TITLE 35.—PATENTS

Chapter 1.—PATENT OFFICE.

CROSS-REFERENCE

Appeals to Circuit Court of Appeals in suits in equity for infringement of letters patent for inventions, see § 227a of Title 28.

Section 2. Officers and employees.—There shall be in the Patent Office a Commissioner of Patents, one first assistant commissioner, two assistant commissioners, and nine examiners in chief, who shall be appointed by the President, by and with the advice and consent of the Senate. The first assistant commissioner and the assistant commissioners shall perform such duties pertaining to the office of commissioner as may be assigned to them, respectively, from time to time by the Commissioner of Patents. All other officers, clerks, and employees authorized by law for the office shall be appointed by the Secretary of Commerce upon the nomination of the Commissioner of Patents, in accordance with existing law. (As amended Feb. 14, 1927, c. 139, § 1, 44 Stat. 1098; Apr. 11, 1930, c. 132, § 1, 46 Stat. 155.)

★"June 27" in line 4 from the end of this section should read "June 17."

"May 3, 1925, c. 462, 43 Stat. 8" the last citation to this section in the Code, should read "Mar. 3, 1925, c. 462, 43 Stat. 1165."

7. Examiners in chief [; board of appeals].—The examiners in chief shall be persons of competent legal knowledge and scientific ability. The Commissioner of Patents, the first assistant commissioner, the assistant commissioners, and the examiners in chief shall constitute a board of appeals, whose duty it shall be, on written petition of the appellant, to review and determine upon the validity of the adverse decisions of examiners upon applications for patents and for reissues of patents and in interference cases. Each appeal shall be heard by at least three members of the board of appeals, the members hearing such appeal to be designated by the commissioner. The board of appeals shall have sole power to grant rehearings. (As amended Mar. 2, 1927, c. 273, § 3, 44 Stat. 1335; Apr. 11, 1930, c. 132, § 2, 46 Stat. 155.)

Section 15 of Act Mar. 2, 1927, provides as follows: "That this Act shall take effect two months after its approval; but it shall not affect appeals then pending and heard before the examiners in chief or pending before the Commissioner of Patents or in the Court of Appeals of the District of Columbia, and that in all cases in which the time for appeal from a decision of the examiners in chief or of the Commissioner of Patents or for amendment or renewal of application had not expired at the time this Act takes effect, appeals and other proceedings may be taken under the statutes in force at the time of approval of this Act as if such statutes had not been amended or repealed."

The amendment of Apr. 11, 1930, substituted the words "assistant commissioners" for the words "assistant commissioner."

★16. Multigraphing headings of drawings for patented cases.—

This section should be omitted from the Code as it is temporary legislation repeated from year to year in Appropriation Acts.

21. Day for taking any action or paying any fee falling on Sunday.—Where the day, or the last day, fixed by statute for taking any action or paying any fee in the United States Patent Office falls on Sunday, or on a holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding secular or business day. (Mar. 2, 1927, c. 273, § 14, 44 Stat. 1337.)

See note to § 7.

22. Money required for office; appropriation from revenues.—The money required for the Patent Office each year, commencing with the fiscal year 1932, shall be appropriated by law out of the revenues of that office, except as otherwise provided by law. (Apr. 11, 1930, c. 132, § 5, 46 Stat. 156.)

23. Files and papers of abandoned applications; disposition.—The Commissioner of Patents is hereby authorized to annually destroy or otherwise dispose of all the files and papers belonging to all abandoned applications which have been on file for more than twenty years. (Apr. 11, 1930, c. 132, § 6, 46 Stat. 156.)

Chapter 2.—PATENTS.

INVENTIONS PATENTABLE

Section 31. Inventions patentable.—Any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvements thereof, or who has invented or discovered and asexually reproduced any distinct and new variety of plant, other than a tuber-propagated plant, not known or used by others in this country, before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law, and other due proceeding had, obtain a patent therefor. (As amended May 23, 1930, c. 312, § 1, 46 Stat. 376.)

Section 6 of the Act cited to the text is applicable to this section and is set out as a note under § 32a of this title.

32a. Plants.—Notwithstanding section 31 of this title, no variety of plant which has been introduced to the public prior to May 23, 1930, shall be subject to patent. (May 23, 1930, c. 312, § 5, 46 Stat. 376.)

The Act cited to the text was entitled "An Act to provide for plant patents."

Section 6 of the Act cited to the text (46 Stat. 376) provided as follows:

"SEC. 6. If any provision of this Act is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and the application thereof to other persons or circumstances shall not be affected thereby."

GENERAL PROVISIONS GOVERNING APPLICATION FOR AND ISSUE OF PATENTS

33. Application for patent; description; specification and claim.—* * * No plant patent shall be declared invalid on the ground of noncompliance with this section if the description is made as complete as is reasonably possible. (As amended May 23, 1930, c. 312, § 2, 46 Stat. 376.)

The amendment added the sentence set out in the text at the end of the section.

Section 6 of the Act cited to the text is applicable to this section and is set out as a note under § 32a of this title.

35. Application for patent; oath of applicant.—The applicant shall make oath that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement, or of the variety of plant, for which he solicits a patent; that he does not know and does not believe that the same was ever before known or used; and shall state of what country he is a citizen. Such oath may be * * *. (As amended May 23, 1930, c. 312, § 3, 46 Stat. 376.)

The amendment related to the first sentence which now reads as set out in the text.

Section 6 of the Act cited to the text is applicable to this section and is set out as a note under § 32a of this title.

★"Commercial agent" in line 10 of this section should be omitted as there are no longer any commercial agents.

37. Time of completing application; applications regarded abandoned.—All applications for patents shall be completed and prepared for examination within six months after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within six months after any action therein, of which * * * (As amended Mar. 2, 1927, c. 273, § 1, 44 Stat. 1335.)

See note to § 7.

38. Renewal of application in cases of failure to pay fees in season.—* * * be made within one year after the allowance of the original application. But no person shall be held responsible in damages for the manufacture or use of any article or thing for which a patent was ordered to issue under such renewed application prior to the issue of the patent. (As amended Mar. 2, 1927, c. 273, § 2, 44 Stat. 1335.)

See note to § 7.

40. Same; contents and duration.—Every patent shall contain a short title or description of the invention or discovery, correctly indicating its nature and design, and a grant to the patentee, his heirs or assigns, for the term of seventeen years, of the exclusive right to make, use, and vend the invention or discovery (including in the case of a plant patent the exclusive right to asexually reproduce the plant) throughout the United States and the Territories thereof, referring to the specification for the particulars thereof. A copy of the specification and drawings shall be annexed to the patent and be a part thereof. (As amended May 23, 1930, c. 312, § 1, 46 Stat. 376.)

Section 6 of the Act cited to the text is applicable to this section and is set out as a note under § 32a of this title.

40a. Extension of term of patent; inventor in World War; application for extension.—Any person who served honorably in the military or naval forces of the United States at any time between April 6, 1917, and November 11, 1918, both dates inclusive, and was subsequently honorably discharged, may within six months after May 31, 1928, upon payment of a fee of $20, make application to the Commissioner of Patents, comprising a verified statement, accompanied by supporting evidence of the following facts:

(A) That he is the inventor or discoverer of an invention or discovery for which a specified patent was granted prior to the 11th day of November, 1918, the original term of which remains unexpired at the time of the filing of the application.

(B) That between April 6, 1917, and November 11, 1918, and also on May 31, 1928, he held, by ownership or contract, a right in said invention or under said patent or to income by way of royalty or otherwise therefrom, whereby an extension of the term of said patent would benefit him.

(C) That between April 6, 1917, and July 2, 1921, he was not receiving from said patent an income, or that his income therefrom was reduced by his said service.

(D) That at the time of his induction into the service he was making diligent effort to exploit the invention covered by his patent.

(E) The names of all persons, firms, or corporations, if any, holding on May 31, 1928, by grant, transfer, license, or contract from him, any right or interest in the invention or discovery or under the patent, and their consent to the extension for which application is made, which shall be supported by an instrument, or instruments, executed by all such persons, firms, and corporations, evidencing their consent to such extension.

(F) The period of extension of the patent from the expiration of the original term thereof, for which he applies, which shall in no case exceed a further term of three times the length of his said service in the military or naval forces of the United States between the dates of April 6, 1917, and July 2, 1921, but exclusive of any reenlistment subsequent to November 11, 1918.

(G) That the licensee of a patent affected by this section and sections 40b to 40d of this title shall automatically be granted an extension of said license for the period of the extension on the same terms and conditions as contained in said existing license, thereby creating an equitable adjustment of the benefits of this section and sections 40b to 40d of this title.

(H) That such extension shall in no way impair the right of anyone who before May 31, 1928, was bona fide in possession of any rights in patents or applications for patents conflicting with the rights in any patents, extended under this section and sections 40b to 40d of this title, nor shall any extension granted under this section and sections 40b to 40d of this title impair the right of anyone who was lawfully manufacturing before May 31, 1928, the invention covered by the extended patent. (May 31, 1928, c. 992, § 1, 45 Stat. 1012.)

The Act cited to the text was entitled "An Act providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War."

40b. Same; inventor dead or mentally incompetent; application by legal representatives.—In the case of a veteran, as described in section 40a of this title, who dies, or has died, or who becomes insane or unable to act, which veteran owned an interest as described in section 40a of this title in said patent at the time of his death or at the time he was declared mentally incompetent or became unable to act before said extension is granted, such application may be filed or proceeded with by his legal representatives substantially as provided in section 4896 of the Revised Statutes of the United States (United States Code, title 35, section 46), as amended, with respect to proceedings in such cases for obtaining a patent. (May 31, 1928, c. 992, § 2, 45 Stat. 1013.)

For title of Act see note to § 40a.

40c. Same; proceedings subsequent to application; certificate of extension.—On the filing of such application the Commissioner of Patents shall cause an examination thereof to be made, and if, on such examination, it shall appear that such application conforms, or by amendment or supplement is made to conform, to the requirements of section 40a of this title, the commissioner shall cause notice of such application to be published at least once in the Official Gazette. Any person who believes that he would be injured by such extension may within forty-five days from such publication oppose the same on the ground that any of the statements of the application for extension required by section 40a of this title is not true in fact, which said notice of opposition shall be verified before an officer authorized by the laws of any State or Territory or the District of Columbia to administer oaths. In all cases where notice of opposition is filed the Commissioner of Patents shall notify the applicant for extension thereof and set a day of hearing. If after such hearing the Commissioner of Patents is of the opinion that such extension should not be granted, he may deny the application therefor, stating in writing his reasons for such denial. Where an extension is refused the applicant therefor shall have the same remedy by appeal from the decision of the commissioner as is now provided by law where an application for patent is refused. If no opposition to the grant of the extension is filed, or if, after opposition is filed, it shall be decided that the applicant is entitled to the extension asked for, the Commissioner of Patents shall issue a certificate that the term of said patent is extended for the additional period for which application has been made as aforesaid, and shall cause notice of such extension to be published in the Official Gazette and marked upon copies of the patent for sale by the Patent Office, in such manner as the commissioner may determine. (May 31, 1928, c. 992, § 3, 45 Stat. 1013.)

For title of Act see note to § 40a.

40d. Same; force and effect of extended patent.—Thereupon said patent shall have the same force and effect in law as though it had been originally granted for seventeen years plus the term of such extension: *Provided, however*, That in any action, at law or in equity, for infringement after the expiration of seventeen years from the grant of the patent and during the period of such extension, the defendant may plead the general issue, and having given notice in writing to the plaintiff or his attorney thirty days before, may prove on trial that any of the statements of the application for extension required by section 40a of this title is not true in fact; and if any one or more of such statements shall be found untrue in fact, judgment shall be rendered for the defendant, with costs: *Provided further*, That no person whose patent shall be extended under the provisions of sections 40a to 40c of this title shall be permitted to make any claim for damages against the United States for the period of the extension, and the rights of the United States shall remain in all respects as if these patents had not been extended. (May 31, 1928, c. 992, § 4, 45 Stat. 1014.)

For title of Act see note to § 40a.

★ **44. Same; issue to assignee.**—

"discovered" in lines 6 and 7 of this section should be "discoverer."

45. Same; issue to Government officers for inventions used in public service.—The Commissioner of Patents is authorized to grant, subject to existing law, to any officer, enlisted man, or employee of the Government, except officers and employees of the Patent Office, a patent for any invention of the classes mentioned in section 31 of this title, without the payment of any fee when the head of the department or independent bureau certifies such invention is used or liable to be used in the public interest: *Provided*, That the applicant in his application shall state that the invention described therein, if patented, may be manufactured and used by or for the Government for governmental purposes without the payment to him of any royalty thereon, which stipulation shall be included in the patent. (As amended Apr. 30, 1928, c. 460, 45 Stat. 467.)

49. Patented articles marked as such; notice of infringement.—It shall be the duty of all patentees and their assigns and legal representatives, and of all persons making or vending any patented article for or under them, to give sufficient notice to the public that the same is patented; either by fixing thereon the word "patent," together with the number of the patent, or when, from the character of the article, this can not be done, by fixing to it, or to the package wherein one or more of them is inclosed, a label containing the like notice: *Provided, however*, That with respect to any patent issued prior to April 1, 1927, it shall be sufficient to give such notice in the form following, viz.: "Patented," together with the day and year the patent was granted; and in any suit for infringement by the party failing so to mark, no damages shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement and continued, after such notice, to make, use, or vend the article so patented. (As amended Feb. 7, 1927, c. 67, 44 Stat. 1058.)

52. Interferences; determination of priority; issue of patent.—Whenever an application is made for a patent which, in the opinion of the commissioner, would interfere with any pending application, or with any unexpired patent, he shall give notice thereof to the applicants, or applicant and patentee, as the case may be, and shall direct the primary examiner to proceed to determine the question of priority of invention. And the commissioner may issue a patent to the party who is adjudged the prior inventor, unless the adverse party appeals from the decision of the primary examiner, within such time, not less than twenty days, as the commissioner shall prescribe. (As amended Mar. 2, 1927, c. 273, § 4, 44 Stat. 1336.)

See note to § 7.

56a. Secretary of Agriculture when required to furnish information, and detail employees to Commissioner of Patents.—The President may by Executive order direct the Secretary of Agriculture (1) to furnish the Commissioner of Patents such available information of the Department of Agriculture, or (2) to conduct through the appropriate bureau or division of the department such research upon special problems, or (3) to detail to the Commissioner of Patents such officers and employees of the department, as the commissioner may request for the purposes of carrying into effect the provisions of sections 31, 32a, 33, 35, and 40 of this title relating to plants. (May 23, 1930, c. 312, § 4, 46 Stat. 376.)

Section 6 of the Act cited to the text is applicable to this section and is set out as a note under § 32a of this title.

APPEALS IN PATENT CASES AND DEFECTIVE PATENTS

57. Appeals; from primary examiners to [board of appeals].—Every applicant for a patent or for the reissue of a patent, any of the claims of which may have been twice rejected, and every party to an interference, may appeal from the decision of the primary examiner, or of the examiner in charge of interferences in such case, to the board of appeals; having once paid the fee for such appeal. (As amended Mar. 2, 1927, c. 273, § 5, 45 Stat. 1336.)

See note to § 7.

58. Same; from examiners in chief to commissioner.—[Repealed.]

This section was repealed by § 6 of Act Mar. 2, 1927, c. 273, 44 Stat. 1336 (to take effect May 2, 1927), which provides as follows: "That section 4910 of the Revised Statutes of the United States be, and the same is hereby, repealed."

See note to § 7.

59. Same; from commissioner.—[Repealed.]

This section was repealed by § 7 of Act Mar. 2, 1927, c. 273, 44 Stat. 1336 (to take effect May 2, 1927), which provides as follows: "That section 9 of the Act of February 9, 1893, entitled 'An Act to establish a court of appeals for the District of Columbia, and for other purposes' (Twenty-seventh Statutes at Large, page 434), be, and the same is hereby, repealed."

See note to § 7.

59a. Same; from board of appeals.—If any applicant is dissatisfied with the decision of the board of appeals, he may appeal to the United States Court of Customs and Patent Appeals, in which case he waives his right to proceed under section 63 of this title. If any party to an interference is dissatisfied with the decision of the board of appeals, he may appeal to the United States Court of Customs and Patent Appeals, provided that such appeal shall be dismissed if any adverse party to such interference shall, within twenty days after the appellant shall have filed notice of appeal according to section 60 of this title, file notice with the Commissioner of Patents that he elects to have all further proceedings conducted as provided in section 63. Thereupon the appellant shall have thirty days thereafter within which to file a bill in equity under said section 63, in default of which the decisions appealed from shall govern the further proceedings in the case. If the appellant shall file such bill within said thirty days and shall file due proof thereof with the Commissioner of Patents, the issue of a patent to the party awarded priority by said board of appeals shall be withheld pending the final determination of said proceeding under said section 63. (R. S. § 4911; Mar. 2, 1927, c. 273, § 8, 44 Stat. 1336; Mar. 2, 1929, c. 488, § 2, 45 Stat. 1476.)

See note to § 7.

R. S. § 4911 was not set out in the Code because it was apparently superseded by Act Feb. 9, 1893, c. 74, § 9, 27 Stat. 436, constituting § 59 of this title.

R. S. § 4911, before the amendment read as follows: "If such party, except a party to an interference, is dissatisfied with the decision of the Commissioner, he may appeal to the Supreme Court of the District of Columbia, sitting in banc."

60. Same; notice of appeal.—When an appeal is taken to the United States Court of Customs and Patent Appeals, the appellant shall give notice thereof to the commissioner, and file in the Patent Office, within such time as the commissioner shall appoint, his reasons of appeal, specifically set forth in writing. (As amended Mar. 2, 1929, c. 488, § 2 (b), 45 Stat. 1476.)

The Act cited to the text was entitled "An Act to change the title of the United States Court of Customs Appeals, and for other purposes."

The section was "amended by striking out the words 'Court of Appeals of the District of Columbia' wherever they occur therein and inserting in lieu thereof the words 'United States Court of Customs and Patent Appeals' in each instance."

Section 4 of said Act (45 Stat. 1474) provided that "This Act shall take effect thirty days after its enactment."

Section 60 was previously amended by § 9 of Act Mar. 2, 1927, c. 273, 44 Stat. 1336 (to take effect May 2, 1927), by striking out the words "Supreme Court of the District of Columbia" and substituting therefor the words "Court of Appeals of the District of Columbia." This change was made in R. S. § 4912 as it was carried into the Code by virtue of Act Feb. 9, 1893, c. 74, § 9, 27 Stat. 436, which provided as follows: "That the determination of appeals from the decision of the Commissioner of Patents, now vested in the general term of the Supreme Court of the District of Columbia, in pursuance of the provisions of section seven hundred and eighty of the Revised Statutes of the United States, relating to the District of Columbia, shall hereafter be and the same is hereby vested in the court of appeals created by this act; and in addition, any party aggrieved by a decision of the Commissioner of Patents in any interference case may appeal therefrom to said court of appeals."

See note to § 7.

61. Same; proceedings on appeal.—The court shall, before hearing such appeal, give notice to the commissioner of the time and place of the hearing, and on receiving such notice the commissioner shall give notice of such time and place in such manner as the court may prescribe, to all parties who appear to be interested therein. The party appealing shall lay before the court certified copies of all the original papers and evidence in the case, and the commissioner shall furnish the court with the grounds of his decision, fully set forth in writing, touching all the points involved by the reasons of appeal. (As amended Mar. 2, 1927, c. 273, § 10, 44 Stat. 1336.)

See note to § 7.

63. Bill in equity to obtain patent.—Whenever a patent on application is refused by the Commissioner of Patents, the applicant, unless appeal has been taken from the decision of the board of appeals to the United States Court of Customs and Patent Appeals, and such appeal is pending or has been decided, in which case no action may be brought under this section, may have remedy by bill in equity, if filed within six months after such refusal; and the court having cognizance thereof, on notice to adverse parties and other due proceedings had, may adjudge that such applicant is entitled, according to law, to receive a patent for his invention, as specified in his claim, or for any part thereof, as the facts in the case may appear. And such adjudication, if it be in favor of the right of the applicant, shall authorize the commissioner to issue such patent on the applicant filing in the Patent Office a copy of the adjudication and otherwise complying with the requirements of law. In all cases where there is no opposing party a copy of the bill shall be served on the commissioner; and all the expenses of the proceedings shall be paid by the applicant, whether the final decision is in his favor or not. In all suits brought hereunder where there are adverse parties the record in the Patent Office shall be admitted in whole or in part, on motion of either party, subject to such terms and conditions as to costs, expenses, and the further cross-examination of the witnesses as the court may impose, without prejudice, however, to the right of the parties to take further testimony. The testimony and exhibits, or parts thereof, of the record in the Patent Office when admitted shall have the same force and effect as if originally taken and produced in the suit. (As amended Mar. 2, 1927, c. 273, § 11, 44 Stat. 1336; Mar. 2, 1929, c. 488, § 2 (b), 45 Stat. 1476.)

See notes to §§ 7 and 60.

64. Reissue of defective patents; patents for separate parts.—Whenever any patent is wholly or partly inoperative or invalid, by reason of a defective or insufficient specification, or by reason of the patentee claiming as his own invention or discovery more than he had a right to claim as new, if the error has arisen by inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, the commissioner shall, on the surrender of such patent and the payment of the duty required by law, cause a patent for the same invention, and in accordance with the corrected specification, to be reissued to the patentee or to his assigns or legal representatives, for the unexpired part of the term of the original patent. Such surrender shall take effect upon the issue of the reissued patent, but in so far as the claims of the original and reissued patents are identical, such surrender shall not affect any action then pending nor abate any cause of action then existing, and the reissued patent to the extent that its claims are identical with the original patent shall constitute a continuation thereof and have effect continuously from the date of the original patent. The commissioner may, in his discretion, cause several patents to be issued for distinct and separate parts of the thing patented, upon demand of the applicant, and upon payment of the required fee for a reissue for each of such reissued letters patent. The specifications and claims in every such case shall be subject to revision and restriction in the same manner as original applications are. Every patent so reissued, together with the corrected specifications, shall have the same effect and operation in law, on the trial of all actions for causes thereafter arising, as if the same had been originally filed in such corrected form; but no new matter shall be introduced into the specification, nor in case of a machine patent shall the model or drawings be amended, except each by the other; but when there is neither model nor drawing, amendments may be made upon proof satisfactory to the commissioner that such new matter or amendment was a part of the original invention, and was omitted from the specification by inadvertence, accident, or mistake, as aforesaid. (As amended May 24, 1928, c. 730, 45 Stat. 732.)

PROTECTION OF PATENT RIGHTS

66. Interfering patents; relief against.—Whenever there are interfering patents, any person interested in any one of them, or in the working of the invention claimed under either of them, may have relief against the interfering patentee, and all parties interested under him, by suit in equity against the owners of the interfering patent; and the court, on notice to adverse parties, and other due proceedings had according to the course of equity, may adjudge and declare either or both of the patents void in whole or in part, upon any ground, or inoperative, or invalid in any particular part of the United States, according to the interest of the parties in the patent or the invention patented. But no such judgment or adjudication shall affect the right of any person except the parties to the suit and those deriving title under them subsequent to the rendition of such judgment. (As amended Mar. 2, 1927, c. 273, § 12, 44 Stat. 1337.)

See note to § 7.

SUITS IN DISTRICT OF COLUMBIA; PARTIES RESIDING ELSEWHERE; JURISDICTION

72a. Jurisdiction of Supreme Court of District of Columbia in certain equity suits where adverse parties reside elsewhere;

plurality of districts; service of writs.—Upon the filing of a bill in the Supreme Court of the District of Columbia wherein remedy is sought under section 63 or section 66 of this title, without seeking other remedy, if it shall appear that there is an adverse party residing in a foreign country, or adverse parties residing in a plurality of districts not embraced within the same State, the court shall have jurisdiction thereof and writs shall, unless the adverse party or parties voluntarily make appearance, be issued against all of the adverse parties with the force and effect and in the manner set forth in section 113 of Title 28; provided that writs issued against parties residing in foreign countries pursuant to this section may be served by publication or otherwise as the court shall direct. (Mar. 3, 1927, c. 364, 44 Stat. 1394.)

The Act cited to the text was entitled: "An Act amending section 52 of the Judicial Code."

The amendment added the matter in the text at the end of said § 52 of the Judicial Code (§ 113 of Title 28).

DESIGN PATENTS

73. Patents for designs; how obtained; regulations applicable.—

"30 Stat. 193" in the citation to this section should read "32 Stat. 193."

★76. Patents for designs; drawings or photographs in lieu of models.—

"or" in line 2 of this section should read "of."

PATENT FEES

78. Patent fees.—The following shall be the rates for patent fees:

On filing each original application for a patent, except in design cases, $25, and $1 for each claim in excess of twenty.

On issuing each original patent, except in design cases, $25, and $1 for each claim in excess of twenty.

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

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

On filing each disclaimer, $10.

On an appeal for the first time from the primary examiners to the Board of Appeals, $15.

On every appeal from the examiner of interferences to the Board of Appeals, $25.

For uncertified printed copies of specifications and drawings of patents, 10 cents per copy: *Provided*, That the Commissioner of Patents may supply public libraries of the United States with such copies as published, for $50 per annum: *Provided further*, That the Commissioner of Patents may exchange copies of United States patents for those of foreign countries.

For copies of records made by the Patent Office, excluding printed copies, 10 cents per hundred words.

For each certificate, 50 cents.

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

For copies of drawings, the reasonable cost of making them. (As amended Feb. 14, 1927, c. 139, § 2, 44 Stat. 1099; Mar. 2, 1927, c. 273, § 13, 44 Stat. 1337; Apr. 11, 1930, c. 132, § 3, 46 Stat. 155.)

Section 7 of Apr. 11, 1930, c. 132 (46 Stat. 156) provided that § 3 of said Act, cited to the text, should "take effect on the 1st day of June."

See note to § 7.