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*U. S. Laws, statutes, etc.*  
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# PATENT LAWS

OF THE

UNITED STATES:

TOGETHER WITH

INFORMATION FOR PERSONS HAVING BUSINESS  
TO TRANSACT

AT THE

PATENT OFFICE.

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## TO THE PUBLIC.

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WITH a sincere desire to promote the interests of inventors, and those of our citizens who have business to transact with the United States Patent Office, the undersigned, publishers of the *Scientific American*, present in the following pages all the existing laws relative to American Patents, with full instructions how to proceed in transacting business with said office, according to the forms prescribed by the present Hon. Commissioner of Patents.

From our great experience in business relating to Patents, we know that there are but few of our citizens who are thoroughly acquainted with such matters; and owing to this want of knowledge, many who can but little afford it are at no trifling expense yearly in paying for legal advice, and obtaining information respecting patent laws, and the mode of procedure to secure a patent. We have, therefore, been induced to publish this little work in order to spread abroad a knowledge of our Patent Laws, and thereby save to inventors the fruits of their hard-earned toil, by personally acquiring correct information at a trifling expense.

These being the motives which have prompted us to publish this useful work, we respectfully dedicate it to inventors, and the subscribers of the "SCIENTIFIC AMERICAN."

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# PATENT LAWS OF THE UNITED STATES.

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*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,* That there shall be established and attached to the Department of State an office to be denominated the Patent Office, the chief officer of which shall be called the Commissioner of Patents, to be appointed by the President, by and with the advice and consent of the Senate, whose duty it shall be, under the direction of the Secretary of State, to superintend, execute, and perform all such acts and things, touching and respecting the granting and issuing of patents for new and useful discoveries, inventions, and improvements, as are herein provided for, or shall hereafter be, by law, directed to be done and performed, and shall have charge and custody of all the books, records, papers, models, machines, and all other things belonging to said office. And said Commissioner shall receive the same compensation as is allowed by law to the Commissioner of the Indian Department, and shall be entitled to send and receive letters and packages by mail, relating to the business of the office, free of postage.

Sec. 2. *And be it further enacted,* That there shall be in said office an inferior officer, to be appointed by the said principal officer, with the approval of the Secretary of State, to receive an annual salary of seven hundred dollars, and to be called the Chief Clerk of the Patent Office, who, in all cases during the necessary absence of the Commissioner, or when the said principal office shall become vacant, shall have the charge and custody of the seal, and of the records, books, papers, machines, models, and all other things belonging to said office, and shall perform the duties of Commissioner during such vacancy. And the said Commissioner may also, with like approval, appoint an examining clerk, at an annual salary of fifteen hundred dollars; two other clerks, at twelve hundred dollars each, one of whom shall be a competent draughtsman; one other clerk, at one thousand dollars; a machinist, at twelve hundred and fifty dollars; and a messenger, at seven hundred dollars. And said Commissioner, clerks, and every other person appointed and employed in said office, shall be disqualified and interdicted from acquiring or taking, except by inheritance, during the period for which they shall hold their appointments, respectively, any right or interest, directly or indirectly, in any patent for an invention or discovery which has been, or may hereafter be, granted.

Sec. 3. *And be it further enacted,* That the said principal officer, and every other person to be appointed in the said office, shall, before he enters upon the duties of his office or appointment, make oath or affirmation truly and faithfully to execute the trust committed to him. And the said Commissioner and the Chief Clerk shall also, before entering upon their duties, severally give bonds, with sureties, to the Treasurer of the United States, the former in the sum of ten thousand dollars, and the latter in the sum of five thousand dollars, with condition to render a true and faithful account to him or his successor in office, quarterly, of all moneys which shall be by them respectively received for duties on patents, and for copies of records and drawings, and all other moneys received by virtue of said office.

Sec. 4. *And be it further enacted,* That the said Commissioner shall cause a seal to be made and provided for the said office, with such device as the President of the United States shall approve; and copies of any records, books, papers, or drawings, belonging to the said office, under the signature of the said Commissioner, or, when the office shall be vacant, under the signature of the Chief Clerk, with the said seal affixed, shall be competent evidence in all cases in which the original records, books, papers, or drawings, could be evidence. And any person making application therefor may have certified copies of the records, drawings, and other papers deposited in said office, on paying, for the written copies the sum of ten cents for every page of one hundred words; and for copies of drawings, the reasonable expense of making the same.

Sec. 5. *And be it further enacted,* That all patents issuing from said office shall be issued in the name of the United States, and under the seal of said office, and be signed by the Secretary of State, and countersigned by the Commissioner of said office, and shall be recorded, together with the descriptions, specifications, and drawings, in the said office, in books to be kept for that purpose. Every such patent shall contain a short description or title of the invention or discovery, correctly indicating its nature and design, and in its terms grant to the applicant or applicants, his or their heirs, administrators, executors, or assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, using, and vending to others to be used, the said invention or discovery, referring to the specifications for the particulars thereof, a copy of which shall be annexed to the patent, specifying what the patentee claims as his invention or discovery.

Sec. 6. *And be it further enacted,* That any person or persons having discovered or invented any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement on any art, machine, manufacture, or composition of matter, not known or used by others before his or their discovery or invention thereof, and not, at the time of his application for a patent, in public use or on sale, with his consent or allowance, as the inventor or discoverer, and shall desire to obtain an exclusive property therein, may make application, in writing, to the Commissioner of Patents, expressing such desire, and the Commissioner, on due proceedings had, may grant a patent therefor. But before any inventor shall receive a patent for any such new invention or discovery, he shall deliver a written description of his invention or discovery, and of the manner and process of making, constructing, using, and compounding the same in such full, clear, and exact terms, avoiding unnecessary prolixity, as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same; and in case of any machine, he shall fully explain the principle, and the several modes in which he has contemplated the application of that principle or character by which it may be distinguished from other inventions; and shall particularly specify and point out the part, improvement, or combination, which he claims as his own invention or discovery. He shall, furthermore, accompany the whole with a drawing or drawings, and written references, where the nature of the case admits of drawings; or with specimens of ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment, where the invention or discovery is of a composition of matter; which descriptions and drawings, signed by the inventor, and attested by two witnesses, shall be filed in the Patent Office; and he shall, moreover, furnish a model of his invention, in all cases which admit of a representation by model, of a convenient size to exhibit advantageously its several parts. The applicant shall also make oath, or affirmation, that he does verily believe that he is the original and first inventor or discoverer of the



art, machine, composition, or improvement, for which he solicits a patent; and that he does not know or believe that the same was ever before known or used; and also of what country he is a citizen: which oath or affirmation may be made before any person authorized by law to administer oaths.

Sec. 7. *And be it further enacted*, That on the filing of any such application, description, and specification, and the payment of the duty hereinafter provided, the Commissioner shall make, or cause to be made, an examination of the alleged new invention or discovery; and if, on any such examination, it shall not appear to the Commissioner that the same had been invented or discovered by any other person in this country, prior to the alleged invention or discovery thereof by the applicant, or that it had been patented or described in any printed publication in this or any foreign country, or had been in public use or on sale, with the applicant's consent or allowance, prior to the application, if the Commissioner shall deem it to be sufficiently useful and important, it shall be his duty to issue a patent therefor. But whenever, on such examination, it shall appear to the Commissioner that the applicant was not the original and first inventor or discoverer thereof, or that any part of that which is claimed as new, had before been invented or discovered, or patented, or described in any printed publication in this or any foreign country as aforesaid, or that the description is defective and insufficient, he shall notify the applicant thereof, giving him briefly such information and references as may be useful in judging of the propriety of renewing his application, or of altering his specification to embrace only that part of the invention or discovery which is new. In every such case, if the applicant shall elect to withdraw his application, relinquishing his claim to the model, he shall be entitled to receive back twenty dollars, part of the duty required by this act, on filing a notice in writing of such election in the Patent Office; a copy of which, certified by the Commissioner, shall be a sufficient warrant to the Treasurer for paying back to the said applicant the said sum of twenty dollars. But if the applicant, in such case, shall persist in his claims for a patent, with or without any alteration of his specification, he shall be required to make oath or affirmation anew, in manner as aforesaid; and if the specification and claim shall not have been so modified as, in the opinion of the Commissioner, shall entitle the applicant to a patent, he may, on appeal, and upon request in writing, have the decision of a board of examiners, to be composed of three disinterested persons, who shall be appointed for that purpose by the Secretary of State, one of whom, at least, to be selected, if practicable and convenient, for his knowledge and skill in the particular art, manufacture, or branch of science to which the alleged invention appertains; who shall be under oath or affirmation for the faithful and impartial performance of the duty imposed upon them by said appointment. Said board shall be furnished with a certificate in writing, of the opinion and decision of the Commissioner, stating the particular grounds of his objection, and the part or parts of the invention which he considers as not entitled to be patented. And the said board shall give reasonable notice to the applicant, as well as to the Commissioner, of the time and place of their meeting, that they may have an opportunity of furnishing them with such facts and evidence as they may deem necessary to a just decision; and it shall be the duty of the Commissioner to furnish to the board of examiners such information as he may possess relative to the matter under their consideration. And on an examination and consideration of the matter by such board, it shall be in their power, or of a majority of them, to reverse the decision of the Commissioner, either in whole or in part; and their opinion being certified to the Commissioner, he shall be governed thereby in the further proceedings to be had on such application: *Provided, however*, That, before a board shall be instituted in any such case, the applicant shall pay to the credit of the Treasury, as provided in the ninth section of this act, the sum of twenty-five dollars; and each of said persons so appointed shall be entitled to receive, for his services in each case, a sum not exceeding ten dollars, to be determined and paid by the Commissioner out of any moneys in his hands, which shall be in full compensation to the persons who may be so appointed, for their examination and certificate as aforesaid.

Sec. 8. *And be it further enacted*, That whenever an application shall be made for a patent, which, in the opinion of the Commissioner, would interfere with any other patent for which an application may be pending, or with any unexpired patent which shall have been granted, it shall be the duty of the Commissioner to give notice thereof to such applicants, or patentees, as the case may be; and if either shall be dissatisfied with the decision of the Commissioner on the question of priority of right, or invention, on a hearing thereof, he may appeal from such decision, on the like terms and conditions as are provided in the preceding section of this act, and the like proceedings shall be had, to determine which, or whether either of the applicants is entitled to receive a patent as prayed for. But nothing in this act contained shall be construed to deprive an original and true inventor of the right to a patent for his invention, by reason of his having previously taken out letters patent therefor in a foreign country, and the same having been published, at any time within six months next preceding the filing of his specification and drawings. And whenever the applicant shall request it, the patent shall take date from the time of filing of the specifications and drawings, not, however, exceeding six months prior to the actual issuing of the patent; and on like request, and the payment of the duty herein required, by any applicant, his specification and drawings shall be filed in the secret archives of the office, until he shall furnish the model, and the patent be issued, not exceeding the term of one year—the applicant being entitled to notice of interfering applications.

Sec. 9. *And be it further enacted*, That, before any application for a patent shall be considered by the Commissioner as aforesaid, the applicant shall pay into the Treasury of the United States, or into the Patent Office, or into any of the deposit banks, to the credit of the Treasury, if he be a citizen in the United States, or an alien, and shall have been resident in the United States for one year next preceding, and shall have made oath of his intention to become a citizen thereof, the sum of thirty dollars; if a subject of the Crown of Great Britain, the sum of five hundred dollars, and all other persons the sum of three hundred dollars; for which payment duplicate receipts shall be taken, one of which to be filed in the office of the Treasurer. And the money received into the Treasury under this act shall constitute a fund for the payment of the salaries of the officers and clerks herein provided for, and all other expenses of the Patent Office, and to be called the Patent Fund.

Sec. 10. *And be it further enacted*, That where any person hath made, or shall have made, any new invention, discovery, or improvement, on account of which a patent might by virtue of this act be granted, and such person shall die before any patent shall be granted therefor, the right of applying for and obtaining such patent shall devolve on the executor or administrator of such person, in trust for the heirs-at-law of the deceased, in case he shall have died intestate; but if otherwise, then in trust for his devisees, in as full and ample manner, and under the same conditions, limitations, and restrictions, as the same was held, or might have been claimed or enjoyed by such person in his or her lifetime; and when application for a patent shall be made by such legal representatives, the oath or affirmation provided in the sixth section of this act shall be so varied as to be applicable to them.

Sec. 11. *And be it further enacted*, That every patent shall be assignable in law, either as to the

whole interest, or any undivided part thereof, by any instrument in writing; which assignment, and also every grant and conveyance of the exclusive right under any patent, to make and use, and to grant to others to make and use, the thing patented within and throughout any specified part or portion of the United States, shall be recorded in the Patent Office within three months from the execution thereof, for which the assignee or grantee shall pay to the Commissioner the sum of three dollars.

Sec. 12. *And be it further enacted*, That any citizen of the United States, or alien who shall have been a resident of the United States one year next preceding, and shall have made oath of his intention to become a citizen thereof, who shall have invented any new art, machine, or improvement thereof, and shall desire further time to mature the same, may, on paying to the credit of the Treasury, in manner as provided in the ninth section of this act, the sum of twenty dollars, file in the Patent Office a caveat setting forth the design and purpose thereof, and its principal and distinguishing characteristics, and praying protection of his right, till he shall have matured his invention; which sum of twenty dollars, in case the person filing such caveat shall afterwards take out a patent for the invention therein mentioned, shall be considered a part of the sum herein required for the same. And such caveat shall be filed in the confidential archives of the office, and preserved in secrecy. And if application shall be made by any other person, within one year from the time of filing such caveat, for a patent of any invention with which it may in any respect interfere, it shall be the duty of the Commissioner to deposit the description, specifications, drawings, and model, in the confidential archives of the office, and to give notice (by mail) to the person filing the caveat of such application, who shall within three months after receiving the notice, if he would avail himself of the benefit of his caveat, file his description, specifications, drawings, and model; and if, in the opinion of the Commissioner, the specifications of claim interfere with each other, like proceedings may be had in all respects as are in this act provided in the case of interfering applications. *Provided, however*, That no opinion or decision of any board of examiners, under the provisions of this act, shall preclude any person interested in favor of or against the validity of any patent which has been or may hereafter be granted, from the right to contest the same in any judicial court, in any action in which its validity may come in question.

Sec. 13. *And be it further enacted*, That whenever any patent, which has heretofore been granted, or which shall hereafter be granted, shall be inoperative or invalid, by reason of a defective or insufficient description or specification, or by reason of the patentee claiming in his specification, as his own invention, more than he had or shall have a right to claim as new, if the error has or shall have arisen by inadvertency, accident, or mistake, and without any fraudulent or deceptive intention, it shall be lawful for the Commissioner, upon the surrender to him of such patent, and the payment of the further duty of fifteen dollars, to cause a new patent to be issued to the said inventor for the same invention, for the residue of the period then unexpired, for which the original patent, was granted, in accordance with the patentee's corrected description and specification. And in case of his death, or any assignment by him made of the original patent, a similar right shall vest in his executors, administrators, or assignees. And the patent so re-issued, together with the corrected description and specifications, shall have the same effect and operation in law, on the trial of all actions hereafter commenced for causes subsequently accruing, as though the same had been originally filed in such corrected form, before the issuing of the original patent. And whenever the original patentee shall be desirous of adding the description and specification of any new improvement of the original invention or discovery, which shall have been invented or discovered by him subsequent to the date of his patent, he may, like proceedings being had in all respects as in the case of original applications, and on the payment of fifteen dollars, as hereinbefore provided, have the same annexed to the original description and specification; and the Commissioner shall certify, on the margin of such annexed description and specification, the time of its being annexed and recorded; and the same shall thereafter have the same effect in law, to all intents and purposes, as though it had been embraced in the original description and specification.

Sec. 14. *And be it further enacted*, That whenever, in any action for damages [for] making, using, or selling the thing whereof the exclusive right is secured by any patent heretofore granted, or by any patent which may hereafter be granted, a verdict shall be rendered for the plaintiff in such action, it shall be in the power of the court to render judgment of any sum above the amount found by such verdict as the actual damages sustained by the plaintiff, not exceeding three times the amount thereof, according to the circumstances of the case, with costs; and such damages may be recovered by action on the case, in any court of competent jurisdiction, to be brought in the name or names of the person or persons interested, whether as patentee, assignees, or as grantees of the exclusive right within and throughout a specified part of the United States.

Sec. 15. *And be it further enacted*, That the defendant in any such action shall be permitted to plead the general issue, and to give this act and any special matter in evidence, of which notice in writing may have been given to the plaintiff or his attorney, thirty days before trial, tending to prove that the description and specification filed by the plaintiff, does not contain the whole truth relative to his invention or discovery, or that it contains more than is necessary to produce the described effect; which concealment or addition shall fully appear to have been made for the purpose of deceiving the public, or that the patentee was not the original and first inventor or discoverer of the thing patented, or of a substantial and material part thereof claimed as new, or that it had been described in some public work anterior to the supposed discovery thereof by the patentee, or had been in public use or on sale with the consent and allowance of the patentee before his application for a patent, or that he had surreptitiously or unjustly obtained the patent for that which was in fact invented or discovered by another, who was using reasonable diligence in adapting and perfecting the same; or that the patentee, if an alien at the time the patent was granted, had failed and neglected, for the space of eighteen months from the date of the patent, to put and continue on sale to the public, on reasonable terms, the invention or discovery for which the patent issued; and whenever the defendant relies in his defence on the fact of a previous invention, knowledge, or use of the thing patented, he shall state, in his notice of special matter, the names and places of residence of those whom he intends to prove to have possessed a prior knowledge of the thing, and where the same had been used; in either of which cases, judgment shall be rendered for the defendant, with costs: *Provided, however*, That whenever it shall satisfactorily appear that the patentee, at the time of making his application for the patent believed himself to be the first inventor or discoverer of the thing patented, the same shall not be held to be void on account of the invention or discovery, or any part thereof, having been before known or used in any foreign country; it not appearing that the same, or any substantial part thereof, had before been patented or described in any printed publication: *And provided, also*, That whenever the plaintiff shall fail to sustain his action on the ground that in his specification or claim is embraced more than that of which he was the first inventor, if it shall appear that the defendant had used or

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any part of the invention justly and truly specified and claimed as new, it shall be in the power of the court to adjudge and award, as to costs, as may appear to be just and equitable.

Sec. 16. *And be it further enacted*, That whenever there shall be two interfering patents, or whenever a patent or application shall have been refused on an adverse decision of a board of examiners, on the ground that that patent applied for would interfere with an unexpired patent previously granted, any person interested in any such patent, either by assignment or otherwise in the one case, and any such applicant in the other case, may have remedy by bill in equity; and the court having cognizance thereof, on notice to adverse parties, and other due proceedings had, may adjudge and declare either the patents void in the whole or in part, or inoperative and invalid in any particular part or portion of the United States, according to the interest which the parties to such suit may possess in the patent or the inventions patented, and may also adjudge that such applicant is entitled, according to the principles and provisions of this act, to have and receive a patent for his invention, as specified in his claim, or for any part thereof, as the fact of priority of right or invention shall, in any such case, be made to appear. And such adjudication, if it be in favor of the right of such applicant, shall authorize the Commissioner to issue such patent, on his filing a copy of the adjudication, and otherwise complying with the requisitions of this act. *Provided, however*, That no such judgment or adjudication shall affect the rights of any person, except the parties to the action, and those deriving title from or under them subsequent to the rendition of such judgment.

Sec. 17. *And be it further enacted*, That all actions, suits, controversies, and cases arising under any law of the United States, granting or confirming to inventors the exclusive right to their inventions or discoveries, shall be originally cognizable, as well in equity as at law, by the circuit courts of the United States, or any district court having the powers and jurisdiction of a circuit court; which courts shall have power, upon a bill in equity filed by any party aggrieved, in any such case, to grant injunctions, according to the course and principles of courts of equity, to prevent the violation of the rights of any inventor as secured to him by any law of the United States, on such terms and conditions as said courts may deem reasonable: *Provided, however*, That from all judgments and decrees from any such court rendered in the premises, a writ of error or appeal, as the case may require, shall lie to the Supreme Court of the United States, in the same manner and under the same circumstances as is now provided by law in other judgments and decrees of circuit courts, and in all other cases in which the courts shall deem it reasonable to allow the same.

Sec. 18. *And be it further enacted*, That whenever any patentee of an invention or discovery shall desire an extension of his patent beyond the term of its limitation, he may make application therefor, in writing, to the Commissioner of the Patent Office, setting forth the grounds thereof; and the Commissioner shall, on the applicant's paying the sum of forty dollars to the credit of the Treasury, as in the case of an original application for a patent, cause to be published in one or more of the principal newspapers in the city of Washington, and in such other paper or papers as he may deem proper, published in the section of country most interested adversely to the extension of the patent, a notice of such application, and of the time and place when and where the same will be considered, that any person may appear and show cause why the extension should not be granted. And the Secretary of State, the Commissioner of the Patent Office, and the Solicitor of the Treasury, shall constitute a board to hear and decide upon the evidence produced before them, both for and against the extension, and shall sit for that purpose at the time and place designated in the published notice thereof. The patentee shall furnish to said board a statement, in writing, under oath, of the ascertained value of the invention, and of his receipts and expenditures, sufficiently in detail to exhibit a true and faithful account of loss and profit in any manner accruing to him from and by reason of said invention. And if, upon a hearing of the matter, it shall appear to the full and entire satisfaction of said board, having due regard to the public interest therein, that it is just and proper that the term of the patent should be extended by reason of the patentee, without neglect or fault on his part, having failed to obtain, from the use and sale of his invention, a reasonable remuneration for the time, ingenuity, and expense bestowed upon the same, and the introduction thereof into use, it shall be the duty of the Commissioner to renew and extend the patent, by making a certificate thereon of such extension for the term of seven years from and after the expiration of the first term; which certificate, with a certificate of said board of their judgment and opinion as aforesaid, shall be entered on record in the Patent Office; and thereupon the said patent shall have the same effect in law as though it had been originally granted for the term of twenty-one years; and the benefit of such renewal shall extend to assignees and grantees of the right to use the thing patented, to the extent of their respective interests therein: *Provided, however*, That no extension of a patent shall be granted after the expiration of the term for which it was originally issued.

Sec. 19. *And be it further enacted*, That there shall be provided, for the use of said office, a library of scientific works and periodical publications, both foreign and American, calculated to facilitate the discharge of the duties hereby required of the chief officers therein, to be purchased under the direction of the Committee of the Library of Congress. And the sum of fifteen hundred dollars is hereby appropriated for that purpose, to be paid out of the patent fund.

Sec. 20. *And be it further enacted*, That it shall be the duty of the Commissioner to cause to be classified and arranged, in such rooms or galleries as may be provided for that purpose, in suitable cases, when necessary for their preservation, and in such manner as shall be conducive to a beneficial and favorable display thereof, the models and specimens of compositions and of fabrics, and other manufactures and works of art, patented or unpatented, which have been, or shall hereafter be, deposited in said office. And said rooms or galleries shall be kept open during suitable hours for public inspection.

Sec. 21. *And be it further enacted*, That all acts and parts of acts heretofore passed on this subject, be, and the same are hereby, repealed: *Provided, however*, That all actions and processes in law or equity sued out prior to the passage of this act, may be prosecuted to final judgment and execution, in the same manner as though this act had not been passed, excepting and saving the application to any such action of the provisions of the fourteenth and fifteenth sections of this act, so far as they may be applicable thereto: *And provided, also*, That all applications for petitions for patents, pending at the time of the passage of this act, in cases where the duty has been paid, shall be proceeded with and acted on in the same manner as though filed after the passage thereof.

JAMES K. POLK,  
Speaker of the House of Representatives.  
W. R. KING,  
President of the Senate pro tempore.

Approved July 4, 1836.

ANDREW JACKSON.



AN ACT IN ADDITION TO THE ACT TO PROMOTE THE PROGRESS OF  
SCIENCE AND USEFUL ARTS.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,* That any person who may be in possession of, or in any way interested in, any patent for an invention, discovery, or improvement, issued prior to the fifteenth day of December, in the year of our Lord one thousand eight hundred and thirty-six, or in an assignment of any patent, or interest therein, executed and recorded prior to the said fifteenth day of December, may, without charge, on presentation, or transmission thereof to the Commissioner of Patents, have the same recorded anew in the Patent Office, together with the descriptions, specifications of claims, and drawings annexed or belonging to the same; and it shall be the duty of the Commissioner to cause the same, or any authenticated copy of the original record, specification, or drawing, which he may obtain, to be transcribed and copied into books of record to be kept for that purpose; and whenever a drawing was not originally annexed to the patent and referred to in the specification, any drawing produced as a delineation of the invention, being verified by oath in such manner as the Commissioner shall require, may be transmitted and placed on file, or copied as aforesaid, together with certificate of the oath; or such drawings may be made in the office, under the direction of the Commissioner, in conformity with the specification. And it shall be the duty of the Commissioner to take such measures as may be advised and determined by the Board of Commissioners provided for in the fourth section of this act, to obtain the patents, specifications, and copies aforesaid, for the purpose of being so transcribed and recorded. And it shall be the duty of each of the several clerks of the judicial courts of the United States to transmit, as soon as may be, to the Commissioner of the Patent Office, a statement of all the authenticated copies of patents, descriptions, specifications, and drawings of inventions and discoveries made and executed prior to the aforesaid fifteenth day of December, which may be found on the files of his office; and also to make out and transmit to said Commissioner, for record as aforesaid, a certified copy of every such patent, description, specification, or drawing, which shall be specially required by said Commissioner.

*SEC. 2. And be it further enacted,* That copies of such record and drawings, certified by the Commissioner, or, in his absence, by the chief clerk, shall be prima facie evidence of the particulars of the invention and of the patent granted therefor, in any judicial court of the United States, in all cases where copies of the original record or specification and drawings would be evidence, without proof of the loss of such originals; and no patent issued prior to the aforesaid fifteenth day of December shall, after the first day of June next, be received in evidence in any of the said courts in behalf of the patentee or other person who shall be in possession of the same, unless it shall have been so recorded anew, and a drawing of the invention, if separate from the patent, verified as aforesaid, deposited in the Patent Office; nor shall any written assignment of any such patent, executed and recorded prior to the said fifteenth day of December, be received in evidence in any of the said courts in behalf of the assignee or other person in possession thereof, until it shall have been so recorded anew.

*SEC. 3. And be it further enacted,* That, whenever it shall appear to the Commissioner that any patent was destroyed by the burning of the Patent Office building on the aforesaid fifteenth day of December, or was otherwise lost prior thereto, it shall be his duty, on application therefor by the patentee or other person interested therein, to issue a new patent for the same invention or discovery, bearing the date of the original patent, with his certificate thereon, that it was made and issued pursuant to the provisions of the third section of this act, and shall enter the same of record: *Provided, however,* That before such patent shall be issued, the applicant therefor shall deposit in the Patent Office a duplicate, as near as may be, of the original model, drawings, and descriptions, with specifications of the invention or discovery, verified by oath, as shall be required by the Commissioner; and such patent and copies of such drawings and descriptions, duly certified, shall be admissible as evidence in any judicial court of the United States, and shall protect the rights of the patentee, his administrators, heirs, and assigns, to the extent only in which they would have been protected by the original patent and specification.

*SEC. 4. And be it further enacted,* That it shall be the duty of the Commissioner to procure a duplicate of such of the models destroyed by fire on the aforesaid fifteenth day of December, as were most valuable and interesting, and whose preservation would be important to the public; and such as would be necessary to facilitate the just discharge of the duties imposed by law on the Commissioner in issuing patents, and to protect the rights of the public and of patentees in patented inventions and improvements: *Provided,* That a duplicate of such models may be obtained at a reasonable expense: *And provided, also,* That the whole amount of expenditure for this purpose shall not exceed the sum of one hundred thousand dollars. And there shall be a temporary board of commissioners, to be composed of the Commissioner of the Patent Office and two other persons to be appointed by the President, whose duty it shall be to consider and determine upon the best and most judicious mode of obtaining models of suitable construction; and also to consider and determine what models may be procured in pursuance of, and in accordance with, the provisions and limitations in this section contained. And said Commissioners may make and establish all such regulations, terms, and conditions, not inconsistent with law, as in their opinion may be proper and necessary to carry the provisions of this section into effect, according to its true intent.

*SEC. 5. And be it further enacted,* That whenever a patent shall be returned for correction and re-issue, under the thirteenth section of the act to which this is additional, and the patentee shall desire several patents to be issued for distinct and separate parts of the thing patented, he shall first pay, in manner and in addition to the sum provided by that act, the sum of thirty dollars for each additional patent so to be issued: *Provided, however,* That no patent made prior to the aforesaid fifteenth day of December, shall be corrected and re-issued until a duplicate of the model and drawing of the thing as originally invented, verified by oath as shall be required by the Commissioner, shall be deposited in the Patent Office. Nor shall any addition of an improvement be made to any patent heretofore granted, nor any new patent be issued for an improvement made in any machine, manufacture, or process, to the original inventor, assignee, or possessor, of a patent therefor, nor any disclaimer be admitted to record, until a duplicate model and drawing of the thing originally invented, verified as aforesaid, shall have been deposited in the Patent Office, if the Commissioner shall require the same; nor shall any patent be granted for an invention, improvement, or discovery, the model or drawing of which shall have been lost, until another model and drawing, if required by the Commissioner, shall, in like manner, be deposited in the Patent Office. And in all such cases, as well as in those which may arise under the third section of this act, the question of compensation for such models and drawing, shall be subject to the judgment and decision of the Commissioners provided for in the fourth section, under the same limitations and restrictions as are therein prescribed.

SEC. 6. *And be it further enacted*, That any patent hereafter to be issued, may be made and issued to the assignee or assignees of the inventor or discoverer, the assignment thereof being first entered of record, and the application therefor being duly made, and the specification duly sworn to by the inventor. And in all cases hereafter, the applicant for a patent shall be held to furnish duplicate drawings, whenever the case admits of drawings, one of which to be deposited in the office, and the other to be annexed to the patent and considered a part of the specification.

SEC. 7. *And be it further enacted*, That whenever any patentee shall have, through inadvertence, accident, or mistake, made his specification of claim too broad, claiming more than that of which he was the original or first inventor, some material and substantial part of the thing patented being truly and justly his own, any such patentee, his administrators, executors, and assigns, whether of the whole or of a sectional interest therein, may make disclaimer of such parts of the thing patented as the disclaimer shall not claim to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent; which disclaimer shall be in writing, attested by one or more witnesses, and recorded in the Patent Office, on payment by the person disclaiming, in manner as other patent duties are required by law to be paid, of the sum of ten dollars. And such disclaimer shall thereafter be taken and considered as part of the original specification, to the extent of the interest which shall be possessed in the patent or right secured thereby, by the disclaimant, and by those claiming by or under him, subsequent to the record thereof. But no such disclaimer shall affect any action pending at the time of its being filed, except so far as may relate to the question of unreasonable neglect or delay in filing the same.

SEC. 8. *And be it further enacted*, That whenever application shall be made to the Commissioner for any addition of a newly discovered improvement to be made to an existing patent, or whenever a patent shall be returned for correction and re-issue, the specification of claim annexed to every such patent shall be subject to revision and restriction, in the same manner as are original applications for patents; the Commissioner shall not add any such improvement to the patent in the one case, nor grant the re-issue in the other case, until the applicant shall have entered a disclaimer, or altered his specification of claim in accordance with the decision of the Commissioner; and in all such cases, the applicant, if dissatisfied with such decision, shall have the same remedy, and be entitled to the benefit of the same privileges and proceedings, as are provided by law in the case of original applications for patents.

SEC. 9. *And be it further enacted*, (any thing in the fifteenth section of the act, to which this is additional, to the contrary notwithstanding), That whenever, by mistake, accident, or inadvertence, and without any wilful default or intent to defraud or mislead the public, any patentee shall have in his specification claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, of which he was not the first and original inventor, and shall have no legal or just right to claim the same, in every such case the patent shall be deemed good and valid for so much of the invention or discovery as shall be truly and bona fide his own: *Provided*, It shall be a material and substantial part of the thing patented, and be definitively distinguishable from the other parts so claimed without right as aforesaid. And every such patentee, his executors, administrators and assigns, whether of a whole or of a sectional interest therein, shall be entitled to maintain a suit at law or in equity on such patent for any infringement of such part of the invention or discovery as shall be bona fide his own as aforesaid, notwithstanding the specification may embrace more than he shall have any legal right to claim. But in every such case in which a judgment or verdict shall be rendered for the plaintiff, he shall not be entitled to recover costs against the defendant, unless he shall have entered at the Patent Office, prior to the commencement of the suit, a disclaimer of all shall have entered at the Patent Office which was so claimed without right: *Provided, however*, That no part of the thing patented which was so claimed without right: *Provided, however*, That no person bringing any such suit shall be entitled to the benefits of the provisions contained in this section, who shall have unreasonably neglected or delayed to enter at the Patent Office a disclaimer as aforesaid.

SEC. 10. *And be it further enacted*, That the Commissioner is hereby authorized and empowered to appoint agents in not exceeding twenty of the principal cities or towns in the United States, as may best accommodate the different sections of the country, for the purpose of receiving and forwarding to the Patent Office all such models, specimens of ingredients and manufactures, as shall be intended to be patented or deposited therein, the transportation of the same to be chargeable to the patent fund.

SEC. 11. *And be it further enacted*, That instead of one examining clerk, as provided by the second section of the act to which this is additional, there shall be appointed, in manner therein provided, two examining clerks, each to receive an annual salary of fifteen hundred dollars; and, also, an additional copying clerk, at an annual salary of eight hundred dollars. And the Commissioner is also authorized to employ, from time to time, as many temporary clerks as may be necessary to execute the copying and draughting required by the first section of this act, and to examine and compare the records with the originals, who shall receive not exceeding seven cents for every page of one hundred words, and for drawings and comparison of records with originals, such reasonable compensation as shall be agreed upon or prescribed by the Commissioner.

SEC. 12. *And be it further enacted*, That whenever the application of any foreigner for a patent shall be rejected and withdrawn for want of novelty in the invention, pursuant to the seventh section of the act to which this is additional, the certificate thereof of the Commissioner shall be a sufficient warrant to the Treasurer to pay back to such applicant two-thirds of the duty he shall have paid into the Treasury on account of such application.

SEC. 13. *And be it further enacted*, That in all cases in which an oath is required by this act, or by the act to which this is additional, if the person of whom it is required shall be conscientiously scrupulous of taking an oath, affirmation may be substituted therefor.

SEC. 14. *And be it further enacted*, That all moneys paid into the Treasury of the United States for patents and for fees for copies furnished by the Superintendent of the Patent Office prior to the passage of the act of which this is additional, shall be carried to the credit of the patent fund created by said act; and the moneys constituting said fund shall be, and the same are hereby, appropriated for the payment of the salaries of the officers and clerks provided by said act, and all other expenses of the Patent Office including all the expenditures provided for by this act; and, also, for such other purposes as are or may be hereafter specially provided for by law. And the Commissioner is hereby authorized to draw upon said fund, from time to time, for such sums as shall be necessary to carry into effect the provisions of this act, governed, however, by the several limitations herein contained. And it shall be his duty to lay before Congress, in the month of January, annually, a detailed statement of the expenditures and payments by him made from said fund. And it shall also be his duty to lay before Congress, in the month of January, annually, a list of all patents which shall have been granted during the preceding year, designating, under proper heads, the subjects of



such patents, and furnishing an alphabetical list of the patentees, with their places of residence; and he shall also furnish a list of all patents which shall have become public property during the same period; together with such other information of the state and condition of the Patent Office as may be useful to Congress or to the public.

*Approved, March 3d, 1837.*

## A BILL IN ADDITION TO AN "ACT TO PROMOTE THE PROGRESS OF THE USEFUL ARTS."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,* That there shall be appointed, in manner provided in the second section of the act to which this is additional, two assistant examiners, each to receive an annual salary of twelve hundred and fifty dollars.

SEC. 2. *And be it further enacted,* That the Commissioner be authorized to employ temporary clerks to do any necessary transcribing, whenever the current business of the office requires it; *Provided, however,* That, instead of salary, a compensation shall be allowed, at a rate not greater than is charged for copies now furnished by the office.

SEC. 3. *And be it further enacted,* That the Commissioner is hereby authorized to publish a classified and alphabetical list of all patents granted by the Patent Office previous to said publication, and retain one hundred copies for the Patent Office, and nine hundred copies to be deposited in the library of Congress, for such distribution as may be hereafter directed; and that one thousand dollars, if necessary, be appropriated, out of the patent fund, to defray the expense of the same.

SEC. 4. *And be it further enacted,* That the sum of three thousand six hundred and fifty-nine dollars and twenty-two cents be, and is hereby, appropriated from the patent fund, to pay for the use and occupation of rooms in the City Hall by the Patent Office.

SEC. 5. *And be it further enacted,* That the sum of one thousand dollars be appropriated from the patent fund, to be expended under the direction of the Commissioner, for the purchase of necessary books for the library of the Patent Office.

SEC. 6. *And be it further enacted,* That no person shall be debarred from receiving a patent for any invention or discovery, as provided in the act approved on the fourth day of July, one thousand eight hundred and thirty-six, to which this is additional, by reason of the same having been patented in a foreign country more than six months prior to his application: *Provided,* That the same shall not have been introduced into public and common use in the United States prior to the application for such patent: *And provided, also,* That in all cases every such patent shall be limited to the term of fourteen years from the date of publication of such foreign letters patent.

SEC. 7. *And be it further enacted,* That every person or corporation who has, or shall have, purchased or constructed any newly invented machine, manufacture, or composition of matter, prior to the application by the inventor or discoverer for a patent, shall be held to possess the right to use, and vend to others to be used, the specific machine, manufacture, or composition of matter so made or purchased, without liability therefor to the inventor, or any other person interested in such invention; and no patent shall be held to be invalid by reason of such purchase, sale, or use, prior to the application for a patent as aforesaid, except on proof of abandonment of such invention to the public, or that such purchase, sale, or prior use has been for more than two years prior to such application for a patent.

SEC. 8. *And be it further enacted,* That so much of the eleventh section of the above recited act as requires the payment of three dollars to the Commissioner of Patents for recording any assignment, grant, or conveyances of the whole or any part of the interest or right under any patent, be, and the same is hereby repealed; and all such assignments, grants, and conveyance shall, in future, be recorded without any charge whatever.

SEC. 9. *And be it further enacted,* That a sum of money, not exceeding one thousand dollars, be, and the same is hereby, appropriated out of the patent fund, to be expended by the Commissioner of Patents in the collection of agricultural statistics, and for other agricultural purposes; for which the said Commissioner shall account in his next annual report.

SEC. 10. *And be it further enacted,* That the provisions of the sixteenth section of the before recited act shall extend to all cases where patents are refused for any reason whatever, either by the Commissioner of Patents, or by the Chief Justice of the District of Columbia, upon appeals from the decision of said Commissioner, as well as where the same shall have been refused on account of, or by reason of, interference with a previously existing patent; and in all cases where there is no opposing party, a copy of the bill shall be served upon the Commissioner of Patents, when the whole of the expenses of the proceeding shall be paid by the applicant, whether the final decision shall be in his favor or otherwise.

SEC. 11. *And be it further enacted,* That in cases where an appeal is now allowed by law from the decision of the Commissioner of Patents to a board of examiners provided for in the seventh section of the act to which this is additional, the party, instead thereof, shall have a right to appeal to the Chief Justice of the district court of the United States for the District of Columbia, by giving notice thereof to the Commissioner, and filing in the Patent Office, within such time as the Commissioner shall appoint, his reasons of appeal, specifically set forth in writing, and also paying into the Patent Office, to the credit of the patent fund, the sum of twenty-five dollars. And it shall be the duty of said Chief Justice, on petition, to hear and determine all such appeals, and to revise such decisions in a summary way, on the evidence produced before the Commissioners, at such early and convenient time as he may appoint, first notifying the Commissioner of the time and place of hearing, whose duty it shall be to give notice thereof to all the parties who appear to be interested therein, in such manner as said judge shall prescribe. The Commissioner shall also lay before the said judge all the original papers and evidence in the case, together with the grounds of his decision, fully set forth in writing, touching all the points involved by the reasons of appeal, to which the revision shall be confined. And at the request of any party interested, or at the desire of the judge, the Commissioner and the examiners in the Patent Office may be examined under oath, in explanation of the principles of the machine or other thing for which a patent, in such case, is prayed for. And it shall be the duty of the said judge, after a hearing of any such case, to return all the papers to the Commissioner, with a certificate of his proceedings and decision, which shall be entered of record in the Patent Office; and such decision, so certified, shall govern the further proceedings of the Commissioner in such case: *Provided, however,* That no opinion or decision of the judge in any such case shall preclude any person interested in favor or against the validity of any patent which has been, or may hereafter be, granted, from the



right to contest the same in any judicial court, in any action in which its validity may come in question.

Sec. 12. *And be it further enacted*, That the Commissioner of Patents shall have power to make all such regulations in respect to the taking of evidence to be used in contested cases before him, as may be just and reasonable. And so much of the act to which this is additional as provides for a board of examiners, is hereby repealed.

Sec. 13. *And be it further enacted*, That there be paid annually, out of the patent fund, to the said Chief Justice, in consideration of the duties herein imposed, the sum of one hundred dollars.

*Approved, March 3d, 1839.*

## AN ACT IN ADDITION TO AN ACT TO PROMOTE THE PROGRESS OF THE USEFUL ARTS AND TO REPEAL ALL ACTS AND PARTS OF ACTS HERETOFORE MADE FOR THAT PURPOSE.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Treasurer of the United States be, and he hereby is, authorized to pay back, out of the patent fund, any sum or sums of money, to any person who shall have paid the same into the Treasury, or to any receiver or depository to the credit of the Treasurer, as for fees accruing at the Patent Office through mistake, and which are not provided to be paid by existing laws, certificate thereof being made to said Treasurer by the Commissioner of Patents.

Sec. 2. *And be it further enacted*, That the third section of the act of March, eighteen hundred and thirty-seven, which authorizes the renewing of patents lost prior to the fifteenth of December, eighteen hundred and thirty-six, is extended to patents granted prior to said fifteenth day of December, though they may have been lost subsequently: *Provided, however*, The same shall not have been recorded anew under the provisions of said act.

Sec. 3. *And be it further enacted*, That any citizen or citizens, or alien or aliens, having resided one year in the United States, and taken the oath of his or their intention to become a citizen or citizens, who by his, her, or their own industry, genius, efforts, and expense, may have invented or produced any new and original design for a manufacture, whether of metal or other material or materials, or any new and original design for the printing of woollen, silk, cotton, or other fabrics, or any new and original design for a bust, statue, or bas relief or composition in alto or basso relievo, or any new and original impression or ornament, or to be placed on any article of manufacture, the same being formed in marble or other material, or any new and useful pattern, or print, or picture, to be either worked into or worked on, or printed, or painted, or cast, or otherwise fixed on, any article of manufacture, or any new and original shape or configuration of any article of manufacture not known or used by others, before his, her, or their invention or production thereof, and prior to the time of his, her, or their application for a patent therefor, and who shall desire to obtain an exclusive property or right therein to make, use, and sell and vend the same, or copies of the same, to others, by them to be made, used, and sold, may make application, in writing, to the Commissioner of Patents expressing such desire, and the Commissioner, on due proceedings had, may grant a patent therefor, as in the case now of application for a patent: *Provided*, That the fee in such cases, which by the now existing laws would be required of the particular applicant, shall be one-half the sum, and that the duration of said patent shall be seven years, and that all the regulations and provisions which shall now apply to the obtaining or protection of patents not inconsistent with the provisions of this act, shall apply to applications under this section.

Sec. 4. *And be it further enacted*, That the oath required for applicants for patents may be taken, when the applicant is not, for the time being, residing in the United States, before any minister, plenipotentiary, charge d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public of the foreign country in which such applicant may be.

Sec. 5. *And be it further enacted*, That if any person or persons shall paint, or print, or mould, cast, carve, or engrave, or stamp, upon any thing made, used, or sold by him, for the sole making or selling which he hath not, or shall not have obtained letters patent, the name or any imitation of the name of any other person who hath or shall have obtained letters patent for the sole making and vending of such thing, without consent of such patentee, or his assigns or legal representatives; or if any person, upon any such thing not having been purchased from the patentee, or some person who purchased it from or under such patentee, or not having the license or consent of such patentee, or his assigns or legal representatives, shall write, paint, print, mould, cast, carve, or engrave, stamp, or otherwise make or affix the word "patent," or the words "letters patent," or the word "patentee," or any word or words of like kind, meaning, or import, with the view or intent of imitating or counterfeiting the stamp, mark, or other device of the patentee, or shall affix the same, or any word, stamp, or device of like import, on any unpatented article, for the purpose of deceiving the public, he, she, or they, so offending, shall be liable for such offence to a penalty of not less than one hundred dollars, with costs, to be recovered by action in any of the circuit courts of the United States, or in any of the district courts of the United States having the powers and jurisdiction of a circuit court; one-half of which penalty, as recovered, shall be paid to the patent fund, and the other half to any person or persons who shall sue for the same.

Sec. 6. *And be it further enacted*, That all patentees and assignees of patents hereafter granted, are hereby required to stamp, engrave, or cause to be stamped or engraved, on each article vended or offered for sale, the date of the patent; and if any person or persons, patentees or assignees, shall neglect to do so, he, she, or they shall be liable to the same penalty, to be recovered and disposed of in the manner specified in the foregoing fifth section of this act.

*Approved, August 29th, 1842.*

## INFORMATION

### TO PERSONS HAVING BUSINESS TO TRANSACT AT THE PATENT OFFICE.

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The existing laws relating to patents are those approved July 4, 1836, March 3, 1837, and March 3, 1839, all former acts having been repealed by the act of 1836.

“ Patents are granted for any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement on any art, machine, manufacture, or composition of matter, not known or used by others before his or their discovery, or invention thereof, and not, at the time of his application for a patent, in public use, or on sale, with his or their consent, or allowance, as the inventor or discoverer.”—Act of 1836, section 6. “ No patent shall be held to be invalid by reason of the purchase, sale, or use, [of the invention,] prior to the application for a patent as aforesaid, except on proof of abandonment of such invention to the public, or that such purchase, sale, or public use, has been for more than two years prior to such application for a patent.”—Act of March 3, 1839.

The term for which a patent is granted is fourteen years; but it may, under certain circumstances, be renewed for seven years, as hereinafter mentioned,

Patents are granted to citizens of the United States, to aliens who shall have been resident in the United States one year next preceding, and shall have made oath of their intention to become citizens thereof, and also to foreigners who are inventors or discoverers.

A patent may be taken out by the inventor in a foreign country, without affecting his right to a patent in the United States, provided the invention has not been introduced into public and common use in the United States prior to the application for such patent. In every such case the patent is limited to fourteen years from the date of the foreign letters patent. A patent is not granted upon introduction of a new invention from a foreign country, unless the person who introduced it be the inventor or discoverer. If an alien neglects to put and continue on sale the invention in the United States, to the public, on reasonable terms, for eighteen months, the patentee loses all benefit of the patent.

Joint inventors are entitled to a joint patent, but neither can claim one separately.

An inventor can assign his right before a patent is obtained, so as to enable the assignee to take out a patent in his own name; but the assignment must be first entered of record; and the application therefor must be duly made, and the specification signed, and sworn to by the inventor. And in the case of an assignment by a foreigner, the same fee will be required as if the patent issued to the inventor.

The assignment of a patent may be to the whole or to an undivided part, “ by any instrument in writing.” All assignments, and also the grant or conveyance of the use of the patent in any town, county, state, or specified district, must be recorded in the Patent Office within three months from the date of the same. But assignments, if recorded after three months have expired, will be on record as notice to protect against subsequent purchases. No fee is now charged for recording assignments. Patents, grants, and assignments, recorded prior to the 15th of December, 1836, must be re-recorded anew before they can be valid as evidence of any title. This is also done free of expense.

In case of the decease of an inventor, before he has obtained a patent for his invention, “ the right of applying for and obtaining such patent shall devolve on the administrator or executor of such person, in trust for the heirs at law of the deceased, if he shall have died intestate; but if otherwise, then in trust for his devisees, in as full and ample manner, and under the same conditions, limitations, and restrictions, as the same was held, or might have been claimed or enjoyed, by such person in his or her lifetime; and when application for a patent shall be made by such legal representatives, the oath or affirmation shall be so varied as to be applicable to them.”—Act of 1836, section 10.

The Patent Office will be open for examination during office hours, and applicants can personally, or by attorney, satisfy themselves, on inspection of models and specifications, of the expediency of filing an application for a patent.



[It is unnecessary for an inventor to go to Washington himself, in order to secure a patent, as any business relative to patents may be transacted through the Scientific American office, New York, with greater facility and far less expense than through any other concern. The proprietors of the Scientific American are probably the best patent agents of any in the United States, while their charges are extremely moderate, owing to the great number of patents which they are constantly securing. Inventors are often subjected to much annoyance and expense through the inexperience of the agents whom they employ; it is, therefore, advisable that all who can, should have their patents secured through the Scientific American office. Letters should be directed to MUNN & Co., New York.]

All fees received are paid into the Treasury, and the law has required the payment of the patent fee before the application is considered; two-thirds of which fee is refunded on withdrawing the application. But no money is refunded on the withdrawal of an application, after an appeal has been taken from the decision of the Commissioner of Patents. And no part of the fee paid for caveats, and on application for the addition of improvements, re-issues, and appeals, can be withdrawn.

It is a frequent practice for inventors to send a description of their inventions to the Patent Office, and inquire whether there exists any thing like it, and whether a patent can be had therefor. *As the law does not provide for the examination of descriptions of new inventions, except upon application for a patent, no answers can be given to such inquiries at the Patent Office.*

[Answers of this kind, however, may at all times be obtained at the *Scientific American office*, New York, without charge. The publishers of the Scientific American having had a long experience in Patent Office matters, can generally give correct information relative thereto. Inventors and others who wish to know whether their inventions can be patented, or whether any thing of the kind is already secured, may make application, as before stated, to the *Scientific American office*, 128 Fulton street, New York. All information is furnished *free of charge*. Letters should be directed (post paid) to MUNN & Co., publishers of the Scientific American, New York City.]

#### ON THE APPLICATION FOR A PATENT.

No application can be examined until the fee for the patent is paid, and the specification, model, and drawings filed.

The application for a patent must be made by petition to the *Commissioner of Patents*, signifying the desire of obtaining an exclusive property in the invention or discovery, and praying that a patent may be granted therefor, as in the form annexed thereto; *which petition should be signed by the inventor.*

#### DESCRIPTION OF SPECIFICATION.

Before any inventor shall receive a patent for any such new invention or discovery, he shall deliver a written description of his invention or discovery, and of the manner and process of making, constructing, using, and compounding the same, in such full, clear, and exact terms, avoiding unnecessary prolixity, as to enable any person skilled in the art or science to which it appertains, or with which it is most clearly connected, to make, construct, compound, and use the same; and in case of any machine he shall fully explain the principle, and the several modes in which he has contemplated the application of that principle, or character, by which it may be distinguished from other inventions; and shall particularly specify and point out the part, improvements, or combination, which he claims as his own invention or discovery.—Act of 1836, section 6. [See form annexed.]

It is important, in all cases, to have the specification describe the sections of the drawings, and refer by letters to the parts; duplicate drawings being required.

A defective specification or drawing may be amended at any time before a patent has issued; in which case the applicant will be required to make oath anew. In case papers are withdrawn from the office for alteration or amendment before examination, the application will take its term for examination as a new case filed on the day of the reception of the altered or amended papers.

#### ON NEW IMPROVEMENTS.

“Whenever the original patentee shall be desirous of adding the description and specification of any new improvement of the original invention or discovery, which



shall have been invented or discovered by him subsequent to the date of his patent, he may, like proceedings being had in all respects as in the case of original applications, and on the payment of fifteen dollars, as hereinafter mentioned, have the same annexed to the original description and specification; and the Commissioner shall certify on the margin of such annexed description and specification, the time of its being annexed and recorded; and the same shall thereafter have the same effect in law, to all intents and purposes, as though it had been embraced in the original description and specification."—Act of 1836, section 13.

In all such cases, the claim in the original patent is subject to a re-examination; and if it shall appear that any part of the claim was not original at the time of granting the patent, a disclaimer of said part must be filed in the Patent Office, or the specification of claims restricted, by having the patent re-issued before the improvement can be added. And if there is not any thing which can be claimed, the improvement cannot be added, but may be secured by a separate patent, on the payment of the fee of thirty dollars. If the patent was granted before the 15th of December, 1836, a model and drawings of the invention as first patented, verified by oath, must be furnished, unless dispensed with by the Commissioner.

No patent for an improvement can be granted to the original inventor, assignee, or possessor of a patent granted before the 15th of December, 1836, until a model and drawings of the invention, as originally patented, verified by oath, shall have been deposited, unless dispensed with by the Commissioner.

"Every inventor, before he can receive a patent, must make oath or affirmation that he does verily believe that he is the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement, for which he solicits a patent; and that he does not know or believe that the same was ever before known or used; and also of what country he is a citizen."—Act of 1836, sec. 6. [See form annexed.] In every case the oath or affidavit must be made before a person having general powers to administer oaths. Justices of the peace have not in all cases this general power.

If the applicant be an alien, and have resided one year in the United States next preceding the application, and have given legal notice of his intention to become a citizen of the United States, he must make oath to these facts before he can apply for a patent for the same fee as that paid by a citizen.

#### ON DRAWINGS AND SPECIMENS OF INGREDIENTS.

The law requires that "the applicant for a patent shall accompany his application with drawings and written references, *when the nature of the case admits of drawings.*" These drawings should, in general, be in perspective, and neatly executed; and such parts as cannot be shown in perspective, must, if described, be represented in section, or detail. Duplicates of them are required, as one must accompany the patent when issued, as explanatory of it, and one must be kept on file in the office.

The drawings must be signed by the patentee, and attested by two witnesses, except when the specification describes the sections or figures, and refers to the parts by letters, in which case they are neither required to be signed nor accompanied by written references upon the drawings, the whole making one instrument. Drawings are absolutely necessary, when the case admits of them.

An examination, as to originality of invention, may be made on a single drawing; but duplicates will be required before the patent issues.

[Drawings for the Patent Office are promptly executed, on moderate terms, at the office of the *Scientific American*, New York. Letters should be post paid, and directed to MUNN & Co., Publishers.]

#### OF MODELS.

The law requires that the inventor shall deliver a model of his invention or improvement, when the same admits of a model. The model should be neatly made, and as small as a distinct representation of the machine or improvement, and its characteristic properties, will admit; the name of the inventor should be printed or engraved upon, or affixed to it, in a durable manner. Models forwarded without a name cannot be entered on record, and are therefore liable to be lost or mislaid.

When the invention is of a "composition of matter," the law requires that the application be accompanied with specimens of the ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment.

#### ON GRANTING ANEW LOST PATENTS.

The third section of the act of March 3, 1837, provides:

"Sec. 3. *And be it further enacted,* That whenever it shall appear to the Commis-

sioner that any patent was destroyed by the burning of the Patent Office building on the aforesaid fifteenth day of December, or was otherwise lost prior thereto, it shall be his duty, on application therefor by the patentee, or other person interested therein, to issue a new patent for the same invention or discovery, bearing the date of the original patent, with his certificate thereon, that it was made and issued pursuant to the provisions of the third section of this act; and shall enter the same of record: *Provided, however,* That before such patent shall be issued, the applicant therefor shall deposit in the Patent Office, a duplicate, as near as may be, of the original model, drawings, and description, with specification of the invention or discovery, verified by oath, as shall be required by the Commissioner; and such patent and copies of such drawings and descriptions, duly certified, shall be admissible as evidence in any judicial court of the United States, and shall protect the rights of the patentee, his administrators, heirs, and assigns, to the extent only in which they would have been protected by the original patent and specification."

PROCEEDINGS ON APPLICATION FOR PATENTS, AND ON APPEALS FROM  
DECISION OF THE COMMISSIONER.

(Act of 1836, section 7.)

"That on the filing of any such application, (consisting of petition, specification, model, and drawings, or specimens,) and the payment of the duty hereinafter provided, the Commissioner shall make, or cause to be made, an examination of the alleged new invention or discovery; and if, on any such examination, it shall not appear to the Commissioner that the same had been invented or discovered by any other person in this country prior to the alleged invention or discovery thereof by the applicant; or that it had been patented or described in any printed publication in this or any foreign country, or had been in public use or on sale, with the applicant's assent or allowance, prior to the application, if the Commissioner shall deem it to be sufficiently useful and important, it shall be his duty to issue a patent therefor. But whenever, on such examination, it shall appear to the Commissioner that the applicant was not the original and first inventor or discoverer thereof, or that any part of that which is claimed as new had before been invented or discovered, or patented, or described in any printed publication in this or any foreign country as aforesaid, or that the description is defective and insufficient, he shall notify the applicant thereof, giving him briefly such information and references as may be useful in judging of the propriety of renewing his application, or of altering his specification to embrace only that part of the invention or discovery which is new. In every such case, if the applicant shall elect to withdraw his application, relinquishing his claim to the model, he shall be entitled to receive back twenty dollars, part of the duty required by this act, on filing a notice in writing of such election in the Patent Office; a copy of which, certified by the Commissioner, shall be a sufficient warrant to the Treasurer for paying back to the said applicant the said sum of twenty dollars. But if the applicant, in such case, shall persist in his claim for a patent, with or without any alteration of his specification, he shall be required to make oath or affirmation anew, in manner as aforesaid; and if the specification and claim shall not have been so modified as, in the opinion of the Commissioner, shall entitle the applicant to a patent, he may appeal to the Chief Justice of the United States Court for the District of Columbia, who may affirm or reverse the decision of the Commissioner of Patents, in whole or in part, and may order a patent to issue; or he may have remedy against the decision of the Commissioner of Patents, or the decision of the Chief Justice of the United States Court for the District of Columbia, by filing a bill in equity in any of the United States Courts having jurisdiction, as hereinafter explained."

RE-ISSUE TO CORRECT A DEFECTIVE DESCRIPTION.

When an applicant wishes to cancel an old patent, and to correct a mistake or error which has arisen from inadvertence, he should state this fact in his application, and expressly *surrender* the old patent, which must be transmitted to the Patent Office before a new patent will be issued. And no improvement or alteration made subsequent to the filing of the application upon which the original patent was granted, can be introduced into a patent upon re-issue.—Section thirteen of the Act of July, 1836, enacts: "That whenever any patent, which has heretofore been granted, or which shall hereafter be granted, shall be inoperative or invalid, by reason of a defective or insufficient description or specification, or by reason of the patentee claiming, in his specification as his own invention, more than he had or shall have a right to claim as new, if the error has or shall have arisen by inadvertency, accident, or mistake, and without any fraudulent or deceptive intention, it shall be lawful for the Commissioner, upon the surrender to him of such patent, and the payment of the further duty of fifteen dollars, to cause a new patent to be issued to the said inventor for the same invention for



the residue of the period then unexpired, for which the original patent was granted, in accordance with the patentee's corrected description and specification."

When the original patent has been lost, before a re-issue can be granted, the original patent should first be restored, and then surrendered.

In the re-issue, the claim is subject to an examination as in the case of original patents, and if it shall appear that any part of the claim was not original at the time of granting the patent, the re-issue will not be granted, unless said part be omitted in the claim, or a disclaimer filed in the Patent Office. And if there is not any thing which can be claimed, the re-issue cannot be granted, and the surrendered patent cannot be returned. Where the patent was granted before the 15th of December, 1836, a model and drawings of the invention as originally patented, verified by oath, must be deposited in the Patent Office before a re-issue can be granted, unless dispensed with by the Commissioner.

And in case of the death of an inventor, or of any assignment, of the original patent made by him, a similar right vests in his executors, administrators, or assignees; and the patent so re-issued, together with the corrected description and specification, have the same effect and operation in law, on the trial of all actions thereafter commenced for causes subsequently accruing, as though the same had been originally filed in such corrected form before the issuing out of the original patent.

On the surrender of a patent, several patents may be issued for distinct and separate parts of the invention, upon the payment of thirty dollars for every additional patent issued.

#### DISCLAIMERS.

The 7th section of the law of 3d March, 1837, provides as follows:

"SECTION 7. *And be it further enacted*, That whenever any patentee shall have, through inadvertence, accident, or mistake, made his specification of claim too broad, claiming more than that of which he was the original or first inventor, some material and substantial part of the thing patented being truly and justly his own, any such patentee, his administrators, executors, and assigns, whether of the whole or of a sectional interest therein, may make disclaimer of such parts of the thing patented as the disclaimant shall not claim to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent; which disclaimer shall be in writing, attested by one or more witnesses, and recorded in the Patent Office, on payment by the person disclaiming, in manner as other patent duties are required by law to be paid, of the sum of ten dollars. And such disclaimer shall thereafter be taken and considered as part of the original specification, to the extent of the interest which shall be possessed in the patent or right secured thereby, by the disclaimant, and by those claiming by or under him, subsequent to the record thereof. But no such disclaimer shall affect any action pending at the time of its being filed, except so far as may relate to the question of unreasonable neglect or delay in filing the same."

In cases of patents granted before the 15th December, 1836 no disclaimer will be admitted for record until a model and drawings of the invention, as originally patented, verified by oath, shall have been deposited, unless dispensed with by the Commissioner.

#### INTERFERING APPLICATIONS.

"Whenever an application shall be made for a patent, which, in the opinion of the Commissioner, would interfere with any other patent for which an application may be pending, or with any unexpired patent which shall have been granted, it shall be the duty of the Commissioner to give notice thereof to such applicants, or patentees, as the case may be; and if either shall be dissatisfied with the decision of the Commissioner on the question of priority of right or invention, on a hearing thereof he may appeal from such decision, on like terms and conditions as are provided in the case of applications for inventions not new; and the like proceedings shall be had, to determine which, or whether either, of the applicants is entitled to receive a patent as prayed for."—Act of 1836, section 8.

#### CAVEATS.

The law enacts, "That any citizen of the United States, or alien who shall have been a resident of the United States one year next preceding, and shall have made oath of his intention to become a citizen thereof, who shall have invented any new art, machine, or improvement thereof, and shall desire further time to mature the same, may, on paying to the credit of the Treasury, in manner as provided in the ninth section of this act, the sum of twenty dollars, file in the Patent Office a caveat, setting forth the design and purpose thereof, and its principal and distinguishing characteristics, and praying protection of his rights, till he shall have matured his invention; which sum



of twenty dollars, in case the person filing such caveat shall afterwards take out a patent for the invention therein mentioned, shall be considered a part of the sum herein required for the same. And such caveat shall be filed in the confidential archives of the office, and preserved in secrecy. And if application shall be made by any other person, within one year from the time of filing such caveat, for a patent of any invention with which it may in any respect interfere, it shall be the duty of the Commissioner to deposit the description, specifications, drawings, and model, in the confidential archives of the office, and to give notice (by mail) to the person filing the caveat of such application, who shall within three months after receiving the notice, if he would avail himself of the benefit of his caveat, file his description, specifications, drawings, and model; and if, in the opinion of the Commissioner, the specifications of claim interfere with each other, like proceedings may be had in all respects as are in this act provided in the case of interfering applications."—Act of 1836, section 12.

[Persons wishing to file caveats may have the business transacted through the *Scientific American office*, New York. See advertisement on cover.]

#### EXTENSION OF A PATENT BEYOND THE FOURTEEN YEARS.

Section eighteen enacts, "That whenever any patentee of an invention or discovery shall desire an extension of his patent beyond the term of its limitation, he may make application therefor, in writing, to the Commissioner of the Patent Office, setting forth the grounds therefor; and the Commissioner shall, on the applicant's paying the sum of forty dollars to the credit of the Treasury, as in the case of an original application for a patent, cause to be published in one or more of the principal newspapers in the city of Washington, and in such other paper or papers as he may deem proper, published in the section of country most interested adversely to the extension of the patent, a notice of such application, and of the time and place when and where the same will be considered, that any person may appear and show cause why the extension should not be granted. And the Secretary of State, the Commissioner of the Patent Office, and the Solicitor of the Treasury, shall constitute a board to hear and decide upon the evidence produced before them, both for and against the extension, and shall sit for that purpose at the time and place designated in the published notice thereof. The patentee shall furnish to said board a statement in writing, under oath, of the ascertained value of the invention, and of his receipts and expenditures, sufficiently in detail to exhibit a true and faithful account of loss and profit in any manner accruing to him from and by reason of said invention. And if, upon a hearing of the matter, it shall appear to the full and entire satisfaction of said board, having due regard to the public interest therein, that it is just and proper that the term of a patent should be extended, by reason of the patentee, without neglect or fault on his part, having failed to obtain, from the use and sale of his invention, a reasonable remuneration for the time, ingenuity, and expense bestowed upon the same, and the introduction thereof into use, it shall be the duty of the Commissioner to renew and extend the patent, by making a certificate thereon of such extension, for the term of seven years from and after the expiration of the first term; which certificate of said board, of their judgment and opinion as aforesaid, shall be entered on record in the Patent Office; and thereupon, the said patent shall have the same effect in law as though it had been originally granted for the term of twenty-one years; and the benefit of such renewal shall extend to assignees and grantees of the right to use the thing patented to the extent of their respective interests therein; *Provided, however*, That no extension of a patent shall be granted, after the expiration of the term for which it was originally issued."

#### FEEES PAYABLE AT THE PATENT OFFICE.

All fees must be paid in advance—the amount fixed by law; except in the case of drawings, the expense of which will be communicated on application for the same.

Every applicant must pay into the Treasury of the United States, or into the Patent Office, or to any of the Assistant Treasurers, Treasurers of the Mint and Branch Mints, Collectors and Surveyors of Customs, and Receivers of Public Money, particularly named hereafter, a deposit to the credit of the Treasurer, on presenting his petition or application, as follows:

If a citizen of the United States, as a patent fee . . . . .	\$30 00
If a foreigner, who has resided in the United States one year next preceding the application for a patent, and shall have made oath of his intention to become a citizen . . . . .	30 00
If a subject of the Sovereign of Great Britain . . . . .	500 00
All other foreigners . . . . .	300 00
On entering a caveat . . . . .	20 00

On entering an application for an appeal from the decision of the Commissioner	25 00
On extending a patent beyond the fourteen years	40 00
For adding to a patent the specification of a subsequent improvement	15 00
In case of re-issues, for every additional patent	30 00
On surrender of an old patent, to be re-issued, to correct a mistake of the patentee	15 00
On application for a design	15 00
For a disclaimer	10 00
For copies of patents, or any other paper on file, for each 100 words	10
For copies of drawings, a reasonable sum, in proportion to the time occupied in making the same.	

After January 1, 1847, all fees sent to the Commissioner of Patents should be transmitted in specie.

It is recommended to make a deposit with the Assistant Treasurer, and other officers authorized to receive public moneys, of the fee for a patent or other application, and to remit the certificate. Where this cannot be done without much inconvenience, gold may be remitted by mail, at the risk of the applicant.

In case of deposit made with the Assistant Treasurers, or other persons authorized to receive public moneys, a duplicate receipt should be taken, stating by whom the payment is made, and for what object. The particular invention should be referred to, to enable the applicant to recover back the twenty dollars in case of the withdrawal of the petition. The certificate of deposit may be made in the following form:

*Office of the*

The Treasurer of the United States has credit at this office for \_\_\_\_\_ dollars in specie, deposited by \_\_\_\_\_, of the town of \_\_\_\_\_, in the county of \_\_\_\_\_, and State of \_\_\_\_\_, the same being for a patent [or whatever the object may be] for a steam-boiler.

*Officers who are authorized to receive Patent fees on account of the Treasury of the United States, and to give receipts or certificates of deposit therefor, viz.:*

Assistant Treasurer of the U. S., Boston, Mass.	Treasurer Branch Mint, New Orleans, La.
Assistant Treasurer " New York, N. Y.	Assistant Treasurer U. States, St. Louis, Mo.
Treasurer of the Mint, Philadelphia, Penn.	Surveyor of the Customs, Nashville, Tenn.
Assistant Treasurer of the U. S., Charleston, S. C.	Surveyor of the Customs, Cincinnati, Ohio.
Collector - - - - - Richmond, Va.	Receiver of Public Moneys, Little Rock, Ark.
Collector - - - - - Buffalo Creek, N.C.	Receiver of Public Moneys, Jeffersonville, Ind.
Collector - - - - - Wilmington, N. C.	Receiver of Public Moneys, Chicago, Illinois.
Collector - - - - - Savannah, Georgia.	Receiver of Public Moneys, Detroit, Michigan.
Collector - - - - - Mobile, Alabama.	

Any person wishing to pay a patent or other fee, may deposit it with either of the officers above named, and forward the receipt or certificate to the Patent Office, as evidence thereof.

Money sent by the mail must be at the risk of the persons sending the same. And all moneys sent from the office, by mail, must be at the risk of the persons requesting to have it transmitted in that way. In no case should money be sent enclosed with models.

N. B.—The Patent Office does not make original drawings to accompany applications for patents, and furnishes copies of the same only after the patent is completed.

#### ON RECOVERING BACK MONEY PAID FOR A PATENT NOT TAKEN OUT.

When an applicant, who is a citizen, or resident alien, relinquishes or abandons the application for a patent, he must petition the Commissioner of Patents, stating the abandonment or withdrawal of his application; in which case twenty dollars will be repaid. If this withdrawal be of a foreign patent, two-thirds of the fee is to be returned.

In case of withdrawing a petition, the model deposited is by law retained.

Whenever a patent is refused by the Commissioner, on the ground that the alleged invention is not new, or interferes with an existing patent, or is not sufficiently useful and important, or in case of two or more interfering applications, the party or parties against whom the Commissioner has decided, can have remedy by an "appeal to the Chief Justice of the District Court of the United States for the District of Columbia," by giving notice thereof to the Commissioner, and filing in the Patent Office, within such time as the Commissioner shall appoint, his reasons of appeal, specially set forth in writing, and also paying into the Patent Office, to the credit of the patent fund, the sum of twenty-five dollars. And it shall be the duty of said Chief Justice, on petition, to hear and determine all such appeals, and to revise such decisions



in a summary way, on the evidence produced before the Commissioner, at such early and convenient time as he may appoint, first notifying the Commissioner of the time and place of hearing, whose duty it shall be to give notice thereof to all parties who appear to be interested therein, in such manner as said Judge shall prescribe. The Commissioner shall also lay before the said Judge all the original papers and evidence in the case, together with the grounds of his decision, fully set forth in writing, touching all the points involved by the reasons of appeal, to which the revision shall be confined. And at the request of any party interested, or at the desire of the Judge, the Commissioner, and the Examiners in the Patent Office, may be examined, under oath, in explanation of the principles of the machine, or other thing, for which a patent in such case is prayed for. And it shall be the duty of said Judge, after a hearing of any such case, to return all the papers to the Commissioner, with a certificate of his proceedings and decision, which shall be entered of record in the Patent Office; and such decision, so certified, shall govern the further proceedings of the Commissioner in such case: *Provided, however*, That no opinion or decision of the Judge in any such case, shall preclude any person interested in favor or against the validity of any patent which has been or may hereafter be granted, from the right to contest the same in any judicial court, in any action in which its validity may come in question.

### REMEDY IN EQUITY FOR PATENTEES.

In cases where patents are refused for any reasons whatever, or when there shall be two interfering patents, remedy can be had from the decisions of the Commissioner of Patents, or from the Chief Justice of the United States Court for the District of Columbia, by bill in equity; and the court having cognizance thereof, on notice to adverse parties, (and when there shall be no adverse party, a copy of the bill shall be served upon the Commissioner of Patents, when the whole of the expenses of the proceedings shall be paid by the applicant, whether the final decision shall be in his favor or otherwise,) and other due proceedings had, may adjudge and declare either the patents void in whole or in part, or inoperative and invalid in any particular part or portion of the United States, according to the interests which the parties to such suit may possess in the patent or the inventions patented, and may also judge that such applicant is entitled, according to the principles and provisions of this act, to have and receive a patent for his invention, as specified in his claim, or for any part thereof, as the fact of priority of right or invention shall, in any such case, be made to appear. And such adjudication, if it be in favor of the right of such applicant, shall authorize the Commissioner to issue such patent, on his filing a copy of the adjudication, and otherwise complying with the requisitions of this act: *Provided, however*, That no such judgment or adjudication shall affect the rights of any person, except the parties to the action, and those deriving title from or under them, subsequent to the rendition of such judgment.

N. B.—It has recently been decided in the district court of Eastern Pennsylvania, that all proceedings in equity against the Commissioner of Patents, must be commenced and prosecuted in the courts of the District of Columbia, no court out of the District having jurisdiction over the subject-matter.

### ON FILING THE SPECIFICATION AND DRAWING AS A CAVEAT.

"Whenever the applicant shall request it, the patent shall take date from the time of filing the specification and drawings, not, however, exceeding six months prior to the actual issuing of the patent; and, on like request, and the payment of the duty herein required, by any applicant, his specification and drawings shall be filed in the secret archives of the office, until he shall furnish the model, and the patent be issued, not exceeding the term of one year; the applicant being entitled to notice of interfering applications."—Act of 1836, section 8.

A full description of the invention is required, to enable the Commissioner of Patents to judge of interferences.

All applications will be examined, and patents issued, in the order of time in which their proper documents are completed.

### EXHIBITION OF MODELS AND MANUFACTURES.

Models of unpatented machines, specimens of compositions and of fabrics, and other manufactures, or works of art, will be received and arranged in the national repository of the Patent Office.

The personal attendance of an applicant at the Patent Office, to obtain a patent, is unnecessary. The business can be done by correspondence, or by attorney.



## OATHS OF AFFIRMATIONS.

Any magistrate having general authority to administer oaths, is qualified to take depositions in matters relating to patents.

## Forms which may be used in making application at the Patent Office.

## FORM OF PETITION.

To the Commissioner of Patents:

The petition of Sebastian Cabot, of Cabotville, in the county of Hampden, and State of Massachusetts,

RESPECTFULLY REPRESENTS:

That your petitioner has invented a new [and improved mode of preventing steam-boilers from bursting] which he verily believes has not been known or used prior to the invention thereof by your petitioner. He therefore prays that letters patent of the United States may be granted to him therefor, vesting in him and his legal representatives the exclusive right to the same, upon the terms and conditions expressed in the act of Congress in that case made and provided; he having paid thirty dollars into the Treasury, and complied with other provisions of the said act.

SEBASTIAN CABOT.

## FORM OF SPECIFICATION.

To all whom it may concern:

Be it known that I, Sebastian Cabot, of Cabotville, in the county of Hampden, and State of Massachusetts, have invented a new and improved mode of preventing steam-boilers from bursting, and I do hereby declare that the following is a full and exact description:

The nature of my invention consists in providing the upper part of a steam-boiler with an aperture in addition to that for the safety-valve; which aperture is to be closed by a plug, or disk, of alloy, which will fuse at any given degree of heat, and permit the steam to escape, should the safety-valve fail to perform its functions.

To enable others skilled in the art to make and use my invention, I will proceed to describe its construction and operation: I construct my steam-boiler in any of the known forms, and apply thereto guage-cocks, a safety-valve, and the other appendages of such boilers; but, in order to obviate the danger arising from the adhesion of the safety-valve, and from other causes, I make a second opening in the top of the boiler, similar to that made for the safety-valve, as shown at A, in the accompanying drawing; and in this opening I insert a plug, or disk, of fusible alloy, securing it in its place by a metal ring and screws, or otherwise. This fusible metal I, in general, compose of a mixture of lead, tin, and bismuth, in such proportions as will ensure its melting at a given temperature, which must be that to which it is intended to limit the steam, and will, of course, vary with the pressure the boiler is intended to sustain. I surround the opening containing the fusible alloy by a tube B, intended to conduct off any steam which may be discharged therefrom. When the temperature of the steam, in such a boiler, rises to its assigned limit, the fusible alloy will melt, and allow the steam to escape freely, thereby securing it from all danger of explosion.

What I claim as my invention, and desire to secure by letters patent, is the application to steam-boilers of a fusible alloy, which will melt at a given temperature, and allow the steam to escape, as herein described; using for that purpose any metallic compound which will produce the intended effect.

Witness: { JOHN DOE,  
          { RICHARD ROE.

SEBASTIAN CABOT.

When the application is for a machine, the specification should commence thus:

Be it known that I, \_\_\_\_\_, of \_\_\_\_\_, in the county of \_\_\_\_\_, and State of \_\_\_\_\_, have invented a new and useful machine for—[stating the use and title of the machine; and if the application is for an improvement, it should read thus: a new and useful improvement on a, or on the, machine, etc.]—and I do hereby declare that the following is a full, clear, and exact description of the construction and operation of the same, reference being had to the annexed drawings, making a part of this specification, in which figure 1 is a descriptive view, figure 2 a longitudinal elevation, figure 3 a transverse section, etc. [Thus describ-

ing all the sections of the drawings, and then referring to the parts by letters.] Then follows the description of the construction and operation of the machine, and ending with the claim, which should express the nature and character of the invention, and identify the part or parts claimed separately or in combination. If the specification is for an improvement, the original invention should be disclaimed, and then the claim confined to the improvement.

#### FORM OF OATH.

COUNTY OF HAMPDEN, *State of Massachusetts, ss :*

On this            day of            , 183    , before the subscriber, a            personally appeared the within named Sebastian Cabot, and made solemn oath [or affirmation] that he verily believes himself to be the original and first inventor of the mode herein described for preventing steam-boilers from bursting, and that he does not know or believe the same was ever before known or used; and that he is a citizen of the United States.

Signed,

A. B.

A foreigner should specify of what country he is a citizen. An alien resident applying as a citizen, should make oath that he has been a resident in the United States one year next preceding his application for letters patent, and has made oath of his intention to become a citizen thereof.

#### FORM OF WITHDRAWAL.

To the Commissioner of Patents:

SIR: I hereby withdraw my application for a patent for improvements in the steam-boiler, now in your office, and request that twenty dollars may be returned to me, agreeably to the provision of the act of Congress authorizing such withdrawal.

SEBASTIAN CABOT.

CABOTVILLE, MASS., March 1, 1833.

N. B.—If you withdraw your application, please enclose a receipt in the following form:

Received of the Treasurer of the United States, per Hon. Edmund Burke, Commissioner of Patents, twenty dollars, being the amount refunded on withdrawing my application for a patent for

#### FORM OF SURRENDER OF A PATENT FOR RE-ISSUE.

To the Commissioner of Patents:

The petition of Sebastian Cabot, of Cabotville, in the county of Hampden, and State of Massachusetts,

RESPECTFULLY REPRESENTS:

That he did obtain letters patent of the United States for an improvement in the boilers in steam-engines, which letters patent are dated on the first day of March, 1835. That he now believes that the same is inoperative and invalid, by reason of a defective specification, which defect has arisen from inadvertence and mistake. He therefore prays that he may be allowed to surrender, and he hereby does surrender, the same, and request that new letters patent may issue to him for the same invention, for the residue of the period for which the original patent was granted, under the amended specification herewith presented; he having paid fifteen dollars into the Treasury of the United States, agreeably to the requirements of the act of Congress in that case made and provided.

SEBASTIAN CABOT.

#### FORM OF ASSIGNMENT OF A RIGHT IN A PATENT.

WHEREAS I, Sebastian Cabot, of Cabotville, in the county of Hampden, and State of Massachusetts, did obtain letters patent of the United States for certain improvements in steam-engines, which letters patent bear date the first day of March, 1835; and whereas John Doe, of Cabotville aforesaid, is desirous of acquiring an interest therein: NOW, THIS INDENTURE WITNESSETH, that, for and in consideration of the sum of two thousand dollars, to me in hand paid, the receipt of which is hereby acknowledged, I have assigned, sold, and set over, and do hereby assign, sell, and set over, all the right, title and interest, which I have in the said invention, as secured to me by said letters patent, for, to, and in the several States of New York, New Jersey, and Pennsylvania, and in no other place or places. The same to be held and enjoyed by the said John Doe for his own use and behoof, and for the use and behoof of his legal representatives, to the full end of the term for which said letters patent are or may be

granted, as fully and entirely as the same would have been held and enjoyed by me, had this assignment and sale not have been made.

In testimony whereof, I have hereunto set my hand and affixed my seal, this first day of March, 1838.

SEBASTIAN CABOT. [L. s.]

Witness: { A. B.,  
          { C. D.

By the act of March , 1848, the Commissioner of Patents is directed to charge the fees for recording assignments of patent licenses, at the following rates, viz.:

On all assignments, etc., which shall not contain over 300 words . . . . .	\$1 00
On all assignments, etc., containing more than 300 and not more than 1000 words	2 00
On all assignments containing more than 1000 words . . . . .	3 00

Which fees are, in all cases, to be paid in advance.

#### FORM OF DISCLAIMER.

To the Commissioner of Patents:

The petition of Sebastian Cabot, of Cabotville, in the county of Hampden, and State of Massachusetts,

RESPECTFULLY REPRESENTS:

That he has, by assignment, duly recorded in the Patent Office, become the owner of a right for the several States of Massachusetts, Connecticut, and Rhode Island, to certain improvements in the steam-engine, for which letters patent of the United States were granted to John Doe, of Boston, in the State of Massachusetts, dated on the first day of March, 1835. That he has reason to believe that, through inadvertence and mistake, the claim made in the specification of said letters patent is too broad, including that of which the said patentee was not the first inventor. Your petitioner, therefore, hereby enters his disclaimer to that part of the claim in the aforementioned specification, which is in the following words, to wit: "I also claim the particular manner in which the piston of the above described engine is constructed, so as to insure the close fitting of the packing thereof to the cylinder, as set forth;" which disclaimer is to operate to the extent of the interest in said letters patent vested in your petitioner, who has paid ten dollars into the Treasury of the United States, agreeably to the requirements of the act of Congress in that case made and provided.

SEBASTIAN CABOT.

When the disclaimer is made by the original patentee, it must, of course, be so worded as to express that fact.

#### FORM OF CAVEAT.

To the Commissioner of Patents:

The petition of Sebastian Cabot, of Cabotville, in the county of Hampden, and State of Massachusetts,

RESPECTFULLY REPRESENTS:

That he has made certain improvements in the mode of constructing the boilers of steam-engines; and that he is now engaged in making experiments for the purpose of perfecting the same, preparatory to his applying for letters patent therefor. He therefore prays that the subjoined description of his invention may be filed as a CAVEAT, in the confidential archives of the Patent Office, agreeably to the provisions of the act of Congress in that case made and provided; he having paid twenty dollars into the Treasury of the United States, and otherwise complied with the requirements of the said act.

SEBASTIAN CABOT.

CABOTVILLE, March 1, 1835.

Here should follow a description of the general principles of the invention, so far as it has been completed.

#### FORM FOR ADDITION OF NEW IMPROVEMENTS.

To the Commissioner of Patents:

The petition of Sebastian Cabot, of Cabotville, in the county of Hampden, and State of Massachusetts,

RESPECTFULLY REPRESENTS:

That your petitioner did obtain letters patent of the United States for an improvement in the boilers of steam-engines, which letters patent are dated on the first day of



March, 1835; that he has since that date made certain improvements on his said invention; and that he is desirous of adding the subjoined description of his said improvements to his original letters patent, agreeably to the provisions of the act of Congress in that case made and provided; he having paid fifteen dollars into the Treasury of the United States, and otherwise complied with the requirements of the said act.

SEBASTIAN CABOT.

FORM OF ASSIGNMENT BEFORE OBTAINING LETTERS PATENT, AND TO BE RECORDED PREPARATORY THERETO.

WHEREAS I, Sebastian Cabot, of Cabotville, in the county of Hampden, and State of Massachusetts, have invented certain new and useful improvements in the boilers of steam-engines, for which I am about to make application for letters patent of the United States; and whereas John Doe, of Cabotville aforesaid, has agreed to purchase from me all the right, title, and interest which I have, or may have, in and to the said invention, in consequence of the grant of letters patent therefor, and has paid to me, the said Cabot, the sum of five thousand dollars, the receipt of which is hereby acknowledged: Now, this indenture witnesseth, that for and in consideration of the said sum to me paid, I have assigned and transferred, and do hereby assign and transfer, to the said John Doe, the full and exclusive right to all the improvements made by me, as fully set forth and described in the specification which I have prepared and executed, preparatory to the obtaining letters patent therefor. And I do hereby authorize and request the Commissioner of Patents to issue the said letters patent to the said John Doe, as the assignee of my whole right and title thereto, for the sole use and behoof of the said John Doe and his legal representatives.

In testimony whereof, I have hereunto set my hand and affixed my seal, this first day of March, 1838.

SEBASTIAN CABOT. [SEAL.]

Witness: { A. B.,  
          { C. D.

FORM OF OATH ON RESTORING DRAWINGS, OR SKETCHES FROM WHICH DRAWINGS MAY BE MADE, TO REPLACE THE ORIGINALS DESTROYED IN THE OFFICE.

COUNTY OF HAMPDEN, *State of Massachusetts, ss :*

On the first day of March, 1838, before the subscriber, a personally appeared Sebastian Cabot, of Cabotville, in the State of Massachusetts, and made solemn oath that he is the inventor [or is interested in the invention as administrator, etc.] of an improved mode of preventing the explosions of steam-boilers, for which letters patent of the United States were granted to him, dated the first day of January, 1835, and that the annexed drawing [or sketch] is, as he verily believes, a true delineation of the invention described in the said letters patent.

If the following questions can be answered affirmatively, before transmitting the papers, few applications will be returned for correction of omissions:

1. Is the fee transmitted?
2. Is the petition signed, and addressed to the Commissioner of Patents?
3. Is the specification signed, and witnessed by two witnesses?
4. Are the drawings described, and referred to in the specification? If not, are they signed before two subscribing witnesses, and are they accompanied with written references?
5. Are duplicated drawings sent?
6. Has the inventor made oath to his being a citizen, and that his invention is new, etc.?
7. Does the specification contain a specific claim?
8. If an alien and resident, is this affirmed and sworn to?
9. Has the model been sent, and how?
10. Is the name of the inventor durably affixed to the same?
11. In case of re-issue, is the old patent surrendered?
12. Has the oath of invention been renewed, before appealing from the decision of the Commissioner?
13. Have the fees been remitted in coin, or by certificate of deposit?
14. In case of re-issue, disclaimer, addition of an improvement, or patent for an improvement on an existing patent to inventor, assignee, or possessor of the original patent, have model and drawings of the original patent (if granted before the 15th of December, 1836) been transmitted?

[From the last pamphlet issued by Commissioner Burke.]

## INFORMATION

UNDER THE ACT OF AUGUST 29, 1842.

ART. 1. This act authorizes the Treasurer of the United States to repay any money which has been paid into the Treasury by actual mistake, as for patent fees, thus precluding the necessity of special application to Congress for relief.

ART. 2. The privilege of renewal of lost patents is now extended to those *granted* before the fire of December, 1836. Heretofore it has been limited to those actually *lost* before the fire, thus excluding many lost subsequently, and before they were recorded anew in this office, leaving the inventor without remedy.

ART. 3. Protection is by this act extended to a *new* class of objects, viz.:

To new and original *Désigns*:

- for a manufacture of metal and other materials;
- for the printing of woollen, silk, cotton, or other fabrics;
- for busts, statues, or bas relief, or composition in alto or basso rilievo;
- for any impression or ornament, or to be placed on any article of manufacture in marble or other material.
- for any new and useful pattern, print, or picture, to be in any manner attached to, or fixed on, any article of manufacture;
- for any new or original shape or configuration of any article of manufacture; all such designs not being previously known or used by others.

ART. 4. American ministers, consuls, etc., residing abroad, may administer the oath required for applicants not resident in the United States. Heretofore such functionaries were not authorized to perform this act, thus subjecting applicants, in foreign countries, to much inconvenience.

ART. 5. The stamping or affixing the name of any patentee on any article without authority so to do, or the affixing the word *patent* or *letters patent*, or the stamp, mark, or device of any patentee on any unpatented article, for the purpose of deceiving the public, is forbidden under a penalty of not less than one hundred dollars.

ART. 6. Patentees, or their assignees, are now required to affix the date of the patent on each article vended or offered for sale, under a like penalty—thus affording to the public notice of the duration of the patent. When the article is of such a nature that the date cannot be printed thereon, it should be affixed to the case or package containing it.

It will be observed that this act does not repeal or change the law under which patents have heretofore been granted, but is merely additional thereto—all patents except for *designs*, being granted for fourteen years, and the fee, as hitherto, being thirty dollars.

Before the grant of any patent under this act, the application must be made by petition to the Commissioner of Patents, signed by the inventor.

He is also required to furnish a written description or specification of his invention or production, in which the same shall be fully and clearly described; such specification to be signed, witnessed by two witnesses, and verified by his oath or affirmation.

In all cases which admit of representation by drawings, the application must be accompanied by duplicate drawings and a specimen; and in other cases by duplicate specimens.

The provisions of the sixth section do not apply to patents granted prior to the passage of this act.

*Forms of application for Patents on Designs, under the Act of August 29, 1842.*

To the Commissioner of Patents:

The petition of Sebastian Cabot, of Cabotville, in the county of Hampden, and State of Massachusetts,

RESPECTFULLY REPRESENTS:

That your petitioner has invented or produced [a new design or figure to be stamped or printed on fabrics, which, when thus printed, are termed calicoes,] which he verily believes, has not been known prior to the production thereof by your petitioner.





such works on the arts as have been published here or elsewhere: and also to keep pace with the current of invention throughout the world, by a constant and copious supply of such publications in this country and in Europe as are devoted to this object.

It will readily be seen that this office cannot undertake to respond to the numerous inquiries constantly addressed to it, whether such or such an invention can be new, and whether a patent can be obtained for it. Because, 1st. Every such inquiry involves the *whole question of novelty*; and before the office could express, or even form, an opinion, would require the same range of rigorous examination as is now required by law on a regular application for a patent, and this, too, without the necessary illustrations; such inquiries being based on mere and usually very imperfect general descriptions; while, in the case of application for patents, the law requires that the office shall have the aid, not only of clear and full description, under oath, but also accurate drawings and models, before it shall decide the question whether, in any given case, the invention be *new, &c.*

2d. The attempt to do so would effectually interrupt the appropriate business of the office, and be a direct infringement on the rights of those who apply for patents; as the regular examinations of their applications must necessarily be suspended while the examinations required, in order to frame such answers, were being made.

3d. Every such inquiry does, in effect, require this office to prejudge a case before such case is presented; or, in other words, the inquirer asks of the office to decide upon his invention before he has done that which the law requires he shall do, in order to obtain such decision.

4th. The law has made no provision for such services. It is, therefore, no part of the legitimate duty of this office.

It is hoped that this explanation will prove satisfactory to all, and that it will be distinctly understood, that, in declining to respond to the class of inquiries above stated, this office acts under the mere necessity of the case, and not from any disposition to withhold information.

The records and models of the office are always open to inspection, and copies can readily be furnished on receipt of the fee required by law.

#### MODELS.

*If deposited with any of the following agents, will be forwarded to the Patent Office, free of expense.*

The collector of the port of Portsmouth, N. H.  
 The collector of the port of Portland, Maine.  
 The collector of the port of Burlington, Vermont.  
 The collector of the port of Providence, R. I.  
 R. H. Eddy, agent at Boston, Massachusetts.  
 Sumner Smith, Hartford, Connecticut.  
 Edgar Irving, agent, custom-house, New York.  
 The collector of the port of Philadelphia, Pa.  
 The collector of the port of Baltimore, Md.  
 The collector of the port of Richmond, Va.

The collector of the port of Charleston, S. C.  
 The collector of the port of Savannah, Geo.  
 Charles T. Stewart, New Orleans, Louisiana.  
 The collector of the port of Detroit, Michigan.  
 The collector of the port of Buffalo, New York.  
 The surveyor at St. Louis, Missouri.  
 The collector of the port of Cleveland, Ohio.  
 The surveyor at Pittsburg, Pennsylvania.  
 The surveyor at Cincinnati, Ohio.  
 The surveyor at Louisville, Kentucky.

Agents must send models received by them by packet, when the same are forwarded at the expense of the office.

If applicants prefer to have their models transmitted by Express instead of by Packet, they must in all cases pay the expense of transportation.

The transmission of models by the agents extends to those for new applications, as well as those restored in consequence of the destruction of the originals.

N. B.—*Patentees*, and the public in general, are urged to use their influence to aid the office in restoring the records of all patents and assignments on record before the fire in December, 1836. The same cannot be used in evidence unless *so recorded anew*. No expense is incurred. The papers are received and transmitted by mail.

EDMUND BURKE,  
*Commissioner of Patents.*

#### RULES FOR TAKING AND TRANSMITTING EVIDENCE, &c., TO THE COMMISSIONER OF PATENTS.

##### PATENT OFFICE,

1st. That all statements, declarations, evidence, &c., shall be in writing, setting forth minutely and particularly the point or points at issue, and shall be verified by oath or affirmation.

2d. That all statements, declarations, proofs, and evidence, shall be filed in the Patent Office by the parties, respectively, before the day of hearing.

3d. That before the deposition of a witness or witnesses be taken by either party, notice should be given to the opposite party of the time and place when and where such deposition or depositions will be taken; so that the opposite party, either in person or by attorney, shall have full opportunity to cross examine the witness or witnesses. And such notice shall, *with proof of service of the same*, be attached to the deposition or depositions, whether the party cross examine or not; and such notice shall be given in sufficient time for the appearance of the opposite party, and for the transmission of the evidence to the Patent Office before the day of hearing.

4th. That no evidence, statement, or declaration, touching the matter at issue, will be *considered* upon the said day of hearing, which shall not have been taken and filed in compliance with these rules: *Provided*, That if either party shall be unable, from good and sufficient reasons, to procure the testimony of a witness or witnesses, within the above stipulated time, then it shall be the duty of said party to give notice of the same to the Commissioner of Patents, accompanied with statements of the cause of such inability, which last mentioned notice to the Commissioner shall be received by him days previous to the day of hearing aforesaid, viz., the  
day of next.

5th. That all evidence, &c., shall be sealed up and addressed to the Commissioner of Patents by the persons before whom it shall be taken, and so certified thereon.

6th. That the certificate of the magistrate taking the evidence shall be substantially in the following form, and written upon the envelope, viz.:

"I hereby certify, that the depositions of A. B. C. D., &c., relating to the matter of interference between E. F. and G. H., were taken, sealed up, and addressed to the Commissioner of Patents, by me. *Justice of the Peace.*"

## EXTENSION OF PATENTS.

[CIRCULAR.]

PATENT OFFICE, *June 21, 1845.*

The undersigned, constituted by law a board to decide upon applications for the extension of patents, have adopted the following suggestions and rules, for the benefit of those persons who may hereafter apply for extensions.

The questions which arise on each application for an extension are—

1. Is the invention *novel*?
2. Is it *useful*?
3. Is it *valuable* and *important* to the public?
4. Has the inventor been *adequately remunerated* for his time and expense in originating and perfecting it?
5. Has he used due diligence in introducing his invention into general use?

The two first questions will be determined upon the result of an examination in the Patent Office; as will also the third, to some extent.

To enable the board to come to a correct conclusion in regard to the third point of inquiry, the applicant should, if possible, procure the testimony of persons disinterested in the invention, which testimony should be taken under oath.

In regard to the fourth and fifth points of inquiry, in addition to his own oath showing his receipts and expenditures on account of the invention, by which its value is to be ascertained, the applicant should show, by the testimony of disinterested witnesses on oath, that he has taken all reasonable measures to introduce his invention into general use, and that, without default or neglect on his part, he has failed to obtain from the use and sale of the invention a reasonable remuneration for the time, ingenuity, and expense bestowed on the same, and the introduction thereof into use.

The report of the examiner upon the novelty and utility of the invention will be ready fifteen days before the day appointed for the hearing, which will be open for inspection at the Patent Office; copies of which will be furnished to all parties interested, if desired, on payment of the usual fees for copies.

In case of opposition by any person to the extension of a patent, both parties may take testimony, each giving reasonable notice to the other at the time and place of taking said testimony, which shall be taken according to the rules prescribed by the Commissioner of Patents in cases of interference.

All arguments submitted to the board must be in writing

In conclusion, the undersigned would remark, generally, that a monopoly of his invention is secured by law to the inventor for the term of fourteen years. This is done with a view to compensate him for his time and expense in originating and perfecting it. At the end of the time for which his patent runs, his monopoly should

cease, and the invention become public property, unless he can show good reasons to the contrary. The presumption is always against his application; and if he cannot show that his invention is novel, useful, valuable, and important to the public, and that, having made all reasonable effort to introduce it into general use, he has not been adequately remunerated for his time and expenses in discovering and perfecting it, the board cannot grant an extension.

JAMES BUCHANAN, *Secretary of State.*  
EDMUND BURKE, *Commissioner of Patents.*  
R. H. GILLET, *Solicitor of the Treasury.*

#### INSTRUCTIONS TO PATENTEES AND OTHERS.

1. *Caveats.*—Caveat papers cannot under *any circumstances* be withdrawn from the office, nor undergo any alteration after they have been once filed.

2. Additional papers relating to *the invention* may be admitted under the same file, the date of reception of such papers being noted.

3. In case of filing papers additional to an original caveat, the right to notice of such papers expires with the caveat; and any additional papers, not relating to the invention as first caveated, are not entitled to notice.

4. Caveat papers once filed cannot be inspected by the caveator, nor any other persons than those duly authorized by law to examine such papers.

5. The caveator, or other person properly authorized by him, may at any time obtain copies of the caveat papers at the usual rates.

6. It is desirable that caveats should be explicit as to the character and features of the invention—embrace suitable drawings or sketches; and a model, if convenient. The caveat fails of its purpose, when the invention is not explained.

7. Models are always retained by the office.

8. Applications are examined in the order of their reception; except in cases in which the claims so nearly resemble those undergoing examination, as to render an interference probable; in which case they will be taken up and examined with the cases then under examination.

9. Rejected applications may be reconsidered at the request of the applicant, and explanations, whether verbal or in writing, may be at any convenient time received by the examiners; but final action upon such cases cannot be had until they come up in their turn as cases presented anew.

10. In case specifications and drawings should be found defective, they are returned to the applicants with instructions to amend. When returned to the office they are again examined, the examination in such cases taking precedents of all new cases on hand at the time of their reception. But if on such examination it should be found that the instructions to amend have been disregarded, or not properly attended to, the papers are again returned to the applicant, and upon their second return to the office, the examination of such papers is delayed until all the business on hand at the time of their reception is disposed of.

11. When papers are thus returned to applicants for amendments, should they find it necessary or deem it important to prepare a new document in order to make suitable amendments, *the original papers must be returned to the office, together with the amended or new papers*, otherwise examination upon such cases will be delayed until the original papers are received by the office.

12. After an application has been examined, no alteration made in the character of the invention can be considered under the same fee; but such alterations will require a separate fee, papers, &c., before examination can be had.

13. In general, if any addition is to be made to an invention duly before the office, or any change in its character, the applicant must withdraw and file his application anew.

14. All explanations or suggestions by Patent Agents, in relation to cases pending before the office for examination, must be in writing addressed to the Commissioner.

15. All patents will be delivered or sent by mail to the patentee, except when a *written order* has been deposited by him in the Patent Office, directing the delivery to some other person.

16. When an application has been *finally decided*, the office will retain the original papers, allowing the applicant to obtain copies thereof.

EDMUND BURKE,  
*Commissioner of Patents.*

#### FOREIGN PATENTS AND RE-ISSUES.

Applications for inventions, *which have been patented* in a foreign country, will be taken up for examination immediately after all the necessary papers and drawings have



been filed, the fee paid, and the model deposited in this office. As the letters patent issued in this country, for inventions patented abroad, bear date with the foreign letters patent, this rule has been adopted with the view of giving the longest term of time to the patent in this country.

For a similar reason applications for the surrender and re-issue of letters patent will be examined immediately after they shall have been completed.

#### STATE OF BUSINESS IN THE PATENT OFFICE.

The public are aware that during the last two years there has been a great increase of business in the Patent Office, amounting, in 1847, to *fifty per cent.* over the year 1845. While the undersigned has the power by law to increase the number of copying clerks as the business of the office might require, he has no authority to make any addition to the examining corps, which is the most important branch of the service of the office.

At the first session of Congress, after his accession to the office of Commissioner of Patents, which was in 1845, in his annual report, he brought the embarrassed condition of the Patent Office to the attention of Congress, and requested an increase of the examining corps. He has since made four additional applications, setting forth particularly the condition of the office, growing out of a want of force to perform the duties, and showing conclusively the absolute necessity of the employment of additional examiners.

Congress has at length acted upon the recommendations of the undersigned, and passed a bill authorizing the appointment of two additional principal examiners, and two assistants, thus doubling that branch of the force of the office.

This addition to the Examining Corps, now provided for, will, it is believed, be sufficient to enable the office to perform all the duties devolving upon it at present. Yet it will be some months before the business in arrear will be brought up.

There are now over nine hundred applications on the files of the office to be examined. With the present force it would require nine months to accomplish that amount of business. The additional number of examiners allowed by law will enable the office to get through with it sooner. But, at best, it would take some months to bring up the business which is now so far in arrear.

Twelve hours of constant labor each day, with the exception of a reasonable time for meals, are now required of all persons employed in the Patent Office. It is very much more than is required of the *employees* in any other office of the Government in this city. With this addition to the hours of labor, and with untiring diligence, the undersigned hopes the Patent Office will in a few months be relieved from its embarrassments.

#### REQUEST.

Congress having authorized the collection and distribution of seeds through this office, a transmission to this place of any rare and useful seeds may confer a great benefit on the community, and will, so far as practicable, be reciprocated by the Commissioner of Patents. A history of the seed transmitted, together with the place of production, is respectfully solicited.

EDMUND BURKE,  
*Commissioner of Patents.*

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☞ The "New York Scientific American," should be in the hands of every artist and mechanic. It is one of the most valuable papers now published. Young men could not spend their money to more advantage than by taking this. It is published by Munn and Co., New York, at \$2 per annum.—*Phanix, Bristol, R. I.*

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☞ See last page of the Cover. ☞





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