his patent; and, if so embodied, the patent is not avoided by evidence that the agent or servant made the suggestions of that subordinate improvement of the primary and improved principle"[1].

The principles which are controlling under such circumstances have been thus stated by the Supreme Court of the United States:

"Where the employer has conceived the plan of an invention and is engaged in experiments to perfect it, no suggestion from an employé, not amounting to a new method or arrangement, which in itself is a complete invention, is sufficient to deprive the employer of the exclusive property in the perfected improvements[2]. But where the suggestions go to make up a com-

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[1] *Allen* v. *Rawson* (1845) 1 C.B. 551 (p. 567). In the Court of Common Pleas, Tindal C. J. thus stated his views as to the facts in evidence: "It would be difficult to define how far the suggestions of a workman employed in the construction of a machine are to be considered as inventions by him, so as to avoid a patent incorporating them taken out by his employer. Each case must depend upon its own merits. But, when we see that the principle and object of the invention are complete without it I think it is too much that a suggestion of a workman, employed in the course of the experiments, of something calculated more easily to carry into effect the conceptions of the inventor, should render the whole patent void. It seems to me that this was a matter much too trivial and too far removed from interference with the principle of the invention, to produce the effect which has been contended for."

That a mechanic employed for the purpose of enabling the employer to carry his original conception into effect is not an inventor was assumed by Alderson, B., in his direction to the jury in *Barker* v. *Shaw* (1831) 1 Webst. Pat. Cas. 126.

[2] In a latter judgment by the same court we find the passage: "Where a person has discovered a new and useful principle in a machine, manufacture, or composition of matter, he may employ other persons to assist in carrying out that principle, and if they, in the course of experiments arising from that employment, make discoveries ancillary to the plan and preconceived design of the employer, such suggested improvements are in general to be regarded as the property of the party who discovered the original principle, and they may be embodied in his patent as part of his invention." *Collar Co.* v. *Van Dusen* (1874) 23 Wall. 530 (563, 564).

The general rule is that "one, who, by way of partnership or contract, or in any other, empowers another person to make experiments upon his own conception for the purpose of perfecting it in its details, is entitled to the ownership of such improvements in the conception as may be suggested by such other person." *Gedge* v. *Cromwell* (1902) 19 App. D.C. 192 (198).

"A person may be the real author of a plan of a complicated machine, or invention which requires for its perfection the skill and, to some extent, inventive faculties of workmen or engineers in adapting the best means to