through the various tribunals of the Patent Office to the Court of Appeals, D. C. If he finally sustains his right to make the claims, the question of priority will again become an issue.

Where a motion to dissolve on the ground that the

issue is not patentable is denied, no appeal lies because, first, Rule 124 provides that no appeal lies from such decision, and, second, because whether the issue is patentable is a matter between the applicants and the office and is not a matter of controversy between the parties. If the interference is dissolved upon this ground, the party who makes the motion confesses thereby that he is not entitled to a patent, but the other party may appeal inter partes to the Examiners in Chief, and from them to the Commissioner. It may seem that there is no valid reason for inter partes appeals in such cases, as provided in Rule 124, but it may be deemed advisable that the moving party be heard for the assistance of the office, as was held in *Griffith v. Dodgson*, 116 O. G. 1731 (1905); *Lipe v. Miller*, 109 O. G. 1608; *Robbins v. Titus*, 111 O. G. 584; *Patterson v. Neher*, 192 O. G. 215 (1913). Whatever may be the reason for the provision, it is sufficient that the rule now in force so provides. It should be remembered that interlocutory motions, such as motions to dissolve, are creatures of the Rules of Practice of the Patent Office, and the rights of parties thereunder are not statutory rights, and where on such motions, which can be carried no farther than the Commissioner, the issue is held not patentable, the party has still the right to insist in the further ex parte prosecution of his application that the claims are patentable, and if his application is rejected for the reason that the claims are not patentable he has a statutory right of appeal to the various tribunals of the Patent Office and finally to the Court of Appeals, D. C., and thus he has had two series of appeals within the office on the patentability of the issue and finally a decision of the Court of Appeals thereon. As a practical matter it might be assumed that in the ex parte appeals, the decisions in the interference would be followed, but by this means he would finally secure a decision of the Court of Appeals on this question.

FORMS

IN THE UNITED STATES PATENT OFFICE.

Robert A. Jones,
Counterbalanced Crank Shaft,
Filed March 6, 1918,
Serial No. 120,256.

Commissioner of Patents,

SIR:

Affidavit of Priority.

STATE OF MICHIGAN, }
COUNTY OF WAYNE, } ss:

Now comes Robert A. Jones, the above-named applicant, and states that prior to January 5, 1917, the date of the filing of the application which matured into U. S. Patent No., issued February 5, 1918, to George A. Allen, the said applicant disclosed to others the invention described and claimed in his pending application, and had made working drawings thereof; that thereafter and long prior to the said filing date of January 5, 1917, the said applicant had a motor constructed including a counterbalanced crank shaft which was made in accordance with the drawings of the application herein involved; that in said counterbalanced crank shaft there were counterweights fixed securely thereto, each in substantial opposition to the off-center parts of the crank shaft which the counterweights were to counterbalance, said counterweights and crank shaft being formed with shoulders which engaged and opposed that movement of the counterweights relative to the crank shaft which centrifugal force tends to produce; that in said crank shaft a counterweight was fixedly secured between the crank arms of said crank shaft by two arms which strad-

dled the inner end of the crank arm and were formed with inwardly projecting lugs, the said crank arm having outwardly projecting lugs which respectively engaged the lugs on the two arms of the counterweight and opposed that movement of the counterweight relative to the crank shaft which centrifugal force tends to produce; that said shaft in addition to these inter engaging shoulders of the counterweight and shaft also was welded to the counterweight at the crank arm.

Deponent further states that said motor was put into actual use after a test and has been sold and is now in use commercially; that said test and actual use of the motor took place prior to the filing date of the Allen Patent, No., constituting a reference against the applicant's claims.

.....
 Subscribed and sworn to before me, a Notary Public,
 this day of

.....
Notary Public.

My Commission Expires.

IN THE UNITED STATES PATENT OFFICE.

JOHN FITCH }
 vs. } Interference No.
 ROBERT FULTON. }

Motion to Amend the Issue.

Now comes Robert Fulton, by his attorney, and moves to amend his application, serial No., involved in the above entitled interference, by adding thereto the following proposed claims:

(Here insert the claims it is desired to have entered.)

The foregoing claims are believed to be patentable, properly to describe the means disclosed by all parties and are deemed necessary to be counts of the interference in order that the question of priority respecting all pat-

entable means common to the parties may be adjudicated.

An amendment entitled in said application and containing the said proposed claims is filed herewith.

(If the proposed claims are copied from the application of another party, so state and identify them by their ordinals in that application.)

(If the proposed amendment is for the purpose of procuring another interference, as with a divisional application of one of the opposing parties, adjust the phraseology accordingly.)

.....
Attorney for Robert Fulton.

IN THE UNITED STATES PATENT OFFICE.

JOHN FITCH,
 vs.
ROBERT FULTON. } Interference No.

Motion to Substitute an Application.

Now comes John Fitch, by his attorney, and moves that his application, Serial No. be substituted for application, Serial No., now included in the above entitled interference. It is believed that the counts of the issue properly describe the means disclosed in the said application it is desired to substitute.

(If the moving party is an assignee and the application desired to be substituted is one of an inventor other than he whose application is already included, corresponding changes in the phraseology should be made.)

.....
Attorney for John Fitch.

IN THE UNITED STATES PATENT OFFICE.

JOHN DOE
 vs.
PETER SMITH. } Interference No.

Before the Examiner of Interferences.

Motion to Extend Time for Filing Preliminary Statement.

Now comes John Doe, one of the parties to the above entitled interference, by his attorney, and moves that his time for filing his preliminary statement herein be extended for a period of twenty days from Jan. 10, 1919. The reasons for asking said extension are set forth in the attached affidavit of John Doe, and are as follows: (Here state the reasons.) (See Rule 104.)

.....
Attorney for John Doe.

Note: One postponement of time for filing preliminary statements can ordinarily be secured by simple ex parte request.

Further postponements must usually be had by motion or stipulation.

A copy of the motion and notice of hearing should be served on opposing counsel, and proof of service filed.

(Title of case.)

BEFORE THE EXAMINER OF INTERFERENCES.

Motion to Amend Preliminary Statement.

And now comes the party, John Doe, by his attorney, and moves that he be permitted to amend his preliminary statement, now on file, in accordance with the preliminary statement submitted herewith, and in support of this motion files the attached affidavit of, setting forth the reasons for asking said permission to amend, which are as follows: (Set out the reasons.)

It is further moved that all other proceeding in this interference be stayed pending the determination of this motion.

.....
Attorney for John Doe.

Note: As to the character of showing required in the affidavit to accompany this motion, see Sec. 47.

A copy of the motion (including the affidavit) and notice of hearing, should be served on the other parties. Proof of service and notice of hearing should accompany the motion.

IN THE UNITED STATES PATENT OFFICE.

JOHN FITCH
vs.
ROBERT FULTON. } Interference No.

Motion to Dissolve Under Rule 122.

Now comes John Fitch, by his attorney, and moves to dissolve the above-entitled interference for the reasons:

1. That there has been such informality in declaring the interference as will preclude the proper determination of the question of priority of invention.

2. That the means defined in the several (or specified) counts of the issue is not patentable.

3. That the party Fulton has no right to make the claims corresponding to the several (or specified) counts of the issue.

In support of the foregoing motion and with respect to reason 1, it will be shown (Here state what the informality is that will be relied on, which must be a fact or facts independent of those relied on to support reasons 2 and 3).

With respect to reason 2 it will be contended that all of the counts (or certain specified counts) define means that are (here state the facts that are deemed to establish want of patentability; citing by name, date and number any patent deemed to be an anticipation or, if the several counts or any of them are deemed to cover aggregations, or mere substitutions or equivalents in old combinations, specifying the aggregated or substituted parts, and citing prior patent or publications to show that the parts or equivalent elements were known in the prior art. The facts relied on must be set forth with sufficient

particularity to enable the opposing party to prepare a defense and they must be different from facts relied on to support grounds 1 and 3. See Sec. 66).

With respect to reason 3, it will be contended that (Here set forth the facts relied on, as that the specification and drawing of the opposing party does not disclose a specified element of one or all of the counts, or that the disclosure is incomplete, or the means are inoperative and why; or that the patent is barred by a specified foreign patent to the same party, filed more than twelve months prior to the filing of the U. S. application. The facts to support ground 3 must be different from those given in support of grounds 1 and 2).

.....
Attorney for John Fitch.

Proof of service must be filed with all motions under Rules 109 and 122.

(Title of Case.)

Motion to Extend Time for Taking Testimony.

And now comes John Doe, by his attorney, and moves that the time for taking his testimony in chief be extended thirty days, and that the remaining dates and final hearing be correspondingly extended.

The reasons for requesting said extension are set forth in the accompanying affidavit of, and are as follows: (Here state the reasons.)

It is further moved that all other proceedings be stayed pending the determination of this motion. (This paragraph may be omitted if there are no other proceedings to be stayed.)

.....
Attorney for John Doe.

Note: Hearings can also be postponed and sometimes advanced by similar motion.

Limit of appeal can be extended by similar motion if made before limit expires.

A copy of the motion (including affidavit) and notice of hearing should be served on all other parties.

Proof of service and notice of hearing should accompany the motion when filed.

(Title of Case.)

BEFORE THE EXAMINER OF INTERFERENCES.

Motion to Use Testimony Taken in Another Interference.

And now comes John Doe, by his attorney, and moves that he be permitted to use as a part of the evidence in the above-entitled interference the testimony taken in interference No., *Brown v. Evans* (or if not all the testimony is to be used, specify the witnesses whose testimony is desired), subject to the right of the other parties herein to recall said witnesses, or to take other testimony in rebuttal thereof.

The reason for using said testimony is set forth in the accompanying affidavit of , and is as follows: (Here state the reasons.)

It is further moved that all other proceedings be stayed pending the determination of this motion.

.....
Attorney for John Doe.

Note: It should be stated in the affidavit how the testimony sought to be used is relevant and material.

A copy of the motion and notice of hearing should be served on all other parties.

Proof of service and notice of hearing should be filed with the motion.

(Title of Case.)

BEFORE THE EXAMINER OF INTERFERENCES.

Motion to Take Special Testimony.

And now comes John Doe, by his attorney, and moves that he be permitted to take testimony to prove that the device disclosed in the application of Peter Smith, is inoperative, and is not such a disclosure as is required by the statute.

The reason for asking permission to take said testimony is set forth in the accompanying affidavit of
., and is as follows: (Here set out the reason.)

It is further moved that all other proceedings herein be stayed pending the determination of this motion.

.....
Attorney for John Doe.

Note: Inoperativeness goes to the right to make the claims and a motion to dissolve on that ground should first be made. As to character of showing required, see Sec. 165.

A copy of the motion and notice of hearing should be served on all other parties.

Proof of service and notice of hearing should be filed with the motion.

(Title of Case.)

BEFORE THE EXAMINER OF INTERFERENCES.

Motion to Shift the Burden of Proof.

And now comes John Doe, by his attorney, and moves that the burden of proof in this interference be shifted to the senior party, Smith.

The reason the burden of proof should be so shifted is as follows:

(Here set forth the reasons relied upon.)

.....
Attorney for John Doe.

A copy of the motion and notice of hearing should be served on the opposing parties.

Proof of service and notice of hearing should accompany the motion when filed.

IN THE UNITED STATES PATENT OFFICE.

DOE }
vs. } Interference No.
SMITH. }

BEFORE THE EXAMINER OF INTERFERENCES.

Motion to Take Testimony Abroad.

Now comes the party Doe, by his attorney, and moves that in accordance with Rule 158, a commission be issued to the United States Consul at Manchester, England, to take the depositions of John Brown, of Number 27 Woodley Street, Manchester, England, and of, in behalf of John Doe, under interrogatories and cross-interrogatories to be filed by the attorneys for the parties Doe and Smith, respectively.

The particular facts to which it is expected the said Brown and will testify are: (Here set out the facts.) The affidavit of John Doe is filed herewith in support of this motion.

It is further moved that all other proceedings in this case be stayed pending the determination of this motion.

.....
Attorney for Doe.

Motion papers and notice of hearing should be served on other parties.

Proof of service and notice of hearing should accompany motion papers.

Note: To have this motion granted proof must be submitted that the amount of \$100.00 has been deposited with the State Department, through which department the papers are forwarded.

(Title of Case.)

BEFORE THE EXAMINER OF INTERFERENCES.

Motion for Judgment on the Record.

Comes now Robert A. Jones, the senior party to the above-entitled interference, and shows to the Examiner of Interferences that he is entitled to judgment on the record herein for the following reasons:

1. That by the provisions of your order of November 10, 1918, the junior party, Peter Smith, was given until February 15, 1919, within which to take his testimony in chief herein; that said time has never been extended by stipulation or otherwise and that said junior party has failed and refused to take testimony herein prior to Feb. 15, 1919, or at all.

Wherefore the said senior party moves for judgment on the record for the reasons hereinbefore stated.

.....
Attorney for Robert A. Jones.

STATE OF MICHIGAN, }
COUNTY OF WAYNE, } ss:

James Bradford, being duly sworn, deposes and says that he is attorney for Robert A. Jones, the senior party to the above-entitled interference, and that the facts set forth in the foregoing motion are true, as he is informed and believes.

.....
Subscribed and sworn to before me, a Notary Public, this day of

.....
Notary Public.

My Commission Expires

Note: A copy of the motion and notice of hearing should be served on the other party.

Proof of service and notice of hearing should be filed with the motion.

For decisions on motions of this character, see Secs. 237 to 241.

BEFORE THE EXAMINER OF INTERFERENCES.

Notice of Hearing.

To Messrs. Bradford & Bradford, Attorneys for Peter Smith, St. Paul, Bldg., Louisville, Ky.:

Please take notice that on Monday, November 3, 1919, at 10 o'clock a. m., or as soon thereafter as counsel can be heard, I shall present to the Honorable Examiner of Interferences the accompanying motion to

.....
Attorney for John Doe.

(Title of Case.)

BEFORE THE EXAMINER OF INTERFERENCES.

Proof of Service.

STATE OF MICHIGAN, }
COUNTY OF WAYNE, } ss:

James Bradford, being duly sworn, deposes and says; that he is the attorney for John Doe in the above interference; that on the 21st day of November, 1919, he sent to Messrs. Thomas & Miller, 35 Williams Street, New York City, attorneys for Peter Smith, a true copy of the annexed notice of taking testimony by depositing the said copy in the registry mail department of the general post office in the city of Detroit, State of Michigan, in a sealed envelope, postage prepaid, and addressed to the said Thomas & Miller, at the address aforesaid, registry receipt for which is hereto attached.

.....

Subscribed and sworn to before me, a Notary Public, this day of

My Commission Expires on the day of

(Title of Case.)

BEFORE THE EXAMINER OF INTERFERENCES.

Stipulation.

It is hereby stipulated and agreed by the attorneys for the respective parties to the above entitled interference, the Examiner of Interferences consenting thereto, that the several dates heretofore set for the taking of testimony, and final hearing, may be extended for thirty days.

.....

Attorney for John Doe.

New York, N. Y., Jan. 10, 1910.

.....

Attorney for Peter Smith.

Boston, Mass., Jan. 12, 1910.

Note: Time for filing preliminary statements, final hearing, interlocutory hearings and limit of appeal can be postponed by similar stipulation.

(Title of Case.)

BEFORE THE EXAMINER OF INTERFERENCES.

Motion to Dispense With Printing.

And now comes John Doe, one of the parties to the above-entitled interference, by his attorney, and moves that the printing of his testimony in this interference be dispensed with in accordance with Rule 162, for the following reasons: (Here set out the reasons) and he files herewith his verified statement setting forth the reasons for dispensing with such printing of the record.

(The affidavit in support of the motion should set forth the financial condition of the moving party with such particularity as to show that he is unable to defray the expense of printing the record.)

It is further moved that all other proceedings in this interference be stayed pending the determination of this motion.

.....
Attorney for John Doe.

Note: A copy of the motion and notice of hearing should be served on all other parties.

Proof of service and notice of hearing should be filed with the motion.

Printing of the record may be dispensed with by stipulation, if approved by the Commissioner.

(Title of Case.)

BEFORE THE EXAMINER OF INTERFERENCES.

Motion to Consolidate.

And now comes John Doe, one of the parties to the above entitled interference, by his attorney, and moves that this interference be consolidated with interference No., *vs.*, and No., *vs.*, and that said interferences be tried and determined as one interference, and that the times for taking testimony and the date of final hearing be set accordingly.

The reasons for consolidating said interferences are as follows:

(Here state clearly why the interferences should be consolidated.)

It is further moved that all other proceedings in said interferences be stayed pending the determination of this motion.

.....
Attorney for John Doe.

Note: A copy of the motion and notice of hearing should be served on all other parties.

Proof of service and notice of hearing should be filed with the motion.

The office aims to consolidate interferences when possible on its own motion.

Only interferences having the same parties, in the same order, and with closely related subject matter can be consolidated.

(Title of Case.)

BEFORE THE EXAMINER OF INTERFERENCES.

Motion to Suppress Testimony.

And now comes John Doe, by his attorney, and moves that certain parts of the testimony taken by Peter Smith or in his behalf on the 10th day of January, 1910, at, be suppressed and not considered in determining this interference. The testimony sought to be suppressed is as follows:

(Here set out or identify particularly the testimony to be suppressed.)

The following reasons are assigned for suppressing said testimony, to wit:

(Here set out the reasons for suppressing the testimony.)

It is further moved that all other proceedings in this interference be stayed pending the determination of this motion.

.....
Attorney for John Doe.

Note: A copy of the motion and notice of hearing should be served on all other parties.

Proof of service and notice of hearing should be filed with the motion.

(Title of Case.)

BEFORE THE EXAMINER OF INTERFERENCES.

Petition for Rehearing.

And now comes John Doe, one of the parties to the above entitled interference, and prays that the Examiner of Interferences reconsider his decision of the day of in so far as said decision related to (Set out the part of the decision to which exception is taken).

The grounds upon which a rehearing is asked are as follows: (Set out the various points to be considered, and if any point is based on matters not in the record, an affidavit in support of such facts should accompany the motion.)

(If the rehearing is on an interlocutory decision, add:)

It is further moved that all other proceedings herein be stayed pending the determination of this motion.

.....
Attorney for John Doe.

This is an ex parte matter. No notice other parties is necessary. If granted the office will set a date for hearing and notify the parties.

RULES OF PRACTICE
IN THE
UNITED STATES PATENT OFFICE.
REVISED JANUARY 1, 1916.

Since January 1, 1916, the Rules have been amended as follows:

Rule 12, June 9, 1916.

Rule 93, June 5, 1917.

Rule 77, June 19, 1917.

Rule 17, July 31, 1918, part (*h*) added.

Court Rule XXI, paragraph 4.

CORRESPONDENCE AND INTERVIEWS.

1. All business with the office should be transacted in writing. Unless by the consent of all parties, the action of the office will be based exclusively on the written record. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is a disagreement or doubt.

2. All office letters must be sent in the name of the "Commissioner of Patents." All letters and other communications intended for the office must be addressed to him; if addressed to any of the other officers, they will ordinarily be returned.

3. Express charges, freight, postage, and all other charges on matter sent to the Patent Office must be pre-paid in full; otherwise it will not be received.

4. The personal attendance of applicants at the Patent

Office is unnecessary. Their business can be transacted by correspondence.

5. The assignee of the entire interest of an invention is entitled to hold correspondence with the office to the exclusion of the inventor. (See Rule 20.)

6. When there has been an assignment of an undivided part of an invention, amendments and other actions requiring the signature of the inventor must also receive the written assent of the assignee; but official letters will only be sent to the post-office address of the inventor, unless he shall otherwise direct.

7. When an attorney shall have filed his power of attorney, duly executed, the correspondence will be held with him.

A double correspondence with the inventor and an assignee, or with a principal and his attorney, or with two attorneys, can not generally be allowed.

8. A separate letter should in every case be written in relation to each distinct subject of inquiry or application. Assignments for record, final fees, and orders for copies or abstracts must be sent to the office in separate letters.

Papers sent in violation of this rule will be returned.

9. When a letter concerns an application, it should state the name of the applicant, the title of the invention, the serial number of the application (see Rule 31), and the date of filing the same (see Rule 32).

10. When the letter concerns a patent, it should state the name of the patentee, the title of the invention, and the number and date of the patent.

11. No attention will be paid to unverified *ex parte* statements or protests of persons concerning pending applications to which they are not parties, unless information of the pendency of these applications shall have been voluntarily communicated by the applicants.

12. Mail reaching the post office at Washington, D. C., up to 4.30 p. m., on week days, excepting holidays, and

1 p. m. on half holidays, is entered as received in the Patent Office on the day it reaches the post office.

Special-delivery letters and other papers may be deposited in a box provided at the watchman's desk at the F Street entrance of the Patent Office up to midnight *on week-days, including holidays*, and all papers deposited therein are entered as received in the Patent Office on the day of deposit.

Letters received at the office will be answered, and orders for printed copies filled, without unnecessary delay. Telegrams, if not received before 3 o'clock p. m., can not ordinarily be answered until the following day.

13. Interviews with examiners concerning applications and other matters pending before the office must be had in the examiners' rooms at such times, within office hours, as the respective examiners may designate, in the absence of the primary examiners, with the assistant in charge. Interviews will not be permitted at any other time or place without the written authority of the Commissioner. Interviews for the discussion of pending applications will not be had prior to the first official action thereon.

INFORMATION TO CORRESPONDENTS.

14. The office can not respond to inquiries as to the novelty of an alleged invention in advance of the filing of an application for a patent, nor to inquiries propounded with a view to ascertaining whether any alleged improvements have been patented, and, if so, to whom; nor can it act as an expounder of the patent law, nor as counsellor for individuals, except as to questions arising within the office.

Of the propriety of making an application for a patent, the inventor must judge for himself. The office is open to him, and its records and models pertaining to all patents granted may be inspected either by himself or by any attorney or expert he may call to his aid, and its re-

ports are widely distributed. (See Rule 196.) Further than this the office can render him no assistance until his case comes regularly before it in the manner prescribed by law. A copy of the rules, with this section marked, sent to the individual making an inquiry of the character referred to, is intended as a respectful answer by the office.

Examiners' digests are not open to public inspection.

15. Pending applications are preserved in secrecy. No information will be given, without authority, respecting the filing by any particular person of an application for a patent or for the reissue of a patent, the pendency of any particular case before the office, or the subject matter of any particular application, unless it shall be necessary to the proper conduct of business before the office, as provided by Rules 97, 103, and 108, *except that authorized officers of the Army and Navy will be allowed during the war to inspect cases which in the opinion of the Commissioner disclose inventions that might be of value in the prosecution of the war, after having filed a duly executed oath with the Commissioner that no contents of any application will be divulged except as it may become necessary in the prosecution of the war.*

16. After a patent has issued, the model, specification, drawings, and all documents relating to the case are subject to general inspection, and copies, except of the model, will be furnished at the rates specified in Rule 191.

ATTORNEYS.

17. An applicant or an assignee of the entire interest may prosecute his own case, but he is advised, unless familiar with such matters, to employ a competent patent attorney, as the value of patents depends largely upon the skillful preparation of the specification and claims. The office can not aid in the selection of an attorney.

A register of attorneys will be kept in this office, on which will be entered the names of all persons entitled to

represent applicants before the Patent Office in the presentation and prosecution of applications for patent. The names of persons in the following classes will, upon their written request, be entered upon this register:

(*a*) Any attorney at law who is in good standing in any court of record in the United States or any of the States or Territories thereof and who shall furnish a certificate of the clerk of such United States, State, or Territorial court, duly authenticated under the seal of the court, that he is an attorney in good standing.

(*b*) Any person not an attorney at law who is a citizen or resident of the United States and who shall file proof to the satisfaction of the Commissioner that he is of good moral character and of good repute and possessed of the necessary legal and technical qualifications to enable him to render applicants for patents valuable service and is otherwise competent to advise and assist them in the presentation and prosecution of their applications before the Patent Office.

(*c*) Any foreign patent attorney not a resident of the United States, who shall file proof to the satisfaction of the Commissioner that he is registered and in good standing before the patent office of the country of which he is a citizen or subject, and is possessed of the qualifications stated in paragraph (*b*).

(*d*) Any firm will be registered which shall show that the individual members composing the firm are each and all registered under the provisions of the preceding sections.

(*e*) The Commissioner may require proof of qualifications other than those specified in paragraph (*a*) and reserves the right to decline to recognize any attorney, agent, or other person applying for registration under this rule.

(*f*) Any person or firm not registered and not entitled to be recognized under this rule as an attorney or agent to represent applicants generally may, upon a showing

of circumstances which render it necessary or justifiable, be recognized by the Commissioner to prosecute as attorney or agent certain specified application or applications, but this limited recognition shall not extend further than the application or applications named.

(g) No person not registered or entitled to recognition as above provided will be permitted to prosecute applications before the Patent Office.

(h) Every attorney registered to practice before the United States Patent Office shall submit to the Commissioner of Patents for approval copies of all proposed advertising matter, circulars, letters, cards, etc., intended to solicit patent business, and if it be not disapproved by him and the attorney so notified within 10 days after submission, it may be considered approved.

Any registered attorney sending out or using any such matter, a copy of which has not been submitted to the Commissioner of Patents in accordance with this rule, or which has been disapproved by the Commissioner of Patents, shall be subject to suspension or disbarment, so that the rule as amended will read as follows:

18. Before any attorney, original or associate, will be allowed to inspect papers or take action of any kind, his power of attorney must be filed. But general powers given by a principal to an associate can not be considered. In each application the written authorization must be filed. A power of attorney purporting to have been given to a firm or copartnership will not be recognized, either in favor of the firm or of any of its members, unless all its members be named in such power of attorney.

19. Substitution or association can be made by an attorney upon the written authorization of his principal; but such authorization will not empower the second agent to appoint a third.

20. Powers of attorney may be revoked at any stage in the proceedings of a case upon application to and approval by the Commissioner; and when so revoked the

office will communicate directly with the applicant, or another attorney appointed by him. An attorney will be promptly notified by the docket clerk of the revocation of his power of attorney. An assignment will not operate as a revocation of the power previously given, but the assignee of the entire interest may be represented by an attorney of his own selection.

21. Parties or their attorneys will be permitted to examine their cases in the attorneys' room, but not in the rooms of the examiners. Personal interviews with examiners will be permitted only as hereinbefore provided. (See Rule 13.)

22. (a) Applicants and attorneys will be required to conduct their business with the office with decorum and courtesy. Papers presented in violation of this requirement will be submitted to the Commissioner, and returned by his direct order.

(b) Complaints against examiners and other officers must be made in communications separate from other papers, and will be promptly investigated.

(c) For gross misconduct the Commissioner may refuse to recognize any person as a patent agent, either generally or in any particular case; but the reasons for the refusal will be duly recorded and be subject to the approval of the Secretary of the Interior.

(d) The Secretary of the Interior may, after notice and opportunity for a hearing, suspend or exclude from further practice before the Patent Office any person, firm, corporation, or association shown to be incompetent, disreputable, or refusing to comply with the rules and regulations thereof, or with intent to defraud, in any manner deceiving, misleading, or threatening any claimant or prospective claimant, by word, circular, letter, or by advertisement, or guaranteeing the successful prosecution of any application for patent or the procurement of any patent, or by word, circular, letter, or advertise-

ment making any false promise or misleading representation (Sec. 5, act approved July 4, 1884.)

23. Inasmuch as applications can not be examined out of their regular order, except in accordance with the provisions of Rule 63, and Members of Congress can neither examine nor act in patent cases without written powers of attorney, applicants are advised not to impose upon Senators or Representatives labor which will consume their time without any advantageous results.

APPLICANTS.

24. A patent may be obtained by any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement thereof, not known or used by others in this country before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country before his invention or discovery thereof, or more than two years prior to his application, and not patented in a country foreign to the United States on an application filed by him or his legal representatives or assigns more than twelve months before his application, and not in public use or on sale in the United States for more than two years prior to his application, unless the same is proved to have been abandoned, upon payment of the fees required by law and other due proceedings had. (For designs, see Rule 79.)

25. In case of the death of the inventor, the application will be made by and the patent will issue to his executor or administrator. In that case the oath required by Rule 46 will be made by the executor or administrator. In case of the death of the inventor during the time intervening between the filing of his application and the granting of a patent thereon, the letters patent will issue to the executor or administrator upon proper intervention by him. The executor or administrator duly authorized under the law of any foreign country to admin-

ister upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by certificate of a diplomatic or consular officer of the United States.

In case an inventor become insane, the application may be made by and the patent issued to his legally appointed guardian, conservator, or representative, who will make the oath required by Rule 46.

26. In case of an assignment of the whole interest in the invention, or of the whole interest in the patent to be granted, the patent will, upon request of the applicant embodied in the assignment, issue to the assignee; and if the assignee hold an undivided part interest, the patent will, upon like request, issue jointly to the inventor and the assignee; but the assignment in either case must first have been entered of record, and at a day not later than the date of the payment of the final fee (see Rule 188); and if it be dated subsequently to the execution of the application, it must give the date of execution of the application, or the date of filing, or the serial number, so that there can be no mistake as to the particular invention intended. The application and oath must be signed by the actual inventor, if alive, even if the patent is to issue to an assignee (see Rules 30, 40); if the inventor be dead, the application may be made by the executor or administrator.

27. If it appear that the inventor, at the time of making his application, believed himself to be the first inventor or discoverer, a patent will not be refused on account of the invention or discovery, or any part thereof, having been known or used in any foreign country before his invention or discovery thereof, if it had not been before patented or described in any printed publication.

28. Joint inventors are entitled to a joint patent;

neither of them can obtain a patent for an invention jointly invented by them. Independent inventors of distinct and independent improvements in the same machine can not obtain a joint patent for their separate inventions. The fact that one person furnishes the capital and another makes the invention does not entitle them to make an application as joint inventors; but in such case they may become joint patentees, upon the conditions prescribed in Rule 26.

29. No person otherwise entitled thereto shall be debarred from receiving a patent for his invention or discovery by reason of its having been first patented or caused to be patented by the inventor or his legal representatives or assigns in a foreign country, unless the application for said foreign patent was filed more than twelve months prior to the filing of the application in this country, in which case no patent shall be granted in this country.

An application for patent filed in this country by any person who has previously regularly filed an application for a patent for the same invention or discovery in a foreign country which, by treaty, convention, or law, affords similar privileges 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 or discovery 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 upon such application if the invention or discovery has been patented or described in a printed publication in this or any foreign country, or has been in public use or on sale in this country, for more than two years prior to the date of filing in this country.

THE APPLICATION.

30. Applications for letters patent of the United States must be made to the Commissioner of Patents, and must be signed by the inventor, or by one of the persons indicated in Rule 25. (See Rules 26, 33, 40, 46.) A complete application comprises the first fee of \$15, a petition, specification, and oath; and drawings, when required. (See Rule 49.) The petition, specification, and oath must be in the English language. All papers which are to become a part of the permanent records of the office must be legibly written or printed in permanent ink.

31. An application for a patent will not be placed upon the files for examination until all its parts as required by Rule 30 shall have been received.

Every application signed or sworn to in blank, or without actual inspection by the applicant of the petition and specification, and every application altered or partly filled up after being signed or sworn to, will be stricken from the files.

Completed applications are numbered in regular order, the present series having been commenced on the 1st of January, 1915.

The applicant will be informed of the serial number of his application.

The application must be completed and prepared for examination within one year, as indicated above, and in default thereof, or upon failure of the applicant to prosecute the same within one year after any action thereon (Rule 77), of which notice shall have been duly mailed to him or his agent, the application will be regarded as abandoned, unless it shall be shown to the satisfaction of the Commissioner that such delay was unavoidable. (See Rules 171 and 172.)

32. It is desirable that all parts of the complete application be deposited in the office at the same time, and that all the papers embraced in the application be attached together; otherwise a letter must accompany each

part, accurately and clearly connecting it with the other parts of the application. (See Rule 10.)

THE PETITION.

33. The petition must be addressed to the Commissioner of Patents, and must state the name, residence, and post-office address of the petitioner requesting the grant of a patent, designate by title the invention sought to be patented, contain a reference to the specification for a full disclosure of such invention, and must be signed by the inventor or one of the persons indicated in Rule 25.

THE SPECIFICATION.

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

35. The specification must set forth the precise invention for which a patent is solicited, and explain the principle thereof, and the best mode in which the applicant has contemplated applying that principle, in such manner as to distinguish it from other inventions.

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

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

38. When there are drawings the description shall refer to the different views by figures and to the different parts by letters or numerals (preferably the latter).

39. The following order of arrangement should be observed in framing the specification:

(a) Preamble stating the name and residence of the applicant and the title of the invention.

(b) General statement of the object and nature of the invention.

(c) Brief description of the several views of the drawings (if the invention admit of such illustration).

(d) Detailed description.

(e) Claim or claims.

(f) Signature of applicant.

40. The specification must be signed by the inventor or one of the persons indicated in Rule 25. Full names must be given, and all names must be legibly written.

41. Two or more independent inventions can not be claimed in one application; but where several distinct inventions are dependent upon each other and mutually contribute to produce a single result they may be claimed in one application.

42. If several inventions, claimed in a single application, be of such a nature that a single patent may not be issued to cover them, the inventor will be required to limit the description, drawing, and claim of the pending application to whichever invention he may elect. The other inventions may be made the subjects of separate applications, which must conform to the rules applicable to original applications. If the independence of the inventions be clear, such limitation will be made before any action upon the merits; otherwise it may be made at any time before final action thereon, in the discretion of the examiner. A requirement of division will not be repeated without the written approval of a law examiner. After a final requirement of division, the applicant may elect to prosecute one group of claims, retaining the re-

maintaining claims in the case with the privilege of appealing from the requirement of division after final action by the examiner on the group of claims prosecuted.

43. When an applicant files two or more applications relating to the same subject matter of invention, all showing but only one claiming the same thing, the applications not claiming it must contain references to the application claiming it.

44. A reservation for a future application of subject matter disclosed but not claimed in a pending application will not be permitted in the pending application.

45. The specification and claims must be plainly written or printed on but one side of the paper. All interlineations and erasures must be clearly referred to in marginal or foot notes on the same sheet of paper. Legal-cap paper with the lines numbered is deemed preferable, and a wide margin must always be reserved upon the left-hand side of the page.

THE OATH.

46. The applicant, if the inventor, must make oath or affirmation that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement for which he solicits a patent; that he does not know and does not believe that the same was ever known or used before his invention or discovery thereof, and shall state of what country he is a citizen and where he resides, and whether he is a sole or joint inventor of the invention claimed in his application. In every original application the applicant must distinctly state under oath that to the best of his knowledge and belief the invention has not been in public use or on sale in the United States for more than two years prior to his application, or patented or described in any printed publication in any country before his invention or more than two years prior to his application, or patented in any foreign country on an

application filed by himself or his legal representatives or assigns more than twelve months prior to his application in this country. If any application for patent has been filed in any foreign country by the applicant in this country, or by his legal representatives or assigns, prior to his application in this country, he shall state the country or countries in which such application has been filed, giving the date of such application, and shall also state that no application has been filed in any other country or countries than those mentioned, and if no application for patent has been filed in any foreign country, he shall so state. This oath must be subscribed to by the affiant.

If the application be made by an executor or administrator of a deceased person or the guardian, conservator, or representative of an insane person, the oath shall allege the relationship of the affiant to the inventor and, upon information and belief, the facts which the inventor is required by this rule to make oath to.

The Commissioner may require an additional oath in cases where the applications have not been filed in the Patent Office within a reasonable time after the execution of the original oath.

47. The oath or affirmation may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public, judge, or magistrate 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 diplomatic or consular officer of the United States, the oath being attested in all cases in this and other countries, by the proper official seal of the officer before whom the oath or affirmation is made, except that no oath or affirmation may be administered by any attorney appearing in the case. When the person

before whom the oath or affirmation is made in this country is not provided with a seal, his official character shall be established by competent evidence, as by a certificate from a clerk of a court of record or other proper officer having a seal.

When the oath is taken before an officer in a country foreign to the United States, all the application papers must be attached together and a ribbon passed one or more times through all the sheets of the application, and the ends of said ribbon brought together under the seal before the latter is affixed and impressed, or each sheet must be impressed with the official seal of the officer before whom the oath was taken.

48. When an applicant presents a claim for matter originally shown or described but not substantially embraced in the statement of invention or claim originally presented, he shall file a supplemental oath to the effect that the subject matter of the proposed amendment was part of his invention, was invented before he filed his original application, was not known or used before his invention, was not patented or described in a printed publication in any country more than two years before his application, was not patented in any foreign country on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application, was not in public use or on sale in this country for more than two years before the date of his application, and has not been abandoned. Such supplemental oath must be attached to and properly identify the proposed amendment.

In proper cases the oath here required may be made by an executor or administrator of a deceased person or a guardian, conservator, or representative of an insane person. (See Rule 46.)

THE DRAWINGS.

49. The applicant for a patent is required by law to furnish a drawing of his invention whenever the nature of the case admits of it.

50. The drawing may be signed by the inventor or one of the persons indicated in Rule 25, or the name of the applicant may be signed on the drawing by his attorney in fact. The drawing must show every feature of the invention covered by the claims, and the figures should be consecutively numbered, if possible. When the invention consists of an improvement of an old machine the drawing must exhibit, in one or more views, the invention itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

51. Two editions of patent drawings are printed and published—one for office use, certified copies, etc., of the size and character of those attached to patents, the work being about 6 by 9½ inches; and one reduction of a selected portion of each drawing for the Official Gazette.

52. This work is done by the photolithographic process, and therefore the character of each original drawing must be brought as nearly as possible to a uniform standard of excellence, suited to the requirements of the process, to give the best results, in the interests of inventors, of the office, and of the public. The following rules will therefore be rigidly enforced, and any departure from them will be certain to cause delay in the examination of an application for letters patent:

(a) Drawings must be made upon pure white paper of a thickness corresponding to two-sheet or three-sheet Bristol board. The surface of the paper must be calendered and smooth. India ink alone must be used, to secure perfectly black and solid lines.

(b) The size of a sheet on which a drawing is made must be exactly 10 by 15 inches. One inch from its edges

a single marginal line is to be drawn, leaving the "sight" precisely 8 by 13 inches. Within this margin all work and signatures must be included. One of the shorter sides of the sheet is regarded as its top, and measuring downwardly from the marginal line, a space of not less than $1\frac{1}{4}$ inches is to be left blank for the heading of title, name, number, and date.

(c) All drawings must be made with the pen only. Every line and letter (signatures included) must be absolutely black. This direction applies to all lines, however fine, to shading, and to lines representing cut surfaces in sectional views. All lines must be clean, sharp, and solid, and they must not be too fine or crowded. Surface shading, when used, should be open. Sectional shading should be made by oblique parallel lines, which may be about one-twentieth of an inch apart. Solid black should not be used for sectional or surface shading. Free-hand work should be avoided wherever it is possible to do so.

(d) Drawings should be made with the fewest lines possible consistent with clearness. By the observance of this rule the effectiveness of the work after reduction will be much increased. Shading (except on sectional views) should be used only on convex and concave surfaces, where it should be used sparingly, and may even there be dispensed with if the drawing be otherwise well executed. The plane upon which a sectional view is taken should be indicated on the general view by a broken or dotted line, which should be designated by numerals corresponding to the number of the sectional view. Heavy lines on the shade sides of objects should be used, except where they tend to thicken the work and obscure letters of reference. The light is always supposed to come from the upper left-hand corner at an angle of 45 degrees.

(e) The scale to which a drawing is made ought to be large enough to show the mechanism without crowding, and two or more sheets should be used if one does not

give sufficient room to accomplish this end; but the number of sheets must never be more than is absolutely necessary.

(*f*) The different views should be consecutively numbered. Letters and figures of reference must be carefully formed. They should, if possible, measure at least one-eighth of an inch in height, so that they may bear reduction to one twenty-fourth of an inch; and they may be much larger when there is sufficient room. They must be so placed in the close and complex parts of drawings as not to interfere with a thorough comprehension of the same, and therefore, should rarely cross or mingle with the lines. When necessarily grouped around a certain part they should be placed at a little distance, where there is available space, and connected by lines with the parts to which they refer. They should not be placed upon shaded surfaces, but when it is difficult to avoid this, a blank space must be left in the shading where the letter occurs, so that it shall appear perfectly distinct and separate from the work. If the same part of an invention appear in more than one view of the drawing it must always be represented by the same character, and the same character must never be used to designate different parts.

(*g*) The signature of the applicant should be placed at the lower right-hand corner of each sheet, and the signatures of the witnesses, if any, at the lower left-hand corner, all within the marginal line, but in no instance should they trespass upon the drawings. (See specimen drawing, appendix.) The title should be written with pencil on the back of the sheet. The permanent names and title constituting the heading will be applied subsequently by the office in uniform style.

(*h*) All views on the same sheet must stand in the same direction and must if possible stand so that they can be read with the sheet held in an upright position. If views longer than the width of the sheet are necessary

for the proper illustration of the invention the sheet may be turned on its side. The space for heading must then be reserved at the right and the signatures placed at the left, occupying the same space and position as in the upright views and being horizontal when the sheet is held in an upright position. One figure must not be placed upon another or within the outline of another.

(i) As a rule, one view only of each invention can be shown in the Gazette illustrations. The selection of that portion of a drawing best calculated to explain the nature of the specific improvement would be facilitated and the final result improved by the judicious execution of a figure with express reference to the Gazette, but which must at the same time serve as one of the figures referred to in the specification. For this purpose the figure may be a plan, elevation, section, or perspective view, according to the judgment of the draftsman. All its parts should be especially open and distinct, with very little or no shading, and it must illustrate the invention claimed only, to the exclusion of all other details. (See specimen drawing.) When well executed, it will be used without curtailment or change, but any excessive fineness, or crowding, or unnecessary elaborateness of detail will necessitate its exclusion from the Gazette.

(j) Drawings transmitted to the office should be sent flat, protected by a sheet of heavy binder's board; or should be rolled for transmission in a suitable mailing tube, but should never be folded.

(k) An agent's or attorney's stamp, or advertisement, or written address will not be permitted upon the face of a drawing, within or without the marginal line.

53. All reissue applications must be accompanied by new drawings, of the character required in original applications, and the inventor's name must appear upon the same in all cases; and such drawings shall be made upon the same scale as the original drawing, or upon a

larger scale, unless a reduction of scale shall be authorized by the Commissioner.

54. The foregoing rules relating to drawings will be rigidly enforced. A drawing not executed in conformity thereto may be admitted for purposes of examination if it sufficiently illustrate the invention, but in such case the drawing must be corrected or a new one furnished before the application will be allowed. The necessary corrections will be made by the office, upon applicant's request and at his expense. (See Rule 72.)

55. Applicants are advised to employ competent draftsmen to make their drawings.

The office will furnish the drawings at cost, as promptly as its draftsmen can make them, for applicants who can not otherwise conveniently procure them.

THE MODEL.

56. A model will be required or admitted as a part of the application only when on examination of the case in its regular order the primary examiner shall find it to be necessary or useful. In such case, if a model has not been furnished, the examiner shall notify the applicant of such requirement, which will constitute an official action in the case. When a model has been received in compliance with the official requirement, the date of its filing shall be entered on the file wrapper. Models not required nor admitted will be returned to the applicants. When a model is required, the examination may be suspended until it shall have been filed.

57. The model must clearly exhibit every feature of the machine which forms the subject of a claim of invention, but should not include other matter than that covered by the actual invention or improvement, unless it be necessary to the exhibition of the invention in a working model.

58. The model must be neatly and substantially made of durable material, metal being deemed preferable; but

when the material forms an essential feature of the invention, the model should be constructed of that material.

59. A working model may be required if necessary to enable the office fully and readily to understand the precise operation of the machine.

60. In all applications which have become abandoned, the model, unless it be deemed necessary that it be preserved in the office, may be returned to the applicant upon demand and at his expense; and the model in any pending case of less than one year's standing may be returned to the applicant upon the filing of a formal abandonment of the application, signed by the applicant in person and any assignee. (See Rule 171.)

Models belonging to patented cases shall not be taken from the office except in the custody of some sworn employee of the office specially authorized by the Commissioner.

61. Models filed as exhibits in contested cases may be returned to the parties at their expense. If not claimed within a reasonable time, they may be disposed of at the discretion of the Commissioner.

SPECIMENS.

62. When the invention or discovery is a composition of matter, the applicant, if required by the Commissioner, shall furnish specimens of the composition, and of its ingredients, sufficient in quantity for the purpose of experiment. In all cases where the article is not perishable, a specimen of the composition claimed, put up in proper form to be preserved by the office, must be furnished. (Rules 56, 60, and 61 apply to specimens also.)

THE EXAMINATION.

63. Applications filed in the Patent Office are classified according to the various arts, and are taken up for examination in regular order of filing, those in the same

class of invention being examined and disposed of, so far as practicable, in the order in which the respective applications have been completed.

Applications which have been put into condition for further action by the examiner shall be entitled to precedence over new applications in the same class of invention.

The following cases have preference over all other cases at every period of their examination in the order enumerated:

(*a*) Applications wherein the inventions are deemed of peculiar importance to some branch of the public service, and when for that reason the head of some department of the Government requests immediate action and the Commissioner so orders; but in this case it shall be the duty of the head of that department to be represented before the Commissioner in order to prevent the improper issue of a patent.

(*b*) Applications for reissues.

(*c*) Cases remanded by an appellate tribunal for further action, and statements of grounds of decisions provided for in Rules 135 and 142.

(*d*) Applications which appear to interfere with other applications previously considered and found to be allowable, or which it is demanded shall be placed in interference with an unexpired patent or patents.

(*e*) Applications which have been renewed or revived, but the subject matter not changed.

(*f*) Applications filed more than twelve months after the filing of an application for the same invention in a foreign country.

Applications will not be advanced for examination excepting upon order of the Commissioner either to expedite the business of the office or upon a verified showing that delay will probably cause the applicant serious and irreparable injury.

64. Where the specification and claims are such that

the invention may be readily understood, the examination of a complete application and the action thereon will be directed throughout to the merits; but in each letter the examiner shall state or refer to all his objections.

Only in applications found by the examiner to present patentable subject matter and in applications on which appeal is taken to the examiners in chief will requirements in matters of form be insisted on. (See Rules 95 and 134.)

REJECTIONS AND REFERENCES.

65. Whenever, on examination, any claim of an application is rejected for any reason whatever, the applicant will be notified thereof. The reasons for the rejection will be fully and precisely stated, and such information and references will be given as may be useful in aiding the applicant to judge of the propriety of prosecuting his application or of altering his specification, and if, after receiving this notice, he shall persist in his claim, with or without altering his specification, the application will be reexamined. If upon reexamination the claim shall be again rejected, the reasons therefor will be fully and precisely stated.

66. Upon taking up an application for action on the merits the examiner shall make a thorough investigation of the prior art with respect to the invention sought to be protected in the application. Upon the rejection of an application for want of novelty, the examiner must cite the best references at his command. When the reference shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of the reference, if not obvious, must be clearly explained and the anticipated claim specified.

If domestic patents be cited, their dates and numbers, the names of the patentees, and the classes of invention

must be stated. If foreign patents be cited, their dates and numbers, the names of the patentees, and the classes of inventions must be stated, and such other data must be furnished as may be necessary to enable the applicant to identify the patents cited. In citing foreign patents the number of sheets of drawing involving the parts relied upon for anticipation must be specified, and in case part only of the patent be involved, the particular sheets of the drawing containing the parts relied upon must be identified by number, or by stating the numbers of the figures involved. If printed publications be cited, the title, date, page or plate, author, and place of publication, or place where a copy can be found, shall be given. When reference is made to facts within the personal knowledge of an employee of the office, the data shall be as specific as possible, and the reference must be supported, when called for, by the affidavit of such employee (Rule 76); such affidavit shall be subject to contradiction, explanation, or corroboration by the affidavits of the applicant and other persons. If the patent, printed matter, plates, or drawings so referred to are in the possession of the office, copies will be furnished at the rate specified in Rule 191, upon the order of the applicant.

67. Whenever, in the treatment of an *ex parte* application, an adverse decision is made upon any preliminary or intermediate question, without the rejection of any claim, notice thereof, together with the reasons therefor, will be given to the applicant, in order that he may judge of the propriety of the action. If, after receiving this notice, he traverse the propriety of the action, the matter will be reconsidered.

AMENDMENTS AND ACTIONS BY APPLICANTS.

68. The applicant has a right to amend before or after the first rejection or action; and he may amend as often as the examiner presents new references or reasons for rejection. In so amending the applicant must clearly

point out all the patentable novelty which he thinks the case presents in view of the state of the art disclosed by the references cited or the objections made. He must also show how the amendments avoid such references or objections.

After such action upon an application as will entitle the applicant to an appeal to the examiners in chief (Rule 134), or after appeal has been taken, amendments canceling claims or presenting those rejected in better form for consideration on appeal may be admitted; but the admission of such an amendment or its refusal, and any proceedings relative thereto, shall not operate to relieve the application from its condition as subject to appeal, or to save it from abandonment under Rule 171. If amendments touching the merits of the application be presented after the case is in condition for appeal, or after appeal has been taken, they may be admitted upon a showing, duly verified, of good and sufficient reasons why they were not earlier presented. From the refusal of the primary examiner to admit an amendment a petition will lie to the Commissioner under Rule 142. No amendment can be made in appealed cases between the filing of the examiner's statement of the grounds of his decision (Rule 135) and the decision of the appellate tribunal. After decision on appeal amendments can only be made as provided in Rule 140, or to carry into effect a recommendation under Rule 139.

69. In order to be entitled to the reexamination or reconsideration provided for in Rules 65 and 67 the applicant must make request therefor in writing, and he must distinctly and specifically point out the supposed errors in the examiner's action; the applicant must respond to every ground of objection and rejection of the prior office action except as provided in Rule 64, and the applicant's action must appear throughout to be a *bona fide* attempt to advance the case to final action. The mere allegation that the examiner has erred will not be received

as a proper reason for such reexamination or reconsideration.

70. In original applications all amendments of the drawings or specifications, and all additions thereto, must conform to at least one of them as it was at the time of the filing of the application. Matter not found in either, involving a departure from the original invention, can not be added to the application even though supported by a supplemental oath, and can be shown or claimed only in a separate application.

71. The specification and drawing must be amended and revised when required, to correct inaccuracies of description or unnecessary prolixity, and to secure correspondence between the claim, the specification, and the drawing. But no change in the drawing may be made except by written permission of the office and after a photographic copy of the drawing as originally presented has been filed.

72. After the completion of the application the office will not return the specification for any purpose whatever. If applicants have not preserved copies of the papers which they wish to amend, the office will furnish them on the usual terms.

The drawing may be withdrawn only for such corrections as can not be made by the office; but a drawing can not be withdrawn unless a photographic copy has been filed and accepted by the examiner as a part of the application. Permissible changes in the construction shown in any drawing may be made only by the office and after an approved photographic copy has been filed. Substitute drawings will not be admitted in any case unless required by the office.

73. In every amendment the exact word or words to be stricken out or inserted in the application must be specified and the precise point indicated where the erasure or insertion is to be made. All such amendments must be on sheets of paper separate from the papers previously

filed, and written on but one side of the paper. Erasures, additions, insertions, or mutilations of the papers and records must not be made by the applicant.

Amendments and papers requiring the signature of the applicant must also, in case of assignment of an undivided part of the invention, be signed by the assignee. (Rules 6, 107.)

74. When an amendatory clause is amended it must be wholly rewritten, so that no interlineation or erasure shall appear in the clause as finally amended, when the application is passed to issue. If the number or nature of the amendments shall render it otherwise difficult to consider the case, or to arrange the papers for printing or copying, the examiner may require the entire specification to be rewritten.

75. When an original or reissue application is rejected on reference to an expired or unexpired domestic patent which substantially shows or describes but does not claim the rejected invention, or on reference to a foreign patent or to a printed publication, and the applicant shall make oath to facts showing a completion of the invention in this country before the filing of the application on which the domestic patent issued, or before the date of the foreign patent, or before the date of the printed publication, and shall also make oath that he does not know and does not believe that the invention has been in public use or on sale in this country, or patented or described in a printed publication in this or any foreign country for more than two years prior to his application, and that he has never abandoned the invention, then the patent or publication cited shall not bar the grant of a patent to the applicant, unless the date of such patent or printed publication be more than two years prior to the date on which application was filed in this country.

76. When an application is rejected on reference to an expired or unexpired domestic patent which shows or describes but does not claim the invention, or on reference

to a foreign patent, or to a printed publication, or to facts within the personal knowledge of an employee of the office, set forth in an affidavit (when requested) of such employee (Rule 66), or when rejected on the ground of public use or sale, or upon a mode or capability of operation attributed to a reference or because the alleged invention is held to be inoperative or frivolous or injurious to public health or morals, affidavits or depositions supporting or traversing these references or objections may be received, but affidavits will not be received in other cases without special permission of the Commissioner. (See Rule 138.)

77. If an applicant neglect to prosecute his application for one year after the date when the last official notice of any action by the office was mailed to him, the application will be held to be abandoned, as set forth in Rule 171.

Suspensions will only be granted for good and sufficient cause, and for a reasonable time specified. Only one suspension may be granted by the primary examiner; any further suspension must be approved by the Commissioner.

Whenever action upon an application is suspended upon request of an applicant, and whenever an applicant has been called upon to put his application in condition for interference, the period of one year running against the application shall be considered as beginning at the date of the last official action preceding such actions.

Whenever, during a time when the United States is at war, publication of an invention by the granting of a patent might, in the opinion of the Commissioner, be detrimental to the public safety or defense or might assist the enemy or endanger the successful prosecution of the war, he may suspend action on the application therefor.

78. Amendments after the notice of allowance of an application will not be permitted as a matter of right, but may be made, if the specification has not been print-

ed, on the recommendation of the primary examiner, approved by the Commissioner, without withdrawing the case from issue. (See Rule 165.)

DESIGNS.

79. A design patent may be obtained by any person who has invented any new, original, and ornamental design for an article of manufacture, not known or used by others in this country before his invention thereof, and not patented or described in any printed publication in this or any foreign country before his invention thereof, or more than two years prior to his application, and not caused to be patented by him in a foreign country on an application filed more than four months before his application in this country, and not in public use or sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, upon payment of the fees required by law and other due proceedings had, the same as in cases of inventions or discoveries.

80. Patents for designs are granted for the term of three and one-half years, or for seven years, or for fourteen years, as the applicant may, in his application, elect.

Where the applicant requests that the patent issue for one of the shorter terms, he may, at any time before the allowance of the application, upon the payment of the additional fee, amend his application by requesting that the patent be issued for a longer term.

81. The proceedings in applications for patents for designs are substantially the same as in applications for other patents. Since a design patent gives to the patentee the exclusive right to make, use, and vend articles having the appearance of that disclosed, and since the appearance can be disclosed only by a picture of the article, the claim should be in the broadest form for the article as shown.

82. The following order of arrangement should be observed in framing design specifications:

(a) Preamble, stating name and residence of the applicant, title of the design, and the name of the article for which the design has been invented.

(b) Description of the figure or figures of the drawing.

(c) Claim.

(d) Signature of applicant.

83. When the design can be sufficiently represented by drawings a model will not be required.

84. The design must be represented by a drawing made to conform to the rules laid down for drawings of mechanical inventions.

(For forms to be used in applications for design patents, see appendix.)

REISSUES.

85. A reissue is granted when the original patent is inoperative or invalid by reason of a defective or insufficient specification, or by reason of the patentee claiming as his invention or discovery more than he had a right to claim as new, provided the error has arisen through inadvertence, accident, or mistake, and without any fraudulent or deceptive intention.

Reissue applications must be made and the specifications sworn to by the inventors if they be living.

86. The petition for a reissue must be accompanied by an order for a certified copy of the abstract of title, to be placed in the file, giving the names of all assignees owning any undivided interest in the patent. In case the application be made by the inventor it must be accompanied by the written assent of such assignees.

A reissue will be granted to the original patentee, his legal representatives or assigns, as the interest may appear.

87. Applicants for reissue, in addition to the require-

ments of the first sentence of Rule 46, must also file with their petitions a statement on oath as follows:

(a) That applicant verily believes the original patent to be inoperative or invalid, and the reason why.

(b) When it is claimed that such patent is so inoperative or invalid "by reason of a defective or insufficient specification," particularly specifying such defects or insufficiencies.

(c) When it is claimed that such patent is inoperative or invalid "by reason of the patentee claiming as his own invention or discovery more than he had a right to claim as new," distinctly specifying the part or parts so alleged to have been improperly claimed as new.

(d) Particularly specifying the errors which it is claimed constitute the inadvertence, accident, or mistake relied upon, and how they arose or occurred.

(e) That said errors arose "without any fraudulent or deceptive intention" on the part of the applicant.

88. New matter shall not be allowed to be introduced into the reissue specification, nor in the case of a machine shall the model or drawings be amended except each by the other.

89. The Commissioner may, in his discretion, cause several 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 each division of such reissued letters patent. Each division of a reissue constitutes the subject of a separate specification descriptive of the part or parts of the invention claimed in such division; and the drawing may represent only such part or parts, subject to the provisions of Rule 50. Unless otherwise ordered by the Commissioner, all the divisions of a reissue will issue simultaneously; if there be any controversy as to one division, the others will be withheld from issue until the controversy is ended, unless the Commissioner shall otherwise order.

90. An original claim, if reproduced in the reissue

specification, is subject to reexamination, and the entire application will be revised and restricted in the same manner as original applications, excepting that division will not be required.

91. The application for a reissue must be accompanied by the original patent and an offer to surrender the same, or, if the original be lost, by an affidavit to that effect, and a certified copy of the patent. If a reissue be refused, the original patent will be returned to applicant upon his request.

92. Matter shown and described in an unexpired patent which is an indivisible part of the invention claimed therein, but which was not claimed by reason of a defect or insufficiency in the specification, arising from inadvertence, accident, or mistake, and without fraud or deceptive intent, can not be subsequently claimed by the patentee in a separate patent, but only in a reissue of the original patent.

INTERFERENCES.

93. An interference is a proceeding instituted for the purpose of determining the question of priority of invention between two or more parties claiming substantially the same patentable invention. *In order to ascertain whether any question of priority arises the Commissioner may call upon any junior applicant to state in writing the date when he conceived the invention under consideration. All statements filed in compliance with this rule will be returned to the parties filing them. In case the applicant makes no reply within the time specified, not less than ten days, the Commissioner will proceed upon the assumption that the said date is the date of the oath attached to the application.* The fact that one of the parties has already obtained a patent will not prevent an interference, for, although the Commissioner has no power to cancel a patent, he may grant another

patent for the same invention to a person who proves to be the prior inventor.

94. Interferences will be declared between applications by different parties for patent or for reissue when such applications contain claims for substantially the same invention which are allowable in the application of each party, and interferences will also be declared between applications for patent, or for reissue, and unexpired original or reissued patents, of different parties, when such applications and patents contain claims for substantially the same invention which are allowable in all of the applications involved: *Provided*, That where the filing date of any applicant is subsequent to the filing date of any patentee, the applicant shall file an affidavit that he made the invention before the filing date of the patentee.

Parties owning applications or patents which contain conflicting claims will be required before an interference is declared to show cause why these claims shall not be eliminated from all but one of the applications or patents of common ownership.

95. Before the declaration of interference all preliminary questions must be settled by the primary examiner, and the issue must be clearly defined; the invention which is to form the subject of the controversy must have been patented to one of the parties or have been decided to be patentable, and the claims of the respective parties must be put in such condition that they will not require alteration after the interference shall have been finally decided, unless the evidence adduced upon the trial shall necessitate or justify such change.

In case the subject matter in controversy has been patented to one of the parties but is deemed by the examiner not to be patentable, he shall call the case to the attention of the Commissioner, who may direct the declaration of the interference.

96. Whenever the claims of two or more applications differ in phraseology, but relate to substantially the

same patentable subject matter, the examiner, when one of the applications is ready for allowance, shall suggest to the parties such claims as are necessary to cover the common invention in substantially the same language. The examiner shall send copies of the letter suggesting claims to the applicant and to the assignees, as well as to the attorney of record in each case. The parties to whom the claims are suggested will be required to make those claims and put the applications in condition for allowance within a specified time in order that an interference may be declared. Upon the failure of any applicant to make the claim suggested within the time specified, such failure or refusal shall be taken without further action as a disclaimer of the invention covered by the claim, and the issue of the patent to the applicant whose application is in condition for allowance will not be delayed unless the time for making the claim and putting the application in condition for allowance be extended upon a proper showing. If a party make the claim without putting his application in condition for allowance, the declaration of the interference will not be delayed, but after judgment of priority the application of that party will be held for revision and restriction, subject to interference with other applications.

Whenever it shall be found that two or more parties whose interests are in conflict are represented by the same attorney, the examiner shall notify each of said principal parties and also the attorney of this fact.

97. When an interference is found to exist and the applications are prepared therefor, the primary examiner shall forward to the examiner of interferences the files and drawings; notices of interference for all the parties (as specified in Rule 103) disclosing the name and residence of each party and those of his attorney, and of any assignee, and, if any party be a patentee, the date and number of the patent; the ordinals of the conflicting claims and the title of the invention claimed; and

the issue, which shall be clearly and concisely defined in so many counts or branches as may be necessary in order to include all interfering claims. Where the issue is stated in more than one count the respective claims involved in each count shall be specified. The primary examiner shall also forward to the examiner of interferences for his use a statement disclosing the applications involved in interference, fully identified, arranged in the inverse chronological order of the filing of the completed applications, and also disclosing the issue or issues and the ordinals of the conflicting claims, the name and residence of any assignee, and the names and residences of all attorneys, both principal and associate.

98. Upon receipt of the notices of interference, the examiner of interferences shall make an examination thereof, in order to ascertain whether the issues between the parties have been clearly defined, and whether they are otherwise correct. If he be of the opinion that the notices are ambiguous or are defective in any material point, he shall transmit his objections to the primary examiner, who shall promptly notify the examiner of interferences of his decision to amend or not to amend them.

99. In case of a material disagreement between the examiner of interferences and the primary examiner, the points of difference shall be referred to the Commissioner for decision.

100. The primary examiner will retain jurisdiction of the case until the declaration of interference is made.

101. Upon the institution and declaration of the interference, as provided in Rule 102, the examiner of interferences will take jurisdiction of the same, which will then become a contested case; but the law examiner will determine the motions mentioned in Rule 122, as therein provided.

102. When the notices of interference are in proper form, the examiner of interferences shall add thereto a

designation of the time within which the preliminary statements required by Rule 110 must be filed, and shall, *pro forma*, institute and declare the interference by forwarding the notices to the several parties to the proceeding.

103. The notices of interference shall be forwarded by the examiner of interferences to all the parties, in care of their attorneys, if they have attorneys, and, if the application or patent in interference has been assigned, to the assignee. When one of the parties has received a patent, a notice shall be sent to the patentee and to his attorney of record.

When the notices sent in the interest of a patent are returned to the office undelivered, or when one of the parties resides abroad and his agent in the United States is unknown, additional notice may be given by publication in the Official Gazette for such period of time as the Commissioner may direct.

104. If either party require a postponement of the time for filing his preliminary statement, he shall present his motion, duly served on the other parties, with his reasons therefor, supported by affidavit, and such motion should be made, if possible, prior to the day previously set. But the examiner of interferences may, in his discretion, extend the time on *ex parte* request or upon his own motion.

105. When an application is involved in an interference in which a part only of the invention is included in the issue, the applicant may file certified copies of the part or parts of the specification, claims, and drawings which cover the interfering matter, and such copies may be used in the proceeding in place of the original application.

106. When a part only of an application is involved in an interference, the applicant may withdraw from his application the subject matter adjudged not to interfere, and file a new application therefor, or he may file a divi-

sional application for the subject matter involved, if the invention can be legitimately divided: *Provided*, That no claim shall be made in the application not involved in the interference broad enough to include matter claimed in the application involved therein.

107. An applicant involved in an interference may, with the written consent of the assignee, when there has been an assignment, before the date fixed for the filing of his preliminary statement (see Rule 110), in order to avoid the continuance of the interference, disclaim under his own signature the invention of the particular matter in issue, and upon such disclaimer judgment shall be rendered against him.

108. When applications are declared to be in interference, the interfering parties will be permitted to see or obtain copies of each other's file wrappers, and so much of their contents as relates to the interference, after the preliminary statements referred to in Rule 110 have been received and approved; but information of an application will not be furnished by the office to an opposing party, except as provided in Rules 97 and 103, until after the approval of such statements.

109. An applicant involved in an interference may, at any time within thirty days after the preliminary statements (referred to in Rule 110) of the parties have been received and approved, on motion duly made, as provided by Rule 153, file an amendment to his application containing any claims which in his opinion should be made the basis of interference between himself and any of the other parties. Such motion must be accompanied by the proposed amendment, and when in proper form will be set for hearing before the law examiner. Where a party opposes the admission of such an amendment in view of prior patents or publications, full notice of such patents or publications must be given at least five days prior to the date of hearing. On the admission of such amendment, and the adoption of the claims by the other

parties within a time specified by the law examiner, the primary examiner shall redeclare the interference, or shall declare such other interferences as may be necessary to include the said claims. New preliminary statements will be received as to the added claims, but motions for dissolution with regard thereto will not be considered where the questions raised could have been disposed of in connection with the admission of the claims. Amendments to the specification will not be received during the pendency of the interference, without the consent of the Commissioner, except as provided herein, and in Rule 106.

Any party to an interference may bring a motion to put in interference any claims already in his application or patent, which in his opinion should be made the basis of interference between himself and any of the other parties. Such motions are subject to the same conditions, and the procedure in connection therewith is the same, so far as applicable, as hereinabove set forth for motions to amend.

110. Each party to the interference will be required to file a concise preliminary statement, under oath, on or before a date to be fixed by the office, showing the following facts:

(a) The date of original conception of the invention set forth in the declaration of interference.

(b) The date upon which the first drawing of the invention and the date upon which the first written description of the invention were made.

(c) The date upon which the invention was first disclosed to others.

(d) The date of the reduction to practice of the invention.

(e) A statement showing the extent of use of the invention.

(f) The applicant shall state the date and number of any application for the same invention filed within twelve

months before the filing date in the United States, in any foreign country adhering to the International Convention for the Protection of Industrial Property or having similar treaty relations with the United States.

If a drawing has not been made, or if a written description of the invention has not been made, or if the invention has not been reduced to practice or disclosed to others or used to any extent, the statement must specifically disclose these facts.

When the invention was made abroad the statement should set forth:

(a) That the applicant made the invention set forth in the declaration of interference.

(b) Whether or not the invention was ever patented; if so, when and where, giving the date and number of each patent, the date of publication, and the date of sealing thereof.

(c) Whether or not the invention was ever described in a printed publication; if so, when and where, giving the title, place, and date of such publication.

(d) When the invention was introduced into this country, giving the circumstances with the dates connected therewith which are relied upon to establish the fact.

The preliminary statements should be carefully prepared, as the parties will be strictly held in their proofs to the dates set up therein.

If a party prove any date earlier than alleged in his preliminary statement, such proof will be held to establish the date alleged and none other.

The statement must be sealed up before filing (to be opened only by the examiner of interferences; see Rule 111), and the name of the party filing it, the title of the case, and the subject of the invention indicated on the envelop. The envelop should contain nothing but this statement.

(For forms, see 36 and 37, appendix.)

111. The preliminary statements shall not be opened to the inspection of the opposing parties until each one shall have been filed, or the time for such filing, with any extension thereof, shall have expired, and not then unless they have been examined by the proper officer and found to be satisfactory.

Any party in default in filing his preliminary statement shall not have access to the preliminary statement or statements of his opponent or opponents until he has either filed his statement or waived his right thereto, and agreed to stand upon his record date.

A party who alleges no date in his preliminary statement earlier than the filing date of the application or applications of the other party or parties shall not have access to the preliminary statement of said party or parties.

112. If, on examination, a statement is found to be defective in any particular, the party shall be notified of the defect and wherein it consists, and a time assigned within which he must cure the same by an amended statement; but in no case will the original or amended statement be returned to the party after it has been filed. Unopened statements will be removed from interference files and preserved by the office, and in no case will such statements be open to the inspection of the opposing party without authority from the Commissioner. If a party shall refuse to file an amended statement he may be restricted to his record date in the further proceedings in the interference.

113. In case of material error arising through inadvertence or mistake, the statement may be corrected on motion (see Rule 153), upon a satisfactory showing that the correction is essential to the ends of justice. The motion to correct the statement must be made, if possible, before the taking of any testimony, and as soon as practicable after the discovery of the error.

114. If the junior party to an interference, or if any

party thereto other than the senior party, fail to file a statement, or if his statement fail to overcome the *prima facie* case made by the respective dates of application, such party shall be notified by the examiner of interferences that judgment upon the record will be rendered against him at the expiration of thirty days, unless cause be shown why such action should not be taken. Within this period any of the motions permitted by the rules may be brought. Motions brought after judgment on the record has been rendered will not be entertained unless sufficient reasons appear for the delay.

115. If a party to an interference fail to file a statement, testimony will not be received subsequently from him to prove that he made the invention at a date prior to his application.

116. The parties to an interference will be presumed to have made the invention in the chronological order in which they filed their completed applications for patents clearly disclosing the invention; and the burden of proof will rest upon the party who shall seek to establish a different state of facts.

117. The preliminary statement can in no case be used as evidence in behalf of the party making it.

118. Times will be assigned in which the junior applicant shall complete his testimony in chief, and in which the other party shall complete the testimony on his side, and a further time in which the junior applicant may take rebutting testimony; but he shall take no other testimony. If there be more than two parties to the interference, the times for taking testimony will be so arranged that each shall have an opportunity to prove his case against prior applicants and to rebut their evidence, and also to meet the evidence of junior applicants.

119. Upon the filing of an affidavit by any senior party to an interference that the time for taking testimony on behalf of any junior party has expired and that no testimony has been taken by him, an order shall be entered

that the junior party show cause within a time set therein, not less than ten days, why judgment should not be rendered against him, and in the absence of a showing of good and sufficient cause judgment shall be so rendered. If any showing be made in response to the order, it must be served upon the opposing party and noticed for hearing by the party filing it.

120. If either party desire to have the hearing continued, he shall make application for such postponement by motion (see Rule 153), and shall show sufficient reason therefor by affidavit.

121. If either party desire an extension of the time assigned to him for taking testimony, he shall make application therefor, as provided in Rule 154 (*d*).

122. Motions to dissolve an interference (1) alleging that there has been such informality in declaring the same as will preclude the proper determination of the question of priority of invention, or (2) denying the patentability of an applicant's claim, or (3) denying his right to make the claim, should contain a full statement of the grounds relied upon and should, if possible, be made not later than the thirtieth day after the statements of the parties have been received and approved. Such motions and all motions of a similar character, if in the opinion of the Commissioner they be in proper form, will be heard and determined by the law examiner, due notice of the day of hearing being given by the office to all parties. If in the opinion of the Commissioner the motion be not in proper form, or if it be not brought within the time specified and no satisfactory reason be given for the delay, it will not be considered and the parties will be so notified.

When the motion has been decided by the law examiner the files and papers, with his decision, will be sent at once to the docket clerk.

Motions to shift the burden of proof should be made before, and will be determined by, the examiner of in-

interferences. No appeal from the decision on such motions will be entertained, but the matter may be reviewed on appeal from the final decision upon the question of priority of invention.

123. Setting a motion brought under the provisions of Rule 109 or of Rule 122 for hearing by the law examiner will act as a stay of proceedings pending the determination of the motion. To effect a stay of proceedings in other cases, motion should be made before the tribunal having jurisdiction of the interference, who will, sufficient grounds appearing therefor, order a suspension of the interference pending the determination of such motion.

124. Where, on motion for dissolution, the law examiner renders an adverse decision upon the merits of a party's case, as when he holds that the issue is not patentable or that a party has no right to make a claim, he shall fix a limit of appeal not less than twenty days from the date of his decision. Appeal lies to the examiners in chief in the first instance and will be heard *inter partes*. If the appeal be not taken within the time fixed, it will not be entertained except by permission of the Commissioner.

No appeal will be permitted from a decision rendered upon motion for dissolution affirming the patentability of a claim or the applicant's right to make the same.

Appeals may be taken directly to the Commissioner, except in the cases provided for in the preceding portions of this rule, from decisions on such motions as, in his judgment, should be appealable.

125. After an interference is finally declared it will not, except as herein otherwise provided, be determined without judgment of priority founded either upon the evidence, or upon a written concession of priority, or upon a written disclaimer of the invention, or upon a written declaration of abandonment of the invention,

signed by the inventor himself (and by the assignee, if any).

126. The examiner of interferences or the examiners in chief may, either before or in their decision on the question of priority, direct the attention of the Commissioner to any matter not relating to priority which may have come to their notice, and which, in their opinion, establishes the fact that no interference exists, or that there has been irregularity in declaring the same (Rule 122), or which amounts to a statutory bar to the grant of a patent to either of the parties for the claim or claims in interference. The Commissioner may suspend the interference and remand the case to the primary examiner for his consideration of the matters to which attention has been directed. From the decision of the examiner appeal may be taken as in other cases. If the case shall not be so remanded, the primary examiner will, after judgment, consider any matter affecting the rights of either party to a patent which may have been called to his attention, unless the same shall have been previously disposed of by the Commissioner.

127. A second interference will not be declared upon a new application for the same invention filed by either party.

128. If, during the pendency of an interference, a reference be found, the primary examiner shall call the attention of the law examiner thereto, and the latter may request the suspension of the interference until the final determination of the pertinency and effect of the reference, and the interference shall then be dissolved or continued as the result of such determination. The consideration of such reference shall be *inter partes* and before the law examiner.

129. If, during the pendency of an interference, another case appear, claiming substantially the subject matter in issue, the primary examiner shall request the suspension of the interference for the purpose of adding

said case. Such suspension will be granted as a matter of course by the examiner of interferences if no testimony has been taken. If, however, any testimony has been taken, a notice for the proposed new party, disclosing the issue in interference and the names and addresses of the interferants and of their attorneys, and notices for the interferants disclosing the name and address of the said party and his attorney, shall be prepared by the primary examiner and forwarded to the examiner of interferences, who shall mail said notices and set a time of hearing on the question of the admission of the new party. If the examiner of interferences be of the opinion that the interference should be suspended and the new party added, he shall prescribe the terms for such suspension. The decision of the examiner of interferences as to the addition of a party shall be final.

130. Where the patentability of a claim to an opponent is material to the right of a party to a patent, said party may urge the nonpatentability of the claim to his opponent as a basis for the decision upon priority of invention. A party shall not be entitled to raise this question, however, unless he has duly presented and prosecuted a motion under Rule 122 for dissolution upon this ground or shows good reason why such a motion was not presented and prosecuted. When the law examiner has denied such a motion for dissolution the question shall not be reinvestigated by the examiner of interferences except in view of evidence which was not before the law examiner, but it may be raised before the appellate tribunals on appeal from award of priority by the examiner of interferences.

131. When, on motion duly made and upon satisfactory proof, it shall be shown that, by reason of the inability or refusal of the inventor to prosecute or defend an interference, or from other cause, the ends of justice require that an assignee of an undivided interest in the

invention be permitted to prosecute or defend the same, it may be so ordered.

132. Whenever an award of priority has been rendered in an interference proceeding by any tribunal and the limit of appeal from such decision has expired, and whenever an interference has been terminated by reason of the written concession, signed by the applicant in person, of priority of invention in favor of his opponent or opponents, the primary examiner shall advise the defeated or unsuccessful party or parties to the interference that their claim or claims which were so involved in the issue stand finally rejected.

APPEALS TO THE EXAMINERS IN CHIEF AND TO THE COMMISSIONER AND PETITIONS TO THE COMMISSIONER IN THE EX PARTE PROSECUTION OF APPLICATIONS.

133. Every applicant for a patent, any of the claims of whose application have been twice rejected for the same reasons, upon grounds involving the merits of the invention, such as lack of invention, novelty, or utility, or on the ground of abandonment, public use or sale, inoperativeness of invention, aggregation of elements, incomplete combination of elements, or, when amended, for want of identity with the invention originally disclosed, or because the amendment involves a departure from the invention originally presented; and every applicant who has been twice required to divide his application, and every applicant for the reissue of a patent whose claims have been twice rejected for any of the reasons above enumerated, or on the ground that the original patent is not inoperative or invalid, or if so inoperative or invalid that the errors which rendered it so did not arise from inadvertence, accident, or mistake, may, upon payment of a fee of \$10, appeal from the decision of the primary examiner to the examiners in chief. The appeal must set forth in writing the points of the decision upon which

it is taken, and must be signed by the applicant or his duly authorized attorney or agent.

134. There must have been two rejections of the claims as originally filed, or, if amended in matter of substance, of the amended claims, and all the claims must have been passed upon, and except in cases of division all preliminary and intermediate questions relating to matters not affecting the merits of the invention settled, before the case can be appealed to the examiners in chief.

135. Upon the filing of the appeal the same shall be submitted to the primary examiner, who, if he find it to be regular in form, and to relate to an appealable action, shall within ten days from the filing thereof furnish the examiners in chief with a written statement of the grounds of his decision on all the points involved in the appeal, with copies of the rejected claims and with the references applicable thereto, giving a concise explanation of the invention claimed and of the subject matter of the references so far as pertinent to the appealed claims. The examiner shall at the time of making such statement furnish a copy of the same to the appellant. If the primary examiner shall decide that the appeal is not regular in form or does not relate to an appealable action, a petition from such decision may be taken directly to the Commissioner, as provided in Rule 142.

136. From the adverse decision of the board of examiners in chief appeal may be taken to the Commissioner in person, upon payment of the fee of \$20 required by law.

137. The appellant shall on or before the day of hearing file a brief of the authorities and arguments on which he will rely to maintain his appeal.

If the appellant desire to be heard orally, he will so indicate when he files his appeal; a day of hearing will then be fixed, and due notice thereof given him.

138. Affidavits received after the case has been appealed will not be admitted without remanding the ap-

plication to the primary examiner for reconsideration; but the appellate tribunals may in their discretion refuse to remand the case and proceed with the same without consideration of the affidavits.

139. The examiners in chief in their decision shall affirm or reverse the decision of the primary examiner only on the points on which appeal shall have been taken. (See Rule 133.) Should they discover any apparent grounds not involved in the appeal for granting or refusing letters patent in the form claimed, or any other form, they shall annex to their decision a statement to that effect with such recommendation as they shall deem proper.

Should the examiners in chief recommend the refusal of letters patent in the form claimed, their recommendation will stand as a rejection and will reopen the case for amendment or showing of fact, or both, before the primary examiner, responsive to that rejection. The recommendation of the examiners in chief is binding upon the primary examiner unless an amendment or showing of facts not previously of record be made which, in the opinion of the primary examiner, overcomes the recommendation. The applicant may waive the right to prosecution before the primary examiner and have the case reconsidered by the examiners in chief upon the same record, and from an adverse decision of the examiners in chief on reconsideration, appeal will lie to the Commissioner, as in other cases. The applicant may also waive reconsideration by the examiners in chief and appeal directly to the Commissioner.

Should the examiners in chief recommend the granting of letters patent in an amended form, the applicant shall have the right to amend in conformity with such recommendation, which shall be binding upon the primary examiner in the absence of new references or grounds for rejection.

If the Commissioner, in reviewing the decision of the

examiners in chief, discovers any apparent grounds for refusing letters patent not involved in the appeal, he will, before or after decision on the appeal, give reasonable notice thereof to the applicant; and if any amendment or action based thereon be proposed, he will remand the case to the primary examiner for consideration.

140. Cases which have been heard and decided by the Commissioner on appeal will not be reopened except by his order; cases which have been decided by the examiners in chief will not be reheard by them, when no longer pending before them, without the written authority of the Commissioner; and cases which have been decided by either the Commissioner or the examiners in chief will not be reopened by the primary examiner without like authority, and then only for the consideration of matters not already adjudicated upon, sufficient cause being shown. (See Rule 68.)

141. After decision by an appellate tribunal the case shall be remanded at once to the primary examiner, subject to the applicant's right of appeal, for such action as will carry into effect the decision, or for such further action as the applicant is entitled to demand.

142. Upon receiving a petition stating concisely and clearly any proper question which has been twice acted upon by the examiner, and which does not involve the merits of the invention claimed, the rejection of a claim or a requirement for division, and also stating the facts involved and the point or points to be reviewed, an order will be made directing the examiner to furnish a written statement of the grounds of his decision upon the matters averred within five days. The examiner shall at the time of making such statement furnish a copy thereof to the petitioner. No fee is required for such a petition. Hearing will be granted in the discretion of the Commissioner.

APPEALS TO THE EXAMINERS IN CHIEF AND TO THE COMMISSIONER IN CONTESTED CASES.

143. In interference cases parties have the same remedy by appeal to the examiners in chief and to the Commissioner as in *ex parte* cases.

144. Appeals in interference cases must be accompanied by brief statements of the reasons therefor. Parties will be required to file six copies of printed briefs of their arguments, the appellant ten days before the hearing and the appellee three days. (See Rule 163.)

145. The appellant shall have the right to make the opening and closing arguments, unless it shall be otherwise ordered by the tribunal having jurisdiction of the case.

146. Contested cases will be regarded as pending before a tribunal until the limit of appeal, which must be fixed, has expired, or until some action has been had which waives the appeal or carries into effect the decision from which appeal might have been taken.

RECONSIDERATION OF CASES DECIDED BY FORMER COMMISSIONER.

147. Cases which have been decided by one Commissioner will not be reconsidered by his successor except in accordance with the principles which govern the granting of new trials.

APPEALS TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

148. From the adverse decision of the Commissioner upon the claims of an application and in interference cases, an appeal may be taken to the Court of Appeals of the District of Columbia in the manner prescribed by the rules of that court. (See Appendix, pp. 95-102.)

149. When an appeal is taken to the Court of Appeals of the District of Columbia, the appellant shall give notice thereof to the Commissioner, and file in the Patent

Office, within forty days, exclusive of Sundays and holidays but including Saturday half holidays, from the date of the decision appealed from, his reasons of appeal specifically set forth in writing.

150. *Pro forma* proceedings will not be had in the Patent Office for the purpose of securing to applicants an appeal to the Court of Appeals of the District of Columbia.

(For forms of appeals and rules of the Court of Appeals of the District of Columbia respecting appeals, see Appendix, pp. 95-102.)

HEARINGS.

151. Hearings will be had by the Commissioner at 10 o'clock a. m., and by the board of examiners in chief at 1 o'clock p. m., and by the examiner of interferences upon interlocutory matters at 10 o'clock a. m., and upon final hearings at 11 o'clock a. m., on the day appointed unless some other hour be specifically designated. If either party in a contested case, or the appellant in an *ex parte* case, appear at the proper time, he will be heard. After the day of hearing, a contested case will not be taken up for oral argument except by consent of all parties. If the engagements of the tribunal having jurisdiction be such as to prevent the case from being taken up on the day of hearing, a new assignment will be made, or the case will be continued from day to day until heard. Unless it shall be otherwise ordered before the hearing begins, oral arguments will be limited to one hour for each party in contested cases, and to one-half hour in other cases. After a contested case has been argued, nothing further relating thereto will be heard unless upon request of the tribunal having jurisdiction of the case; and all interviews for this purpose with parties in interest or their attorneys will be invariably denied.

152. Hearings in *ex parte* and contested cases will, as far as is convenient and proper, be set, advanced, and

adjourned to meet the wishes of the parties and their attorneys.

MOTIONS.

153. In contested cases reasonable notice of all motions, and copies of motion papers and affidavits, must be served as provided in Rule 154 (b). Proof of such service must be made before the motion will be entertained by the office. Motions will not be heard in the absence of either party except upon default after due notice. Motions will be heard in the first instance by the officer or tribunal before whom the particular case may be pending. In original hearings on motions the moving parties shall have the right to make the opening and closing arguments. In contested cases the practice on points to which the rules are not applicable shall conform as nearly as possible, to that of the United States courts in equity proceedings.

TESTIMONY IN INTERFERENCES AND OTHER CONTESTED CASES.

154. The following rules have been established for taking and transmitting testimony in interferences and other contested cases:

(a) Before the depositions of witnesses shall be taken by either party due notice shall be given to the opposing party, as hereinafter provided, of the time when and place where the depositions will be taken, of the cause or matter in which they are to be used, and of the names and residences of the witnesses to be examined, and the opposing party shall have full opportunity, either in person or by attorney, to cross-examine the witnesses. If the opposing party shall attend the examination of witnesses not named in the notice, and shall either cross-examine such witnesses or fail to object to their examination, he shall be deemed to have waived his right to object to such examination for want of notice. Neither party shall take testimony in more than one place at the same

time, nor so nearly at the same time that reasonable opportunity for travel from one place of examination to the other can not be had.

(b) The notice for taking testimony or for motions must be served (unless otherwise stipulated in an instrument in writing filed in the case) upon the attorney of record, if there be one, or, if there be no attorney of record, upon the adverse party. Reasonable time must be given therein for such adverse party to reach the place of examination. Service of such notice may be made in either of the following ways: (1) By delivering a copy of the notice to the adverse party or his attorney; (2) by leaving a copy at the usual place of business of the adverse party or his attorney with some one in his employment; (3) when such adverse party or his attorney has no usual place of business, by leaving a copy at his residence, with a member of his family over 14 years of age and of discretion; (4) transmission by registered letter; (5) by express. Whenever it shall be satisfactorily shown to the Commissioner that neither of the above modes of obtaining or reserving notice is practicable, the notice may be published in the Official Gazette. Such notice shall, with sworn proof of the fact, time, and mode of service thereof, be attached to the deposition or depositions, whether the opposing party shall have cross-examined or not.

(c) Each witness before testifying shall be duly sworn according to law by the officer before whom his deposition shall be taken. The deposition shall be carefully read over by the witness, or by the officer to him, and shall then be subscribed by the witness in the presence of the officer. The officer shall annex to the deposition his certificate showing (1) the due administration of the oath by the officer to the witness before the commencement of his testimony; (2) the name of the person by whom the testimony was written out, and the fact that, if not written by the officer, it was written in his pres-

ence; (3) the presence or absence of the adverse party; (4) the place, day, and hour of commencing and taking the deposition; (5) the reading by, or to, each witness of his deposition before he signs the same; and (6) the fact that the officer was not connected by blood or marriage with either of the parties, nor interested, directly or indirectly, in the matter in controversy. The officer shall sign the certificate and affix thereto his seal of office, if he have such seal. He shall then, without delay, securely seal up all the evidence, notices, and paper exhibits, inscribe upon the envelop a certificate giving the title of the case, the name of each witness, and the date of sealing, address the package, and forward the same to the Commissioner of Patents. If the weight or bulk of an exhibit shall exclude it from the envelop, it shall be authenticated by the officer and transmitted in a separate package, marked and addressed as above provided.

(d) If a party shall be unable to take any testimony within the time limited, and desire an extension for such purpose, he must file a motion, accompanied by a statement under oath setting forth specifically the reason why such testimony has not been taken, and distinctly averring that such motion is made in good faith, and not for the purpose of delay. If either party shall be unable to procure the testimony of a witness or witnesses within the time limited, and desire an extension for such purpose, he must file a motion, accompanied by a statement under oath setting forth the cause of such inability, the name or names of such witness or witnesses, the facts expected to be proved by such witness or witnesses, the steps which have been taken to procure such testimony, and the dates on which efforts have been made to procure it. (See Rule 153.)

(e) Upon notice given to the opposite party before the closing of the testimony, any official record, and any special matter contained in a printed publication, if com-

petent evidence and pertinent to the issue, may be used as evidence at the hearing.

(f) All depositions which are taken must be duly filed in the Patent Office. On refusal to file, the office at its discretion will not further hear or consider the contestant with whom the refusal lies; and the office may, at its discretion, receive and consider a copy of the withheld deposition, attested by such evidence as is procurable.

155. The pages of each deposition must be numbered consecutively, and the name of the witness plainly and conspicuously written at the top of each page. The testimony must be written upon legal cap or foolscap paper, with a wide margin on the left-hand side of the page, and with the writing on one side only of the sheet.

156. The testimony will be taken in answer to interrogatories, with the questions and answers committed to writing in their regular order by the officer, or, in his presence, by some person not interested in the case either as a party thereto or as attorney. But with the written consent of the parties the testimony may be taken stenographically, and the deposition may be written out by other persons in the presence of the officer.

Where testimony is taken stenographically, a long-hand or typewritten copy shall be read to the witness, or read over by him, as soon as it can be made, and shall be signed by him as provided in paragraph 3 of Rule 154. No officer who is connected by blood or marriage with either of the parties, or interested, directly or indirectly, in the matter in controversy, either as counsel, attorney, agent, or otherwise, is competent to take depositions, unless with the written consent of all the parties.

157. Upon motion duly made and granted (see Rule 153) testimony taken in an interference proceeding may be used in any other or subsequent interference proceeding, so far as relevant and material, subject, however, to the right of any contesting party to recall witnesses

whose depositions have been taken, and to take other testimony in rebuttal of the depositions.

158. Upon motion duly made and granted (see Rule 153) testimony may be taken in foreign countries, upon complying with the following requirements:

(a) The motion must designate a place for the examination of the witnesses at which an officer duly qualified to take testimony under the laws of the United States in a foreign country shall reside, and it must be accompanied by a statement under oath that the motion is made in good faith, and not for purposes of delay or of vexing or harassing any party to the case; it must also set forth the names of the witnesses, the particular facts to which it is expected each will testify, and the grounds on which is based the belief that each will so testify.

(b) It must appear that the testimony desired is material and competent, and that it can not be taken in this country at all, or can not be taken here without hardship and injury to the moving party greatly exceeding that to which the opposite party will be exposed by the taking of such testimony abroad.

(c) Upon the granting of such motion, a time will be set within which the moving party shall file in duplicate the interrogatories to be propounded to each witness, and serve a copy of the same upon each adverse party, who may, within a designated time, file, in duplicate, cross-interrogatories. Objections to any of the interrogatories or cross-interrogatories may be filed at any time before the depositions are taken, and such objections will be considered and determined upon the hearing of the case.

(d) As soon as the interrogatories and cross-interrogatories are decided to be in proper form, the Commissioner will cause them to be forwarded to the proper officer, with the request that, upon payment of, or satisfactory security for, his official fees, he notify the witnesses named to appear before him within a designated time and make answer thereto under oath; and that he

reduce their answers to writing, and transmit the same, under his official seal and signature, to the Commissioner of Patents, with the certificate prescribed in Rule 154 (e).

(c) By stipulation of the parties the requirements of paragraph (e) as to written interrogatories and cross-interrogatories may be dispensed with, and the testimony may be taken before the proper officer upon oral interrogatories by the parties or their agents.

(f) Unless false swearing in the giving of such testimony before the officer taking it shall be punishable as perjury under the laws of the foreign state where it shall be taken, it will not stand on the same footing in the Patent Office as testimony duly taken in the United States; but its weight in each case will be determined by the tribunal having jurisdiction of such case.

159. Evidence touching the matter at issue will not be considered on the hearing which shall not have been taken and filed in compliance with these rules. But notice will not be taken of merely formal or technical objections which shall not appear to have wrought a substantial injury to the party raising them; and in case of such injury it must be made to appear that, as soon as the party became aware of the ground of objection, he gave notice thereof to the office, and also to the opposite party, informing him at the same time that, unless it be removed, he (the objector) will urge his objection at the hearing. This rule is not to be so construed as to modify established rules of evidence, which will be applied strictly in all practice before the office.

160. The law requires the clerks of the various courts of the United States to issue subpoenas to secure the attendance of witnesses whose depositions are desired as evidence in contested cases in the Patent Office.

161. After testimony is filed in the office it may be inspected by any party to the case, but it can not be withdrawn for the purpose of printing. It may be print-

ed by some one specially designated by the office for that purpose, under proper restrictions.

162. Thirty-one or more printed copies of the testimony must be furnished—five for the use of the office, one for each of the opposing parties, and twenty-five for the Court of Appeals of the District of Columbia, should appeal be taken. If no appeal be taken, the twenty-five copies will be returned to the party filing them. The preliminary statement required by Rule 110 must be printed as a part of the record. These copies of the record of the junior party's testimony must be filed not less than forty days before the day of final hearing, and in the case of the senior party not less than twenty days. They will be of the same size, both page and print, as the Rules of Practice, with the names of the witnesses at the top of the pages over their testimony, and will contain indexes with the names of all witnesses and reference to the pages where copies of papers and documents introduced as exhibits are shown.

When it shall appear, on motion duly made and by satisfactory proof, that a party, by reason of poverty, is unable to print his testimony, the printing may be dispensed with; but in such case typewritten copies must be furnished—one for the office and one for each adverse party. Printing of the testimony can not be dispensed with upon the stipulation of the parties without the approval of the Commissioner.

BRIEFS.

163. Briefs at final hearing and on appeals from final decisions in contested cases shall be submitted in printed form and shall be of the same size and the same as to page and print as the printed copies of testimony. But in case satisfactory reason therefor is shown, typewritten briefs may be submitted. Six copies of the briefs at final hearing shall be filed three days before the hearing. Briefs on appeals shall be filed as provided in Rule 144.

At interlocutory hearings and on appeal from interlocutory decisions typewritten briefs may be used, and such briefs may be filed at or before the hearing. By stipulation of the parties or by order of the tribunal before whom the hearing is had briefs may be filed otherwise than as here prescribed.

ISSUE.

164. If, on examination, it shall appear that the applicant is justly entitled to a patent under the law, a notice of allowance will be sent him or his attorney, calling for the payment of the final fee within six months from the date of such notice of allowance, upon the receipt of which within the time fixed by law the patent will be prepared for issue. (See Rules 167, 194.)

165. After notice of the allowance of an application is given, the case will not be withdrawn from issue except by approval of the Commissioner, and if withdrawn for further action on the part of the office a new notice of allowance will be given. When the final fee has been paid upon an application for letters patent, and the case has received its date and number, it will not be withdrawn from issue on account of any mistake or change of purpose of the applicant or his attorney, nor for the purpose of enabling the inventor to procure a foreign patent, nor for any other reasons except mistake on the part of the office, or because of fraud, or illegality in the application, or for interference. (See Rule 78.)

166. Whenever the Commissioner shall direct the withdrawal of an application from issue on request of an applicant for reasons not prohibited by Rule 165, this withdrawal will not operate to stay the period of one year running against the application, which begins to attach from the date of the notice of allowance.

DATE, DURATION, AND FORM OF PATENTS.

167. Every patent shall issue within a period of 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 at which the application was passed and allowed and notice thereof was sent to the applicant or his agent; and if the final fee be not paid within that period the patent shall be withheld. (See Rule 175.) In the absence of request to suspend issue the patent will issue in regular course. The issue closes weekly on Thursday, and the patents bear date as of the fourth Tuesday thereafter.

A patent will not be antedated.

168. Every patent will contain a short title of the invention or discovery indicating its nature and object, and a grant to the patentee, his heirs and assigns, for the term of seventeen years, of the exclusive right to make, use, and vend the invention or discovery throughout the United States and the Territories thereof. The duration of a design patent may be for the term of three and one-half, seven, or fourteen years, as provided in Rule 80. A copy of the specifications and drawings will be annexed to the patent and form part thereof.

DELIVERY.

169. The patent will be delivered or mailed on the day of its date to the attorney of record, if there be one; or, if the attorney so request, to the patentee or assignee of an interest therein; or, if there be no attorney, to the patentee or to the assignee of the entire interest, if he so request.

CORRECTION OF ERRORS IN LETTERS PATENT.

170. Whenever a mistake, incurred through the fault of the 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 of Patents, and sealed with the seal of the Patent Office, will, at the request of the patentee or his assignee, be indorsed without charge upon the letters patent, and recorded in the rec-

ords of patents, and a printed copy thereof attached to each printed copy of the specification and drawing.

Whenever a mistake, incurred through the fault of the office, constitutes a sufficient legal ground for a reissue, the reissue will be made, for the correction of such mistake only, without charge of office fees, at the request of the patentee.

Mistakes not incurred through the fault of the office, and not affording legal grounds for reissues, will not be corrected after the delivery of the letters patent to the patentee or his agent.

Changes or corrections will not be made in letters patent after the delivery thereof to the patentee or his attorney, except as above provided.

ABANDONED, FORFEITED, REVIVED, AND RENEWED APPLICATIONS.

171. An abandoned application is one in which all the essential parts have not been filed so that it is completed and prepared for examination within a period of one year, or which the applicant has failed to prosecute within one year after any action therein of which notice has been duly given (see Rules 31 and 77), or which the applicant has expressly abandoned by filing in the office a written declaration of abandonment, signed by himself and assignee, if any, identifying his application by title of invention, serial number, and date of filing. (See Rule 60.)

Prosecution of an application to save it from abandonment must include such proper action as the condition of the case may require. The admission of an amendment not responsive to the last official action, or refusal to admit the same, and any proceedings relative thereto, shall not operate to save the application from abandonment under section 4894 of the Revised Statutes.

172. Before an application abandoned by failure to complete or prosecute can be revived as a pending appli-

eration it must be shown to the satisfaction of the Commissioner that the delay was unavoidable.

173. When a new application is filed in place of an abandoned or rejected application, a new petition, specification, oath, and fee will be required; but the old drawing, if suitable, may be used upon the filing of suitable permanent photographic copies thereof.

174. A forfeited application is one upon which a patent has been withheld for failure to pay the final fee within the prescribed time. (See Rule 167.)

175. When the patent has been withheld by reason of nonpayment of the final fee, any person, whether inventor or assignee, who has an interest in the invention for which the patent was ordered to issue may file a renewal of the application for the same invention; but any renewal application must be made within two years after the allowance of the original application. Upon the hearing of the new application abandonment will be considered as a question of fact.

176. In a renewal the oath, petition, specification, drawing, and model of the original application may be used; but a new fee will be required. The renewal application will not be regarded for all purposes as a continuation of the original one, but must bear date from the time of renewal and be subject to examination like an original application.

177. Forfeited and abandoned applications will not be cited as references.

178. Notice of the filing of subsequent applications will not be given to applicants while their cases remain forfeited.

179. Copies of the files of forfeited and abandoned applications may be furnished when ordered by the Commissioner. The requests for such copies must be presented in the form of a petition properly verified as to all matters not appearing of record in the Patent Office. (See Form 35.)

EXTENSIONS.

180. Patents can not be extended except by act of Congress.

DISCLAIMERS.

181. Whenever, through inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, a patentee has claimed as his invention or discovery more than he had a right to claim as new, his patent will be valid for all that part which is truly and justly his own, provided the same is a material or substantial part of the thing patented; and any such patentee, his heirs or assigns, whether of the whole or any sectional interest therein, may, on payment of the fee required by law (\$10), make disclaimer of such parts of the thing patented as he or they shall not choose to claim or to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent. Such disclaimer shall be in writing, attested by one or more witnesses, and recorded in the Patent Office; and it shall thereafter be considered as part of the original specification to the extent of the interest possessed by the claimant and by those claiming under him after the record thereof. But no such disclaimer shall affect any action pending at the time of filing the same, except as to the question of unreasonable neglect or delay in filing it.

182. The statutory disclaimers treated of in Rule 181 are to be distinguished from those which are embodied in original or reissue applications, as first filed or subsequently amended, referring to matter shown or described, but to which the disclaimant does not choose to claim title, and also from those made to avoid the continuance of an interference. The disclaimers falling within this present rule must be signed by the applicant in person and require no fee. (See Rule 107. For forms of disclaimers see Appendix, Forms 28 and 29.)

ASSIGNMENTS.

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

184. Interest in patents may be vested in assignees, in grantees of exclusive territorial rights, in mortgagees, and in licensees.

(a) An assignee is a transferee of the whole interest of the original patent or of an undivided part of such whole interest, extending to every portion of the United States. The assignment must be written or printed and duly signed.

(b) A grantee acquires by the grant the exclusive right, under the patent, to make, use, and vend, and to grant to others the right to make, use, and vend, the thing patented within and throughout some specified part of the United States, excluding the patentee therefrom. The grant must be written or printed and be duly signed.

(c) A mortgage must be written or printed and be duly signed.

(d) A licensee takes an interest less than or different from either of the others. A license may be oral, written, or printed, and if written or printed, must be duly signed.

185. An assignment, grant, or conveyance of a patent will be void as against any subsequent purchaser or mortgagee for a valuable consideration without notice unless recorded in the Patent Office within three months from the date thereof.

If any assignment, grant, or conveyance of any patent shall be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any commissioner of the United States circuit court, or before any secretary of legation or consular officer authorized to administer oaths or perform notarial acts

under section 1750 of the Revised Statutes, 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 or conveyance.

186. No instrument will be recorded which is not in the English language and which does not, in the judgment of the Commissioner, amount to an assignment, grant, mortgage, lien, incumbrance, or license, or which does not affect the title of the patent or invention to which it relates. Such instrument should identify the patent by date and number; or, if the invention be unpatented, the name of the inventor, the serial number, and date of the application should be stated.

187. Assignments which are made conditional on the performance of certain stipulations, as the payment of money, if recorded in the office are regarded as absolute assignments until canceled with the written consent of both parties or by the decree of a competent court. The office has no means for determining whether such conditions have been fulfilled.

188. In every case where it is desired that the patent issue to an assignee, the assignment must be recorded in the Patent Office at a date not later than the day on which the final fee is paid. (See Rule 26.) The date of the record is the date of the receipt of the assignment at the office.

189. The receipt of assignments is generally acknowledged by the office. They are recorded in regular order as promptly as possible, and then transmitted to the persons entitled to them. (For form of assignment, see Appendix, forms 38-43.)

OFFICE FEES.

190. Nearly all the fees payable to the Patent Office are positively required by law to be paid in advance—that is, upon making application for any action by the office for which a fee is payable. For the sake of uni-

formity and convenience, the remaining fees will be required to be paid in the same manner.

191. The following is the schedule of fees and of prices of publications of the Patent Office:

On filing each original application for a patent, except in design cases	\$15.00
On issuing each original patent, except in design cases	20.00
In design cases:	
For 3 years and 6 months	10.00
For 7 years	15.00
For 14 years	30.00
On every application for the reissue of a patent	30.00
On filing each disclaimer	10.00
On an appeal for the first time from the Primary Examiner to the Examiners in Chief	10.00
On every appeal from the Examiners in Chief to the Commissioner	20.00
For certified copies of patents if in print:	
For specification and drawing, per copy .....	.05
For the certificate .....	.25
For the grant .....	.50
For certifying to a duplicate of a model .....	.50
For manuscript copies of records, for every 100 words or fraction thereof .....	.10
If certified, for the certificate additional .....	.25
For 20-coupon orders, each coupon good for one copy of a printed specification and drawing, and receivable in payment for photographic prints	1.00
For 100 coupons in stub book	5.00
For uncertified copies of the specifications and accompanying drawings of patents, if in print, each, .....	.10
For the drawings, if in print .....	.05
For copies of drawings not in print, the reasonable cost of making them.	
For photo prints of drawings, for each sheet of drawings:	
Size 10 by 15 inches, per copy .....	.25
Size 8 by 12½ inches, per copy .....	.15
For recording every assignment, agreement, power of attorney, or other paper, of 300 words or under	1.00
Of over 300 and under 1,000 words	2.00
For each additional 1,000 words or fraction thereof ...	1.00
For abstracts of title to patents or inventions:	
For the search, one hour or less, and certificate	1.00

Each additional hour or fraction thereof .....	.50
For each brief from the digest of assignments, of 200 words or less .....	.20
Each additional 100 words or fraction thereof .....	.10
For searching titles or records, one hour or less .....	.50
Each additional hour or fraction thereof .....	.50
For assistance to attorneys in the examination of publications in the Scientific Library, one hour or less	1.00
Each additional hour or fraction thereof	1.00
For copies of matter in any foreign language, for every 100 words or a fraction thereof .....	.10
For translation, for every 100 words or fraction thereof ..	.50
The Official Gazette:	
Annual subscriptions	\$5.00
For postage upon foreign subscriptions, except those from Canada and Mexico, \$5 or more as required. Moneys received from foreign subscribers in excess of the subscription price of \$5 will be deposited to the credit of the subscriber and applied to postage upon the subscription as incurred. <i>All communications respecting the Gazette and all subscriptions should be addressed to the Superintendent of Documents, Government Printing Office.</i>	
Single numbers .....	.10
Decision leaflets .....	.05
Trade-mark supplements .....	.05
For bound volumes of the Official Gazette:	
Semi-annual volumes, from Jan. 1, 1872, to June 30, 1883, full sheep binding, per volume	4.00
In half sheep binding, per volume	3.50
Quarterly volumes, from July 1, 1883, to Dec. 31, 1902, full sheep binding, per volume	2.75
Bi-monthly volumes, from Jan. 1, 1903, to Mar. 1, 1906, full sheep binding, per volume	2.50
Bi-monthly volumes, from Mar. 1, 1906, to Jan. 1, 1909, tan duck binding	2.50
Monthly volumes, from Jan 1, 1909, tan duck binding, per volume	2.50
Monthly volumes, unbound, with title page, digest, and index, per volume .....	.50
For the annual index, from Jan., 1872, to Jan. 1, 1906, full law binding, per volume	2.00
In paper covers, per volume	1.00
For the annual index from Jan. 1, 1906, buckram binding .	2.00
In paper covers, per volume	1.00

For the general index—a list of inventions patented from 1790 to 1873—three volumes, full law binding, per set	10.00
For the index from 1790 to 1836—one volume, full law binding	5.00
For the library edition, monthly volumes to Jan. 1, 1906, containing the specifications and photolithographed copies of the drawings of all patents issued during the month, certified, bound in full sheep, per volume	5.00
In half sheet, to Jan. 1, 1906, per volume	3.00
For the library edition, monthly volumes from Jan. 1, 1906, to June 30, 1912, tan duck binding	5.00
For the index to patents relating to electricity, granted by the United States prior to June 30, 1882, one volume, 250 pages, bound	5.00
In paper covers	3.00
Annual appendixes for each fiscal year subsequent to June 30, 1882, paper covers	1.50
For Commissioner's decisions:	
For 1869, 1870, and 1871, one volume, full law binding.	2.00
For 1872, 1873, and 1874, one volume, full law binding.	2.00
For 1875 and 1876, one volume, with decisions of United States courts in patent cases, full law binding	2.00
In paper covers	1.00
Annual volumes with decisions of United States courts, for 1877 to 1906, full law binding, per volume	2.00
In paper covers	1.00
Subsequent annual volumes, buckram binding	2.00
In paper covers	1.00

192. An order for a copy of an assignment must give the liber and page of the record, as well as the name of the inventor; otherwise an extra charge will be made for the time consumed in making any search for such assignment.

193. Persons will not be allowed to make copies or tracings from the files or records of the office. Such copies will be furnished, when ordered, at the rates already specified.

194. All payments of money required for office fees must be made in specie, Treasury notes, national-bank notes, certificates of deposit, post-office money orders, or certified checks. Money orders and checks should be

made payable to the "Commissioner of Patents." Payment may also be made to the Treasurer, or to any of the assistant treasurers of the United States, or to any of the depositaries, national banks, or receivers of public money, designated by the Secretary of the Treasury for that purpose, who will issue a certificate of deposit in triplicate and will forward the original and the duplicate certificates to the Secretary of the Treasury and the Commissioner of Patents, respectively, and will give the triplicate certificate to the depositor. Money sent by mail to the Patent Office will be at the risk of the sender. Letters containing money should be registered. In no case should money be sent with models.

REPAYMENT OF MONEY.

195. Money paid by actual mistake, such as a payment in excess, or when not required by law, or by neglect or misinformation on the part of the office, will be refunded; but a mere change of purpose after the payment of money, as when a party desires to withdraw his application for a patent or for the registration of a trade-mark, or to withdraw an appeal, will not entitle a party to demand such a return.

PUBLICATIONS.

196. The Official Gazette, a weekly publication which has been issued since 1872, takes the place of the old Patent Office Report. It contains claims of all patents issued, including reissues and designs, with portions of the drawings selected to illustrate the inventions claimed, illustrations of trade-marks published, and lists of trade-marks, prints, and labels registered. It also contains decisions rendered by the courts in patent cases and by the Commissioner of Patents, and other special matters of interest to inventors.

The Gazette is furnished to subscribers at the rate of \$5 per annum. When sent abroad, an additional charge

is made for the payment of postage. Single copies are furnished for ten cents. All orders and remittances for the Gazette should be sent to the Superintendent of Documents, Government Printing Office, Washington, D. C. The Gazette is issued in monthly volumes, with a title page and index to each volume. An index is published annually, which is sent to all subscribers without additional cost.

On June 30, 1912, the publication of the monthly library edition, issued since 1872, containing the full specifications and drawings of all patents granted during the previous month, was suspended.

LIBRARY REGULATIONS.

197. Officers of the bureau and members of the examining corps only are allowed to enter the alcoves or take books from the scientific library.

Books taken from this library must be entered in a register kept for the purpose, and returned on the call of the librarian. They must not be taken from the building except by permission of the Commissioner.

Any book lost or defaced must be replaced by a new copy.

Patentees and others doing business with the office can examine the books only in the library hall.

Translations will be made only for official use.

Copies or tracings from works in the library will be furnished by the office at the usual rates.

AMENDMENTS OF THE RULES.

198. All amendments of the foregoing rules will be published in the Official Gazette.

QUESTIONS NOT SPECIFICALLY PROVIDED FOR.

199. All cases not specifically defined and provided for in these rules will be decided in accordance with the merits of each case under the authority of the Commis-

sioner, and such decision will be communicated to the interested parties in writing.

200. Questions arising in applications filed prior to January 1, 1898, where these rules do not apply, shall be governed by the rules of June 18, 1897.

THOMAS EWING,
Commissioner of Patents.

DEPARTMENT OF THE INTERIOR,
December 22, 1915.

Approved to take effect January 1, 1916.

BO SWEENEY,
Assistant Secretary.

APPENDIX OF FORMS.

PETITIONS.

1. By a Sole Inventor.

To the Commissioner of Patents:

Your petitioner,, a citizen of the United States and a resident of, in the county of and State of (or subject, etc.), whose post office address is, prays that letters patent may be granted to him for the improvement in, set forth in the annexed specification.

Signed at, in the county of and State of, this day of, 19..

.

2. By Joint Inventors.

To the Commissioner of Patents:

Your petitioners, and, citizens of the United States and residents, respectively, of, in the county of and State of, and of, in the county of and State of (or subjects, etc.), whose post office addresses are, respectively, and, pray that letters patent may be granted to them, as joint inventors, for the improvement in, set forth in the annexed specification.

Signed at, in the county of and State of, this day of, 19..

.

.

3. By An Inventor, for Himself and Assignee.

To the Commissioner of Patents:

Your petitioner,, a citizen of the United States and a resident of, in the county of and State of (or subject, etc.), whose post office address is, prays that letters patent may be granted to himself and, a citizen of the United States and a resident of, in the county of and State of, whose post office address is, as his assignee, for the improvement in, set forth in the annexed specification.

Signed at, in the county of and State of, this day of, 19..

.

4. Petition With Power of Attorney.

To the Commissioner of Patents:

Your petitioner,, a citizen of the United States and a resident of, in the county of and State of (or subject, etc.), whose post office address is, prays that letters patent may be granted to him for the improvement in, set forth in the annexed specification; and he hereby appoints, of, State of, his attorney, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith.

Signed at, in the county of and State of, this day of, 19..

.

5. By An Administrator.

To the Commissioner of Patents:

Your petitioner,, a citizen of the United States and a resident of, in the county of and State of (or subject, etc.), whose post office

address is, administrator of the estate of, late a citizen of, deceased (as by reference to the duly certified copy of letters of administration, hereto annexed, will more fully appear), prays that letters patent may be granted to him for the invention of the said (improvement in), set forth in the annexed specification.

Signed at, in the county of and State of, this day of, 19..

.
Administrator, etc.

6. By An Executor.

To the Commissioner of Patents:

Your petitioner,, a citizen of the United States and a resident of, in the county of and State of (or subject, etc.), whose post office address is, executor of the last will and testament of, late a citizen of, deceased (as by reference to the duly certified copy of letters testamentary, hereto annexed, will more fully appear), prays that letters patent may be granted to him for the invention of the said (improvement in), set forth in the annexed specification.

Signed at, in the county of and State of, this day of, 19..

.,
Executor, etc.

7. By a Guardian of An Insane Person.

To the Commissioner of Patents:

Your petitioner,, a citizen of the United States and a resident of, in the county of and State of (or subject, etc.), whose post office address is, and who has been appointed guardian (or conservator or representative) of (as by reference to the duly certified copy of the order of court,

hereto annexed, will more fully appear), prays that letters patent may be granted to him for the invention of the said (improvement in), set forth in the annexed specification.

Signed at, in the county of and State of, this day of, 19..

.,
Guardian, etc.

8. For a Reissue (By the Inventor).

To the Commissioner of Patents:

Your petitioner,, a citizen of the United States and a resident of, in the county of and State of (or subject, etc.), whose post office address is, prays that he may be allowed to surrender the letters patent for an improvement in, granted to him, 19.., whereof he is now sole owner (or whereof, on whose behalf and with whose assent this application is made, is now sole owner, by assignment), and that letters patent may be reissued to him (or the said) for the same invention upon the annexed amended specification. With this petition is filed an abstract of title, duly certified, as required in such cases.

Signed at, in the county of and State of, this day of, 19..

.

[Assent of assignee to reissue.]

The undersigned, assignee of the entire (or of an undivided) interest in the above-mentioned letters patent, hereby assents to the accompanying application.

.

9. For a Reissue (By the Assignee).

[To be used only when the inventor is dead.]

To the Commissioner of Patents:

Your petitioner,, a citizen of the United States and a resident of, in the county of and State of (or subject, etc.), whose post office address is, prays that he may be allowed to surrender the letters patent for an improvement in, No., granted, 19.., to, now deceased, whereof he is now owner, by assignment of the entire interest, and that the letters patent may be reissued to him for the same invention, upon the annexed amended specification. With this petition is filed an abstract of title (or an order for making and filing the same, etc.).

Signed at, in the county of and State of, this day of, 19..

.

10. For Letters Patent for a Design.

To the Commissioner of Patents:

Your petitioner,, a citizen of the United States and a resident of, in the county of and State of (or subject, etc.), whose post office address is, prays that letters patent may be granted to him for the term of three and one-half years (or seven years or fourteen years) for the new and original design for, set forth in the annexed specification.

Signed at, in the county of and State of, this day of, 19..

.

11. For a Caveat.

This form is obsolete; law relating to caveats repealed by the Act of July 1, 1910.

12. For the Renewal of a Forfeited Application.

To the Commissioner of Patents:

Your petitioner, a citizen of the United States and a resident of, in the county of and State of (or subject, etc.), whose post office address is, represents that on, 19.., he filed an application for letters patent for an improvement in, serial number, which application was allowed, 19.., but that he failed to make payment of the final fee within the time allowed by law. He now makes renewed application for letters patent for said invention, and prays that the original specification, oath, drawings, and model may be used as a part of this application.

Signed at, in the county of and State of, this day of, 19..

.

SPECIFICATIONS.

13. For an Art or Process.

To all whom it may concern:

Be it known that I,, a citizen of the United States, residing at, in the county of and State of (or subject, etc.), have invented new and useful improvements in processes of extracting gold from its ores, of which the following is a specification:

This invention relates to the process of extracting gold from its ores by means of a solution of cyanide of an alkali or alkaline earth, and has for its object to render the process more expeditious and considerably cheaper.

In extracting gold from its ores by means of a solution of cyanide of potassium, sodium, barium, etc., the simultaneous oxidation of the gold is necessary, and this has hitherto been effected by the action of the air upon the gold which is rendered oxidizable thereby by the action of the cyanide solution.

Instead of depending solely upon the agency of the air for the oxidizing action I employ, to assist the oxidation of the gold, ferricyanide of potassium or another ferricyanogen salt of an alkali or of an earth alkali in an alkaline solution. By this means the oxidation, being rendered very much more energetic, is effected with a considerably smaller quantity of the solvent. Thus, by the addition of ferricyanide of potassium or other ferricyanides to the cyanide of potassium solution, as much as eighty per cent. of potassium cyanide may be saved.

It may be remarked that the ferricyanide of potassium alone will not dissolve the gold and does not therefore come under the category of a solvent hitherto employed in processes of extraction. It does not therefore render unnecessary the employment of the simple cyanide as a solvent, but only reduces the amount required owing to the capacity of the ferricyanide to assist the air to rapidly oxidize the gold in the presence of the simple salt. Consequently the cyanogen of the latter is not used to form the gold cyanide compound.

I claim:

The process of extracting gold from its ores consisting in subjecting the ores to the dissolving action of cyanide of potassium in the presence of ferricyanide of potassium, substantially as herein described.

.....

14. For a Machine.

To all whom it may concern:

Be it known that I,, a citizen of the United States, residing at, in the county of and State of (or subject, etc.), have invented a new and useful meat-chopping machine, of which the following is a specification:

My invention relates to improvements in meat-chopping machines in which vertically reciprocating knives operate in conjunction with a rotating chopping block;

and the objects of my improvement are, first, to provide a continuously lubricated bearing for the block; second, to afford facilities for the proper adjustment of the knives independently of each other in respect to the face of the block; and, third, to reduce the friction of the reciprocating rod which carries the knives.

I attain these objects by the mechanism illustrated in the accompanying drawing, in which—

Figure 1 is a vertical section of the entire machine; Fig. 2, a plan view of the machine as it appears after the removal of the chopping block and knives; Fig. 3, a vertical section of a part of the machine on the line 3 3, Fig. 2; and Fig. 4, a detailed view in perspective of the reciprocating crosshead and its knives.

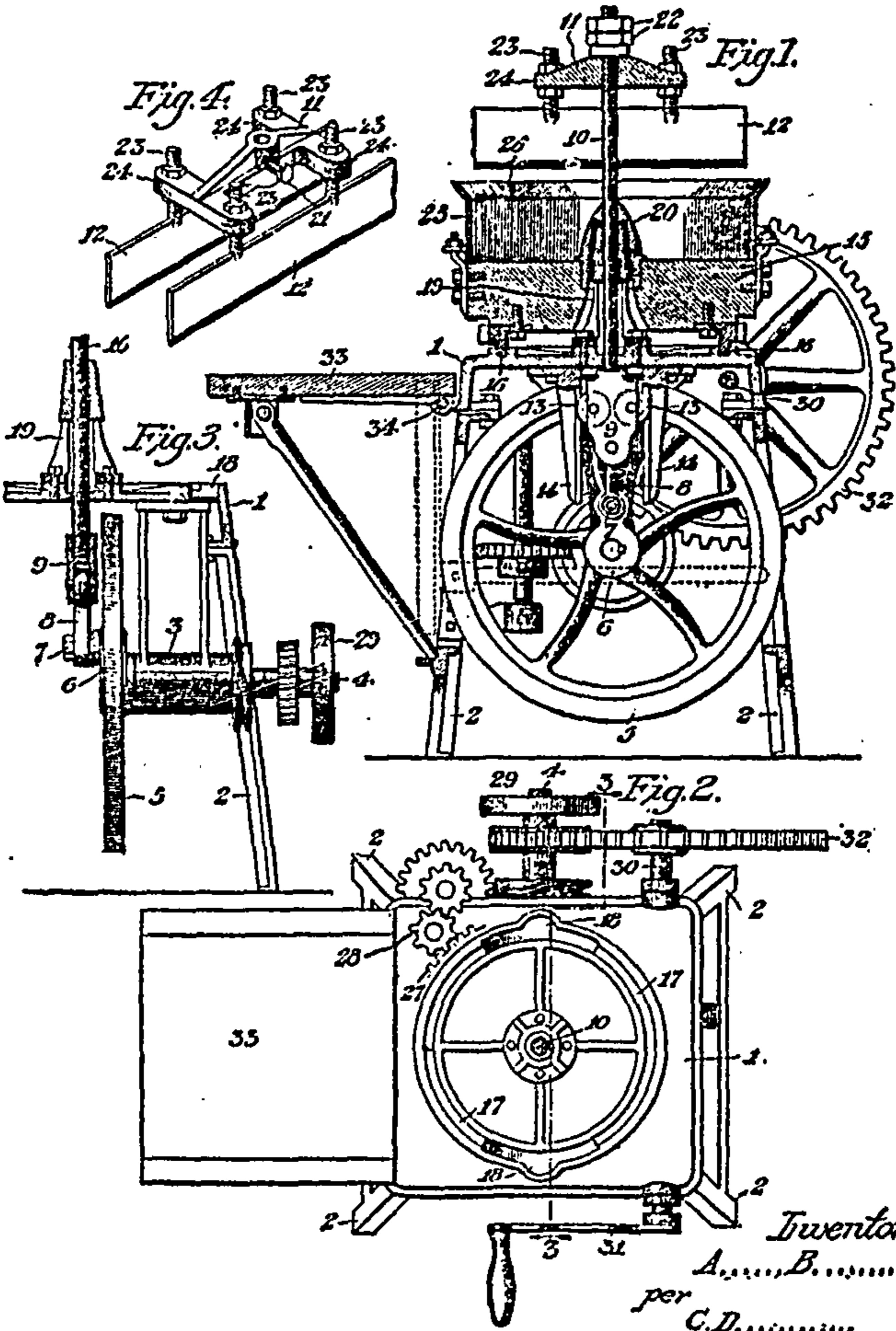
Similar numerals refer to similar parts throughout the several views.

The table or plate 1, its legs or standards 2 2, and the hanger 3, secured to the underside of the table, constitute the framework of the machine. In the hanger 3 turns the shaft 4, carrying a fly-wheel 5, to the hub of which is attached a crank 6, and a crank-pin 7, connected by a link 8, to a pin passing through a crosshead 9, and to the latter is secured a rod 10, having at its upper end a crosshead 11, carrying the adjustable chopping knives, 12 12, referred to hereinafter.

The crosshead 9, reciprocated by the shaft 4, is provided with anti-friction rollers 13 13, adapted to guides 14 14, secured to the underside of the table 1, so that the reciprocation of this crosshead may be accompanied with as little friction as possible.

To the underside of a wooden chopping block 15 is secured an annular rib 16, adapted to and bearing in an annular groove 17 in the table 1. (See Figs. 1 and 2.) This annular groove or channel is not of the same depth throughout, but communicates at one or more points (two in the present instance) with pockets or receptacles 18, 18 wider than the groove and containing supplies of

THIS SPACE MUST BE THIRTEEN INCHES



THIS SPACE MUST BE EIGHT INCHES

oil, in contact with which the rib 16 rotates, so that the continuous lubrication of the groove and rib is assured. The rod 10 passes through and is guided by a central stand 19, secured to the table 1, and projecting through a central opening in the chopping block without being in contact therewith, the upper portion of the said stand being contained within a cover 20, which is secured to the block, and which prevents particles of meat from escaping through the central opening of the same.

The crosshead 11, previously referred to, and shown in perspective in Fig. 4, is vertically adjustable on the rod 10, and can be retained after adjustment by a set-screw 21, the upper end of the rod being threaded for the reception of nuts 22, which resist the shocks imparted to the crosshead when the knives are brought into violent contact with the meat or the chopping block.

The knives 12, 12 are adjustable independently of each other and of the said crosshead, so that the coincidence of the cutting-edge of each knife with the face of the chopping-block may always be assured.

I prefer to carry out this feature of my invention in the manner shown in Fig. 4, where it will be seen that two screw-rods 23, 23 rise vertically from the back of each knife and pass through lugs 24, 24 on the cross-head, each rod being furnished with two nuts, one above and the other below the lug through which it passes. The most accurate adjustment of the knives can be effected by the manipulation of these nuts.

A circular casing 25 is secured to the chopping-block, so as to form on the same a trough 26 for keeping the meat within proper bounds; and on the edge of the annular rib 16, secured to the bottom of the block, are teeth 27, for receiving those of a pinion 28, which may be driven by the shaft 4 through the medium of any suitable system of gearing, that shown in the drawing forming no part of my present invention.

This shaft 4 may be driven by a belt passing round the

pulleys 29, or it may be driven by hand from a shaft 30, furnished at one end with a handle 31, and at the other with a cog-wheel 32, gearing into a pinion on the said shaft 4.

A platform 33 may be hinged, as at 34, to one edge of the table 1, to support a vessel in which the chopped meat can be deposited. The means by which it may be supported are shown in full lines, and the most convenient method of disposing of it when not in use is shown in dotted lines, in Fig. 1.

I am aware that prior to my invention meat-chopping machines have been made with vertically-reciprocating knives operating in conjunction with rotating chopping-blocks. I therefore do not claim such a combination broadly; but

I claim:

1. The combination, in a meat-chopping machine, of a rotary chopping-block having an annular rib, with a table having an annular recess to receive said rib, and a pocket communicating with the said recess, all substantially as set forth.

2. In a meat-chopping machine, the combination of a rotary chopping-block with a reciprocating cross-head carrying knives, each of which is vertically adjustable on the said cross-head independently of the other, substantially as described.

3. A chopping knife having two screw rods projecting perpendicularly from its back and parallel with the sides of the knife.

4. A meat chopping machine provided with a rod carrying chopping knives and adapted to be reciprocated, a cross-head secured to said rod, anti-friction rollers mounted on the cross-head, and guides with which the rollers coöperate, substantially as described.

.....

15. For a Composition of Matter.

To all whom it may concern:

Be it known that I,, a citizen of
[Full name of applicant.]
., residing at, in the county of
. and State of (or subject of,
etc.), have invented a new and useful Non-Conducting
Plastic Composition, of which the following is a specifica-
tion.

The object of my invention is the production of a plas-
tic non-conducting composition or cement to be applied
to the surfaces of steam-boilers and steam-pipes and
other receptacles and conduits as a lagging for prevent-
ing radiation of heat and the permeation of water, and
rendering them fireproof.

My composition consists of a mixture of paper-pulp
or other vegetable fibrous material, a powdered mineral
filler, such as soapstone or Portland cement, a mineral
fibrous material, such as asbestos, and a mineral cement-
ing material, such as silicate of sodium or potassium
(soluble glass).

In preparing the composition I prefer to use the in-
gredients in about the following proportions, viz. fifty
pounds of paper-pulp, fifty pounds of soapstone, twenty-
five pounds of asbestos, and three quarts of a 33° Baumé
solution of soluble glass. Good results may be obtained,
however, when the ingredients are varied within the fol-
lowing limits: vegetable fibrous material, forty to sixty
pounds; powdered mineral filler, forty-five to fifty-five
pounds; mineral fibrous material, twenty to thirty
pounds; soluble glass, two to four quarts of a 30° Baumé
to 35° Baumé solution.

The asbestos may in some cases be omitted when a
cheaper product is desired, though the composition is not
then so efficient for the lagging of surfaces subjected to
high temperatures.

These ingredients are mixed with a quantity of water

sufficient to form a paste or mortar of such consistency as to enable it to be plastered over the surface to be protected. It may be applied in one or more coats or layers, in the ordinary manner, according to the nature of the article and the amount of protection required.

My composition is light, is fireproof, is a very efficient non-conductor of heat, is impervious to water, adheres without cracking when it dries to the surface to which it is applied, and, as a whole, possesses in a high degree all the desired properties of a lagging for steam heated surfaces.

I claim:

1. A plastic composition adapted to form a light weight, fireproof, and waterproof lagging for steam heated surfaces, comprising a vegetable fibrous material, a mineral filler in powdered form and a mineral cementing substance.

2. A plastic composition adapted to form a lagging for steam pipes and the like comprising forty to sixty pounds of paper-pulp, forty-five to fifty-five pounds of powdered soapstone, and two to four quarts of a 30° Baumé to 35° Baumé solution of soluble glass.

3. A plastic composition consisting of a vegetable fibrous material, a powdered mineral filler, a mineral fibrous material and a mineral cementing substance substantially as described.

4. A plastic composition consisting of fifty pounds of paper pulp, fifty pounds of powdered soapstone, twenty-five pounds of asbestos fiber and three quarts of a 33° Baumé solution of soluble glass.

16. For a Design.

To all whom it may concern:

Be it known that I,, a citizen of the United States, residing at, in the county of, and State of (or subject, etc.), have invented a new, original, and ornamental Design for Watch-

Cases, of which the following is a specification, reference being had to the accompanying drawing, forming part thereof.

The figure is a plan view of a watch case, showing my new design.

I claim:

The ornamental design for a watch case, as shown.

.....

17. For a Caveat.

This form is obsolete; law relating to caveats repealed by Act of July 1, 1910.

OATHS.

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

..... }
..... } ss:

.....¹ the above-named petitioner.., being sworn (or affirmed), depose.. and say.. that
..... citizen.. of² and resident.. of³,
that verily believe to be the original, first, and⁴ inventor.. of the improvement in⁵ described and claimed in the annexed specification; that do.. not know and do.. not believe that the same was ever known or used before invention or discovery thereof, or patented or described in any printed publication in any country before invention or discovery thereof, or more than two years

¹If the inventor be dead, the oath will be made by the administrator; if insane, by the guardian, conservator, or legal representative. In either case the affiant will declare his belief that the party named as inventor was the original and first inventor.

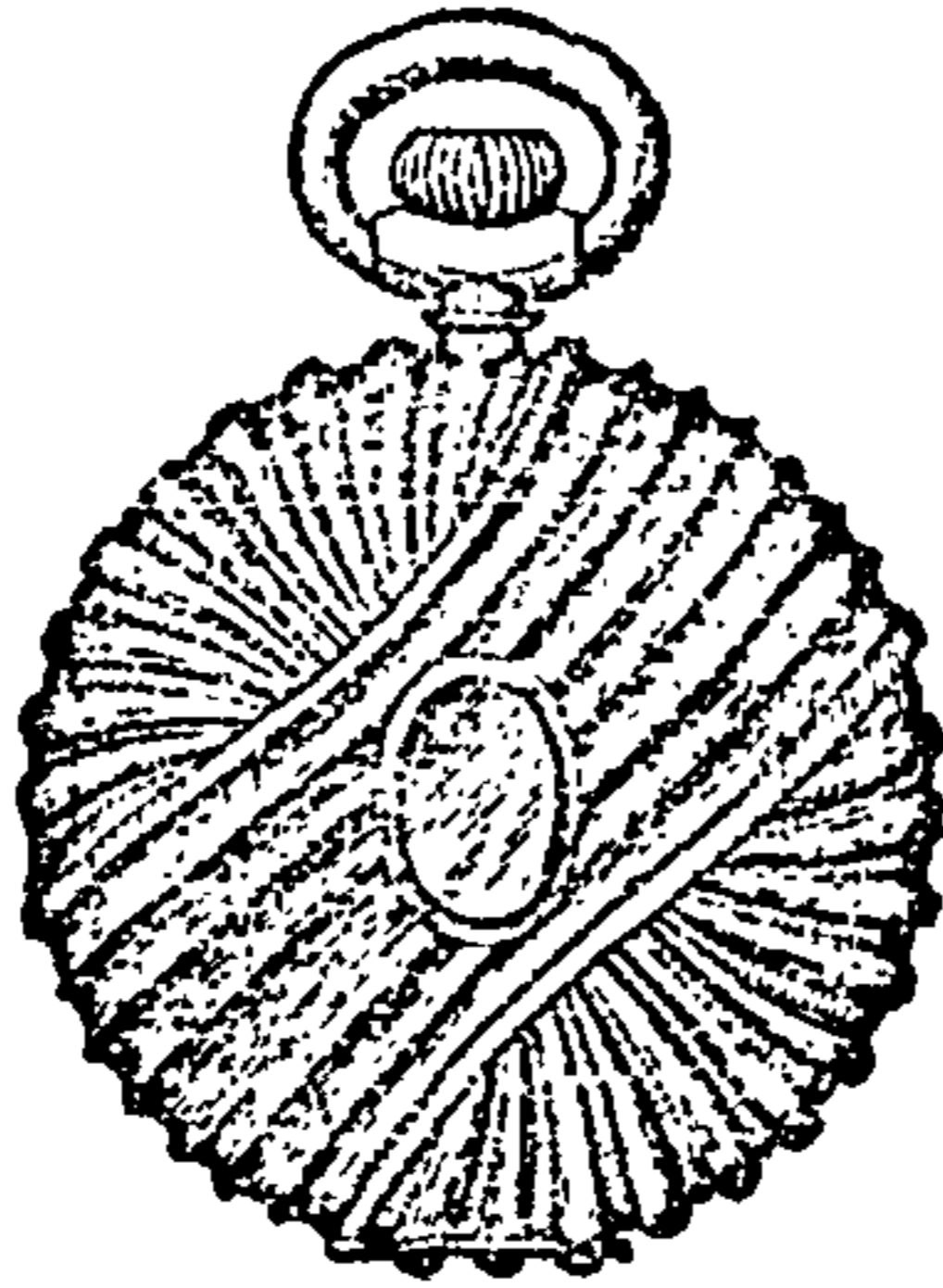
²If the applicant be an alien, state of what foreign country he is a citizen or subject.

³Give residence address in full; as "a resident of, in the county of, and State of" or "of No. Street, in the city of, county of, and State (Kingdom, Republic, or Empire) of"

⁴"Sole" or "joint."

⁵Insert title of invention.

This space must be thirteen inches.



Inventor:
T. B.
per
G. C.
Attorney.

This space must be eight inches.

prior to this application, or in public use or on sale in the United States for more than two years prior to this application; that said invention has not been patented in any country foreign to the United States on an application filed by or legal representatives or assigns more than twelve months prior to this application; and that no application for patent on said improvement has been filed by or representatives or assigns in any country foreign to the United States, except as follows:⁶

Inventor's full name:⁷ {

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

[SEAL.]

.
 [Signature of justice or notary.]

⁸
 [Official character.]

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

. } ss:
 }

.,¹ the above-named petitioner.., being sworn (or affirmed), depose.. and say.. that
 citizen.. of² and resident.. of³,

⁶Name each country in which an application has been filed, and in each case give date of filing the same. If no application has been filed, erase the words "except as follows."

⁷All oaths must bear the signature of the affiant.

s* * * "When the person before whom the oath or affirmation is made is not provided with a seal, his official character shall be established by competent evidence, as by a certificate from a clerk of a court of record or other proper officer having a seal."

A certificate of the official character of a magistrate, stating date of appointment and term of office, may be filed in the Patent Office, which will obviate the necessity of separate certificates in individual cases.

When the oath is taken abroad before a notary public, judge, or magistrate, his authority should in each instance be proved by a certificate of a diplomatic or consular officer of the United States.

¹If the inventor be dead, the oath will be made by the administrator; if insane, by the guardian, conservator, or legal representative. In either case the affiant will declare his belief that the party named as inventor was the original and first inventor.

²If the applicant be an alien, state of what foreign country he is a citizen or subject.

³Give residence address in full; as "a resident of, in the

that verily believe to be the original, first, and ⁴. inventor of the design for ⁵. described and claimed in the annexed specification; that do.. not know and do.. not believe that the same was ever known or used before invention thereof, of patented or described in any printed publication in any country before invention thereof, or more than two years prior to this application, or in public use or on sale in the United States for more than two years prior to this application; that said design has not been patented in any country foreign to the United States on an application filed by or legal representatives or assigns more than four months prior to this application; and that no application for patent on said design has been filed by or representatives or assigns in any country foreign to the United States, except as follows:⁶

Inventor's full name:⁷ {

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

[SEAL.]

^s
 [Signature of justice or notary.]

.
 [Official character.]

county of, and State of" or "of No. Street, in the city of, county of, and State (Kingdom, Republic, or Empire) of"

⁴"Sole" or "joint."

⁵Insert title of invention.

⁶Name each country in which an application has been filed, and in each case give date of filing the same. If no application has been filed, erase the words "except as follows."

⁷All oaths must bear the signature of the affiant.

⁸* * * "When the person before whom the oath or affirmation is made is not provided with a seal, his official character shall be established by competent evidence, as by a certificate from a clerk of a court of record or other proper officer having a seal."

A certificate of the official character of a magistrate, stating date of appointment and term of office, may be filed in the Patent Office, which will obviate the necessity of separate certificates in individual cases.

When the oath is taken abroad before a notary public, judge, or magistrate, his authority should in each instance be proved by a certificate of a diplomatic or consular officer of the United States.

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

[When the original patent is claimed to be inoperative or invalid "by reason of the patentee claiming as his own invention or discovery more than he had a right to claim as new," this form can be modified accordingly.]

..... }
 } ss:

....., the above-named petitioner, being duly sworn (or affirmed), deposes and says that he does verily believe himself to be the original, first, and¹ inventor of the improvement set forth and claimed in the foregoing specification and for which improvement he solicits a patent; that deponent does not know and does not believe that said improvement was ever before known or used; that deponent is a citizen of the United States of America, and resides at, in the county of and State of;² that deponent verily believes that the letters patent referred to in the foregoing petition and specification and herewith surrendered are inoperative (or invalid), for the reason that the specification thereof is defective (or insufficient), and that such defect (or insufficiency) consists particularly in³; and deponent further says that the errors which render such patent so inoperative (or invalid) arose from inadvertence (or accident, or mistake), and without any fraudulent or deceptive intention on the part of deponent;⁴ that the following is a true specification of the errors which it is claimed constitute such inadvertence (or accident, or mistake) relied upon:³; that such errors so particularly specified arose (or occurred) as follows:³

Inventor's full name: {
 {

Subscribed and sworn to before me this day of, 19..

[SEAL.]

.....
 [Signature of Justice or notary.]

.....
 [Official character.]

¹"Sole" or "joint."

²Rule 46.

³Rule 87.

⁴Rule 87 (5).

21. By an Applicant for a Reissue (Assignee).

[To be used only when the inventor is dead.]

..... }
..... } ss:

....., the above-named petitioner, being duly sworn (or affirmed), deposes and says that he verily believes that the aforesaid letters patent granted to are (here follows Form 20, the necessary changes being made); that the entire title to said letters patent is vested in him; and that he verily believes the said to be the first and original inventor of the invention set forth and claimed in the foregoing amended specification; and that the said is now deceased.

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

[SEAL.]

.....
[Signature of justice or notary.]

.....
[Official character.]

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

..... }
..... } ss:

....., whose application for letters patent for an improvement in, serial No., was filed in the United States Patent Office on or about the day of, 19.., being duly sworn (or affirmed), deposes and says that the subject matter of the foregoing amendment was part of his invention, was invented before he filed his original application, above identified, for such invention, was not known or used before his invention, was not patented or described in a printed publication in any country more than two years before his application, was not patented in a foreign

country on an application filed by himself or his legal representatives or assigns more than twelve months before his application, was not in public use or on sale in this country for more than two years before the date of his application, and has not been abandoned.

.....
Sworn to and subscribed before me this day of
....., 19..
[SEAL.]

.....
[Signature of justice or notary.]
.....
[Official character.]

23. Oath as to the Loss of Letters Patent.

..... }
..... } ss:

....., being duly sworn (or affirmed), depose.. and say.. that the letters patent No., granted to him, and bearing date on the day of, 19.., have been either lost or destroyed; that he has made diligent search for the said letters patent in all places where the same would probably be found, if existing, and that he has not been able to find them.

.....
Subscribed and sworn to before me this day of
....., 19..
[SEAL.]

.....
[Signature of justice or notary.]
.....
[Official character.]

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

..... }
..... } ss:

....., being duly sworn, depose.. and say.. that he is administrator of the estate of deceased, late of, in said county; that the letters patent No., granted to said, and

bearing date of the day of, 19.., have been lost or destroyed, as he verily believes; that he has made diligent search for the said letters patent in all places where the same would probably be found, if existing, and especially among the papers of the decedent, and that he has not been able to find said letters patent.

.
Administrator, etc.

Subscribed and sworn to before me this day of, 19..

.
[Signature of justice or notary.]

.
[Official character.]

25. Power of Attorney After Application Filed.

[If the power of attorney be given at any time other than that of making application for letters patent, it will be in substantially the following form:]

To the Commissioner of Patents:

The undersigned having, on or about the day of, 19—, made application for letters patent for an improvement in (serial number), hereby appoints,¹ of, in the county of and State of, his attorney, with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith.

Signed at, in the county of, State of, this day of, 19..

26. Revocation of Power of Attorney.

To the Commissioner of Patents:

The undersigned having, on or about the day of, 19.., appointed, of, in the county of and State of, his attorney to

¹If the power of attorney be to a firm, the name of each member of the firm must be given in full.

prosecute an application for letters patent, which application was filed on or about the day of, 19.., for an improvement in (serial number ...), hereby revokes the power of attorney then given.

Signed at, in the county of and State of, this day of, 19..

.....

27. Amendment.¹

To the Commissioner of Patents:

In the matter of my application for letters patent for an improvement in, filed, 19.. (serial number), I hereby amend my specification as follows:

By striking out all between the and lines, inclusive, of page ..;

By inserting the words “..... ..,” after the word “.....,” in the line of the claim; and

By striking out the claim and substituting therefor the following:

.....

Signed at, in the county of, and State of

.....,

By
His Attorney in Fact.

DISCLAIMERS.

28. Disclaimer After Patent.

To the Commissioner of Patents:

Your petitioner,, a citizen of the United States, residing at, in the county of and State of (or subject, etc.), represents that in the

¹In the preparation of all amendments a separate paragraph should be devoted to each distinct erasure or insertion, in order to aid the office in making the entry of the amendment into the case to which it pertains.

matter of a certain improvement in, for which letters patent of the United States No. were granted to, on the day of, 19.., he is (here state the exact interest of the disclaimant; if assignee, set out liber and page where assignment is recorded), and that he has reason to believe that through inadvertence (accident or mistake) the specification and claim of said letters patent are too broad, including that of which said patentee was not the first inventor. Your petitioner, therefore, hereby enters this disclaimer to that part of the claim in said specification which is in the following words, to wit:

.....
 Signed at, in the county of, and State of, this day of, 19..

Witnesses:

29. Disclaimer During Interference.
Interference.

..... }
 vs. } Before the examiner of interferences.

Subject matter:
To the Commissioner of Patents:
 SIR: In the matter of the interference above noted, under the provisions of and for the purpose set forth in Rule 107, I disclaim (set forth the matter as given in declaration of interference), as I am not the first inventor thereof.

Signed at, in the county of, and State of, this day of, 19..

Witnesses:

APPEALS AND PETITIONS.

30. From a Principal Examiner to the Examiners in Chief.

To the Commissioner of Patents:

SIR: I hereby appeal to the Examiners in Chief from the decision of the Principal Examiner in the matter of my application for letters patent for an improvement in, filed, 19.., serial number, which on the day of, 19.., was rejected the second time. The following are the points of the decision on which the appeal is taken: (Here follows a statement of the points on which the appeal is taken.)

Signed at, in the county of, and State of, this day of, 19..

.

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

To the Commissioner of Patents:

SIR: I hereby appeal to the Examiners in Chief from the decision of the Examiner of Interferences in the matter of the interference between my applications for letters patent for improvement in and the letters patent of, in which priority of invention was awarded to said The following are assigned as reasons of appeal: (Here should follow an explicit statement of alleged errors in the decision of the Examiner of Interferences.)

Signed at, in the county of, and State of, this day of, 19..

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

To the Commissioner of Patents:

SIR: I hereby appeal to the Commissioner in person from the decision of the Examiners in Chief in the matter of my application for letters patent for an improve-

ment in, filed, 19.., serial number The following are assigned as reasons of appeal: (Here follow the reason as in Form 30.)

Signed at, in the county of, and State of, this day of, 19..

.

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

To the Commissioner of Patents:

SIR: I hereby appeal to you in person from the decision of the Examiners in Chief, made, 19.., in the interference between my application for letters patent for improvement in and the letters patent of, in which priority of invention was awarded to said The following are assigned as reasons of appeal: (Here should follow an explicit statement of the alleged errors in the decision of the Examiners in Chief.)

Signed at, in the county of, and State of, this day of, 19..

.

34. Petition From a Principal Examiner to the Commissioner.

Application of
Serial number
Subject of invention

To the Commissioner of Patents:

Your petitioner avers—

First. That he is the applicant above named.

Second. That said application was filed on the day of, 19..

Third. That when so filed said application contained claims.

Fourth. That your petitioner was informed by office

letter of the, 19.., (1) that his claim was rendered vague and indefinite by the employment of the words “,” which words should be erased; (2) that his claim was met by certain references which were given; and (3) that the claim was mere surplusage and should be eliminated.

Fifth. That on the day of your petitioner filed an amendment so eliminating his claim, and accompanied such amendment with a communication in which he declined to amend such claim, and asked for another action thereon.

Sixth. That your petitioner was then informed by office letter of the day of that the former requirement relating to claim would be adhered to, and that no action would be had on the merits of either claim until said amendment so required had been made.

Wherefore your petitioner requests that the Examiner in charge of such application be advised that such amendment so required by him to said claim be not insisted upon and directed to proceed to examine both said remaining claims upon their merits.

A hearing of this petition is desired on the day of, 19..

.,
Applicant.

.,
Attorney for Applicant.

35. Petition for Copies of Rejected and Abandoned Applications.

To the Commissioner of Patents:

The petition of, a resident of, in the county of and State of, respectfully shows:

First. That on the day of, 19.., patent No., issued to one

Second. That your petitioner is informed and believes that on the day of, 19.., said patentee filed in the United States Patent Office an application for patent for improvement in

Third. That your petitioner verily believes that said application has not been prosecuted during the past two years and upward; and he also verily believes that the last action had therein was on or about the day of, 19...

Fourth. That said application has therefore become and now stands abandoned.

Fifth. That on the day of, 19.., said patentee began suit, in the Circuit Court of the United States for the district of, against your petitioner, which suit is based upon said patent, and the same is now pending and undetermined.

Sixth. Your petitioner is informed and believes that to enable him to prepare and conduct his defense in such suit it is material and necessary that he be allowed access to and copies of the files of such abandoned case.

Seventh. Your petitioner therefore requests that he or, in his behalf and as his attorney, be permitted to inspect and be furnished copies of all or any portion of such case.

.....,
Petitioner.

By
His Attorney.

..... } ss:
..... }

On this day of, 19.., before me, a notary public in and for said county and State, personally appeared, the above-named attorney, who, being by me duly sworn, deposes and says that he has read the foregoing petition and knows its contents, and that the same is true, except as to the matters therein stated on in-

formation or belief, and as to those matters he believes it to be true.

.....,
Notary Public.

NOTE.—A copy of this petition must be served upon the applicant named in the abandoned application or upon his attorney of record.

36. Preliminary Statement of Domestic Inventor.

..... } Interference in the United States
 ps. } Patent Office.
..... } Preliminary statement of

....., of, in the county of, and State of, being duly sworn (or affirmed), doth depose and say that he is a party to the interference declared by the Commissioner of Patents, 19.., between 's application for letters patent, filed, 19.., serial number, and the patent to, granted, 19.., numbered, for a; that he conceived the invention set forth in the declaration of interference¹ on or about the day of, 19..; that on or about the day of, 19.., he first made drawings of the invention (if he has not made a drawing, then he should say that no drawing of the invention in issue has been made); that on the day of, 19.., he made the first written description of the invention (if he has not made a written description of the invention, he should so state); that on or about the day of, 19.., he first explained the invention to others; that he first embodied his invention in a full-size machine, which was completed about the day of, 19.., and that on the

¹If the party has doubts as to whether the matter of his application is properly involved in the issue as declared, then in lieu of the term "the invention set forth in the declaration of interference," he may say "the invention contained in the claims of my application (or patent) declared to be involved in this interference," and should specify such claims by number.

.....day of, 19.., the said machine was first successfully operated, in the town of, county of, and State of, and that he has since continued to use the same, and that he has manufactured others for use and sale to the following extent, viz (if he has not embodied the invention in a full-size machine, he should so state; and if he has embodied it but has not used it, he should so state).

.....
[Signature of inventor.]

Subscribed and sworn to before me this day of, 19...

.....
[Signature of justice or notary.]

.....
[Official character.]

37. Preliminary Statement of Foreign Inventor.

..... } Interference in United States
 vs. } Patent Office.
..... } Preliminary statement of

....., of London, in the county of Middlesex, England, being duly sworn, doth depose and say that he is a party to the interference declared by the Commissioner of Patents,, 19.., between his application for patent, filed, 19.., serial number, and the patent of, granted, 19.., No., for an improvement in; that he made the invention set forth in the declaration of interference,¹ being at that time in England; that patents for such invention were applied for and obtained as follows:

Application filed in Great Britain,, 19.., patent dated, 19.., No.; published the day of, 19.., and sealed the day of,

¹If the party has doubts as to whether the matter of his application is properly involved in the issue as declared, then in lieu of the terms "the invention set forth in the declaration of interference," he may say "the invention contained in the claims of my application (or patent) declared to be involved in this interference," and should specify such claims by number.

19..; application filed in France, 19.., patent dated, 19.., No.; published the day of, 19.., and sealed the day of, 19.. (If a patent has not been obtained in any country it should be so stated.)

That such invention was fully described in a magazine published at, on the day of, 19.., by , entitled (see page ... of such magazine), and in the following newspapers: of, 19..; , published at, on, 19.. (If the invention was never described in a printed publication it should be so stated.)

The knowledge of such invention was introduced into the United States under the following circumstances: On, 19.., the said wrote a letter to , residing at, State of, describing such invention and soliciting his services in procuring a patent therefor in the United States. This letter, he is informed and believes, was received by the said on, 19.. Also on 19.., he wrote a letter to the firm of , of, State of, describing such invention and requesting their assistance in manufacturing and putting it on the market, which letter, he is informed and believes, was received by them on, 19.. Such invention was manufactured by such firm and described in their trade circulars, as he is informed and verily believes, on or about the day of, 19.. (If the invention has not been introduced into the United States otherwise than by the application papers, it should be so stated, and the date at which such papers were received in the United States alleged.)

.....
[Signature of inventor.]

Subscribed and sworn to before me this day of
., 19. . .

.
[Signature of justice or notary.]

.
[Official character.]

ASSIGNMENTS.

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

Whereas I,, of, county of
and State of, have invented a certain improve-
ment in, for which I am about to make applica-
tion for letters patent of the United States; and whereas
., of, county of, and State
of, is desirous of acquiring an interest therein:

Now, therefore, in consideration of dollars, the
receipt of which is hereby acknowledged, I,
., by these presents do sell, assign, and transfer
unto the full and exclusive right to the
said invention, as described in the specification executed
by me on the day of, 19. . ., preparatory to
obtaining letters patent of the United States therefor;
and I hereby request the Commissioner of Patents to
issue said letters patent to as the assignee,
for his interest, for the sole use and behoof of said
. and his legal representatives.

Executed day of, 19. . .

. [SEAL.]

In presence of—

.
.

(If assignment, grant, or conveyance be acknowledged as provided for
by Rule 185, the certificate will be *prima facie* evidence of the execution
of such assignment, grant, or conveyance.)

39. Of the Entire Interest in Letters Patent.

Whereas I,, of, county of, State of, did obtain letters patent of the United States for an improvement in, which letters patent are numbered, and bear date the day of, 19. . .; and whereas I am now the sole owner of said patent; and whereas, of, county of, and State of, is desirous of acquiring the entire interest in the same:

Now, therefore, in consideration of the sum of dollars, the receipt of which is hereby acknowledged, I,, by these presents do sell, assign, and transfer unto the said, the whole right, title, and interest in and to the said letters patent therefor aforesaid; the same to be held and enjoyed by the said, for his own use and behoof, and for his legal representatives, to the full end of the term for which said letters patent are granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed day of, 19. . .

. [L. S.]

In presence of

.

.

(See note under Form 38.)

40. Of an Undivided Interest in Letters Patent.

Whereas I,, of, county of, State of, did obtain letters patent of the United States for an improvement in, which letters patent are numbered, and bear date the day of,; and whereas, of, county of, State of, is desirous of acquiring an interest in the same:

Now, therefore, in consideration of the sum of dollars, the receipt of which is hereby acknowledged, I

....., by these presents do sell, assign, and transfer unto the said, the undivided one-half part of the whole right, title, and interest in and to the said invention and in and to the letters patent therefor aforesaid; the said undivided one-half part to be held by, for his own use and behoof, and his legal representatives, to the full end of the term for which said letters patent are granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed day of, 19...

..... [L. S.]

In presence of—

.....

.....

(See note under Form 38.)

41. Territorial Interest After Grant of Patent.

Whereas I,, of, county of, State of, did obtain letters patent of the United States for an improvement in, which letters patent are numbered, and bear date the day of, in the year 19..; and whereas I am now the sole owner of the said patent and of all rights under the same in the below-recited territory; and whereas, of, county of, State of, is desirous of acquiring an interest in the same:

Now, therefore, for and in consideration of the sum of dollars to me in hand paid, the receipt of which is hereby acknowledged, I, by these presents do sell, assign, and transfer unto the said all the right, title, and interest in and to the said invention, as secured to me by said letters patent, for, to, and in the State of, and for, to, or in no other place or places; the same to be held by within and throughout the above-specified territory, but not elsewhere, for his own use and behoof, and of his

legal representatives, to the full end of the term for which said letters patent are granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed day of, 19...

. [L. S.]

In presence of—

.

.

(See note under Form 38.)

42. License—Shop-Right.

In consideration of the sum of dollars, to be paid by the firm of, of, in the county of, State of, I do hereby license and empower the said to manufacture in said (or other place agreed upon) the improvement in, for which letters patent of the United States No. were granted to me the day of, in the year 19.., and to sell the machines so manufactured throughout the United States to the full end of the term for which said letters patent are granted.

Signed at, in the county of and State of, this day of, 19...

.

In presence of—

.

.

43. License—Not Exclusive—With Royalty.

This agreement, made this day of, 19.., between, of, in the county of and State of, party of the first part, and, of, in the county of and State of, party of the second part, witnesseth, that whereas letters patent of the United States No., for improvement in, were granted

to the party of the first part in the day of, 19..; and whereas the party of the second part is desirous of manufacturing containing said patented improvements: Now, therefore, the parties have agreed as follows:

I. The party of the first part hereby licenses and empowers the party of the second part to manufacture, subject to the conditions hereinafter named, at their factory in, and in no other place or places, to the end of the term for which said letters patent were granted, containing the patented improvements, and to sell the same within the United States.

II. The party of the second part agrees to make full and true returns to the party of the first part, under oath, upon the first days of and in each year, of all containing the patented improvements manufactured by them.

III. The party of the second part agrees to pay to the party of the first part dollars as a license fee upon every manufactured by said party of the second part containing the patented improvements; provided, that if the said fee be paid upon the days provided herein for semi-annual returns, or within days thereafter, a discount of per cent. shall be made from said fee for prompt payment.

IV. Upon a failure of the party of the second part to make returns or to make payment of license fees, as herein provided, for days after the days herein named, the party to the first part may terminate this license by serving a written notice upon the party of the second part; but the party of the second part shall not thereby be discharged from any liability to the party of the first part for any license fees due at the time of the service of said notice.

In witness whereof the parties above named have here-

unto set their hands the day and year first above written
at, in the county of and State of

.
.

In the presence of—

.
.

DEPOSITIONS.

44. Notice of Taking Testimony.

.,,, 19..

In the matter of the interference between the application
of for a machine and the patent
No., granted, 19.., to,
now pending before the Commissioner of Patents.

Sir: You are hereby notified that on Wednesday,
., 19.., at the office of, Esq., No.
. Street, at o'clock in the
forenoon, I shall proceed to take the testimony of
., residing at, and, resid-
ing at, all of, as witnesses in my be-
half.

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

.
By,
His Attorney.

Signed at, in the county of and State
of, this day of, 19..

Witnesses:

.
.

Proof of Service.

. }
. } ss:

Personally appeared before me, a (or other officer), the above-named, who, being duly sworn, deposes and says that he served the above notice upon, the attorney of the said, at .. o'clock of the day of, 19.., by leaving a copy at his office in, in the county of and State of, in charge of

Sworn to and subscribed before me at, in the county of and State of, this day of, 19...

[SEAL.]

.....
[Signature of justice or notary.]

.....
[Official character.]

(Service may be acknowledged by the party upon whom it is made as follows:

Service of the above notice acknowledged this of, 19...

.....,
By,
His Attorney.

45. Form of Deposition.

Before the Commissioner of Patents, in the matter of the interference between the application of for a and Letters Patent No granted, 19.., to

Depositions of witnesses examined on behalf of, pursuant to the annexed notice, at the office of, No. Street,, on, 19... Present,, Esq., on behalf of, and, Esq., on behalf of

....., being duly sworn (or affirmed), doth depose and say, in answer to interrogatories proposed to

him by, Esq., counsel for, as follows, to wit:

Question 1. What is your name, age, occupation, and residence?

Answer 1. My name is; I am . . . years of age; I am a manufacturer of and reside at, in the State of

Question 2, etc.
.

And in answer to cross-interrogatories proposed to him by, Esq., counsel for, he saith:

Cross-question 1. How long have you known
.?

Answer 1.
.

46. Certificate of Officer.

[To follow deposition.]

. } ss:
. }

I,, a notary public within and for the county of and State of (or other officer, as the case may be), do hereby certify that the foregoing deposition of was taken on behalf of in pursuance of the notice hereto annexed, before me, at, in the city of, in said county, on the day (or days) of, 19..; that said witness was by me duly sworn before the commencement of his testimony; that the testimony of said witness was written out by myself (or by in my presence); that the opposing party,, was present (or absent or represented by counsel) during the taking of said testimony; that said testimony was taken at, and was commenced at . . . o'clock on the of, 19.., was continued pursuant to adjournment on the,

(etc.), and was concluded on the of said month; that the deposition was read by, or to, each witness, before the witness signed the same; that I am not connected by blood or marriage with either of said parties, nor interested directly or indirectly in the matter in controversy.

In testimony whereof I have hereunto set my hand and affixed by seal of office at, in said county, this day of, 19...

[SEAL.]

.....
[Signature of justice or notary.]
.....
[Official character.]

(The magistrate will then append to the deposition the notice under which it was taken, and will seal up the testimony and direct it to the Commissioner of Patents, placing upon the envelope a certificate in substance as follows:)

I hereby certify that the within deposition of (if the package contains more than one deposition give all the names), relating to the matter of interference between and, was taken, sealed up, and addressed to the Commissioner of Patents by me this day of, 19...

[SEAL.]

.....
[Signature of justice or notary.]
.....
[Official character.]

)

APPEALS FROM THE COMMISSIONER OF PATENTS
TO THE COURT OF APPEALS OF THE
DISTRICT OF COLUMBIA.

Court Rules.

No. XXI.

APPEALS FROM THE COMMISSIONER OF PATENTS.

1. All certified copies of papers and evidence on appeal from the decision of the Commissioner of Patents, authorized by Section 9 of the Act of Congress approved February 9, 1893, shall be received by the clerk of this court, and the cases, by titling and number as they appear on the record in the Patent Office, shall be placed on a separate docket from the docket of the cases brought into this court by appeal from the Supreme Court of the District of Columbia, to be designated as the "Patent Appeal Docket"; and upon filing such copies the party appellant shall deposit with the clerk, or secure to be paid as demanded, an amount of money sufficient to cover all legal costs and expenses of said appeal; and upon failure to do so his appeal shall be dismissed. The clerk shall, under this titling of the case on the docket, make brief entries of all papers filed and of all proceedings had in the case.

2. The appellant, upon complying with the preceding section of this rule, shall file in the case a petition addressed to the court, in which he shall briefly set forth and show that he has complied with the requirements of sections 4912 and 4913 of the Revised Statutes of the United States to entitle him to an appeal, and praying that his appeal may be heard upon and for the reasons

assigned therefor to the Commissioner; and said appeal shall be taken within forty days from the date of the ruling or order appealed from and not afterwards.

If the petition for an appeal and the certified copies of papers and evidence on appeal mentioned in this and the preceding section of this rule shall not be filed and the case duly docketed in this court within forty days (exclusive of Sundays and legal holidays) from the day upon which notice of appeal is given to the Commissioner of Patents, the commissioner, upon such facts being brought to his attention by motion of the appellee, duly served upon the appellant or his attorney, may take such further proceedings in the case as may be necessary to dispose of the same, as though no notice of appeal had ever been given.

3. The clerks shall provide a minute book of his office, in which he shall record every order, rule, judgment, or decree of the court in each case, in the order of time in which said proceedings shall occur; and of this book the index shall be so kept as to show the name of the party applying for the patent, the invention by subject matter or name, and, in the cases of interference, the name of the party with whose pending application or unexpired patent the subsequent application is supposed to interfere.

4. The cases on this docket shall be called for argument on the second Monday of January, March, May, and November in each year, and the cases shall be called in regular order as they may stand on the docket. A copy of these rules shall be furnished to the Commissioner of Patents; and it shall be the duty of the clerk of this court to give special notice to the said Commissioner at least fifteen days immediately preceding the times thus respectively fixed for the hearing of said cases; the said notice to name the place of the sitting of the court, the titling of the cases on the docket of this court, the respective numbers thereof, and the number

of each case as it appears of record in the Patent Office; and thereupon the Commissioner shall give notice to the parties interested or concerned by notice addressed to them severally by mail.

5. The clerk shall furnish to any applicant a copy of any paper in any of said appeals on payment of the legal fees therefor.

6. The appeals from the Commissioner of Patents shall be subject to all the rules of this court provided for other cases therein, except where such rules, from the nature of the case, or by reason of special provisions inconsistent therewith, are not applicable.

7. *Models, diagrams, and exhibits of material forming part of the evidence taken in the court below or in the Patent Office in any case pending in this court on writ of error or appeal shall be placed in the custody of the clerk of this court at least three days before the case is heard or submitted.*

8. *All models, diagrams, and exhibits of material placed in the custody of the clerk for the inspection of the court on the hearing of the case must be taken away by the parties within twenty days after the case is decided. When this is not done, it shall be the duty of the clerk to notify the counsel in the case and the Commissioner of Patents, by mail or otherwise, of the requirements of this rule; and if the articles are not removed within ten days after the notice is given, he shall destroy them or make such other disposition of them as to him may seem best.*

No. XXII.

OPINIONS OF LOWER COURT AND COMMISSIONER OF PATENTS MADE PART OF RECORD.

Whenever the judgment, decree, or order appealed from is based upon or has reference to a written opinion filed in the case by the court below, such opinion shall constitute a part of the transcript to be sent to this court;

and such opinion, and also the written reasons or grounds assigned by the Commissioner of Patents in appeals from the Patent Office, shall be printed as part of the record to be printed under Rule 6.

* * * * *

No. XXVII.

SUNDAYS AND LEGAL HOLIDAYS.

That wherever days are mentioned in the foregoing rules as limitations of time, they shall be construed to exclude Sundays and legal holidays, *but to include Saturday half holidays.*

Instructions to Appellants.

The Act of Congress creating the Court of Appeals of the District of Columbia, approved February 9, 1893, gives to that court jurisdiction of appeals from final decisions of the Commissioner of Patents both in *ex parte* cases and in interference cases.

Where an appeal of either class is to be prosecuted to the Court of Appeals of the District of Columbia, the first step is to file with the Commissioner of Patents a notice of appeal, together with an assignment of reasons of appeal. This step must be taken within forty days, exclusive of Sundays and legal holidays, *but including Saturday half holidays*, from the date of the decision of the Commissioner of Patents sought to be reviewed.

The next step in the prosecution of such an appeal is to file with the clerk of the Court of Appeals of the District of Columbia a certified transcript of the record and proceedings in the Patent Office relating to the case in question, together with a petition for appeal, addressed to the Court of Appeals of the District of Columbia, make a deposit of \$15, and have the appearance of a member of the bar of that court entered for the appellant.

The notice of appeal and reasons of appeal required to be served upon the Commissioner of Patents may be

signed by the appellant or by his attorney of record in the Patent Office, but the petition for an appeal that is filed in the Court of Appeals of the District of Columbia must be signed by a member of the bar of the Court of Appeals of the District of Columbia, who should enter a regular appearance in the case in the clerk's office.

After the petition for the appeal, the certified transcript, and the docket fee of \$15 have been lodged in the office of the clerk of the Court of Appeals of the District of Columbia, the clerk will send to the solicitor of record an estimate of the cost of printing the petition, transcript, etc.

When the amount called for is deposited, the clerk will cause the printing to be done under his supervision, and when the printing is completed the case will be put on the calendar for hearing at the next term at which patent appeals are heard.

In interference cases the clerk is authorized to receive printed copies of the evidence, such as have been used in the Patent Office, thus saving to the appellant the cost of reprinting such evidence. When such printed copies are supplied, twenty-five copies must be furnished.

As above stated, the notice of appeal and the reasons of appeal are required to be filed with the Commissioner of Patents within forty days, exclusive of Sundays and legal holidays, *but including Saturday half holidays*, of the date of the decision appealed from, but the petition for appeal and the certified transcript which are to be filed in the Court of Appeals of the District of Columbia are required to be filed in that court within forty days, exclusive of Sundays and legal holidays, *but including Saturday half holidays*, from the time of the giving of the notice of appeal; that is to say, if the decision complained of was rendered, for instance, on the 1st day of July, 1906, the party aggrieved might file his notice of appeal, with the reasons of appeal, at any time within forty days, exclusive of Sundays and legal holidays, *but*

including Saturday half holidays, thereafter; but if he filed his notice of appeal and reasons therefor on the 10th day of July, 1906, he would be required to file his petition for appeal and the certified transcript in the Court of Appeals of the District of Columbia within forty days, exclusive of Sundays and legal holidays, but including Saturday half holidays, of the 10th day of July, 1906.

For convenience of appellants and to secure uniformity in practice the following forms are suggested as guides in the prosecution of patent appeals:

Forms.

I. FORM OF NOTICE OF APPEAL TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA IN AN EX PARTE CASE, WITH REASONS OF APPEAL AND REQUEST FOR TRANSCRIPT.

In the United States Patent Office.

In re application of

 Serial No.
 Filed
 Improvements in

To the Commissioner of Patents:

SIR: You are hereby notified of my appeal to the Court of Appeals of the District of Columbia from your decision, rendered on or about the day of, 19.., rejecting my above-entitled application and refusing me a patent for the invention set forth therein.

The following are assigned as reasons of appeal:

[Here insert in separate counts the specific errors complained of.]

.....,
 By,
His Attorney.

2. FORM OF PETITION FOR AN APPEAL TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA IN AN EX PARTE CASE.

In the Court of Appeals of the District of Columbia.

In re application of
.....
Serial No.
Filed
Improvements in

To the Court of Appeals of the District of Columbia:

Your petitioner,, of, in the county of, and State of, respectfully represents:

That he is the original and first inventor of certain new and useful improvements in

That on the day of, 19.., in the manner prescribed by law, he presented his application to the Patent Office, praying that a patent be issued to him for the said invention.

That such proceedings were had in said office upon said application; that on the day of, 19.., it was rejected by the Commissioner of Patents and a patent for said invention was refused him.

That on the day of, 19.., your petitioner, pursuant to Sections 4912 and 4913, Revised Statutes, United States, gave notice to the Commissioner of Patents of his appeal to this honorable court from his refusal to issue a patent to him for said invention upon said application as aforesaid, and filed with him, in writing, the following reasons of appeal:

[Here recite the reasons of appeal assigned in the notice to the Commissioner.]

That the Commissioner of Patents has furnished him a certified transcript of the record and proceedings relating to said application for patent, which transcript is filed herewith and is to be deemed and taken as a part hereof.

Wherefore your petitioner prays that his said appeal may be heard upon and for the reasons assigned therefor to the Commissioner as aforesaid, and that said appeal may be determined and the decision of the Commissioner be revised and reversed, that justice may be done in the premises.

.....,
By
His Attorney.

[To be signed here by a member of the bar of
the Court of Appeals of D. C.]

.....,
Solicitor and of Counsel.

3. FORM OF NOTICE OF APPEAL TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA IN AN INTERFERENCE CASE, WITH REASONS OF APPEAL AND REQUEST FOR TRANSCRIPT.

In the United States Patent Office.

Before the Commissioner of Patents.

..... }
vs. } Interference No. Subject-matter:
..... } Improvements in

And now comes, by, his attorney, and gives notice to the Commissioner of Patents of his appeal to the Court of Appeals of the District of Columbia from the decision of the said Commissioner, rendered on or about the day of, 19.., awarding priority of invention to in the

above-entitled case, and assigns as his reasons of appeal the following:

[Here set out in separate counts the specific errors in the Commissioner's decision complained of.]

.....,
By,
His Attorney.

4. FORM OF PETITION FOR AN APPEAL TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA IN AN INTERFERENCE CASE.

In the Court of Appeals of the District of Columbia.

In re Interference No.

....., }
Appellant, }
vs. }
..... }

To the Court of Appeals of the District of Columbia:

Your petitioner,, of, in the county of, and State of, respectfully represents:

That he is the original and first inventor of certain new and useful improvements in

That on the day of, 19.., in the manner prescribed by law, he presented his application to the Patent Office, praying that a patent be issued to him for the said invention.

That thereafter, to wit, on the day of, 19.., an interference proceeding was instituted and declared between his said application, and a pending application of one, serial No., filed, for a similar invention.

That the subject-matter of said interference as set forth in the official declaration was as follows:

[Here state the issues of the interference.]

That thereafter, to wit, on the day of, 19.., the case having been submitted upon the preliminary statements and evidence presented by the parties thereto, the Examiner of Interferences rendered a decision awarding priority of invention to

That, pursuant to the statutes and the rules of practice in the Patent Office in such case made and provided, appealed from the said adverse decision of the Examiner of Interferences to the Board of Examiners in Chief, and the case having been argued and submitted to said board, a decision was rendered by said board on the day of, 19.., affirming (or reversing) the decision of the Examiner of Interferences.

That thereafter, pursuant to said statutes and rules, appealed from the said adverse decision of the Board of Examiners in Chief to the Commissioner of Patents, and the same coming on to be heard and having been argued and submitted, a decision was, on the day of, 19.., rendered by the Commissioner adverse to your petitioner, affirming (or reversing) the decision of the Board of Examiners in Chief and awarding priority of invention to the said

That on the day of, 19.., your petitioner, pursuant to Sections 4912 and 4913, Revised Statutes, United States, gave notice to the Commissioner of Patents of his appeal to this honorable court from his decision awarding priority of invention to said, as aforesaid, and filed with him, in writing, the following reasons of appeal:

[Here insert reasons of appeal assigned in notice to Commissioner.]

That the Commissioner of Patents has furnished your petitioner a certified transcript of the record and proceedings relating to said interference case, which transcript is filed herewith and is to be deemed and taken as a part hereof.

Wherefore your petitioner prays that his said appeal

may be heard upon and for the reasons assigned therefor to the Commissioner, as aforesaid, and that said appeal may be determined and the decision of the commissioner be revised and reversed, that justice may be done in the premises.

.....,
By
His Attorney.

[To be signed here by a member of the bar of
the Court of Appeals of D. C.]

.....,
Solicitor and of Counsel.

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