plete and perfect machine, embracing the substance of all that is embodied in the patent subsequently issued to the party to whom the suggestions were made, the patent is invalid, because the real invention or discovery belonged to another"[3].

A person engaging the services of an inventor, under an agreement that he shall devote his ingenuity to the perfecting of a machine for their benefit, can lay no claim to improvements conceived by him after the expiration of such agreement[4].

5. Employment of workman for the express purpose of making inventions for the employer's benefit.—The rule applicable to another

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the successful application of the principle." Curt. Pat. (3rd Ed.) 121, quoted with approval in *Fraser* v. *Gage* (Ill. 1885) 1 N.E. 817, 8 West, 693, where it was held that the rights of an employer as an inventor are not impaired by his having obtained the assistance of skilled workmen.

"Invention is the work of the brain, and not of the hands. If the conception be practically complete, the artisan who gives it reflex and embodiment in a machine is no more the inventor that the tools with which he wrought. Both are instruments in the hands of him who sets them in motion and prescribes the work to be done. Mere mechanical skill can never rise to the sphere of invention. The latter involves higher thought, and brings into activity a different faculty. Their domains are distinct. The line which separates them is sometimes difficult to trace; nevertheless, in the eye of the law it always subsists. The mechanic may greatly aid the inventor, but he can not usurp his place. As long as the root of the original conception remains in its completeness, the outgrowth—whatever shape it may take—belongs to him with whom the conception originated." *Blandy* v. *Griffith* (1869) 3 Fish. Pat. Cas. 609 (suit for infringement, servant claiming to be inventor).

To the same general effect, see *King* v. *Gedney* (D.C. 1856) 1 McArthur Pat. Cas. 444, *Milton* v. *Kingsley* (1896) 7 App. D.C. 531.

Suggestions made by the mechanic to construct the machine, as to its form or proportions, are not sufficient to invalidate the patent; although they may be incorporated in the specification. *Pennock* v. *Dialogue* (1825) 4 Wash. C.C. 538.

But in *Berdan Fire-Arms Mfg. Co.* v. *Remington*, 3 Pat. Off. Gaz. 688, it was held, that an improvement which becomes necessary in the manufacture of a patent implement, in order to overcome a difficulty growing out of a departure from the form of the model, and which is introduced into it by the workmen without the knowledge of the patentee, cannot be appropriated by him as his invention.

Where one employs another to make a device, pointing out the distinct and dominating feature of his improvement, but does not make anything resembling a perfect drawing for the guidance of the other, or describe the proposed construction in detail, the maker of the device is not entitled to claim the invention, though by reason of his mechanical skill he may have made a neater and more perfect device than was in the mind of his employer. *Huebel* v. *Bernard* (1899) 15 App. D.C. 510.

[3] *Agawam Co.* v. *Jordan* (1868), 7 Wall. 583 (p. 603).

[4] *Appleton* v. *Bacon* (1862) 2 Black, 699 (case involving merely an examination of evidence bearing upon the date of the invention).