

of the same thing. and separate parts of the thing patented, the same shall be applied for and be dealt with in the same manner as separate original Patents.

When the specification has by mistake been made too broad.

Disclaimer, its form and effect.

Right to the remainder of the invention.

Proviso.

Patent returned for revision.

Additions to the original invention.

40. Whenever, by mistake, accident or inadvertence, and without any wilful default or intent to defraud or mislead the public, any Patentee shall have 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, or 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 said Patentee, his executor, administrator, legal representative or assigns, whether of the whole or of a fractional interest thereof, may, on payment of the fee hereinafter provided, make disclaimer of such parts as he or they shall not claim to hold by virtue of the Patent or assignment thereof, stating in the said disclaimer the extent of his or their interest in such Patent; and such disclaimer shall be in writing, attested by a Justice of the Peace or Commissioner for taking affidavits, and recorded in the Office of the Commissioner of Patents, and shall be thereafter taken and considered as part of the original specification, to the extent of the interest possessed in the Patent or right secured thereby by the disclaimant, or by those claiming by or under him subsequent to the entry thereof; but such disclaimer shall not affect any action pending at the time of its entry, except so far as may relate to the question of unreasonable neglect or delay in filing the same; and 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, or not disclaimed, provided it shall be a material and substantial part of the thing patented, and be definitely distinguished from other parts so claimed without right as aforesaid; and such patentee, his executor, administrator, or legal representative and assigns, whether of the whole or a fractional interest as aforesaid, shall be entitled to maintain a suit at law, or in equity, on such Patent, for any infringement of so much of the invention or discovery as shall be *bona fide* his own as aforesaid; and in case of judgment on verdict in his favor, he shall not be entitled to recover costs against the defendant unless he shall have entered as aforesaid, in the Patent Bureau, the said disclaimer of all that part of the thing patented so claimed without right: Provided also, that no person bringing such suit shall be entitled to the benefits contained in this section, who shall have unreasonably neglected or delayed to enter in the said Bureau the disclaimer as aforesaid.

41. Whenever a Patent shall be returned for correction and re-issue, the specification annexed to every such Patent shall be subject to revision and examination in the same manner as original applications for Patents, and such re-issue shall not be allowed until the applicant shall have entered a disclaimer in accordance with the revision and restriction thereon.

42. 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 the fee hereinafter provided, have the same annexed to the ori-