

the Patentee honestly believed himself the inventor.

If the specification embraced more than the Patentee intended.

If a disclaimer was filed.

Proviso.

If the specification does not contain the whole truth, &c.

Patent may be declared void, and Patentee liable to punishment.

Particulars of breaches, &c., to be delivered.

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, 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 and claim is embraced more than that of which he was the first inventor, if it shall appear that the Defendant had used or violated 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 just and equitable: Provided also, that in cases where the Patentee, having made his specification too broad, had filed a disclaimer in the Patent Bureau, of all that part of the thing patented which was so claimed without right, every such Patentee, his executors, administrators and assigns, whether of a whole or a fractional 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,) as if the same had been originally filed in such corrected form before the issuing of the original Patent: Provided, however, that no person bringing any such suit shall be entitled to the benefits and provisions contained in this section who shall have unreasonably neglected or delayed to enter at the Patent Bureau a disclaimer as aforesaid: Provided always, and be it understood, that if at the trial in any such action it shall be made apparent, to the satisfaction of the Court, (the Defendant having specially pleaded the same), that the specification filed by the Patentee does not contain the whole truth relative to the invention or discovery to which it refers, or that it contains more than is necessary to produce the desired effect (such concealment or addition fully appearing to have been made for the purpose of deceiving the public), or that the thing thus secured by Patent was not originally discovered by the Patentee, or party claiming to be the Inventor or discoverer in the specification referred to in the Patent, but had been in use, or had been described in some printed publication, anterior to the supposed discovery of the Patentee, or that he had surreptitiously obtained a Patent for the invention or discovery of another person—in either of the said cases judgment shall be rendered for the Defendant, with costs, and the Patent shall be declared void, and in every such case he shall be deemed to have committed a misdemeanor, and shall be punished by fine, or by imprisonment in the Common Gaol for the District or County in which the offender is brought to trial, or by both fine and imprisonment, at the discretion of the Court trying the same: provided that the fine do not exceed \$200 in amount, and the imprisonment do not exceed nine months in duration.

**52.** In any action for the infringement of Letters Patent as aforesaid, the plaintiff shall deliver with his declaration particulars of the breaches complained of in the said action, and the defendant in pleading thereto shall deliver with his pleas, and the prosecutor in any proceedings by *scire facias* to repeal Letters Patent, shall deliver with his declaration, particulars of any objections on which he means to rely at the trial in support of the pleas to the said action or to the suggestions of the said declaration in the proceedings by *scire facias* respectively; and at the trial of such action or proceeding by *scire facias*, no evidence shall be given in support of any alleged infringement or of any objection impeaching