

The
Inventor's Digest

MARION & MARION

HINTS TO CORRESPONDENTS.

1. Act promptly in all matters pertaining to patents or inventions.
2. Whenever you write, no matter how often, please give your address and enclose stamp for reply. Always write your name plainly, and be sure to give your first name in full. Always address your letters to the firm name, and not to any individual. All correspondence is carried on in the name of Marion & Marion.
3. Whenever you write, refer to your former business or correspondence with us, and if you are writing in the interest of some inventor, give his name and furnish proper authority from him. Generally we would remember you, but such a reminder might help us in the identification.
4. Whenever you have a grievance, that is, when you think we have not treated you fairly, do not hesitate to write and explain it.
5. Remember that all business is strictly confidential, and that we cannot tell one client about another client's business without written authority from the latter. Please keep this in mind, because we have almost every day to remind our correspondents of this rule.
6. As soon as the case is filed in the Patent Office, the applicant is protected against the grant, without his knowledge, of a patent for the same thing to another person.
7. Citizens, foreigners, women, minors and the administrators of estates of deceased inventors, may obtain patents. There is no distinction in charges as to the nativity of persons.
8. It is not necessary to work a United States Patent, within any specified period, in order to maintain its validity. The patent is granted for seventeen years, and remains valid for that period, whether it is worked or allowed to sleep. The seventeen year's term of a patent cannot be extended, except by special act of Congress.
9. Two or more persons may apply jointly for a patent if they are joint inventors. Where one person is the inventor and the other only a partner, the patent must be applied for in the name of the inventor; but he may secure his partner in advance by executing a deed of conveyance, so drawn that the patent will be issued in both names. We prepare such deeds. Cost, with recording fee, \$5.00 in ordinary cases.
10. Postage and expressage must be prepaid, unless the inventor is unable to get the exact rate from his express agent, and in such case he should always send us a remittance to cover any possible charge.
11. Inventors should never destroy models and sketches made during the development of their inventions. They become of prime importance in case interference controversies should arise. Fix the date on them. It is always well to have evidence to establish the date of conception of invention. A good plan is to have a photograph of yourself taken with the model and preserve the date.
12. Positively no new matter can be introduced into an application after it is once regularly filed. The Patent Office will not permit amendments of this character to be incorporated at any stage of the proceedings.
13. When you first send a model or drawing of your invention please explain fully, not only what you claim as your improvement, but also the construction, operation and use of the invention so that your business will not be delayed by correspondence seeking further information.
14. If our clients will carefully read this pamphlet they will not have to take the time to write us for information, and we will not have to repeat in a letter what is set forth plainly in the pamphlet. The enclosure of this pamphlet, with a paragraph marked, may be considered a respectful answer to such letters.



Sincerely Yours,

J. A. Marion
1904

PRICE, \$1.00

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All Former Circulars Withdrawn.

THE

INVENTOR'S ADVISER

AND

MANUFACTURER'S HAND BOOK TO PATENTS, TRADE MARKS & DESIGNS

MARION & MARION

Civil and Mechanical Engineers,
Graduates of the Polytechnic School of Engineering,
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New England Water Works Association,
Province of Quebec Surveyors' Association,
Associate Members Canadian Society of Civil Engineers,
Members Syndicat des Ingénieurs Conseils en matière de
Propriété Industrielle (France), Chambre Syndicale des
Conseils en matière de Propriété Industrielle (Belgium),
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BUSINESS BY CORRESPONDENCE.

One of the rules of practice is to the effect that personal attendance at the Patent Office is unnecessary, and that the business should be transacted in writing. This method has proven satisfactory. Similarly we have succeeded as well, with those clients living at a distance, by correspondence, as with those who call at our office. Our experience in writing thousands of letters and reports to inventors enables us to keep the inventor posted in a lucid manner concerning the progress of his cases before the Patent Office, and to ask definite questions relatively to any points not thoroughly understood. Also the greatest details in the way of instructions are submitted to the client concerning the signing of papers or the presentation of data to be sent to us especially regarding the preparation of arguments, specifications, agreements, and assignments.

An advantage not to be overlooked in a correspondence system is that the same acts as a legal record, so that in the event of any one's contesting the rights of the inventor, the early letters, descriptions, etc., serve as valuable evidence of the date when the inventor began to correspond about obtaining a patent.

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QUALIFICATIONS OF Patent Solicitors or Attorneys

To be competent to prepare and prosecute applications for Patents at this stage of inventive progress, the attorney should be:—

1. Thoroughly versed in the Patent Laws of Canada, the United States and the principal foreign countries; well read in the Commissioners' and Court decisions, and perfectly conversant with the Patent Office practice.

2. Quick to grasp mechanical ideas, and possessed of a naturally scientific turn of mind.

3. Skillful in preparing exact and thorough descriptions, and in pointing out nice distinctions.

4. Able to construct comprehensive and valid claims as broad as the invention (some of the best legal talents have acknowledged their total inability to originate claims).

5. Persistent and clever in prosecuting applications rejected for insufficient cause.

6. It is unquestionably desirable that a Solicitor of Patents should be a GRADUATE civil and mechanical engineer. A trained and technically educated engineer is much better able to cope with the exceedingly fine distinctions and intricate questions constantly arising in patent practice, than one without technical education.

Inventors should remember that any person, man, woman or child, can truthfully claim to be a "Solicitor," as "soliciting" means "asking;" or they could advertise as an "agent" or "attorney," as both these terms mean one who acts for another. They would not, however, dare to claim to be graduate "Civil or Mechanical Engineers" without fear of disbarment and prosecution for misrepresentation. It therefore behooves the inventor to use great care in selecting his attorney; and, bearing on this point, we call attention to a report of the Commissioner of Patents, wherein he says: "*As the value of patents depends largely upon the careful preparation of the specification and claims, the assistance of competent counsels will be of advantage to the applicant; but the value of their services will be proportioned to their skill and honesty. So many persons have entered this profession of late years without experience that too much care cannot be exercised in the selection of a competent man.*"

WARNING.**A word of warning to our clients and to patentees generally.**

It has come to our notice during our long experience and particularly within the past five or ten years, that inventors have been the prey of conscienceless persons claiming to be "Patent Attorneys," "patent selling agents," etc., whose unscrupulousness is equalled only by their persistency.

Some of these concerns have adopted the alluring plan of offering to bestow upon certain inventors a metallic memento which they are pleased to style a "medal." These "medals" are intended to excite generous emulation among inventors; each one bears unquestionable evidence on its face as to the "superior genius" of the man who possesses it, no matter who he may be. Does not each one say so on its face? The number of inventors to whom they are awarded is carefully limited to those WHO ARE WILLING TO PAY; NO OTHERS NEED APPLY. A "medal" costing in some instances perhaps as much as sixty cents, is readily parted with by these benevolent patrons of the arts and sciences for the small sums of five (5), ten (10), or fifteen (15) dollars, as the gullibility of the individual wanting it may warrant. A favorite scheme is to "organize a board of award" composed of themselves and a few clerks whose duty it is to select the invention of "greatest merit" from the number presented through them to be patented. Each inventor who pays them \$5.00 for an "examination," sets the mighty machinery of this board of award to work with the result that a "medal," bright and shining, is turned out, having upon one side the advertisement of the firm or individual issuing it, while the other side certifies that "the bearer possesses superior genius."

These big hearted people never fail, in each instance to embellish the "medal" with their own names, business and address, and the deluded medalist becomes a walking advertisement for the firm "presenting" it, when he shows his certificate of "high genius" to his admiring friends. We sometimes see men upon the street carrying on their person conspicuous signs of various kinds and it is to be hoped they are paid for such service, but how any intelligent man can gratuitously carry around a sign or advertisement and exhibit it with seeming great satisfaction, is very singular, even though such sign be written upon gold or silver and coupled with the "superior genius" business. The "late lamented" P. T. Barnum, of circus fame, aptly said "the people love to be humbugged and are willing to pay well for it." Perhaps this

statement fully explains the situation. We are glad to know that the number of inventors who are "green" enough to be entrapped by such transparent "schemes," is small.

Many of these "cute" fellows also offer to promptly sell each patentee's invention, hold out enticing inducements, and offer rewards of special mention in papers they claim to publish (which are practically their individual circulars) and a special reduction of fees for taking out their next patent, as they also claim to be "patent attorneys." They begin by saying "only a small commission will be charged after a sale has actually been made," and then immediately proceed to bleed their victims by demanding a sum for alleged "advertising," "preparing cuts or pictures" of the invention, printing "circulars," "letter-heads," "preparing models" and a special write-up, or a flattering "history" of the inventor. Many inventors have thus expended from \$50 to \$100 or more before realizing that they have been imposed upon, and yet have no sale of the patent or a prospect of sale. We know of cases where inventors have paid as much as \$150 to these frauds on the pretence that they will have made a "finely constructed model" and after repeated demands for it, a miserable affair of cheap construction, costing perhaps \$5.00 or \$6.00, would be sent to them; but they can get no redress, as these "green goods" are like "gold brick" men or the Irishman's flea, which, when caught, "was not there."

Inventors, as a class, are a confiding, honest set of men, and being honest themselves, are slow to suspect others, hence many easily become victims. We advise all who have been victimized to write to the Commissioner of Patents setting forth all the circumstances and we believe such action will result in having the wrong doers disbarred from practicing before the Patent Office.

In closing this article, we beg to present to the reader the following article, written by Edward P. Thompson, M.E., an authority on the subject, and published in the INVENTIVE AGE of November, 1897.

"HONESTY AND ABILITY OF PATENT SOLICITORS."

There is danger of over-looking the incompetent attorney, while busy with the denouncement of the man who is tricky or dishonest; cases are possible in which an inventor may be cheated financially by a smart agent, and yet a fair quality of service may be rendered; but no exception occurs that will show the accomplishment of first class results by a half prepared person, no matter how trustworthy he may be. I am

not preaching on the subject of honesty and morals, for every inventor will make the utmost attempt to dodge the fraudulent man without much advice, and yet inventors are apt to run to any agent, so long as he has his sign up and is known to be reliable. The requisite that is too often overlooked, the one that is most difficult of attainment, and the one that is the most important, is mechanical knowledge with experience; or in other words, the perfect attorney must be a mechanical expert, while the second condition, equally as important but readily recognized by all inventors, is a knowledge of and an experience in the patent law, court decisions and the patent office rules of practice. The third qualification is literary ability.

How few attorneys are graduates of a technical college or school; how few have been scientific students further than in acquiring a superficial knowledge by private study—almost worse than none:—how few are qualified for membership in any of the scientific or mechanical, or engineering societies; how few could write an article for a technical periodical without its being lodged in the waste basket; and how few, therefore, could prepare such a clear, exact and complete description of an alternating current dynamo, or, of a steam engine releasing gear, or of a bicycle, or of a printing machine or of a typewriter that would stand the critical examination which occurs when experts for a purchaser of the patent, or before the courts criticise it; the specification and claims are literally torn to pieces by the experts. The whole value of the patent, assuming the invention to be novel and valuable, depends absolutely and alone upon the exact meaning rendered by the wording of the specification and claims. How many hundreds of attorneys have attempted this task, not even realizing their own incapability; because a man with a little knowledge of a subject usually thinks he knows all about it. No other profession calls for such experts. Take an electrical engineer; his specialty is electricity and consequently he need know little about bridges—that is, about civil engineering. Or, consider a chemist. He requires no knowledge about printing machines, that is, of mechanics. Or let the profession be that of a mining engineer. What does he know about law? Again, how little the lawyer pure and simple, who naturally spends his time in suits over real estate, debts, damages, etc., etc., knows about agricultural machines. Men of any profession seldom undertake cases in some other line. The most perfect patent attorney is he who is versed in all departments of science, engineering and mechanics, because one day he will have, say, a kinetoscope invention to be patented, and the next day, a new process of dyeing; the next day, an electric motor case, and then a linotype machine,

photographic invention, etc., without any choice whatever on his part.

The only remedy for overcoming the seeming impossibility of hoping to secure a perfectly prepared solicitor, would be the existence of a specialist in each department, but this would scarcely, at the present day, be feasible, although the best attorneys generally become rooted in some specialty in which a large proportion is all on one subject, and he gradually becomes experienced in such a variety that he is more and more competent in all, assuming of course, that to start with, he has a solid foundation in one or in all physical, chemical, engineering, or mechanical directions. The preparation of the specification is simple as compared with the drafting of the claims, because the same involves the highest literary talent and an education coupled with a knowledge of patent law, while the mechanical training is still the most important part. An ideal claim is so difficult of composition, that five years' experience, at the least, with all the above acquirements, are about enough to enable a beginner to draft it. To formulate an accurate proposition in geometry is easy in comparison.

Now let us pass on to the prosecution of the application in case other patents are cited as alleged anticipations. They may in reality not meet the invention. The claims may have been unnecessarily too broad or too narrow, or vague or in some other respect, not absolutely perfect, or the opinion of the examiner may not for good reasons be conceded to. In the first place, the references must be studied very carefully and the various inventions thoroughly understood. This is a small part of the duty of the solicitor. The specifications and claims must be compared with each other, both specifically and generically with an unusual power of discernment. After all is understood, the knowledge of patent law must be applied to decide whether, from a legal standpoint, the novelty over the state of the art will warrant the right to patent protection, and finally, the redrawing of the claims to suit the circumstances, must be attended to. The utmost care, skill and knowledge are required in these final readjustments; for after the certificate of allowance has been issued, the last chance of improving the protection is lost, except that if any undue limitation is discovered, it can be remedied only by petition and by showing that a refusal to reopen the case would work an irreparable injury.

Accordingly, it becomes apparent that the solicitor must be prepared by his own knowledge and practical experience to analyze the various allied inventions and to express by proper claims, the exact scope of his client's invention by means of legal patent claims. I have pointed out, only par-

tially, however, the various requirements, but as a climax to all, we arrive at the item of responsibility, and it is right here that the question of honesty arises. A man may avoid crime or frauds and yet do much harm where only the most vigorous investigation could prove that he slighted some important step in applying for a patent. Here then is a loophole whereby the competent attorney may be irresponsible. Suppose for example that, while examining the citations he should find that the claims could be broadened or left as they are with reasonable expectation of allowance; but was too busy with something that paid better, to devote the proper time and thought, or was too anxious to get at least some kind of a patent even if it were not the best in view of the state of the art. I say that such an action or want of proper action illustrates what I mean by one of the worst kind of frauds generally called, however, by a better sounding name—irresponsibility. Perhaps again, the attorney might think that the invention was of no practical or money value and that little responsibility rests upon him, and finally, the old plea suggests itself—that he will never be found out.

In order to make an attorney have a true and strong sense of responsibility, he should make the assumption that the patent, if obtained, will be worth many thousand dollars; or he should assume that the invention belongs to himself and at the same time that it is worth a million dollars. Then he will strive for the best claims. How many of us, who are solicitors have been perfect in this respect? On the other hand, I am not referring to the matter of offering opinions to the inventor as to the value, and to the too much overvaluing of the invention in his eyes so as to encourage him to apply. This procedure is a dishonest trick, where the invention is known to be worthless; but, having decided for good reasons to apply, the solicitor should keep in mind the best interests of the client, and if he does not, he may work as much real injury as if he were, out and out, fraudulent.

In spite of all his consideration of the qualifications, many an inventor may still hold that such remarks about experts may well apply to difficult cases like automatic telephone exchange systems, polyphase electric motors, Corliss engine improvements, processes in electro-metallurgy, mathematical instruments of precision, etc., but when it comes to little devices which may be named by the hundred, any one can understand the same and be a suitable attorney, provided only he knows patent law and practice, and has ordinary intelligence. This is false logic. What is true of one kind of invention is true of another, except in degree. Even in simple devices, the mechanical expert is needed. No simpler device could probably be suggested than the bicycle frame,

being only a few tubes fastened together, and yet mathematical considerations are necessary and a scientific training in bridge building, angles struts, ties, braces, triangles, joints, etc., etc., must be understood in an engineering sense, or else the claims can not be drafted. Or take a mouse trap. No simpler example could be named. The mechanism or construction, involves, for its explanation, a high degree of mechanical knowledge, for it will not be sufficient simply to set forth the exact construction, but to describe in a claim the gist of the invention in generic terms and then in a specific direction, so as to cover not only the exact mechanical construction, but also, when the novelty is of a high enough degree, a general construction that will include and protect several varieties without the necessity of too many patents. Sometimes, an invention has such a wide scope and there are so many meritorious ways of carrying it out in practice, that the attorney must in one patent be able to incorporate a set of broad claims to include them all, a set of specific claims to cover one variety, this being as much as is permitted in one patent by law, and then the other patent may protect the respective specific devices when their importance is of sufficient practical value and legal necessity to warrant further patents—this question being left until the allowance of the broad claims is certain. Qualifications of attorneys for such purposes often come into play, and involve exact knowledge of mechanical, scientific and literary ability to a much greater extent even in the case of simple devices, than would be possessed by the too numerous incompetent solicitors. The more expert the solicitor both in technical and patent matters, the more the inventor will gain in the way of protection by a patent, while if expert only in patent law or only in technical knowledge the patent will only be the means of donating the invention to the public."

We also beg to quote the following from the Commissioner's Annual Report (1893):

"PATENT BAR."

"The vast public and private interests involved in the just administration of the patent system, demand that the practitioners before the Office, like those before the Federal Courts, shall be only those of ascertained moral and intellectual fitness. To this end it is respectfully recommended that legislation be had establishing a patent bar, which shall consist in the first instance, of those counsellors-at-law who are entitled to practice in the Federal Courts, and that the Commissioner of Patents, with the approval of the Secretary of

the Interior, may establish rules and regulations for the admission, from time to time, of those found qualified, and who may be recommended for admission to the Federal bar of the State in which they reside, or in the manner and by those on whose recommendation admissions to the State bar are made by the State Courts where the applicants may reside. It is believed that under the guidance of a patent bar of recognized standing and repute the soliciting of patents would attain a regularity and dignity in the practice of the profession of the law which is otherwise unattainable, and that the first to gain under such a practice would be the meritorious inventors, and second only to them the industrial world and the public."

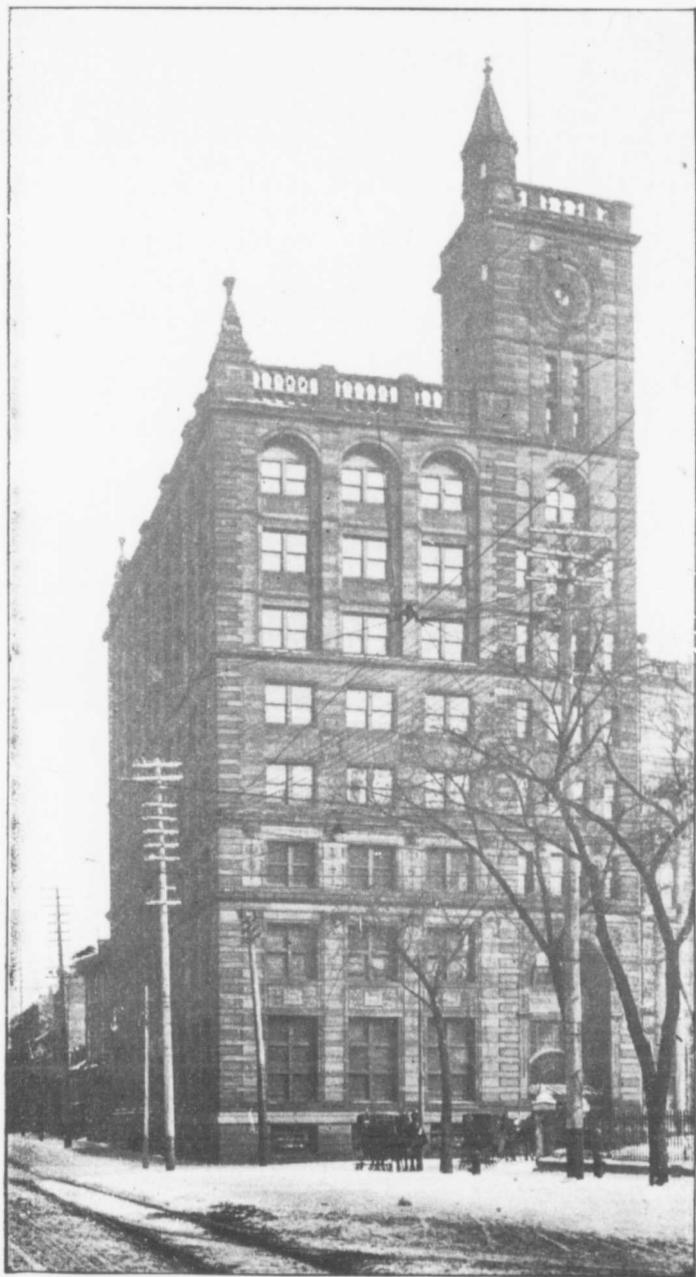
Since the above was written, the rules of the United States Patent Office have been amended, under date of August 6, 1897, by which patent attorneys are required to be REGISTERED on a list prepared for that purpose and no person can act as an attorney whose name is not found on the list. Our registration number is 300.

We sincerely hope that the Canadian Patent Office will follow the example of the United States, and by a similar register, or some substitute which will prove as effective, prevent all incompetent persons from practising and thus prevent the presentation of the many valueless applications.

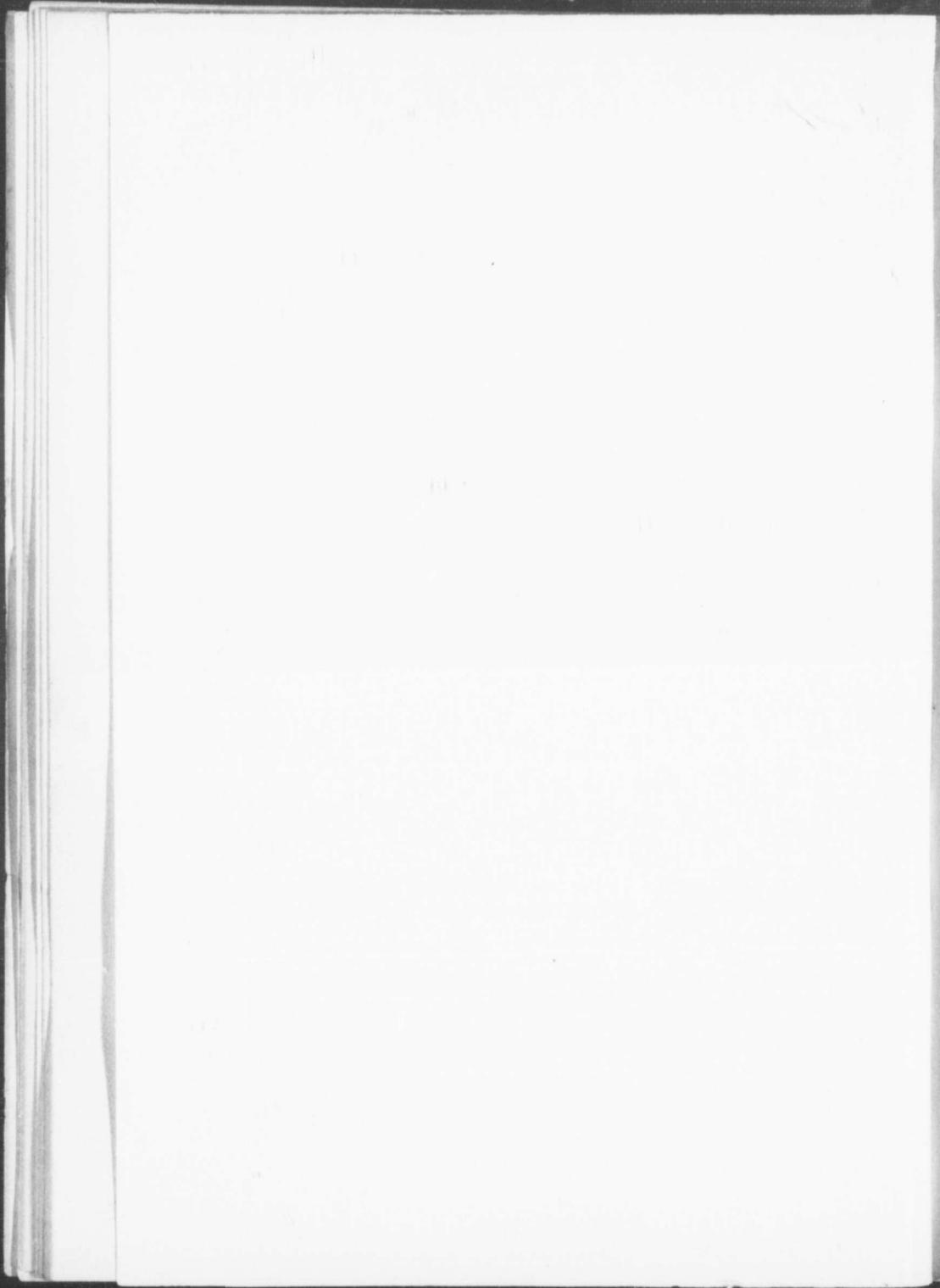
WHO WE ARE.

The inventor has a right to know the men to whom he entrusts his business, and we must, therefore, be excused for saying a few words about ourselves.

We have been in the patent business for a number of years and our facilities and system are unsurpassed. We hold every communication received by us STRICTLY CONFIDENTIAL. We treat our clients as we should wish to be treated if we were in their place. We fully appreciate the high responsibility we assume when we undertake to secure patents of commercial value, a responsibility which is too often but little regarded. We give our best attention to every case we prosecute and give each case the time it deserves. We secure the broadest possible patents that the inventions will warrant and we guarantee the highest grade of work. Our large and lucrative business, and our high reputation, of which we are justly proud, depend solely upon the efforts we have put forth in the past for those inventors who, appreciating our ability have employed us. "THOROUGHNESS, SKILFULNESS and HONESTY" is the motto we observe.



"NEW YORK LIFE" BUILDING
IN WHICH ARE THE MONTREAL OFFICES OF MARION AND MARION.



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We are Engineers Graduate with GREAT DISTINCTION of the Polytechnic School of Engineering; Bachelors of Applied Science, Laval University; Members New England Water Works Association; Members American Water Works Association; Members Corporation of Land Surveyors; Associate Members Canadian Society of Land Engineers; Members of the "Association des Ingénieurs Conseils en matière de propriété Industrielle" (France), of the "Chambre Syndicale des Conseils en matière de propriété industrielle" (Belgique).

We are the only Solicitors of Patents (out of the scores of hundreds in the United States and Canada), who are members of all the above named Societies. This fact acts as confirmation of our alleged exceptional preparation as expert Solicitors in connection with inventions of importance, that is patent cases in which it is worth while to seek attorneys who have the proper knowledge and experience.

We would respectfully request our fellow members in these Societies to bear us in mind, not only when needing the services of attorneys in their own patent business, but also when they meet inventors who may have patent cases. We are able to class many members of these Societies among our clients, and is it not well to do business among ourselves as much as possible? Often we have referred parties to the members of the various Societies we belong to, according to our opinion of their capacity, knowledge, diligence and speciality. We thank those who have so thoughtfully sent us clients.

Founded in 1892, the firm of Marion & Marion, Engineers, has grown from small beginnings, and at a time when Canadian patent practice was crude and but half-settled, at first slowly, but at a constantly accelerated rate. That growth has been particularly marked within the past year, during which time we have found it necessary to twice enlarge our offices, and our capacities have been constantly strained, owing to the difficulty of adding to our force of high-class technical assistants fast enough to keep pace with the increasing demand for our services.

Frederick Howe Gibbs, the senior member of our technical force, well known in the United States as a skilled patent solicitor and technical expert, was admitted to the Bar of New York State, in January, 1882, after which he became a member of the Bar of the several United States Federal Courts. He was for a number of years managing clerk for Hon. R. H. Duell, ex-Commissioner of Patents; was managing clerk for Hon. C. H. Duell, ex-Commissioner of Patents and was for a time with the oldest firm of Patent Solicitors in Washington, D.C., a member of which firm Hon. Chas. Mason,

was also Commissioner of Patents. He was for two years in the employ of the United States Government as a technical expert, and is now at the head of our technical force.

Since his admission to the Bar, Mr. Gibbs has devoted his entire time to the patent business as a Counsellor at Law and Solicitor of Patents, having solicited thousands of patents for clients in the various classes and sub-classes of Industrial Arts of the Patent Office.

He was active in the management of scores of important litigated cases in the United States Patent office, United States Circuit Courts and the Supreme Court of the United States. He has frequently been called as an expert in the trial of cases involving technical questions, and his ripe experience is especially valuable in cases involving technical and legal questions connected with practice in the Patent Office and in the Courts.

Our **Mr. C. C. Cousins** is a Registered Attorney, who has for the last ten years been actively engaged in general and patent litigation, and in patent soliciting and interference litigation for several years in Washington, D.C.

From the time of his admission to the United States Patent Bar up to the time of his coming to Montreal, he was continuously connected with the office of one of the best known patent solicitors in Washington. While there, he had the most comprehensive experience in all the branches of patent soliciting and litigation, and formed a wide and intimate personal acquaintance with the many Examiners and Assistant Examiners of the United States Patent Office.

Our **Mr. S. S. Sugar** is a Registered Patent Solicitor who, since early in 1892, has been actively engaged in soliciting patents, in the prosecution of which he has been uniformly successful, never having had an application prosecuted by him finally rejected by the Patent Office.

During his experience he has been largely employed in perfecting and developing inventions belonging to his clients, and has been engaged in designing new and complicated machines of various sorts, about 25 per cent. of such machines being electrical.

He has been called upon to give expert opinion and testimony in litigation in New York, in cases involving valuable patents where large interests were concerned.

He has always been associated with firms of the highest standing at the Patent Bar in the United States, has a good knowledge of German, and his business connection with some of the most prominent German engineers in New York has been of valuable assistance to our German clients.

Our **Mr. A. Vonaesch, M.E.**, is a graduate from Technikum Winterthur, Switzerland, after which he had three years' training as a practical machinist in the shops.

He was for nearly four years employed as a designer of machinery in the shops Aktiengesellschaft vormals I. I. Rieter & Cie., Winterthur, a firm well known throughout the world as builders of water power and electrical plants, turbines, machines and bridges.

His knowledge of German, French and Italian, as well as his technical education and practical shop experience in connection with the building of industrial plants and steam engines, causes Mr. Vonaesch to be especially valuable in a patent business where practical questions connected with various branches of industrial art are of frequent occurrence, and his experience in designing has been valuable to many of our clients who have sought his aid in completing their inventions.

Our **Mr. John F. Deufferwiel**, an experienced engineer and draughtsman, is a graduate of the Royal Normaal School Voor Teekenonderwyzers; The Royal School Voor Kunstnyverheid, and the Royal Academie Van Beeldende Kunsten, Amsterdam, Holland; pursued a course of study in Designing in Paris, and was for several years employed as Superintendent of water works by the Dutch Government. He was engineer of construction of Government railways in East India and in South Africa, after which he was employed in the United States, where he was connected with the Norfolk and Western Railway.

For several years past he has been chief of the draughting force in our Office, where his technical education and long experience has been of inestimable value to a large number of our clients who have required suggestions from a technical expert in perfecting or developing their inventions.

OUR BUSINESS METHODS.

In carrying on our extensive patent business, we aim to conduct it in the most expeditious and systematic manner. We are assisted by the most experienced engineers, lawyers and specification writers. The best mechanical draftsmen in the country prepare our drawings.

The utmost care is taken to guard the privacy and preserve the safety of the many hundreds of inventions committed to our care; and we may here mention with satisfaction the fact that during our long professional career not one of our clients has ever found his confidence in us misplaced.

SPECIALTY.—We make a specialty of *Engineering, Electrical and Scientific* cases. Experience in such cases makes it comparatively easy for us to handle smaller cases, but we devote to such cases the full measure of time and skill required to secure for the inventors all that they are entitled to, and never slight a case, no matter how unimportant the invention may appear to be, as we fully realize that the greatest fortunes have often been earned by such small inventions.

SOME RECENT CASES.

Following are a few among the subjects, from the almost limitless field of invention, of patent applications prosecuted by us within the past two years.

Agricultural machinery of all descriptions (such as grain-drills, harrows, harvesters, hay-rakes, mowing machines, plows, potato-diggers, self-binders, threshing machines, traction engines, etc.).

Air brake.

Ammonia compressor.

Artificial fuel (peat, etc.), machinery.

Automobiles.

Bark-removing machines.

Bookkeeping systems.

Bottle machinery.

Breeching firearms.

Button-cutting machines.

Calculating machines.

Canal lock-gate.

Carburetors.

Carding-engine.

Cash registers.

Chemical processes.

Cigarette-making machinery.

Clutches.

Combination locks.

Dairy apparatus.

Deep-sea photography.

Dental appliances.

Dynamo-electric machinery.

Electric accumulators.

Electric clocks.

Electric heaters.

Electric lighting.

Electric railways.

Electric-reducing furnaces.

Electric-signaling devices.

Electric transformers.

Electric typewriters.

Electrohydraulic brake.

Electrolytic processes for chemical substances.

Electrometallurgy of iron and steel.

Explosives.

Flour-milling processes.

Food-preserveing processes.

Foundry processes.

Fur and glove-sewing machinery.

Gas engines.

Gas machines.

Hydraulic lifts.

Hydraulic presses.

Incandescent gas-burner.

Interlocking—switch and signal—systems.

Leather-working machinery.

Lens-making machine.

Magnetic ore-separators.

Manufacture of wood-pulp.

Marine propulsion.

Mechanical stoker.

Metal-working machinery.

Mill machinery.

Multiplex Telegraphy.

Nail-making machinery.

Paper-making machinery.

Petroleum engines.

Photoengraving processes.

Pianos.

Pile-fabric machinery.

Polyphase Induction motors.

Production of fertilizers.

Pulp-making machinery.

Pumps.

Railway-crossing gates.

Railway rolling-stock.

Refrigerating machinery.

Sewing machines.

Shoe machinery of all kinds.

Smelting processes for copper and nickel.

Spinning-frames.

Steam-boilers.

Steam-engines.

Steam-engine valve-gears.

Steam locomotives.

Steel-casting processes.

Steel furnaces.

Stone-working machinery.

Sugar-separating machinery.

Surgical apparatus (gastroscope).

Tanning and tanning processes.

Telegraphic perforating machines.**Telephone transmitter (with induction balance),**

Textile machinery.

Thermo-electric batteries.

Turbine water-wheels.

Typesetting machinery.

Woodworking machinery (carving, planing, combination tools, etc.).

KINDS OF SERVICES RENDERED FOR DISTANT AND LOCAL CLIENTS.

We secure patents for our clients in Canada, the United States and all foreign countries. We register trade-marks and labels, secure copyrights and concessions in all countries which have provided laws or regulations for the protection of this class of property and, incidental to such services, we are prepared at all times to aid our clients in any manner consistent with correct professional ethics, either by counsel or in the preparation of any documents or drawings which may be of assistance to them.

OUR OFFICES:

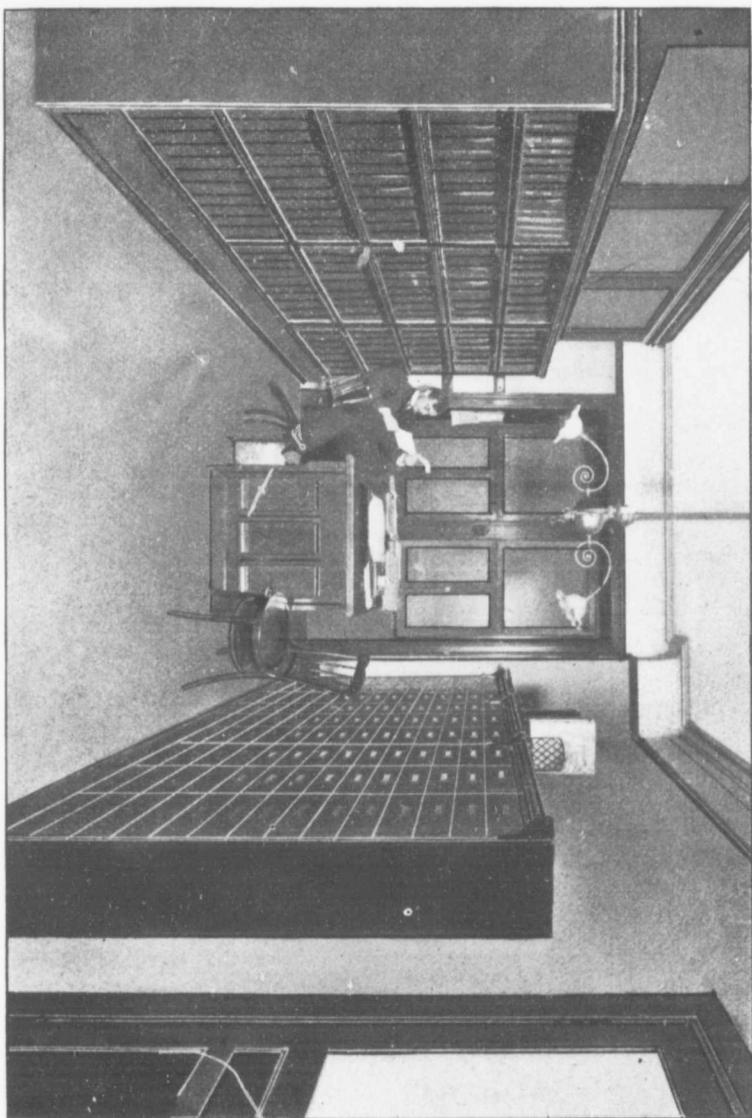
We maintain offices both at Montreal and Washington, our head offices being at Montreal.

Our Montreal offices are located in the New York Life Building, in the heart of the business district, on the Place d'Armes Square, corner of St. James street. They comprise Nos. 502, 503, 504 and 505, on the southwest corner fronting both St. James street and the Place d'Armes. We have recently expended over \$4,000 in fitting up these new offices with every modern convenience and facility.

In addition to the well-stocked law library of the New York Life Building, which includes all the most important works and reports on American, English and Canadian law, we have the largest and most complete private

PATENT LIBRARY.

in the Dominion; including complete sets of the United States and Canadian Patent Office reports; of the Commissioner's and United States Court Decisions; the Exchequer Court Re-



TECHNICAL LIBRARY PROVIDED FOR THE USE OF CLIENTS OF M.M. MARION & MARION.

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ports; the "Recueil Général" of the International Union for the Protection of Industrial Property; an extensive collection of literature on Foreign Patent and Trademark Law and Practice; the principal encyclopedias, dictionaries and other works of reference; together with an assortment of technical and engineering literature in various branches of industrial art.

In addition, we have established **special search files** containing thousands of patents in all classes of invention, which greatly facilitate the work of our technical force both in the preparation and prosecution of applications, making searches, drawings, etc., and, as will be readily understood, enable both **better** and **quicker** work to be done than could possibly be done without them.

We subscribe to a number of technical and scientific periodicals, current files of which will be found in the library.

We particularly invite all who may have occasion to do so to make use of our library and other facilities to the full extent of their needs. A corps of expert stenographers and typewriters is always at hand and at their disposal for taking notes, making extracts and abstracts, etc., as they may require.

Owing to the increased demand for space we have removed our **Model Department** to a separate office, No. 9 New York Life Building, which is provided with a display window, and where we shall be happy to exhibit free of charge the machines or other inventions of any of our clients.

Our Washington office, in close proximity to the United States Patent Office, is always open for the use of our clients who deem it expedient to visit the Capital, thinking naturally that they can by their presence, facilitate the granting of their patent. While we gladly receive inventors at our Offices we must candidly state that the business would be equally as well attended to, were the inventor in New Zealand as in Washington. Every application for Patent is numbered when received by the Patent Office and has to wait until the preceding filed applications in the same class have been examined before it can be reached for examination by the Examiner.

Any Patent Office Examiner who would act upon an application out of its regular order of filing would be instantly called to account by the Commissioner of Patents for such a flagrant infringement of the rules.

The advantages of having a Washington Office.—Other things being equal the inventor should select an attorney who has an office in Washington, where the entire patent business of the United States Government is exclusively carried on. And this for many reasons. All the records and prior patents are open

to his inspection and can be examined without the delays incident to correspondence. He does not have to depend upon the services of agents. And above all he enjoys a personal acquaintance with the various Examiners of the Patent Office, and can have daily interviews with them. The importance of these interviews cannot be over-estimated. When an attorney is interviewing an examiner he can make him see the merit in an invention if it has any merit at all. More can then be accomplished in this way in five minutes than by months of correspondence and volumes of written argument.

GOING TO OTTAWA OR TO WASHINGTON.

Some inventors suppose, very naturally, that if personally present in the Patent Office, they can get their cases through more expeditiously, or command other important facilities. This is not so. The Patent Office does not prepare patent papers, or make models. These must be provided by the applicant or his attorney, according to law; otherwise, his case will not be considered.

WHAT THE PRESS SAYS ABOUT OUR FIRM.

[From *Home Magazine*, November, 1897]

How to Select a Patent Attorney.

"Inventors are often in much doubt and anxiety when selecting an attorney to conduct their business. Some desire to secure the services of a Solicitor for the lowest possible price, and others who are willing to give fair compensation, perhaps have no acquaintance among Patent Attorneys and do not know which are reliable and trustworthy. Our advice to all inventors is, do not employ a CHEAP Attorney—his work will be CHEAP. A professional man who can afford to work for nothing is to be avoided. His feeble efforts, being without incentive, will be worse than wasted; they will occasion actual loss in the long run. When it is remembered that an inventor or a manufacturer engaged in making a patented article, has to depend solely upon the breadth of the claims of the Patent for his protection, the importance of these claims will at once be apparent and it can be readily seen that they should be drawn only by an Attorney of sound professional knowledge and experience. The Attorney must also have a good technical education, be skilled in the arts and sciences and endowed with sound judgment and quick perception; he should be a "graduate" Civil Engineer and an expert in all matters per-

taining to Letters Patents. A man of these acquirements does not work for nothing; he expects to be reasonably compensated for his labour, and a wise inventor will do well to employ such an Attorney. The Patent he gets will be a broad one and will have commercial value. So important are the services of a reliable, trustworthy and skilful Attorney to Inventors, that the Commissioner of Patents has, in the "Rules of Practice," issued this general warning: "*As the value of patents depends largely upon the careful preparation of the specifications and claims, the assistance of competent counsel will, in most cases, be of advantage to the applicant, but the value of their services will be proportionate to their skill and honesty. So many persons have entered this profession of late years without experience that too much care cannot be exercised in the selection of a competent man.*"

"In this connection, it may be safely affirmed that those who confide their interests to the care of Messrs. Marion & Marion, of Montreal and Washington, enlist in their behalf the services of an expert and reliable Patent Solicitors as now practice before any of the patent issuing Bureaus.

They do not entrust the preparation of specifications or drawings to NOVICES, but all is conducted from beginning to end, under their personal supervision. They employ only EXPERT DRAFTSMEN and the very best MECHANICAL TALENT that can be secured, and are able on short notice to describe, illustrate and claim for the inventor, no matter how simple or how complicated his device may be—a patent as broad as his invention. They have easy access to all models, public records, divisions and classes of the Patent Offices, and can make prompter searches and give more accurate advice in matters relating to patents than those who have no branch office in Washington or abroad.

"If you desire a patent, either in the United States, Canada or any foreign country; if you desire safe legal advice on any question relating to Patents, address: Marion & Marion, International Patent Solicitors, Montreal, Can., or Washington, D.C."

[From the *Mercantile and Financial Times*, N.Y.]

Interesting to Inventors.

"Points on obtaining a patent furnished by a high authority (Marion & Marion)."

"It has been wittily said that the man who undertakes to be his own lawyer has a fool for his client. The same is true of a multitude of situations as well as in the practice of law, and we have known of some empty purses and broken ambi-

tions which are the result of men undertaking to transact clerical or professional work which comes within the domain of vigilant and well-posted specialists. In the realm of mechanical inventions, and the patents by which they are protected, this is painfully true, and it is even a matter of record that some of the cleverest inventors of our times have beggared themselves in health, courage and pocket by trying to secure their rights without the help of such expert intervention.

"A patent solicitor is of the first importance to an inventor; he is posted as to the expense of any given proceeding in his specialty; he can insure expedition as well as economy, and by his regular and watchful attention to the records of the Patent Office, he is often able to save his client the labor and cost of applying for patents or inventions already patented, in part or *in toto*, and further, by close distinction of inventions, save to the inventor valuable rights which would otherwise be lost, owing to a partial or apparent interference, with prior patented inventions.

"During the years in which the widely known firm of Marion & Marion have made patent business their specialty, they have represented many large and wealthy concerns, and have hotly contested and been victorious in some of the most noted patent cases shown in the American and Canadian records.

"The firm is always pleased to give inventors instructions as to the proper method of procedure, and may be consulted with advantage by those desiring to purchase or acquire an interest in patents and as to the mechanical value of inventions for which patents are desired.

"Messrs. Marion & Marion are in close communication with both the United States and Canadian patent offices, and have correspondents in all the European capitals and Australasia. Their Washington office is located a few doors from the Patent Office.

"This is the inventive age, so, let the "Mercantile and Financial Times," suggest to the inventor: Start right; secure the services of a concern like the firm of Marion & Marion, then if you fail it will be the fault of no one; if you succeed you may be rewarded by a fortune. All in all, the editor of this paper considers nothing more worthy of praise, confidence and commendation, than this office."

THE NATURE AND POLICY OF PATENTS.

It is a well recognized principle that some suitable reward should be given to the person or persons who produce new inventions, such as improved articles of manufacture, new types of machinery, useful processes of manufacture, or improvements in detail which increase the efficiency of such articles, machines and processes as are already known. It is also understood that the author, artist and designer should be recognized and rewarded for their contributions to the intellectual advancement of the general public.

To adjust the reward in order that the value of each contribution of this nature may be recognized in the proportion of its value to the public, some system of control must be devised which will be so flexible as to automatically regulate itself to all cases as they arise.

The patent laws provide a monopoly for a term of years, during which no one but the inventor or those authorized by him may manufacture, use, or sell any new invention which has been patented in accordance with the terms of the statutes provided for that purpose.

INVENTORS MONOPOLY.

If all were free to take advantage of new inventions, without paying for their use, there would be no inducement for many inventors to produce such inventions, but, with a certainty of pecuniary profit, there is great incentive to perfect crude machines and processes whereby better results are obtained.

When an inventor has perfected his invention, and has procured Letters Patent therefore, he is assured of an absolute monopoly for the whole term of his patent during all of which term he may manufacture his invention and sell the same at such advance in price as will enable him to collect from the public in cash a full recognition of the value of his invention.

If an invention possesses great merit, it is evident that the selling price of the patented article may be increased, or, a greater number of such articles will be sold. As no one but the inventor, or those specially authorized by him, may

manufacture, use, or sell a patented article, the entire revenue derived from the sale, or use, of such articles must necessarily be paid to the inventor.

Hence the inventor's reward is automatically adjusted by the extent of the public appreciation of his invention. Great inventions receive general public encouragement, while lesser inventions are rewarded in corresponding degree.

REASON FOR PATENT MONOPOLY.

As monopolies are generally considered to be antagonistic to the public welfare, some strong reason must appear to induce the general government to grant, even for a limited term, a monopoly of any thing of public utility.

Nothing but a desire to improve the condition of the general public would be a sufficient inducement for the granting of the limited monopoly of the patent system.

The demands of trade and manufacture tend toward the production of more perfect machinery and improved processes of manufacture.

The keen competition of modern commerce causes the merchant and the buyer to closely scrutinize and quickly discriminate between articles of different degrees of merit.

The manufacturer is alert to secure the privilege of producing what the public demands, and the buyers are equally anxious to purchase such goods as will best serve their purposes.

If all were free to manufacture an article or practice a process as soon as it became known, it is evident that only the uncertain glory resulting from public appreciation would be the inventor's reward, and no financial profit would follow as a reward for the benefits he has contributed to mankind.

At this point the well considered patent law becomes available as a protection to the inventor.

If the invention is a meritorious one, he is entitled to a patent, upon complying with certain conditions. When the patent is granted, it is for a term of years which is generally sufficient to enable the inventor to derive a sufficient revenue to reward him for producing the invention, after which that particular invention belongs to the general public, and all are free to manufacture, use and sell it.

However, before a patent has expired no one is free to manufacture, use, or sell the patented article, or practice the patented process, either for their own private use, or for a profit. No one but the inventor and those specially authorized by him may use the subject matter of the patent for any purpose whatsoever. It follows that if an unauthorized per-

son shall make a patented article he will be liable to the inventor for damages. Many persons are under the impression that they have the right to manufacture patented articles for their own private use, but this is an error which has in many instances proven costly to the innocent, but mistaken, persons who unintentionally infringed different patents, such as the Drive-well patents, Spring-tooth harrow patents, and others which are now expired.

There is no great industry at this time but is dependent almost wholly, for its present stage of development, upon the inventor.

All who are engaged in any useful occupation are daily paying tribute to the inventor in some manner.

Great fortunes are made by inventors as a result of the public appreciation of their inventions.

The income of the manufacturer is increased by reason of the increased sales of patented articles, and because of their greater perfection such articles lessen the necessary labor and increase the earning capacity of all who are obliged to toil.

From the smallest garden to the vast farms of Canada and the United States the product has been wonderfully increased by reason of the more modern tools and implements of agriculture recently invented, in consequence of which vast tracts of territory are now productive which, under more primitive methods, could not be worked at a profit.

Many inventions are patented in which are disclosed structures very similar in appearance to previously known devices, and such patents are sustained by the courts.

The reason is evident upon reflection. No matter how nearly the new invention may approach the old in general appearance, if the old device is not perfect in construction and operation there is room for improvement.

Slight changes in construction often bring success out of failure, and no matter how slight may be the apparent difference, if the difference really exists it is proper subject for a patent.

A conspicuous example is the Barbed wire fence, upon which patents were granted, from which patents large fortunes were made. Many other instances of simple inventions might be cited, as a Band wheel bearing for Sewing Machines, which was of very simple character, but which was recognized to be of sufficient value so that the patent was sustained in the courts. Another case in which the invention consisted merely in a Hump or rise in the returning raceway of a ten-pin alley, this Hump or rise being near the end of the raceway to prevent the returning balls from reaching that end where the player takes the balls with a smash-

ing impact. This patent was sustained in the courts. A detachable device which suspended both stockings from a single existing point of support on the corset, formed the subject matter of another patent which was bitterly contested and sustained. The application of a well known torsional spring to a telegraph key; placing a rubber back upon packing for stuffing boxes; the substitution of hard rubber for materials previously used as a plate for artificial teeth, and many other apparently simple devices have been patented, and the patents sustained in the courts. In the case of *Hobbs vs. Beach*, decided March 5, 1901, by the United States Supreme Court, the opinion of the court, after referring to various simple constructions upon which patents have been sustained, contained the following language:—

"If there be one central controlling purpose deducible from all these decisions, and many more that might be quoted, it is the steadfast determination of the court to protect and reward the man who has done something which has actually advanced the condition of mankind, something by which the work of the world is done better and more expeditiously than it was before."

In the case of *Crown, Cork & Seal Company vs. Aluminum Stopper Company*, 108 Federal Reporter 845, the Court of Appeals of the United States Circuit Court said with reference to the patented invention:—

"Painter's invention is not one of those great epoch-marking discoveries like that of printing, or the steam engine, or the electric telegraph, which opened to their inventors the portals of the Pantheon of the immortals. For such as these the love of fame and the glory of being benefactors of human kind served alike as motive and reward, but to the patient laborer in workshop and factory the incentive of fame and glory is absent. For them the stimulus of the rewards offered by our patent laws is needed to encourage by the hope of profit that zealous eagerness to improve processes, to remedy defects in machinery, to invent new methods and appliances for saving labor and cheapening production in the numberless articles that are in daily use. It is this stimulus that has made the American mechanic the most alert, observant and studious of any of the world, and it is the indefinite multiplication of these small inventions and improvements that has wrought an industrial revolution and brought his country to the forefront of the world's commerce. It was the consciousness that in the knapsack of every private soldier there might be the baton of a marshal of France that inspired her soldiers to unparalleled achievements. In our unheroic industrial age the central processes of a nation's life lie in production and

"distribution. The protection and hope of profit held out by our patent laws inspires that stimulating energy which leads to experiment, invention, and all the resulting benefits; a refusal of that protection in a proper case will deaden and destroy it."

In the case of *George Frost Company vs. Cohn et al.*, 119 Federal Reporter 505, the Court of Appeals says:—

"The feature of novelty resides only in the material of which the button is composed, as supports substantially similar to the one patented by Gorton were old, except that instead of having a button with a rubber shank or wholly of rubber, the button and shank were of metal."

Nevertheless, the patent was sustained. As the Court says:—

"It is not necessary to the patentable novelty of a device which consists in employing a new material for an old one in constructing one of its parts, that the substitution should involve the discovery or utilization of an unknown or unexpected property of the material."

Many great inventions seem most simple when once made and disclosed. It is only the wisdom which comes after the fact which tells us that any one could have done what the inventor did.

In the well known case of *Corning vs. Burden*, 15 Howard 252, speaking of an art, the United States Supreme Court says:—

"A new process is usually the result of discovery; a machine, of invention."

About the year 1828, James Neilson discovered that a hot blast of air thrown into a furnace was more effective than the cold blast previously used. Neilson filed an application for patent, and described an apparatus for making use of this discovery by heating the air blast before it was directed into the furnace, and his patent was sustained by the courts in numerous instances, in one of the decisions relating to which the court said:—

"The patent law is not confined to new machines and new compositions of matter, but extends to any new and useful art or manufacture. A manufacturing process is clearly an art within the meaning of the law."

Having once made a discovery in an art relating to manufacture, the machine for carrying the discovery into effect may be as simple as falling off a log—as simple as the hot blast described by Neilson—yet if the patentee describes one way of carrying his discovery into effect, he is entitled to a patent for his method or process as a new art, or an improvement in an art.

"The means by which the principle (new discovery) is applied may be devoid of invention, and such as any workman skilled in the art wherein the application is made might supply when the discovery is told him." Potts vs. Creager, 155 United States 597.

Cases might be cited almost indefinitely where patents have been procured and sustained, in which the apparent difference between the patented article, machine or process and the prior art was slight, but in many instances this apparently slight difference brought success from failure, and rendered the old more valuable, thereby revolutionizing and making useful what had theretofore been of little or no value.

VALUE OF AN INVENTION.

This leads to the consideration of a question which is frequently submitted to a Patent Solicitor, viz., what is the value of a given invention. A complete answer would involve the consideration of too many details for a publication of this character. Value may be given to an invention by one man who will realize a fortune from it because of his energy and perseverance, where another would accomplish practically nothing. One of the reasons for this is frequently the desire of inventors to realize vast fortunes from little effort within a too limited time. A patent is a monopoly, which, in hands that are fit, may result in the manufacture and sale of vast quantities or numbers of the patented articles, but if the inventor seeks to overcharge for what he has, he must expect the same fate as one who seeks to place too high a price upon any article of commerce. The public is appreciative, and is always willing to pay an advance for more perfect goods, but where the price is made prohibitive, then more primitive articles of manufacture can and will be used, even though the patented article is much superior. Each invention must rest upon its own merit, and no hard and fast rule can be laid down for determining the value of inventions. The same perseverance which leads to the perfection of a machine if properly applied to the commercial side of the transaction will undoubtedly result in a profit proportionate to the value of the machine, and the energy displayed in placing it upon the market, and it is for the inventor to determine by his method of management what is the real value of an invention.

POSSIBILITY OF SECRET USE.

Secret use of an invention is not consistent with the progress of the age and is not protected by the courts. If a manufacturer has an invention which is of great value, such

value exists only because it confers a monopoly upon the possessor of the secret. This monopoly vanishes as soon as the secret is discovered and the whole world may then do what was theretofore done in secret. No one can prevent it, and no law, but the patent laws, may be invoked to restrain any one from doing what is considered useful to mankind. A manufacturer producing goods by a secret method or process, or, by the aid of machinery, the construction of which is held secret, is necessarily dependent upon the good will and the resolution of his employees. If he is successful, he becomes a slave to those whom he employs to assist him, and generally discovers to his great humiliation that:

"There is no flock, how so well attended,

"But one black sheep is there."

and at the most inopportune time his secret has been betrayed, either as the result of a corrupt barter, or, of idle gossip, quickly caught up by alert competitors.

Where a monopoly is desired, the proper, orderly way to secure it is by invoking the aid of the patent laws which provide ample protection for new articles, machines, processes, formulas, and all useful arts, as well as for literature and works of art. These laws exist throughout the civilized countries of the world, and have been amended from time to time for the purpose of affording the most complete protection for all interested.

It would be practically impossible to keep secret a valuable invention for fifteen or eighteen years, and derive a revenue from it, yet the patent laws confer a monopoly for that term, during which no one but the owner of a patent may use the patented invention.

PATENTS—WHAT ARE THEY?

Patents have often, and with some degree of truth been defined as GRANTS, and the public generally have been under this impression, but this definition of a "Patent" is incomplete.

A patent is a contract made between the Government issuing the patent and the inventor, in which both parties have conditions to perform. The conditions are reciprocal and all patents are based on them.

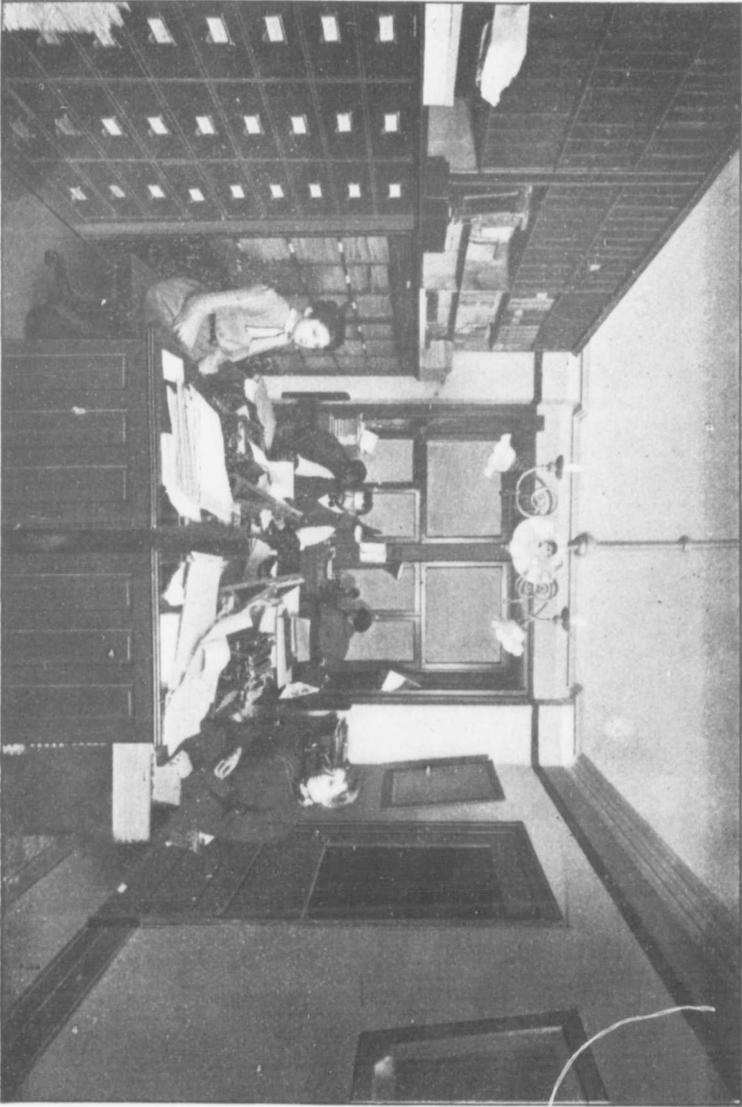
These conditions are that the Government will grant to the inventor, provided he is entitled to it, a monopoly of the use of the article, machine, methods, etc., for a fixed period of time, upon the condition that the inventor will, at the expiration of that period, dedicate the invention to the public.

And while the patent itself does not disclose these conditions, and the inventor does not sign anything which has the appearance of a contract, yet the fact of his making his application for a patent, has the effect of binding him to these conditions, he giving his assurance of complying with the conditions imposed on him, when he files his application.

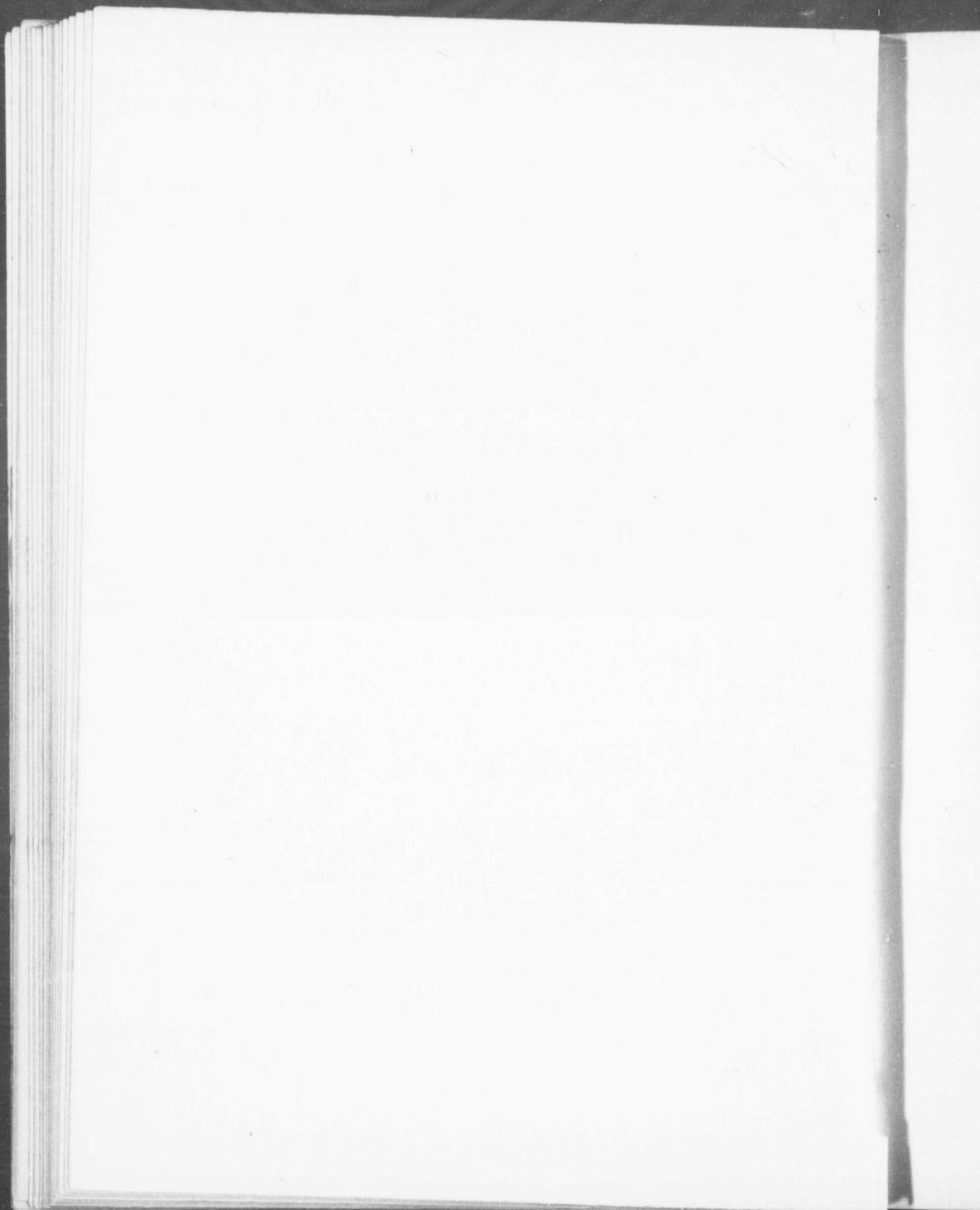
The conditions of the contract upon which a patent is granted vary in all of the nations and governments having patent systems.

In most of the countries, however, the condition is that the thing sought to be patented, must be NEW AND USEFUL, and a patent can be obtained only when such is the case. As this is absolutely essential, and upon these points the application filed must stand or fall, it is readily seen that each inventor, before going to the expense of an application, and the paying of Government and attorney's fees, should first ascertain if his invention will probably comply with these conditions. If the invention is not NEW AND USEFUL, no patent can be obtained, and the inventor has nothing to show for the money expended.

The inventor should therefore get the advice of experts as to whether or not his invention is new and useful, and in this connection we are glad to say that any inventor who will send us a comprehensive sketch or model of his idea, and a description which is sufficiently clear to be understood, will receive our



CORRESPONDENCE DEPARTMENT.



OPINION (free)

as to whether the invention is PROBABLY patentable. Our long experience enables us to decide quickly.

Our opinion is based upon practical knowledge as experts in mechanical constructions, electricity, chemistry, dynamics, etc., our personal knowledge of the general state of the art in which the invention applies, and our experience in the obtaining of patents.

When the number of patents which have been granted in the United States, Canada, and elsewhere, is considered (over one and a half million) it can be readily understood that an opinion, other than a general one, could not be given, as it would be impossible to remember all of the constructions shown in this vast number of patents, and we would always advise the inventor to have a search made of the patent records in order that a specific opinion may be given as to the probable patentability of the invention. For this purpose we offer our

SPECIAL SEARCH (\$5.00).

WHAT IT IS.—Our special search is a search made of the records of the Patent Office to ascertain if any patents have been granted which would prevent the granting of a patent for the invention submitted. This search is generally made in the United States Patent Office, where the system under which the patents are classified, etc., is more complete than in any other country. When a search as to novelty is made in the United States Patent Office prior to filing an application for letters patent, all available patents in the particular class, or sub-class, to which an invention relates are carefully examined by the person making such search in an effort to find the various features of invention disclosed in the model or drawing submitted to him, as furnished by the inventor. The result of that examination is reported to the inventor, who is informed that his invention is patentable, or not patentable, according to what is found in searching the records. We advise a search in the United States Patent Office for the reason that the authorities there provide unequalled conveniences for this work, having provided for our inspection some 800,000 copies of United States Patents, each for a different invention, and all arranged in classes and sub-classes in each of which inventions of the same general character are grouped together by persons in the employ of the United States Government.

There are nearly a dozen of such employees constantly employed in the classification of inventions, endeavouring to so arrange this vast number of patents as to facilitate the labour

of making searches, but the files, which are supposed to be complete, are not always so.

No one but the Examiners of the Patent Office are permitted to withdraw copies of patents from the files so provided, but the Examiners have this privilege, and frequently do withdraw, temporarily, from one to a score of copies of patents for use in their rooms in connection with official business.

The Examiners of the Patent Office do not make searches prior to filing applications for Patents, and it should be clearly understood that a search made at Washington prior to filing an application is made among United States patents only, as foreign patents are not separately classified for public inspection.

If a better place than the United States Patent Office existed, in which searches could be made, we would make searches in such better place. But there is no such place provided and we do the best we possibly can for our clients when searches are made at Washington. No one can do more than this.

When we receive information that an invention is patentable, we endeavour to secure for our clients the best possible patents and prepare claims upon their inventions in such language as to cover not only the specific machine or device of the invention, but also every form of modification thereof which may suggest itself to us as experts, so that when the patent is issued, others may not be able to pirate any feature of our client's invention, or modifications thereof, which may be suggested to rival inventors or manufacturers.

If an inventor's claims are specifically restricted to cover, in combination, every detail of construction when the application is filed, and no broad, strong claims are made, the patent is more quickly obtained and we might obtain the reputation of securing patents very quickly.

However, a slight change in the machine or device would avoid the language of such claims, and such patents are practically worthless.

We do not propose to secure worthless patents, not even to please our clients. We expect to remain in our present business and increase our business as we have in the past by procuring the best patents that can be obtained.

To do this we must endeavour to secure an allowance of claims, from the Examiners in charge of applications filed by us, which are as broad as the invention will warrant. Sometimes the Examiners think we ask for too much and say that one or more of the claims are anticipated by some prior patent. This does not mean that our client's invention is old, but, merely that he is not entitled to claim all that we ask for in his behalf. He may yet obtain claims not so broad.

The Examiners are not infallible and sometimes make mistakes, but their decision stands until it is overruled on appeal, or changed by argument, or, the claims are amended in such language that they will not cover the inventions disclosed in prior patents.

The preparation of arguments and amendments requires time on our part. Frequently days are required in complicated cases in the preparation of arguments including an analysis of the references cited, but if we believe our client is entitled to any claim which we make in his behalf we always try to secure it for him.

If an invention is disclosed in a United States patent, or in a patent granted in any country, such invention is not patentable in Canada to another person, hence we prefer to make all searches in the United States Patent Office where the largest number of patents are open to our inspection. Nearly every good thing patented anywhere has been patented in the United States, so that a search of the United States patents in a particular class tells nearly all that is worth knowing in that class, and should be accurate in ninety per cent. of cases. These searches are made by the Manager of our Washington Office and are therefore to be depended upon.

We also make searches of the records of the Canadian Patent Office when desired.

COST.—Our charge for this service is \$5.00 in advance, which includes the search, copies of the nearest United States references and our written report and recommendation.

When the invention is shown to be old, the inventor is informed that his device is anticipated and that a patent cannot be secured. He can then withdraw without additional expense.

A special search is a wise safeguard as it often prevents the useless expenditure of money in endeavoring to secure a patent where none can be obtained; for if a search be not made, the applicant may be informed, after he has paid all the fees, amounting generally to \$45.00, that his application has been rejected by the Patent Office, on prior patents that could have easily been found by examining the records in advance, at a cost of but \$5.00.

A favourable report will often enable inventors to interest capitalists in their inventions, at least to the extent of advancing the money necessary to take out the patent. In this connection it should be said that it is not necessary to find a man of large means to assist you in obtaining a patent. Nearly any inventor has among his friends and neighbors a dozen or more in moderate circumstances who can command the small sum necessary to secure a patent, and who will be only too glad to advance the money upon condition of becoming the owner of a part of the patent. *Many men have become*

wealthy merely through advancing to deserving inventors, the small sum necessary to secure a patent on a valuable device. After the inventor has ascertained the patentability of the invention, he should easily find many persons only too willing to invest a few dollars in order that they may participate in his good fortune. We should, therefore, advise all inventors, especially those who have not funds to pay the entire cost of patent, to have a special search made of the records of the Patent Office, in the first place. Our report, if adverse, will save them money, as they will not persist in fruitless efforts to obtain a patent at a loss to themselves; and if favorable, will probably enable them to make arrangements with moneyed people, who will almost invariably advance the cost of a patent in consideration of the assignment of a part interest in it, but who would rightly hesitate to put their money in the venture without such a certificate of assurance.

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Marion & Marion
 Consulting Engineers | Ingenieurs Conseils.
 AND PATENT EXPERTS. | ET EXPERTS EN BREVETS
 MONTREAL, CAN.



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Whereas *William James Kilby*
 of *St. Louis, Missouri*

has presented to the Commissioners of Patents a petition praying
 for the grant of Letters Patent for an alleged new and useful improvement in

Robbins' Reelers

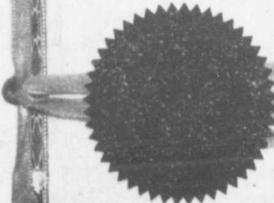
A DESCRIPTION OF WHICH INVENTION IS CONTAINED IN THE SPECIFICATION OF WHICH
 A COPY IS HERETO ANNEXED AND MADE A PART HEREOF AND HAS COMPLIED WITH
 THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED, AND

Whereas upon due examination made the said CLAIMANT is adjudged
 to be JUSTLY ENTITLED TO A PATENT UNDER THE LAW.

NOW THEREFORE THESE BEHAVING PASSED ARE TO GRANT UNTO THE SAID

William James Kilby HATH HE ASSIGNED
 FOR THE TERM OF SEVENTEEN YEARS FROM THE *fourteenth* DAY OF
November ONE THOUSAND NINE HUNDRED AND *five*

THE EXCLUSIVE RIGHT TO MAKE USE AND VEND THE SAID INVENTION THROUGHOUT THE
 UNITED STATES AND THE TERRITORIES THEREOF.



In testimony whereof, I have hereunto set my
 hand and caused the seal of the Patent Office
 to be hereunto affixed at the City of Washington
 on the *fourteenth* day of *November*
 year of our Lord one thousand nine
 hundred and *five* and of the
 Independence of the United States of America
 the one hundred and *twenty* eighth.

R. D. Keller
 Commissioner of Patents

REPRODUCTION OF A UNITED STATES PATENT GRANT.

UNITED STATES PATENTS.

WHAT PATENTS ARE GRANTED FOR.

Patents are granted for any new and useful art or process; any new and useful machine; any new and useful manufacture; any new and useful composition of matter; or a new and useful improvement of any of these, PROVIDED the art, machine, manufacture, composition of matter, or improvement was not known nor used by others; and has not been patented or described in any printed publication in this or any foreign country, before the applicant's invention or discovery thereof; and has not been in public use or on sale in the United States for more than one year prior to the application for patent.

A United States patent will not be granted to an inventor who has obtained a foreign patent unless HIS U. S. APPLICATION BE MADE WITHIN TWELVE MONTHS OF THE DATE OF FILING HIS FOREIGN APPLICATION.

Separate inventions cannot be included in one patent, and should the attempt be made to include more than one distinct invention in one application, the Examiner will require that the same be divided and the applicant will be required to elect which distinct invention he will prosecute in the filed application, and that the remaining separate inventions be eliminated. The eliminated portions may be patented by filing a "divisional application," but if this is not done, the inventions so eliminated will become abandoned unless subsequently applied for.

To properly secure protection on a machine and its product, two patents are required—one for the machine, the other for the product. A single patent which would claim both, would, as a general rule, be held to be invalid.

WHAT CANNOT BE PATENTED.

A patent will not be granted for a principle or a function—the patent must be for the mechanism for carrying the principle or function into effect.

The mere application of an old machine to a new purpose is not patentable. Such change would be held to be simply a double use.

The substitution of one material for another, or the substitution of mechanical equivalents, are not patentable, unless a better result has been obtained.

PERPETUAL MOTION.

On machines which involve the perpetual-motion fallacy, the Patent Office has for a number of years consistently refused to grant patents. We are in thorough accord with this practice, as neither we nor the Patent Office can be convinced from a drawing or non-working machine, that perpetual motion is anything but a theory.

All machines or apparatus purporting to create their own energy from the power expended, whereby the same will run "until stopped or broken," as some inventors express it, are classed as perpetual-motion inventions, and the Patent Office Examiners will not even consider an application for patent based on such a theory without a working machine. Consequently, we strenuously advise inventors of such machines not to file applications for patents until they have first demonstrated the invention by a full-sized working machine. Either abandon the matter or file a caveat in order to afford time to test and perfect the invention before applying for a patent.

The Patent Office entertains these views in the case of air ships or flying machines of the type which have no balloon or similar attachments, and contemplate creating power to provide for their own buoyancy.

WHO CAN OBTAIN A PATENT.

Any person, adult or minor, who is the first and original inventor or discoverer, may secure a patent, regardless of his nationality.

The words "ANY PERSON" in Canada and the United States mean a minor as well as an adult, a married woman as well as an unmarried, joint inventors no matter how many in number, and foreigners as well as British subjects.

A deceased person's invention can be patented on the application of his executor or administrator; if the deceased leaves no will the property in the Patent belongs to the heirs-at-law.

JOINT INVENTORS.

Whenever an invention is the joint product of two or more minds, a Patent thereon must be jointly applied for by all the inventors, and if a Patent for a joint invention is taken out by any number of such inventors less than the whole, the Patent is invalid. The fact that one man furnishes the capital and another makes the invention, does not entitle them to make application as joint inventors. In such case, the patent should be applied for by the inventor alone, who may, however, assign any part of his rights during the prosecution of his application, before the issue of the patent, and thereby cause the patent to issue to the inventor and assignee jointly.

JOINT OWNERSHIP.

Joint owners of a Patent, whether by assignment or joint invention, have the right to work the invention independently without accounting to one another. It is advisable, therefore, that such parties should have a special Agreement drawn up by a competent person, defining the rights and powers of each.

WOMAN AS AN INVENTOR.

Of late years many superior inventions are the result of woman's inventive genius, which is proof of her advancement in the great field of observation and thought. It is cheering to know that in woman we have great resources, increasing powers and influences for human progress.

Her domain of investigation, whatever it may be in individual instances, is directed chiefly toward domestic utensils and household implements that sell readily.

We might mention numerous domestic implements and appliances coming from her brain and hand, for which we have secured letters patent bearing the broad seal of the Patent Office.

THE PATENT APPLICATION.

This consists of the PETITION, SPECIFICATION, DRAWINGS and OATH. Of these the specification, claims and drawings are of the most importance, the petition and oath being matters of form.

As the original application determines the point of greatest breadth to which the patent can be construed, it will be readily understood that the preparation of the specification, claims and drawings are matters of the greatest importance to the inventor, as upon them, the patent must stand or fall. To more clearly show the value of these parts of the application, we give a short description of the requirements of each.

THE SPECIFICATION.

The specification is the KEY-STONE of the patent, for on it all of the remaining portions must depend for support. If the specification is prepared in an unskillful manner, by reason of ambiguous wording, insufficiency of description, etc., a patent granted thereon would be practically worthless, inasmuch as it would be impossible to determine the value and effect of the claim and of the patent. The specification MUST be so "full, clear and exact as to enable anyone skilled in the art to which the invention pertains to make and use the same." And such must necessarily be the case, since the specification forms the only basis upon which the public can make use of the invention after the patent has expired.

The preparation of the specification is therefore of the greatest importance, and should only be done by a person having extensive training in this particular branch. It appears to be an easy matter to describe an invention, and set forth its objects and advantages; yet, on looking over the decisions of the Courts, which are the sole judges of a patent, it will be found that a vast number of patents have been declared void and invalid by reason of a defective specification.

The brainiest legal practitioners do not undertake to prepare a specification, leaving it to be done by some person especially trained to this work. They tacitly admit their inability in this particular line, although they are authorities on legal questions.

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When it is considered that each specification must contain, in addition to the complete description, the points on which the demand for a patent is made (which in many cases are imperceptible even to the experienced eye of the expert), it can be readily seen that it is something which should not be left to novices, and especially is this true in patents for inventions of great utility, where the success of the manufacturer leads others to attempt to imitate. This is the CRUCIAL TEST of the patent. Suits for infringement are threatened, and the services of patent lawyers, versed in all of the intricate details and requirements of the patent laws, are brought to bear in the attempt to have the patent declared invalid. Each minute part of the application and patent are carefully scrutinized and examined, with a view to finding some flaw. The most attention is paid to the specification, and why? Because it is the most vulnerable part of the patent. These legal luminaries well know that although the claims may be subject to attack on the point of prior anticipation, yet these claims would be held valid, if there is any patentable merit in them, but such leniency would not be exercised in respect to the specification—that MUST be "full, clear and exact,"—and the least defect in it will prove fatal. What chance would there be in such a case, for a specification prepared by a novice with little or no experience?

To prepare a specification, which will be able to withstand the many pitfalls of the Courts, requires a mind able to grasp, by intuition, the subtle differences found in inventions, and such ability can only be acquired by experience combined with a knowledge of the arts and manufactures, each different and in a constant state of improvement. To this must be added the ability to present these differences in a legal manner, in order that their full force and effect can be seen and felt without any possibility of doubt as to what is meant.

In fact, the specification must be prepared with a foresight sufficient to guard against attacks of every kind and nature, that may be brought to bear against it at a future period, where the attackers have the advantage of extended thought and research.

This service must necessarily be expert and cannot be furnished by a CHEAP attorney. HE CANNOT PAY FOR IT, AND MUST LEAVE THE WORK OF PREPARATION TO NOVICES. The average inventor does not consider this point and sends his work to the lowest bidder, with the consequence that many of the patents granted are not worth the paper they are printed on. He finds, when it is too late, that he has been "gold-bricked" and regrets his folly in saving the small difference in cost, this saving, though small, being

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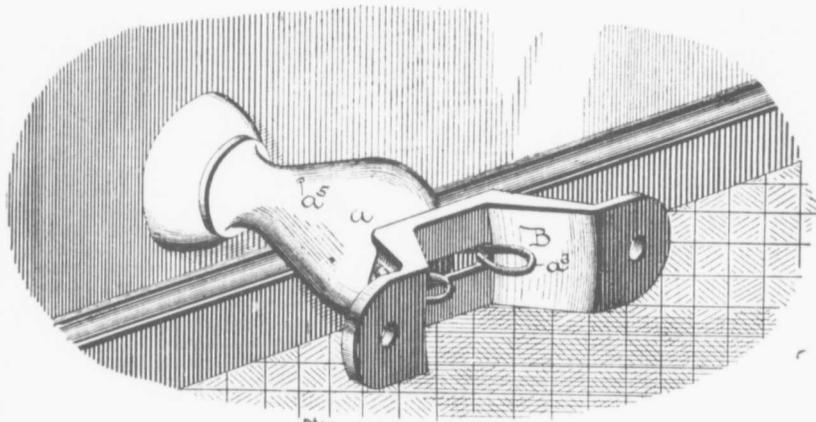


Fig. 1

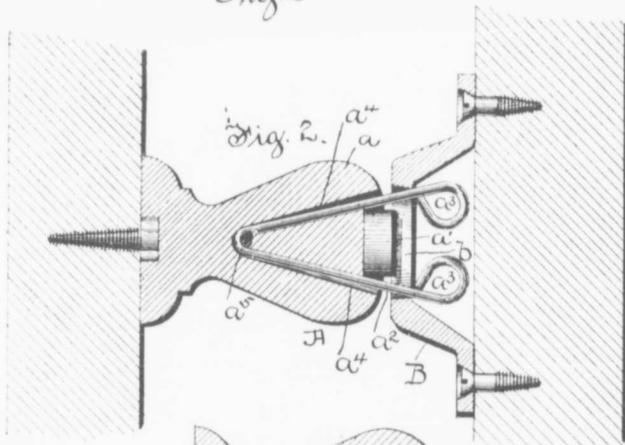


Fig. 2.

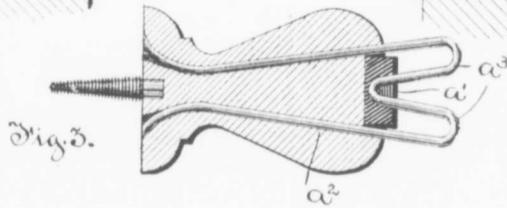


Fig. 3.

Witnesses:

Horace E. Deitz
Arthur J. Deitz

Victor Allard, Inventor

By *Marion D. Marion*

Attorneys

REPRODUCTION OF AN OFFICIAL, PATENT OFFICE DRAWING.

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skilled in the art" are those of ordinary and fair information, not of special excellence, see *ex parte* Kerr, 28 O. G. 95. If, on the assumption that certain matters are known to those skilled in the art, the specification is intelligible, it is sufficient, see Hancock Inspirator Co. v. Lally, 35 O. G. 1001; and if a description is sufficient at the date of the patent subsequent discoveries cannot make it less so, see Celluloid Mfg. Co. v. Am. Zylonite Co., 40 O. G. 1453.

A failure to describe an essential element avoids the patent, see Schneider v. Hill, 5 Bann & A., 565. Absolute precision is not required, see Dorsey Har. Rake Co. v. Marsh, 6 Fisher, 387; but nothing can be patented unless it can be described, and a patentee cannot have invented what he cannot describe, see Smith v. Downing, 1 Fish. 64. Mistakes in naming the invention, or in assigning the invention, to its proper class, as by calling it a product when it is a process, do not render the description insufficient, see Foye v. Nichols, 22 O. G. 2243.

Modifications and appliances which would suggest themselves to ordinary mechanics need not be mentioned, see Union Paper Bag Co. v. Nixon, 4 O. G. 31; nor is it necessary to describe all the uses of the invention, see Pike v. Potter, 3 Fisher, 55. Ambiguity in the description is fatal irrespective of the intent of the inventor, see Blake v. Stafford, 3 Fisher, 294; but not unless the description is rendered unintelligible, see Swift v. Whisen, 2 Bond, 115.

False suggestion in a material part of the specification avoids the patent, see Delano v. Scott, 1 Robb, 700; and concealment by which the patentee obtains an advantage over the public, if wilful, avoids the patent, see Heath v. Unwin, 2 Webb, 236. If the invention relates to a machine the specification must clearly describe the exact construction and operation of every part thereof, and of the machine as a whole; if it relates to a process, it should describe the process step by step, as well as the operation as a whole; if it relates to a composition of matter, it must enumerate all the different materials entering into such composition, the proportions of each, the manner of combining them, and the essential qualities of the resulting composition.

THE DRAWINGS.

The preparation of the drawings should receive the same care and attention as the specification, in fact, the specification and drawings are of almost equal importance.

While the specification must be complete in description, the drawings must clearly set forth what is meant by the various terms and phrases used in the specification, serving as a lamp

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by which the invention described in the specification may be clearly seen and understood.

The drawing must be clear and concise, and must conform to the rules of the Patent Office. They must present the invention fully and completely and leave no doubts as to what is intended to be disclosed in the specification.

The figures of the drawing must be of a size to clearly show the parts, and a sufficient number must be made to show each and every portion of the invention. And in a patent for an improvement on an existing machine, sufficient views must be made as will clearly indicate to what portion of the old machine the improvements are attached.

A great deal of unnecessary trouble is often caused, in the prosecution of applications, by reason of the small scale on which the views are drawn. This is caused by the attempt to illustrate the invention on a limited number of sheets of drawing. Such limitation always works to the disadvantage of the inventor, as the small views cannot show the invention in as much detail and clearness as views of larger size. Our advice on this point is to have the drawings made on a large enough scale to clearly illustrate the invention regardless of the number of sheets. The extra cost will be money well invested, as it will allow of the presentation of the invention in a more attractive and therefore more saleable manner.

Our clients tell us that we make the most perfect, elegant and striking patent drawings that are known; in fact, their artistic beauty, clearness and perfection of detail in bringing out every possible patentable feature of the invention surprises the oldest and most critical inventor. Upon request we will send you a specimen of our drawings.

THE CLAIMS.

The claim is the gist and soul of the patent. It must contain a summary of what is shown in the drawings and described in the specification, but must be drawn in a concise manner. Each claim must be for a complete construction, and contain sufficient elements to make it complete. All superfluous verbiage must be eliminated and the necessary portion "boiled down" and condensed to its lowest degree, yet leaving it in such condition that no doubt can be felt as to what is meant. The claim should not contain any element, except that which belongs explicitly to the invention, as adding of a useless element tends to weaken instead of support the claim.

Like the specification, to prepare a claim requires a knowledge of the relative legal weight of the elements composing it, but unlike the specification, the claim must be presented in a

concise manner, stating the meaning and substance of the specification, but in terms of the shortest and most definite character.

It may prove interesting to inventors to know that claims containing the least number of elements and having few or no qualifying adjuncts are the broadest ones; and that such qualifying adjunct and each added element lessens and limits the value of the claim in a corresponding ratio.

In preparing claims, it is our object to present them in a perfect legal form and with a breadth commensurate with what we think the inventor is entitled to, in view of the state of the art presented by our special search. It sometimes happens that we are unable to obtain such claims, but the citations of the Examiner enable us to present amendments which will relieve the claim from opposition on the part of the Examiner and also prevent any chance of being held invalid in the Courts, as far as such chance can be avoided.

The office of the claim is to define the exact limits of the invention; the scope of the patent is governed by the claim, see *Yale Lock Co. v. Greenleaf*, 35 O. G., 386, and the invention patented is the invention set forth in the claim, and that only, see *Tochey v. Harding*, 1 Fed. Rep. 174; *McMillan v. Rees*, 17 O. G. 1222. If the claim does not define the invention the courts can give no relief, see *Del. Coal & Ice Co. v. Packer*, 24 O. G. 1273. A patent must stand or fall by its claims, see *Meissner v. Devoe Mfg. Co.*, 2 O. G. 545; and this is so even if the claimed invention be less than the real invention, see *Brass Co. v. Miller*, 5 Fisher 48. When the terms of a claim in a patent are clear and distinct (as they always should be), the patentee, in a suit brought upon the patent is bound by it, and cannot show that the invention is broader than the terms of the claims, see *Merrill v. Yeamans*, 12 O. G. 980. The court will not go into the history of the art, see *James v. Campbell*, 21 O. G. 337; nor enlarge the claim by the description, see *Yale Lock Co. v. Greenleaf*, 35 O. G. 386. Failure to claim described matter dedicates it to the public, see *Swift v. Jencks*, 27 O. G. 621.

A claim must be for an operative means, see *ex parte Connelly*, 1 O. G. 573; and be for matter so described that anyone skilled in the art can use it, see *Vogler v. Semple* 11 O. G. 923. It must state a concrete invention, not an abstraction, see *ex parte Designolle*, 13 O. G. 227; It must not cover a principle, see *ex parte Fairbanks*, 3 O. G. 65. General truths and forces belong to all men, and cannot be claimed, see opinion Atty Gen. 8 Op., Att. Gen., 269.

But one invention can be embraced in a single claim, see *ex parte Bland*, 15 O. G. 775. A process and its product cannot be embraced in a single claim, unless the one is absolutely

dependent and inseparable from the other; nor can a machine and its product, an art and its apparatus, be covered by one claim if they are capable of use separately, see *ex parte* Bates, 13 O. G. 266.

The claim must precisely define the thing invented, see *ex parte* Mayall, 4 O.G., 210; and distinguish the invention claimed from all known inventions, see *ex parte* Funck, 14 O.G. 158; Terry Clock Co. v. New Haven Clock Co., 17 O. G. 908; and must correspond with the specification, see Knox v. Quicksilver M. Co., 4 Fed. Rep. 809. Every element claimed must be clearly stated, not merely inferred, see *ex parte* Holt, 29 O. G. 101; and such indefinite expressions as "means," "mechanism," etc., should not be used except to denote appliances that are not essential parts of the invention, see *ex parte* Stoughton, 43 O. G. 1345.

A claim covers all equivalents, see Burdon v. Corning, 2 Fisher, 477; even though the inventor never thought of them, see McNamara v. Hulse, 2 Web, 128; and equivalents should not be expressly claimed, see *ex parte* Reid, 15 O.G. 882.

A claim for a function is void, see Matthews v. Schoneberger, 13 O. G., 1464; and *participial* claims are improper, see *ex parte* Cox, 3 O.G. 2; nor can the claim be for a mere result or effect. A claim for the "mode of operation" is void, see Hatch v. Moffat, 15 Fed. Rep. 252. The claim should be drawn to cover the construction of a machine or apparatus, not its mode of operation, or the result produced.

Alternative claims are not allowable, see *ex parte* Holt, 29 O.G. 171.

While claims for the same thing may be repeated in different language in order to prevent misunderstanding, see *ex parte* Hahn, 8 O.G., 597, the claims should not be unnecessarily multiplied.

Claims for separate but dependent inventions may be joined in a single application, see *ex parte* Smith, 2 O.G., 117; but separate and distinct inventions, capable of separate use cannot be so claimed. Their design and operation being independent of each other, there is no point of view from which they can be considered as one invention; and a patent embracing two or more such inventions will not be sustained. The general rule is that every art or instrument complete in itself, and capable of separate use constitutes a distinct invention, and should form the subject matter of a separate application for patent.

The claim for combination of elements must embrace specifically all of the essential elements necessary to produce a distinct and operative combination, see *ex parte* Rhentan, 5 O. G. 521; it should not include non-essential elements, see

Rapid Service Store R.R. Co. v. Taylor, 42 O.G. 721; nor the connecting mechanism unless it is an element in the combination or is essential to the comprehension of what is claimed, see *ex parte* Skinner, 19 O.G. 662. A claim for an inoperative combination is void, see *Tarrant v. Duluth Lumber Co.*, 39 O.G. 1425. Each of the elements and sub-combinations, if new and patentable, may be separately claimed, as well as the combination of a whole, see *Stevens v. Pritchard*, 10 O. G. 505; *Bank v. Snediker*, 17 O.G. 508.

The claim for an art or process should enumerate each of the acts or steps of the process in the order in which they are employed, and in such a manner as to identify them with the acts or steps set forth in the specification (see *Robinson on patents*, §529), and each step of a process, if a true sub-process, may also be separately claimed, see *ex parte* Wilson, 16 O.G. 95. A general claim for a process covers all ways of performing it, see *Tilghman v. Procter*, 19 O. G. 559. It does not, however necessarily cover the product, see *Goodyear v. Wait*, 5 Blatch, 468; and does not protect the product if the product can be made in any other way, see *Goodyear v. Railroad*, 1 Fisher, 626. Mere mechanical processes are not patentable, see *Medart v. Risdon Iron Works*, 71 O.G. 751.

The claim for a machine must be drawn to cover a specific piece of mechanism or apparatus; it must not be drawn so as to claim a mode of operation, a principle, an idea, a means of producing an effect or an effect produced, see *Burr v. Duryea*, 1 Wall, 531. If the invention does not embrace an entire machine, the parts invented must be distinctly claimed, see *Seymour v. Osborne*, 11 Wall. 516. Each subordinate mechanism may be separately claimed, even though not useful by itself, see *Wells v. Jacques*, 5 O. G. 364. The claim for composition of matter should set forth its elements, the mode of combination, and the essential qualities of the resulting compound, see *ex parte* Williams, 10 O.G. 748. A composition of matter requires but a single claim, see *ex parte* Wheat, 16 O.G. 300.

The claim for a manufacture should set forth the essential qualities and the mode of making it, see *U.S. Nickel Co. v. Pendleton*, 24 O.G. 704. A manufacture must be claimed as a new product and independently of the process of making it, see *ex parte* Mayall, 4 O.G. 210.

The claim for an improvement upon a known art or machine must clearly state the exact improvement made, see *ex parte* McMurray, 8 O. G., 943; and must distinguish the new from the old, see *Brown v. Selby*, 2 Bissell, 459. It is not sufficient that persons skilled in the art can distinguish the im-

provement from the original invention, the claim itself must show it, see *Foxwell v. Bostock*, 10 L. T. Rep. N. S. 144.

Claims must be either generic or specific. A patent claiming the genus, dominates all subsequent patents claiming only the species, see *ex parte Ewart*, 17 O.G. 448. Generic claims do not cover functions results or effects, see *ex parte Beairs*, 16 O.G. 1233. An inventor of a species before anyone else invents the genus, or any other species, may claim the genus, see *ex parte Gardner*, 17 O.G. 626; but no patent with generic claims can be granted after one with a species, see *ex parte Upton*, 27 O. G. 99.

Patents for inventions are treated as a just reward to ingenious men, and as highly beneficial to the public. Specifications are, therefore, clearly entitled to a liberal construction, since they are granted, not as restrictions upon the rights of the community, but "to promote science and useful arts." *Blanchard v. Sprague*, 2 Storey, 164. Under the fair application of the rule "ut res magis valeat quam pereat," patents are, if practicable, to be interpreted so as to uphold and not destroy the right of the inventor, see *Turrill v. Railroad Company*, 1 Wall, 491.

A claim cannot be dissected and accepted or rejected piecemeal, but must stand or fall together, see *ex parte Smith*, 1 O. G. 403. A claim may be valid for what it claims, though it does not claim the full invention, see *Wilson v. Coon*, 19 O. G. 482; but a claim exceeding the limits of the actual invention is void, see *Milligan v. Lalance & Grosjean Mfg. Co.*, 29 O. G., 367.

When several claims are present in the specification, the presence of a void claim does not affect those which are good, unless there is an evident intention to mislead the public, or an unreasonable delay in filing a disclaimer, see *Tyler v. Galloway*, 22 O. G. 2072; *Christman v. Rumsey*, 17 O.G., 903; *Burdett v. Estey*, 15 O.G., 877.

TERMS AND HOW TO OBTAIN PATENTS.

Anyone having a device which he wishes protected by patent, should send us a comprehensive sketch, photograph, drawing, or model, together with a description. He should describe his invention in his own way and not endeavor to follow set forms. If the invention be complicated he should designate the operative parts in the sketch, drawing or photograph or model by letters or numerals and refer to them in the same way in his description. The more complete the sketch, the better we will be able to understand the invention.

A model is not required by the Patent Office, but it will often enable us to arrive at a clear understanding of a complicated invention in the shortest possible time. It is also use-





PRIVATE OFFICE OF MR. J. A. MARION.

ful in illustrating an invention. It need not be a working model. If an inventor has a model it would be best to send it to us by express or mail prepaid. *Inventors should take special care to mark their models plainly with their names and addresses in order that we may identify them.*

On receipt of a description, drawing or model (a special search not being desired by the applicant), we will, without charge, report if in our opinion the invention is patentable. (See **Opinion Free**, page 26.) He should mention the countries in which he desires to secure patents and remit \$20 per country, as a guarantee of good faith. (1) On receipt of this remittance we promptly prepare the formal application papers, which include the *petition, power of attorney, specification, claims, oath and drawings*, and forward them to the inventor for approval and execution. Our letter transmitting the formal papers gives explicit instructions as to the proper mode of execution and attestation.

If the papers are satisfactory, they should be formally executed and returned to us without delay. The balance of our fee—\$25 in simple cases—should accompany the executed papers. (See Schedule of Charges.)

SENDING ENGINEER TO FACTORY, SHOP, etc.

We are often called upon to prepare large cases requiring many sheets of drawings, such cases requiring the presence of our draughtsman at a mill or shop, in order to make the drawings from the machine itself; and in this class of cases we make an extra charge to cover the time of the draughtsman and his travelling expenses.

How to Remit.—The best way to send money is by draft, certified check, express package, express order, or post office order, payable to MARION & MARION.

How to Save Time.—If the inventor is satisfied that his invention is new and he desires his application filed as quickly as possible, without our examination and free opinion as to the patentability, or without the preliminary search for which our fee would be \$5.00, it will save a few days' time for the inventor, if in his first letter instructing us to proceed with the case, he will remit \$20.00. We will then at once prepare the requisite application papers, and forward them for execution. The balance should be enclosed with the executed papers and promptly returned to us.

(1) This sum is always required as a guarantee of good faith and is kept as an account on our fee in cases where applicants change their mind after the order is given, and decide not to file their application.

Don't Delay.—Inventors should file applications for Letters Patent without delay. Patents are awarded to the first inventor, and he is the first inventor who first conceives the idea, puts it into practical form and promptly declares his claim to it.

TIME REQUIRED TO OBTAIN A PATENT.

It is quite impossible to give the exact time required to secure the allowance of a patent. It depends on the amount of work in the division of the Patent Office to which the application is referred. There are many divisions, and they are more or less in arrears with their work. The usual time required, however, is from four to eight weeks, occasionally it requires a longer period.

We are very prompt with the preparation of the requisite papers and drawings. Every case is filed at the earliest moment, and is carefully watched until the patent is secured.

COURSE AND TREATMENT OF AN APPLICATION IN THE PATENT OFFICE.

When an application is received at the Patent Office, it is first inspected to determine if it is complete, and, if so, it is given a serial number and filing date, after which it is sent to that division containing inventions to which the subject-matter set forth in the application relates, where it is placed on file in the order of its receipt, awaiting its regular turn for action.

Owing to the many divisions in the Patent Office, and to the different amount and nature of the work in each, it is impossible for us to tell a client exactly *when* his case will be acted upon after filing; for the time may be anywhere from three weeks to two months, or more.

When the case is reached by the Principal Examiner in charge thereof, an examination is made of the formal portions of the application, to see if there are any informalities in the preparation of the same. If any informalities are found, they form the basis of the first action.

The application being in proper form to be considered on its merits, an examination is made of patents already issued in this and other countries, of prior printed publications, caveats, and other pending applications, to ascertain whether or not the claims are allowable or whether they should be rejected in whole or in part in view of the prior state of the art, the decision being embodied in an official communication which is sent to the solicitor having charge of the application.

An experienced attorney who desires to obtain for his client all to which he is entitled, has often a difficult task to perform upon receiving a rejection of the application; for such rejec-

tion may be for lack of invention, generally speaking, for anticipation by existing patents or printed publications, or possibly because the case is not thoroughly understood by the official making the examination.

It is then the duty of the attorney to examine carefully all the reasons which are urged against the granting of the application, to judge of the value of such objections, and to prepare such an amendment, if deemed necessary, as shall overcome such objections, submitting with the same such argument, as may be advisable.

If upon a rejection the attorney, from lack of interest, or skill or to get his fee with the least work, strikes out the claims rejected, whether or not they were properly refused, and thus procure an allowance upon the claims which the Examiner is willing to grant, because of their limited scope, or if he improperly and unwarrantably narrows the claims or makes them so specific as to be unobjectionable to the Patent Office, then the application so treated becomes of little or no value to the applicant when it issues as a patent.

In the preparation of the specification and claims, and also in amending the same, the attorney should carefully study the case, and, after ascertaining fully the scope of the invention and the novel elements thereof, he must designate them by general or broad rather than narrow and specific terms, giving to each claim a breadth and scope not otherwise obtainable under the present rulings of the courts.

If the attorney lacks skill and experience, he will be apt to designate the novel elements by specific terms which, while they fit the particular elements shown, yet are so narrow or of such limited application as to practically restrict the invention to the exact structure shown in the drawing of the patent.

After an amendment the application is again considered by the Examiner, who may again reject it in whole or in part, applicant's attorney, after each action, being entitled to again amend or present new arguments in behalf of applicant's position.

When the objections raised by the Examiner have been overcome by argument or amendment, the application is allowed.

In the United States Patent Office, after the same claims have been a second time or finally rejected upon the same references, an appeal may be taken from a decision of the Examiner to the Board of Examiners-in-chief by the payment of a fee of ten dollars, from whose decision an appeal lies to the Commissioner of Patents, and a further appeal lies from the Commissioner to the Court of Appeals for the District of Columbia.

We have found that a careful preparation of the application in the first instance, followed by painstaking and carefully studied amendments, will usually obtain for the inventor all that he is justly entitled to *without recourse to an appeal, with its extra expense.*

In some cases, however, applicant may be clearly entitled to the claims which the examiner refuses.

In such instances, we prepare and prosecute necessary appeals.

Our fee covers the preparation and filing of the application, and the adjustment of technical difficulties that may arise in the Patent Office, but not the prosecution of an application rejected on prior patents or other anticipations; in many instances, particularly in difficult and intricate cases, where many and complicated patents are cited by the Patent Office, we are obliged to make an extra charge for the time spent in the preparation of the necessary amendments and arguments, such charges in all cases, however, being as reasonable as possible. When an appeal is necessary our fee for preparing and prosecuting the same necessarily varies with the intricacy of the case.

EXTRA DRAWINGS.

During the preparation of an application for patent it sometimes becomes necessary to prepare more than one sheet of drawing to illustrate the invention as required by the rules and regulations of the Patent Office. In such cases the usual expense of filing an application is increased at the rate of \$5 to \$15.00 for each additional sheet of drawing required, according to the amount of work required on each sheet.

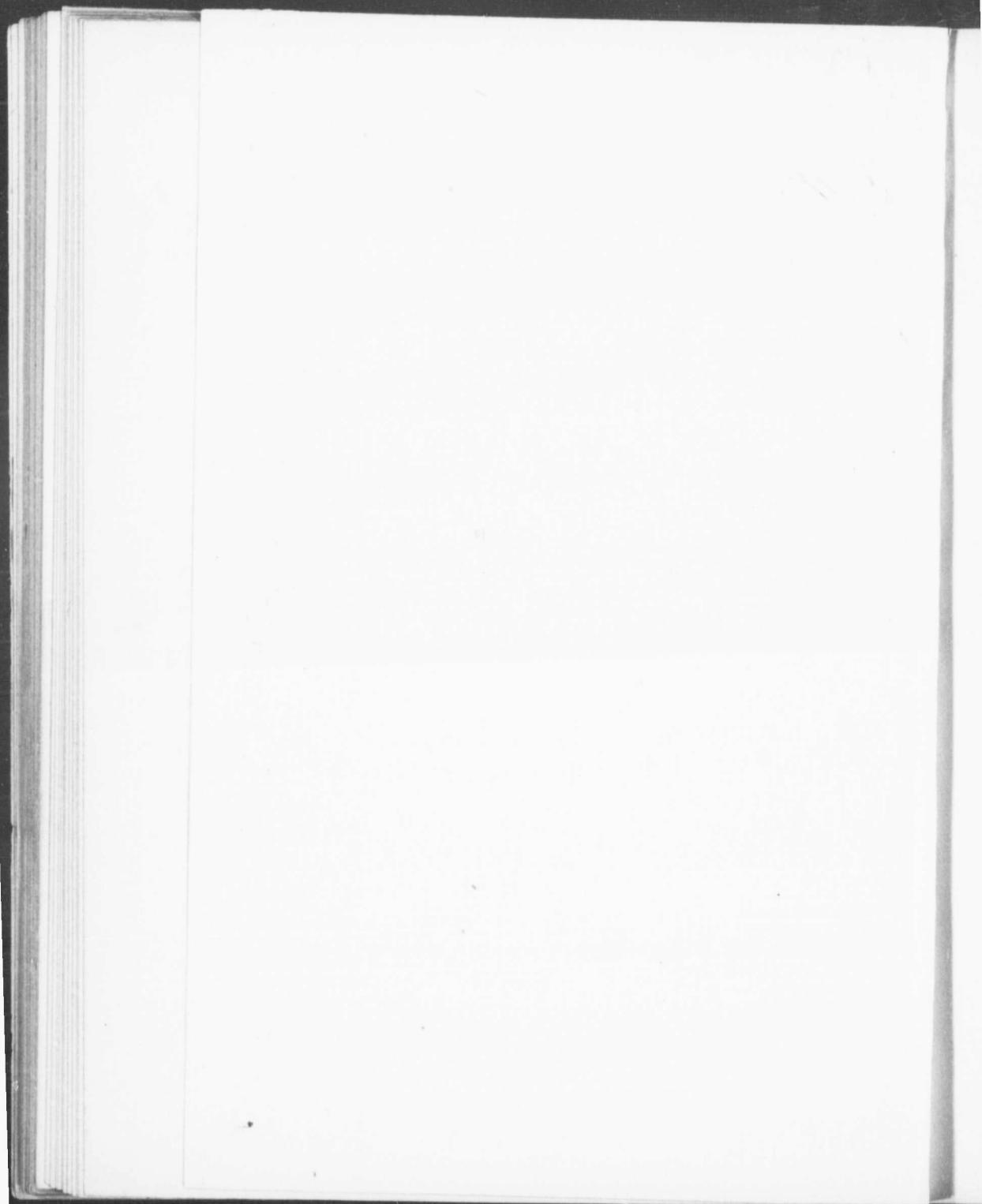
Our experience teaches us that it is money well spent to show every detail of an invention by large, clear, well executed drawings. By this means we facilitate examination in the Patent Office, and invariably secure the most satisfactory results in the shortest period of time.

EXTRA CHARGE FOR LONG AND DIFFICULT SPECIFICATIONS.

When the specification contains more than 1,500 words, an extra charge of \$0.50 will be made for each additional hundred words above that number.

CAVEATS.

UNITED STATES AND CANADA.—A caveat is a notice to the Patent Office of the applicants claim as inventor in order to prevent the grant of a patent to another person for the same invention without notice to the caveator. It comprises a



specification, oath, and when the nature of the case will admit, a drawing. It must be limited to a single invention or improvement. Canadian and United States caveats are granted to citizens or subjects of any country.

Whenever an inventor has conceived a general idea of an invention or improvement but requires time to perfect and mature the device or to complete its details, he should file a caveat to insure protection. Caveats are kept in the secret archives of the Patent Office, and afford protection for one year. They may be renewed at the end of the year for an additional year, and so on. A renewal fee must be paid in each instance. After a caveat has expired, if not renewed, it loses its protective effect.

The same exactness of description is not required in a caveat as in an application for patent, but the caveat must set forth with sufficient precision the object of the invention and its distinguishing characteristics.

The caveat does not enable the inventor to prevent other parties making, using, or selling the invention (a patent alone does this), and the fees paid thereon will not be applied as part fees for the subsequent application for patent.

Caveats are not assignable, but the inventions covered by them may be assigned.

Cost.—The total cost of a Canadian Caveat is usually \$15.00, while the cost of a United States Caveat is \$25.00.

PATENTS FOR RECIPES, USEFUL MIXTURES, ETC.

New compounds, and useful mixtures, recipes, etc., may be patented. A minute statement must be given of the exact proportions, methods and ingredients used in making a given quantity of the new article.

Cost.—The expenses to apply for a United States patent on a new composition or medical compound are, ordinarily \$40.00. (\$15.00 in advance for the Government, and \$25.00 for our work when the documents are approved by the inventor); when the patent is allowed \$20.00 more must be paid within six months; total expense, Government fees included, \$60.00. Our charge for preparing and filing an application for Canadian patent for a composition, recipe, etc., is usually \$40, Government fee of \$20 included for 6 years.

At the present time it is almost impossible to secure U. S. patents for medicines, and we therefore advise our clients to register Trade Marks.

TRADE-MARKS.

UNITED STATES.—Trade-marks may be registered in the Patent Office, whereupon the Government issues a certificate of registration.

A trade-mark is a name, symbol, device or emblem used by manufacturer or merchant to distinguish the article of merchandise which he produces or sells from that of others, in order that such merchandise may be known as his, and that he may secure the profits arising from its reputation or superiority.

The benefit of registry extends for a term of thirty years, and may be renewed for a further term of thirty years.

Registration at the Patent Office is public notice to the world that the party registering the trade-mark claims the same as his exclusive property.

A trade-mark consists of a distinctive or fanciful name or title for an article, or a device, design, or stamp, or combination thereof, applied to merchandise, or the envelopes or packages. We give advice as to whether any particular name is probably registerable.

Words that are merely *descriptive* of the article cannot be registered as trade-marks. The name adopted must be purely fanciful or arbitrary.

For example, the words "Yellow Washing Soap" cannot be registered. But the same words, if accompanied by a device or picture, such as a lion, might be registered. The words "Gold Pens" could not be registered as a trade-mark for use upon packages of gold pens; but the words "Bonanza Gold Pens" might be registered.

The cost to register a trade-mark in the United States is generally \$45.00, of which the Government fee is \$25.00, and our charge is \$20.00.

CANADA.—A Trade-Mark, within the meaning of the Act, is a **DISTINCTIVE AND ARBITRARY MARK** used by anyone to distinguish his goods from those of other people, and may be applied either to the article itself or to a box or receptacle for containing the same.

In Canada, Trade-Marks are under two heads; **SPECIFIC AND GENERAL.**

A *General* Trade-Mark is one used in connection with the sale of the various articles in which the proprietor deals in his trade, business, occupation or calling generally, and its term of registration is of unlimited duration. Cost: government fee \$30.00, our fee \$10.00, total \$40.00.

A *Specific* Trade-Mark is one used in connection with the sale of a particular class of merchandise. Its term of regis-

tration is limited to twenty-five years, but may be renewed before the expiration of that period for a further term of twenty-five years, and so on. Cost: government fee \$25.00; our fee \$10.00, total \$35.00.

If registration is refused, the government fee is refunded, less \$5.00.

It should be noted that mere descriptive words of quality and the like, used in their ordinary signification, may not be registered as a Trade-Mark, nor may geographical terms when descriptive of the place of manufacture.

Trade-Marks may be registered by any person, firm or corporation entitled to the exclusive use thereof, whether resident in Canada or not, and no suit is maintainable until a Trade-Mark is registered.

All registered Trade-Marks are assignable in Canada, and such assignments should be registered at Ottawa, in the Department of Agriculture (Trade-Mark and Copyright Branch). The time ordinarily required to register a Trade-Mark in Canada is four days.

Persons desiring to know whether certain words or devices have already been registered as a trade mark can procure the information without delay by application to Marion & Marion. Expense of search, \$5.00.

Those who desire to procure protection for trade marks are requested to communicate.

PRINTS AND LABELS.

UNITED STATES.—An Act of Congress provides that prints and labels may be registered in the United States Patent Office.

By the word "print" is meant any device, picture, word or words, figure or figures (not a trade mark), which is impressed or stamped directly upon the articles of manufacture to denote the name of the manufacturer or place of manufacture, style of goods, or other matter.

By the word "label" is meant a slip or piece of paper or other material to be attached in any manner to manufactured articles, or to bottles, boxes, or packages containing them and bearing an inscription (not a trade mark), as the name of the manufacturer or the place of manufacture, the quality of goods, directions for use, etc. Six copies of each print or label must be filed with the application, one of which will be returned certified to under the seal of the Commissioner of Patents. Such registration will continue in force for twenty-eight years.

The total cost for obtaining a certificate of registration is \$20.00. Registered prints and labels are assignable in writing. We prepare such assignments. Cost of preparation and recording, \$5.00.

CANADA.—In Canada, labels are protected by Trade Marks.

DESIGN PATENTS.

UNITED STATES.—The laws covering the granting of patents for new designs are of the most liberal and comprehensive character.

A patent for a design may be granted to any person, who has invented or produced any new and original design for the printing of woolen, silk, cotton, or other fabrics; or any new and original impression, ornament, pattern, print or picture to be printed, painted, cast or otherwise placed on or worked into any article of manufacture; or any new, useful and ornamental shape or configuration of any article of manufacture.

Design patents are not granted for mechanical or other inventions. The patentee of a machine may, in addition to the protection of his mechanical patent, also obtain a design patent upon any new ornaments or ornamental forms on his device.

The total cost of a design patent including one sheet of drawings is, in the United States:

Patent for three and a half years	\$35 00
Patent for seven years	40 00
Patent for fourteen years	55 00

Anyone desiring to secure a design patent should send full name and sketch or model of design accompanied by the requisite fee and information as to the length of time for which patent is desired.

CANADA.—Designs may be registered for a term of five years, renewable for a further term of five years, if such application be made before the expiry of the original term.

The Canadian law exacts that every design, in order to be protected, must be registered *before* publication, and that after registration, the name of the proprietor, the letters "Rd" and the year of registration shall appear on all articles protected by design patents, such as "Rd. 1904, by John Smith."

The applicant for a design patent must be a *resident of Canada*.

Penalties are provided for the fraudulent marking, as registered, of any article which is not registered.

COPYRIGHTS.

CANADA.—New books, maps, charts, musical compositions, paintings, drawings, statues, sculptures, photographs, prints,

engravings, etchings, etc., may be protected by Copyright.

Any person domiciled in Canada, or in any part of the British possessions, or any citizen of any country which has an International Copyright treaty with the United Kingdom, may obtain a Copyright in Canada.

The condition of obtaining such Copyright is: "That the said literary, scientific, or artistic works shall be printed and published or re-printed and re-published in Canada, or in the case of works of art, that they shall be produced or reproduced in Canada, whether they are so published or reproduced for the first time, or contemporaneously with or subsequent to publication or production elsewhere, but in no case shall the exclusive right in Canada continue to exist after it has expired elsewhere."

In this section "printed" and "published" are to be taken as synonymous.

The term of Copyright registration is 28 years, but may be extended for 14 years further on a second registration of the title within a year before the expiration of the first term, of which renewal notice must be given in the CANADA GAZETTE.

To secure a Canadian Copyright, send us four bound copies of your books with stiff covers, or four copies mounted on linen of any map, chart, drawing, photograph, or print.

UNITED STATES.—Copyrights are granted to authors, inventors or proprietors of any book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, painting, drawing, statuary, etc., for the term of 28 years.

The method of procedure is to record the printed title of the book, or printed description of the photograph, etc., in the office of the Librarian of Congress. This must be done before the book or composition is published. Two copies or specimens of the book or composition to be copyrighted must also be forwarded to the Librarian of Congress on or before the day of publication. If it is a work of art, a photograph thereof should be transmitted in the same manner. The printing of the book, etc., and the plates, etc., from which they are printed *must be* made in the United States, or the copyright is invalid.

Those who desire copyrights should send us their full name and residence, *title* of the book, map, dramatic or musical composition, cut, print or photograph, or a *description* of the painting, drawing or statue, and state whether they claim the right as author, designer or proprietor. The work itself need not be sent. The cost for obtaining a copyright is \$5.00 to U. S. citizens and \$6.50 to foreigners.

Copyrights may be secured for projected as well as for complete works. Each number of a *periodical* requires a separate copyright. The title of the periodical should include the date and number.

Copyrights are assignable in writing. Such assignments should be recorded in the office of the Librarian of Congress.

Copyright certificates will be sent to applicants as soon as they are received.

MARKING PATENTED ARTICLES.

All articles made or sold under a U. S. patent must be marked "PATENTED" together with the date of the patent. Where it is not practicable to mark every article, the package which contains them should be marked.

In Canada the neglect to mark a patented article subjects the patentee to a heavy fine—in Mexico, Switzerland and Japan to a forfeiture of certain rights. In no other country is such marking compulsory.

Patented articles should be marked as follows:—

AUSTRIA.	"O. P. Nr.——."
BELGIUM.	"Bte. No.——."
CANADA.	"Patented," followed by the year.
DENMARK.	"Dansk Patent No.——."
FRANCE.	"Bte. S. G. du G."
GERMANY.	"D. R. P. No.——," if for a Patent of invention.
GERMANY.	"D. R. G. M. No.——," if for a Use- ful Model Patent.
GREAT BRITAIN AND COLONIES.	
	"Patent No.——," and the year.
HUNGARY.	"Ung. P. No.——."
ITALY.	"Brevettato," followed by the number of the Volume and Folio of the Reg. Att. wherein the Patent is entered and the year. For instance, "Bre- vettato R. A. Vol. XXX., Fol. 30."
JAPAN.	Patent date and number in Japanese language.
LUXEMBURG.	"Luxbg. Pat. No.——."
NORWAY.	"Norsk Pat. No.——."
PORTUGAL.	"Privilegiado Pat. No.——."
RUSSIA.	"Patent No.——" (in the Russian Language).
SPAIN.	"Patentado en Espana No.——."
SWEDEN.	"Svenskt Pat. No.——."

SWITZERLAND. Federal Cross and number of patent.
SOUTH AMERICAN COUNTRIES AND MEXICO. "Privilegiado en (name of country) No. ———."

UNITED STATES. "Patented," followed by the day and the year.

COMMONWEALTH OF AUSTRALIA. "Patented," followed by the day and the year the patent was granted.

ASSOCIATE WORK FOR ATTORNEYS OUTSIDE OF WASHINGTON.

We give special attention to this branch of the business. We shall faithfully represent attorneys outside of the city who cannot conveniently obtain speedy and ready access to necessary records, and whose pending applications need personal interviews and prosecution before the several Divisions of the Examining Corps. Attorneys are loath to entrust their work to representatives because they have often suffered from the inattention, negligence and inaccuracy of those with whom they have had dealings. We shall endeavour to prevent any cause for complaint of this description.

In work of this class we shall be willing to confer with anyone, either orally or by correspondence, with a view to arriving at a mutually beneficial agreement, both as to manner of conducting the business and as to fees.

Attorneys doing business with us will find our offices always ready for their accommodation when visiting at Washington or Montreal, and facilities will be afforded them for accelerating their business.

CANADA.

NOTES ON PATENT LAW.

WHO MAY BE PATENTEE.—The actual and true inventor, his assigns or his legal representatives. Joint inventors may obtain a joint patent. The patent may be issued to the inventor alone, or to the inventor and his assignees, or to his assignees alone, but the inventor must sign the papers in all cases, if he be alive. If the inventor be dead his assignee or legal representative may sign, stating in the oath that he believes that the inventor was the true and first inventor.

PATENTS, KIND AND TERM.—Patents of Invention are granted for eighteen years, subject to the payment of prescribed fees and proper working of the invention. Extensions can only be obtained by special legislative act. Caveats may be filed by any intending applicant for a patent who has not yet perfected his invention, and the same will remain in force for one year. There is no provision for the renewal of Caveats.

UNPATENTABLE.—Inventions which have an illicit object in view, or any mere scientific principle or abstract theory.

NOVELTY, EFFECT OF PRIOR PATENT OR PUBLICATION.—To obtain a valid patent, the application must be filed before the invention has been in public use or on sale in Canada, with the consent or allowance of the inventor thereof, for more than one year, and in case a foreign patent for the same invention exists, before the expiration of twelve months from the date of such foreign patent. Section 16 of the law empowers the Commissioner of Patents to object to the grant of a patent for an invention which has been described in a book or other printed publication before the date of the application, or that is otherwise in possession of the public.

TAXES.—A fee of \$20.00 must be paid to the Patent Office upon filing the application, a second tax of \$20.00 is payable before the expiration of the sixth year of the life of the patent, and a further tax of \$20.00 before the expiration of the twelfth year. No prolongation of time for making these payments can be obtained.

Marion & Marion
Consulting Engineers | Ingénieurs, Consultants,
AND PATENT EXPERTS. | ET EXPERTS EN BREVETS
MONTREAL, CAN.



59629

To all to whom these presents shall come

Whereas Joseph Marie Duroelle, of the City
of Quebec, Province of Quebec, Gentleman,

has applied and the Commission of Patents, acting for the grant of a Patent for—all kind
and useful improvements in road rollers

description of which invention is contained in the specification of which a duplicate is
to be made published and made accessible for perusal and has selected his domicile at
Montreal, Province of Quebec, in Canada, and has
also complied with the other requirements of the Patent Act of the Dominion of
Canada and the Acts amending the same

Now Therefore the several Patents granted the said

Joseph Marie Duroelle

do hereby create, administer, legal representatives and assigns for the period of
eighteen years from the date of these presents the exclusive right, privilege and liberty of
making, constructing and using and vending to others to be used in the Dominion
of Canada, the said invention, subject nevertheless to such conditions before any court
of competent jurisdiction

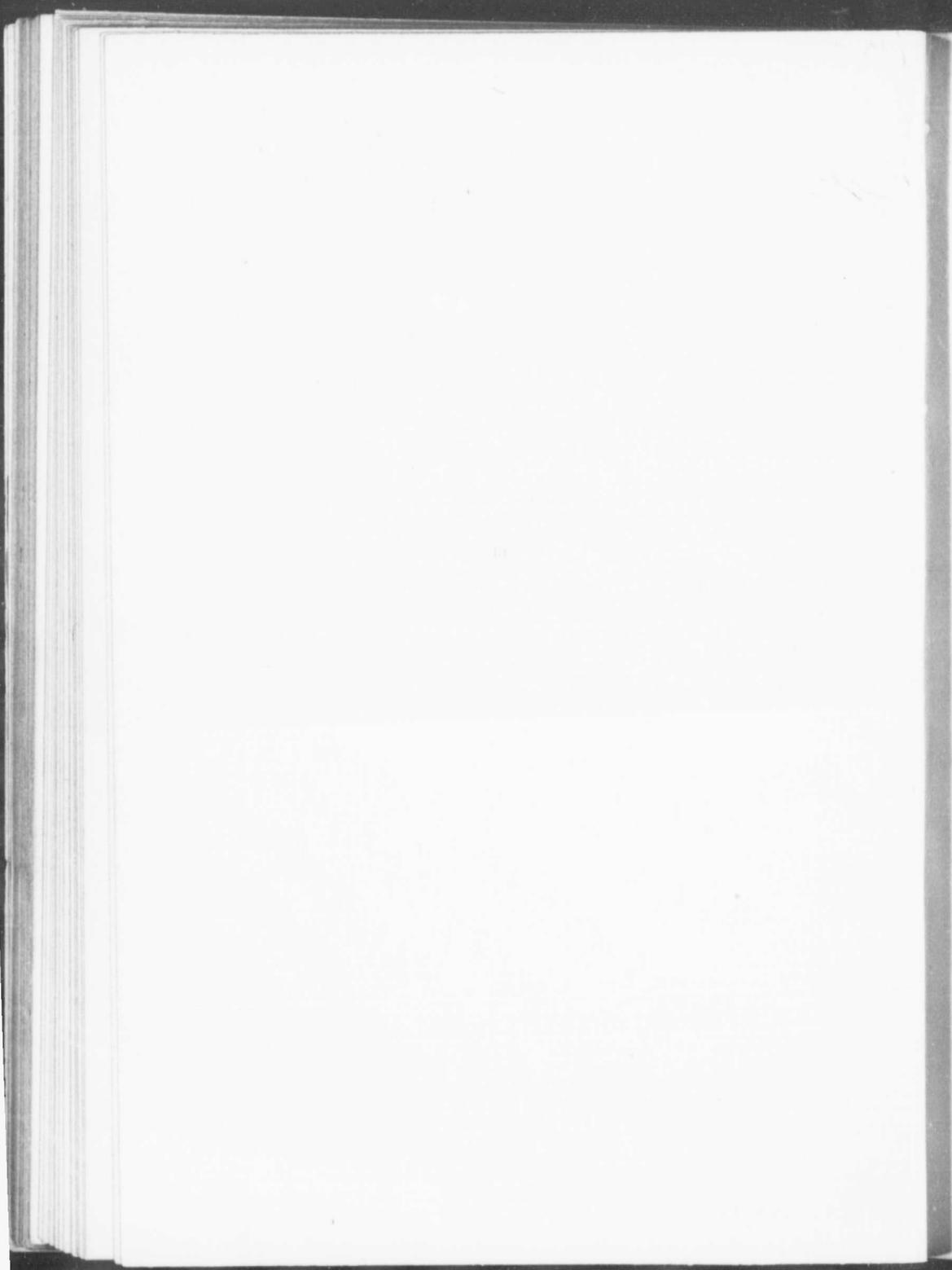
Provided, that the grant hereby made is subject to the conditions contained in
the Acts aforesaid.

The partial fee required for the term of 24 years having been paid to the
Commissioner of Patents, this Patent shall cease at the end of 24 years from date
before the expiration of the said term, the holder thereof paying the fee required for
the term 24 years provided by law.

In Testimony Whereof, I have hereunto set my hand
and caused the Seal of the Patent Office to be hereunto
affixed at the City of Ottawa in the Dominion of Canada
this 22nd day of August 1898 in the
year of our Lord one thousand eight hundred and
ninety eight

Comptroller in Charge of Patents

REPRODUCTION OF A CANADIAN PATENT GRANT.



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WORKING.—The patent will be void at the end of *two* years, unless within that period the working of the invention shall have been commenced; and, after such commencement the construction or manufacture of the invention must be continuously carried on in Canada, in such manner that any person desiring to use it may obtain it, or cause it to be made for him, at a reasonable price, at some manufactory or establishment for making or constructing it in Canada. This term of two years may, in special cases, be extended for one or two years upon application, which must be made not more than three months before the expiration of the two year period, and must contain a statement under oath of the reasons upon which the application is based.

It is considered by good authorities that the actual and continuous manufacture of the patented invention is not necessary to constitute a legal working, and it is still the practice to work the patent by concluding arrangements with some agent or manufacturer who will be prepared to make the patented articles, and then to advertise that they can be obtained on application to the said agent or manufacturer.

We arrange with manufacturers, agents, etc., insert the required advertisement in French and English newspapers, and furnish marked copies of papers containing the advertisement for a sum of \$20.00.

COMPULSORY LICENSE SYSTEM.—The proprietor of a Canadian patent may, within six months from date of same, apply for an order from the Commissioner of Patents, relieving him of the obligation to manufacture the patented invention, and subjecting him instead to conditions of Compulsory License.

It is the present practice of the Commissioner, however, to subject to the License System only such patents granted for inventions which are according to custom manufactured to order, or which cannot practically be manufactured in advance to be offered for sale.

MARKING PATENTED ARTICLES.—Patented articles must be marked or stamped with the words "Patented" together with the year of the date of the patent; as, for instance, "Patented 1904," as the case may be.

IMPORTATION OF PATENTED ARTICLES.—If the patentee or his assigns, or his or their representatives, after the expiration of *twelve months* from the grant of the patent (or any authorized extension of this time), imports the invention or causes the same to be imported into Canada, the patent will become void as to the interest of the person or persons so importing or causing the invention to be imported. The term for importing may usually be extended for a further period of 12 months, by making proper application.

OUR FEE for obtaining an extension of time to import is \$5.00.

COST OF CANADIAN PATENTS.

1. Government fee payable in advance.. . . .	\$20 00
2. Our fee, payable after all the documents and drawings have been approved by the inventor	25 00
	\$45 00
Total..	\$45 00

This cost is based upon the labor and time involved in preparing and filing an application for Letters Patent for an ordinary simple invention, by which is meant one which can be illustrated upon a single sheet of drawing and described in less than 1,500 words of specification. As a general rule inventions come within this class. But if the invention be of a complicated character, there is a moderate additional charge for drawings, the cost of which is \$5.00 to \$15.00 per sheet, and also \$0.50 per extra hundred words of specification over 1,500 words, this being just sufficient to compensate us for the additional time and work necessarily involved.

MEDICAL COMPOUNDS, RECIPES, ETC.

New medicines or compounds and useful mixtures, recipes, etc., may be patented in Canada. A minute statement must be given of the exact proportions, methods and ingredients used in making a given quantity of the new article. The cost of patents for compounds is generally \$40. Twenty dollars must accompany the order and the balance is due when the papers are ready for the inventor's signature.

PATENT APPLIED FOR.

The above brand is often found on articles sold on the market, and all applicants for a patent have a right to use it if they wish to engage in the sale of their invention while the application is pending. While we always advise our clients to defer taking any step to introduce their inventions till the patent is secured, because of the danger of giving an advantage to unscrupulous persons, there are certain inventors who seem content to take such risks, and to such we would say: Be sure and put "Patent Pending" or "Patent Applied For" on your invention before introducing it to the market.

The extensive manufacture and disclosure of your invention, while the application is pending, is likely to cause you

to lose the right of obtaining foreign patents thereon, as some one, seeing your invention on the market, may proceed to patent it in foreign countries; for under the practice of some of the countries in Europe, the *first applicant*, whether the inventor or not, is entitled to the patent. You will have plenty of time, after the patent is formally issued, in which to have samples of the invention made and the invention introduced, and you can do so then with perfect safety.

INTERFERENCES.

UNITED STATES.—An interference is a proceeding instituted for the purpose of determining the question of priority of invention between two or more parties claiming substantially the same patentable invention. The fact that one of the parties has already obtained a patent will not prevent an interference, for although the Commissioner has no power to cancel a patent, he may grant another patent for the same invention to a person who proves to be the prior inventor.

After the declaration of interference, each party is required to file a preliminary statement, which must be sworn to, setting out when he first conceived the invention; first disclosed it to others; first made a drawing or model, and first made a practical test. The testimony of witnesses should be taken to thoroughly cover these points. Each party is bound by the averments contained in his preliminary statement and cannot prove the date of invention to be prior to that set out therein. The case is argued by counsel and decided by the Patent Office on the argument and evidence submitted. The patent is awarded to the first inventor.

We desire to call special attention to a peculiarity in the decisions of the United States Patent Office in interference cases which should be borne in mind by our clients, many of whom reside in Canada and countries foreign to the United States. In interferences between two or more applications, pending in the United States Patent Office between applicants, one of whom is a resident of the United States and one a resident of a foreign country, the resident of the United States may prove reduction to practice before the date of filing his United States application and obtain the benefit of such earlier date, but the foreign inventor is limited to the date of filing his United States application. "The filing of a complete application is a constructive reduction to practice." (Croskey vs. Atterbury Comrs. Decisions 1896, p. 437).

"In the case of an invention made in the United States, the date of conception may be carried back to the instant when the inventor can be shown to have first clearly apprehended

his idea of means; in the foreign invention only to the moment when some person to whom the conception was familiar came within the area of the United States. Where both inventive acts have been performed abroad and neither has been patented, the date of the first application in the United States is held to fix the date of first conception; while if one has been patented, the other not, the former has priority; and if both have been patented the date of the first patent is the date of first conception. In all these cases, however, the definition and requisite of the conception remain the same." That is, the mental part of the inventive act must be complete. Robinson on patents, Section 332. "The date of a foreign invention cannot be earlier than the knowledge of the invention by samples or otherwise in the United States." Hovey v. Hofeland, 2 O. G., 493.

Therefore it is important, if our clients are working upon inventions which they intend to patent in the United States, that they file their United States applications at as early a date as possible, so that they may obtain the benefit of such earlier filing date in the event of a possible interference.

We call attention to this matter, not that interferences are frequent, but that we may fully inform those who are interested as to the law covering such cases when they arise.

In our experience, very few of our applications are ever placed in interference with applications filed by others, and in ordinary cases, our clients need have but little fear of interference proceedings being instituted. The law on the subject, however, is interesting as applied by the United States Patent Office and Courts, and a knowledge of these decisions may be valuable to our clients.

Experienced counsel is required for the successful conduct of interference cases as great skill and experience is necessary. Too much care cannot be taken in the preparation of the papers and in the handling of the case from its inception to its termination.

We cannot state with certainty the charges and expenses in interferences as they vary with each case.

CANADA.—In Canada, the question of priority of invention is decided by arbitration or by the Exchequer Court. If by arbitration, the parties thereto share the cost, and there is no appeal; if by the Exchequer Court, the loser generally pays the costs.

ASSIGNMENTS, ETC.

An inventor may have the Patent for his invention issued jointly to himself and another party or parties, or solely to

such other party or parties, by executing and registering in the Patent Office, before the issue of the Patent, a suitable assignment.

Care is required in the preparation of assignments of Patents, especially as some of the published forms are seriously defective.

Assignments, special agreements, licenses and other such documents require special knowledge and care in their preparation, and many inventors and licensees have found themselves deprived of their rights through carelessness in not seeing that such papers must be drawn up by competent practitioners.

All assignments made after the issue of a Patent should be promptly registered by the assignee in the Patent Office, so as to avoid any trouble through prior registration of a subsequent assignment.

Our charge for preparing and registering an ordinary assignment is \$5.00.

ROYALTIES AND LICENSES.

Royalty means a certain sum of money paid for the privilege of manufacturing or producing an article protected by a patent or copyright. The usual plan is to pay a designated amount on each article or number of articles made.

Under what are usually called "licenses" a like privilege in a particular town, city, country, or state, is granted in consideration of a definite sum. Licenses should be written or printed and properly signed. The words royalty and license are frequently used to indicate the same thing.

Granting the right to manufacture or produce on royalty is frequently preferred to the outright sale of a patent, as it usually brings in a constant and increasing revenue. Our charge for preparing royalty deeds and licenses is generally \$10.00.

REJECTED CASES.

It was once said by an old and able solicitor that the hall of rejected models in the U. S. Patent Office contained more *invention* than the halls wherein the patent models were placed on exhibition. Yet he was not censuring either the Patent Office or its Examiners.

The law upon the subject of patenting inventions is not always liberally construed; and the technical rules thereunder evolved and applied by the scrutinizing officials of the Patent Office—each in his own interpretation—are usually strict and, sometimes, harsh; and the actions of the Office under these rules are, of necessity—on account of the great press of work—of the shortest and most decisive character, and are often utterly incomprehensible to the applicant, in whose mind the deciding official is pictured as a man whose time is unlimited, whose patience is inexhaustible, and whose learning, wisdom and sound judgment are not to be questioned.

Inventors are usually modest; and, often, would hesitate to bring their devices to the notice of the Patent Office were it not that they are spurred on by their friends. When, therefore, an official letter is received stating, curtly, that the invention claimed is anticipated by the patents of "Brown" and "Smith" in view of the patent to "Jones," and that the application is therefore rejected and a patent refused,—the applicant is apt to say to himself, "That settles it. I thought my invention was a good thing, and new and worthy of a patent; but if the Commissioner writes in that way about it, of course, I shall give it up."

But suppose the applicant has some curiosity; or has received encouragement from some one who knows of his invention; and, after examining the grounds of rejection, finds that his machine is shown in no one of the patents referred to, and writes to the office to that effect. If, in reply, he should get a letter stating that "Smith shows a wheel like his, and Brown a receptacle," which, taken in view of the levers shown in Jones' patent, form "a full anticipation of his supposed in-

vention; that while it is true, a difference exists, it is colorable only, is within the province of the mechanic, and does not rise to the dignity of invention, and that his application is, therefore, a second time rejected,"—would it not be natural for him to feel very small, and utterly quenched, by this dictum of the great Patent Office?

Official actions of this character are quite common, and difficult to handle.

The law, as construed in the courts, and exhaustively discussed in cases laid open in full view of the state of the art, does not authorize the Office to grant a patent on a device because it is novel. The judicial requirement is, that the device must have been *invented*—that is, must possess invention. One of the most useful articles ever put on the market is the rubber-tipped lead pencil; and yet the patent for it, on suit in court, was declared of no force—because *there was no invention in the device*. Considering the usefulness and success of this meritorious conjunction, it is not impossible to believe that, if the court could decide on the validity of the patent, it would reverse the former opinion. But, unfortunately, the court was of last resort; and the decision remains, and takes its share in guiding the officials of the Patent Office in their work upon new applications—each examiner applying the precedent as his mental equipment may dictate.

And the Office holds that before a patent can be granted upon an invention, it must appear to be "sufficiently useful and important," as required by the statute. Who is the judge of this? The Examiner alone decides it—each for himself—and, as there are numerous examiners, each having his own special class of inventions, it is obvious that the amount of "usefulness and importance" required in different cases will vary as widely as the mental characteristics of the examiners themselves.

The doctrine of "double use" is fruitful of rejections of applications for patent. It has been decided, by high authority, that "a new application of an old device can be pronounced 'a double use' only when it is used in substantially the same way, or with no modification which requires more than ordinary skill; and that "when *adaptation* is required to secure the new result, invention is presumed; and the new organization may be patented." Where is the judge who decides whether the modification requires *more than ordinary skill*, or whether there is or is not adaptation? These questions are decided in the mind of the Examiner—technically well versed in the **state of the art**, but—as a rule—without practical experience, to any extent, in the line whereon his decision is made. The province of mech-

anical skill varies in its scope with each Examiner ; and it often varies in the same Examiner, with reference to inventions in different arts under his decision in the Patent Office. "Adaptation"—often the main feature of invention—may receive but little consideration, until its bearing is forcibly pointed out by some one skilled in the art.

Mr. Justice Blatchford, one of the most able jurists, who has had very extended experience in patent cases, said this: "There is scarcely a patent granted that does not involve the application of an old thing to a new use; and that does not, in one sense, fail to involve anything else, but the merit consists in being the first to make the application, and the first to show how it can be made, and the first to show that there is utility in making it."

It is commonly supposed that a simple device is easily patented. It will be readily seen that it is an erroneous idea. It is very difficult to see *invention* in a simple solution of a difficulty, after the plan of solution has been pointed out. A complicated solution requires study, and therefore appears more meritorious; whereas, the contrary is true, and it should be so recognized.

Other difficulties meet the inventor in prosecuting his application as to whether his claim presents a true *combination* which is patentable as an invention, or is merely an *aggregation*, involving good judgment. Applications for improvements in wrenches are especially unlucky in this respect. Yet there is not a perfect wrench on the market; and inventions in this line should receive liberal consideration.

In one case, the Commissioner said: "This wrench, as a whole, probably embodies more points of excellence and is therefore a more perfect instrument than any wrench exhibited by any one of the references cited by the office." And yet he rejects the claim embodying such points as not being a patentable combination. A *combination* has been defined to be "a union, in one thing, of several elements, each of which modified the action of *some* of the others. An *aggregation* is an assemblage of parts which have no mutual operation upon each other." The former, if novel, is usually held to be patentable; while a claim to the latter is not regarded, under the present practice, as patentable.

So, also, a claim may be regarded as being, technically "functional," or it may be "vague," or the drawings may be "insufficient" or incorrect. Very often neither the inventor nor his attorney can understand drawings, and they rely upon the work of an ordinary draughtsman who has no idea of the mat-

ter further than to follow (often incorrectly) a crude model or sketch. When such a drawing comes before an official examiner, it may be readily seen that there will be "insufficiency" found somewhere. The Patent Examiner studies over the device, and finally concludes that, *as drawn*, "the thing won't work." The inventor *knows* that the thing itself *will* work. The attorney, if no engineer, may be divided in opinion; and for the draughtsman himself, he knows nothing about it whatever.

Yet there have been cases presented to the Office with the devices actually drawn "hind part before" and in absurd and impracticable juxtaposition; when the draughtsman, not understanding the matter, got the parts together in position; and patents have been granted thereon by scientific officials, because, of course, the absurd-looking devices were *new*; and if it did not involve invention to get them up in that shape, what did it involve? Yet the inventors themselves thought the patents all right, until parties capable of reading drawings explained the faults.

The technical requirements of the Office are numerous, and many of them difficult of comprehension by the general public. It is rare that an inventor can so prepare his specifications and drawings as to meet these requirements; and if he should, happily, pass through the reefs of informality, he may be shipwrecked at last through the operation of an unsound claim.

If, therefore, one has made an invention of sound character, and his application for patent has been rejected or adversely received, he should remember that the Office does not pretend to be infallible, and that its Examiners are overburdened with work. He should therefore have the matter looked into by competent counsel, and he will, as a rule, obtain all that the Examiner, in his discretion, upon a proper showing can give him.

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When an inventor addresses us on the subject of his rejected case, delay will be saved by enclosing a power of attorney, as per following form.

Remember we have a Branch Office in Washington, by means of which the business can be personally attended to before the U. S. Patent Office.

POWER OF ATTORNEY.

(IN REJECTED CASES.)

To the Commissioner of Patents:

The undersigned, having on or about... 190..., made application for Letters Patent for improvements in

(Serial No. ...) hereby appoints the firm of Marion & Marion, composed of J. A. Marion and J. W. Marion, of Montreal, Canada, and Washington, D. C., U. S. A., his attorneys, with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to sign the drawings, to receive the patent, and to transact all business in the Patent Office connected therewith, hereby revoking all powers of attorney heretofore given.

Signed at... in the County of... Province or State of..., this... day of... 190....

Witness: (Inventor sign full name here.)

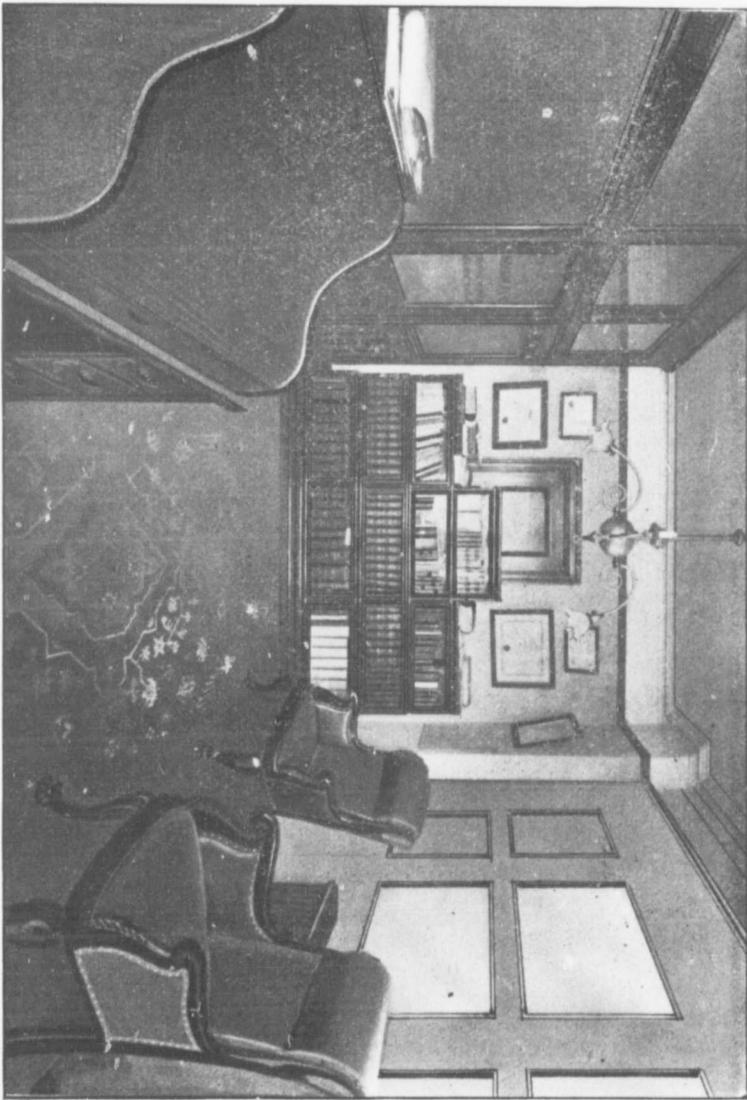
REISSUES.

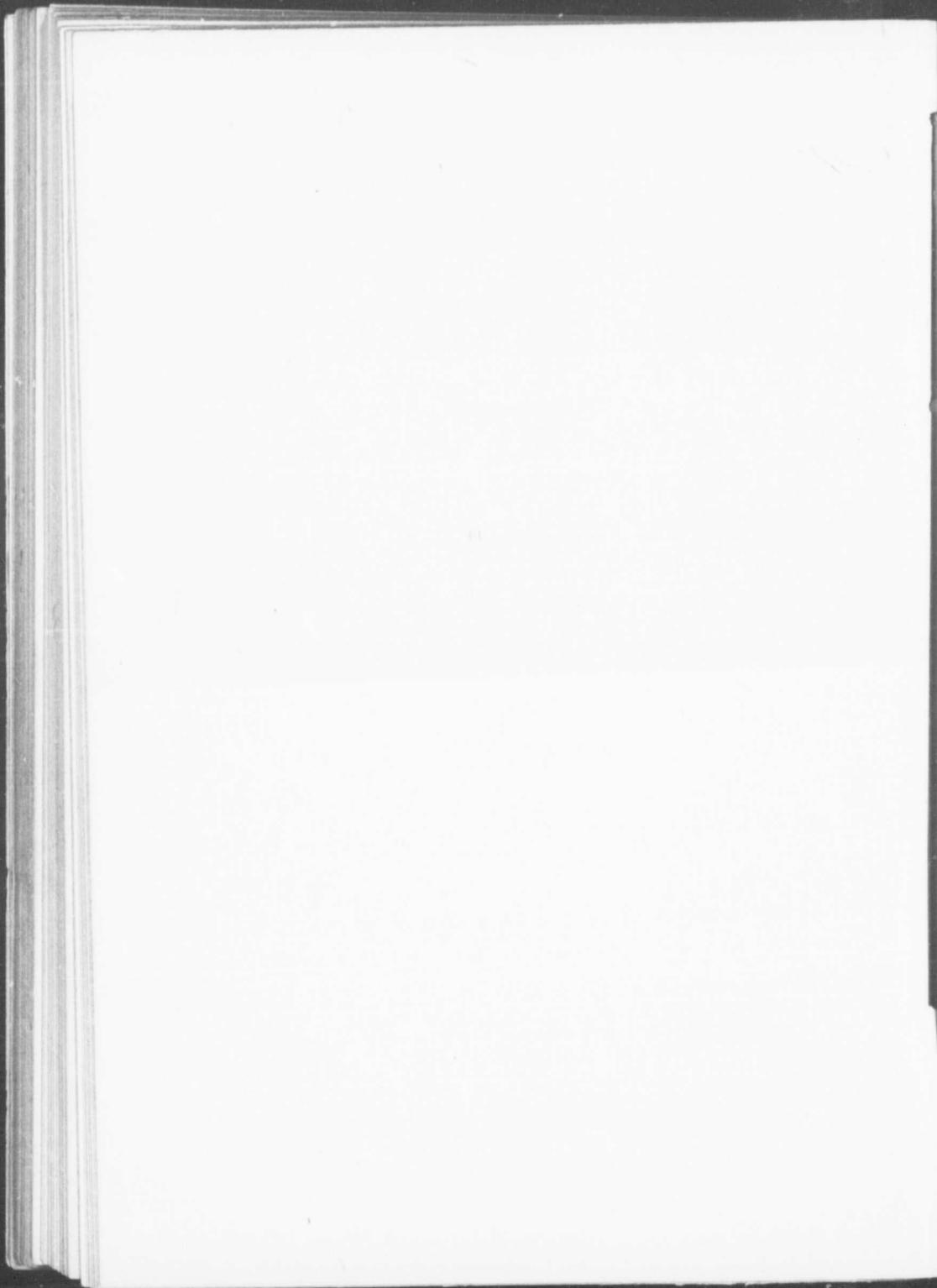
A reissue is granted whenever the original patent is inoperative or invalid by reason of an insufficient or defective specification, provided the error has arisen through inadvertence, accident, or mistake, without any fraudulent intent.

The Supreme Court of the United States has decided that it is now well-settled law that to warrant new or broader claims in a reissue, such claims must not only be indicated in the

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.....

(Serial No.) hereby appoints the firm of Marion & Marion, composed of J. A. Marion and J. W. Marion, of Montreal, Canada, and Washington, D. C., U. S. A., his attorneys, with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to sign the drawings, to receive the patent, and to transact all business in the Patent Office connected therewith, hereby revoking all powers of attorney heretofore given.

Signed at....., in the County of.....
Province or State of....., this.....day of
....., 190....

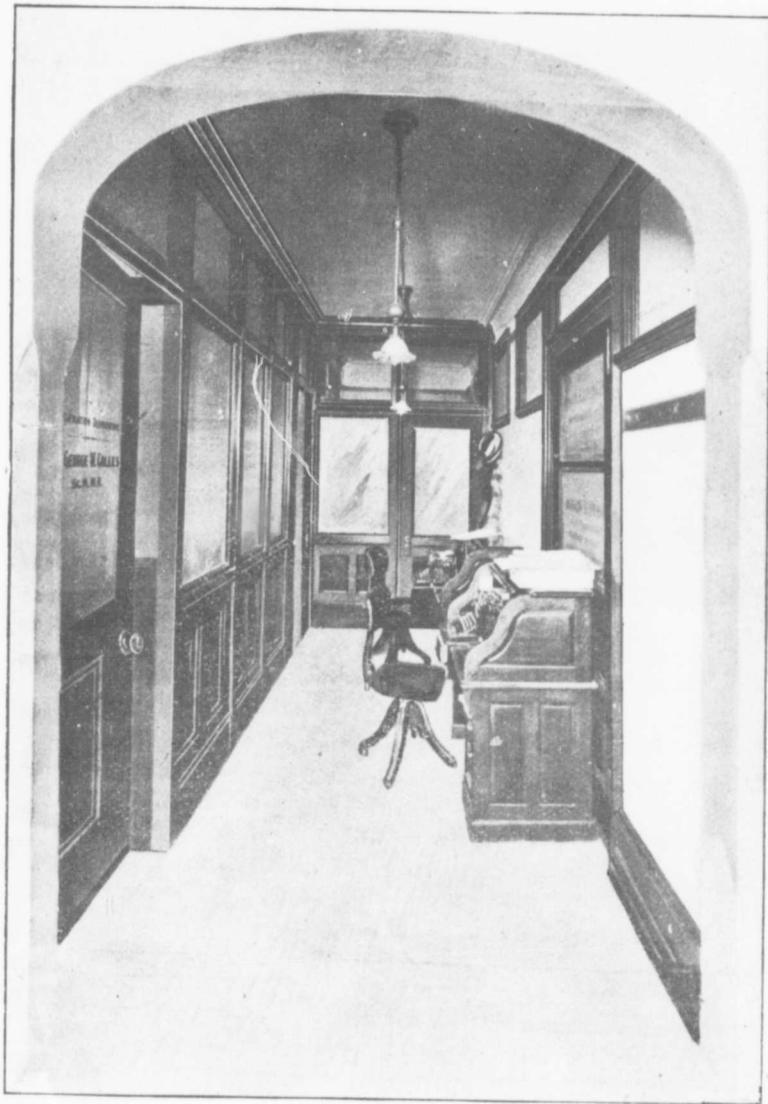
Witness:

(Inventor sign full name here.)

REISSUES.

A reissue is granted whenever the original patent is inoperative or invalid by reason of an insufficient or defective specification, provided the error has arisen through inadvertence, accident, or mistake, without any fraudulent intent.

The Supreme Court of the United States has decided that it is now well-settled law that to warrant new or broader claims in a reissue, such claims must not only be indicated in the



STENOGRAPHERS DEPARTMENT.

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original application, but it must further appear (1) that they constituted a part of the original invention and (2) were sought and intended to be covered or secured by the original patent.

(Corbin Lock Co. vs. Eagle Lock Co., 65 O. G., 1066).

This is in accord with the decision of the Supreme Court in *Mahn v. Hanwood* 30 O. G., p. 657, that "the claim actually made operates in law as a disclaimer of what is not claimed."

In fact, the tenor of all the recent decisions only emphasizes more and more strongly the necessity of careful and skilful preparation and prosecution of the original application. Inventors should bear this in mind when they are tempted to employ any attorney whose chief recommendation is that he will do the work for a low fee. Cheap services are the most costly in the end. Rule 17 of the Official Rules of Practice contains the following:

"An applicant is advised to employ a competent attorney, as the value of patents depends largely upon the skilful preparation of the specification and claims."

INFORMAL OR INCOMPLETE APPLICATIONS.

Many applications, especially those prepared by unskilled persons, are objected to by the Patent Office as informal, meaning, not prepared in accordance with the prescribed forms; or as incomplete, meaning, lacking some one of the elements required by the statute to form a complete application. The most common defects we find are failure to draw formal claims, or to provide proper drawings.

If you will send us a power of the form shown in page 64 we will examine your application free of charge, and will let you know what we should charge you to put it through the Patent Office, should you wish us to do so.

APPEALS.

UNITED STATES.—If the Patent Office Examiner refuses to allow a patent, three distinct appeals are made available to the applicant, namely:—

First.—An appeal from the Primary Examiner to the Board of Examiners-in-Chief, which is a tribunal composed of three experienced Examiners. This tribunal carefully reviews the record of the application, and either affirms or reverses the decision of the Primary Examiner. The Government fee for this appeal is \$10.

Second.—In the event of an adverse decision by the Board of Examiners-in-Chief, appeal may be taken to the Commissioner

of Patents in person, and the Government fee required for this appeal is \$20.00.

Third.—From the adverse decision of the Commissioner of Patents, an appeal may be taken to the Court of Appeals of the District of Columbia. The expense of this last appeal is considerable.

CANADA.—In Canada, when an Examiner refuses to allow a patent, the applicant may appeal to the Commissioner (generally represented by his Deputy), and if the Commissioner also refuses the patent, a further appeal to the Governor-in-Council, is available.

INFRINGEMENTS.

Infringement, as that word is used in patent litigation, is defined as consisting in the *use, sale or manufacture* of something already patented, to the injury of the patentee; and the question of infringement is involved in almost all such litigation.

The granting of a patent does not insure that the invention covered thereby can be made without infringing a prior patent, as an improvement may be novel and therefore entitled to a patent, and still it may be impossible to manufacture the improvement without making use of another patented device.

The Patent Office has no jurisdiction in infringement cases. They are particularly for the Courts. There can be no infringement until the patent issues, as it is the patent which is infringed and not the invention. Nor can there be an infringement of an expired patent as the public has the right to make use of it; nor of an invalid patent.

Before beginning a suit for infringement the complaining party should have a thorough investigation of the Patent Office records made and its patents carefully examined, to ascertain if he can sustain his suit. Expensive and disastrous litigation can often be prevented in this way; or if suit is commenced, it is with reasonable assurances of success.

Every patentee or manufacturer, before investing in costly machinery, or buying an extensive plant for the manufacture of a patented article, should know whether he is liable to be closed up by an injunction and held responsible in damages at the suit of a prior patentee. And this information can only be ascertained by an "infringement search" of the Patent Office Records. All analogous prior patents must be examined and carefully considered in relation to the patent under investigation. This examination should only be made by experienced and skillful patent solicitors, as fortunes may depend upon their decision.

We are prepared to make these searches and examinations in a most thorough manner and to give reliable and trustworthy opinions. Our charges are moderate.

COPIES OF PATENTS.

Printed copies of patents are obtainable in due course in the following States. A printed copy is issued in each Patent Deed. We obtain and send copies (number and year being given us), including postage, at the following rates:—

United States.. . . .	\$0.10	Australia.. . . .	\$1.00
Great Britain.. . . .	0.50	Hungary.. . . .	1.00
France.. . . .	0.75	Sweden.. . . .	1.00
Germany.. . . .	0.75	Norway.. . . .	1.00
Russia.. . . .	1.00	Denmark.. . . .	1.00
Switzerland.. . . .	0.75		

In other countries manuscript copies according to length.

CANADIAN PATENTS are not printed by the Government, and the cost of a manuscript copy of specification and drawing is generally \$4.00. Estimates of cost furnished upon receipt of the number of the patent of which a copy is desired.

If the patentee's name, the date of the patent, or its number are unknown, we will, if desired, carefully search for the patent described in the order, but we must have before us, in making such a search, a print or illustration of the invention. For the time occupied in making this search we generally charge \$2.00.

All payments for copies of patents must be made in advance, as we cannot send them C. O. D. Much time will be saved if these instructions are carefully followed.

WILL IT PAY?

"Will it pay?" As a general rule, every patentable improvement will more than repay the small cost of taking out the patent. The sale of a single machine, or of a single right of use, will often bring back more than the whole outlay for the patent.

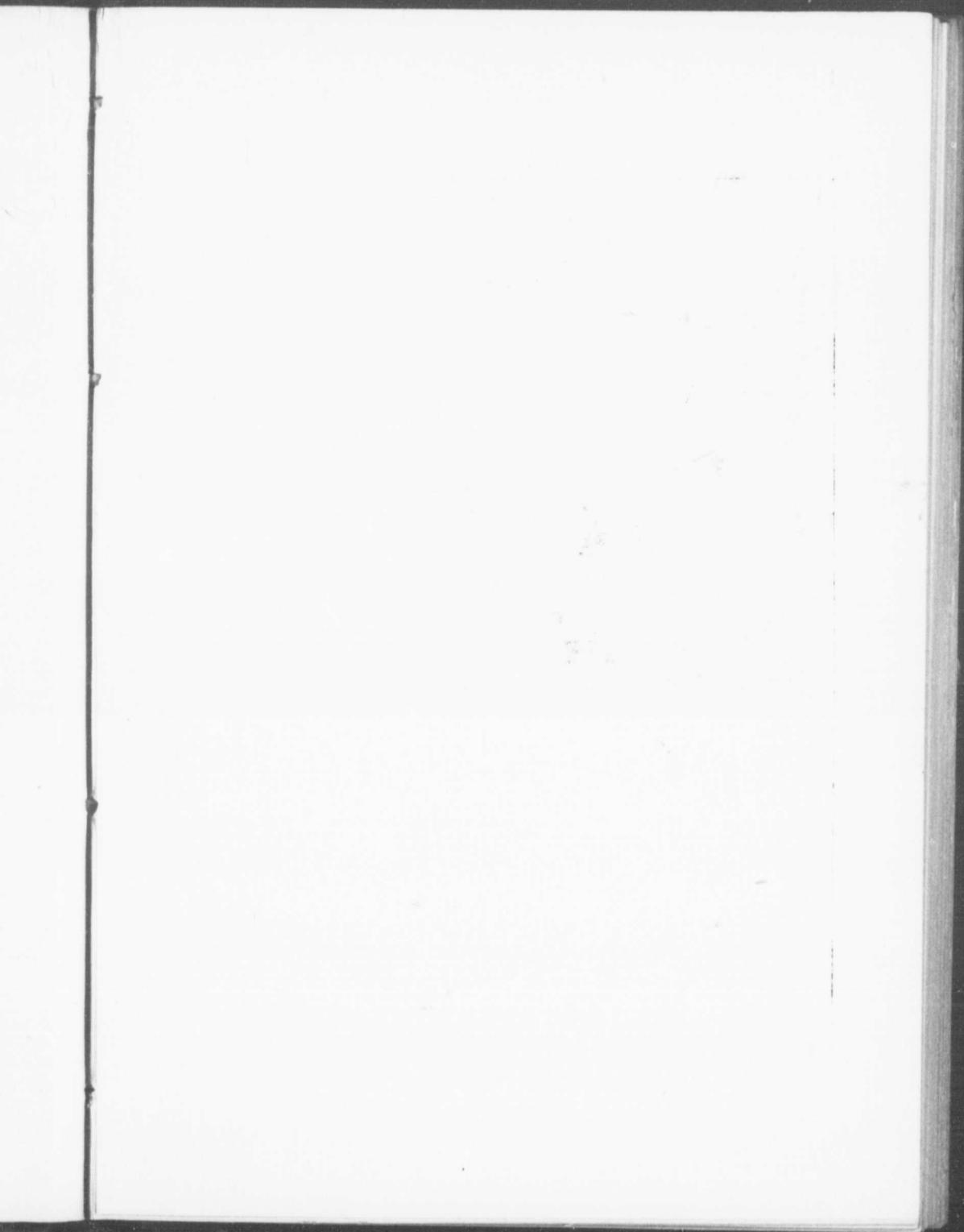
In an official report, a chief examiner of the United States Patent Office says: "A patent, if it is worth anything, when properly managed, is worth and can easily be sold from ten to fifty thousand dollars. These remarks only apply to patents of ordinary or minor value. They do not include such as the tele-

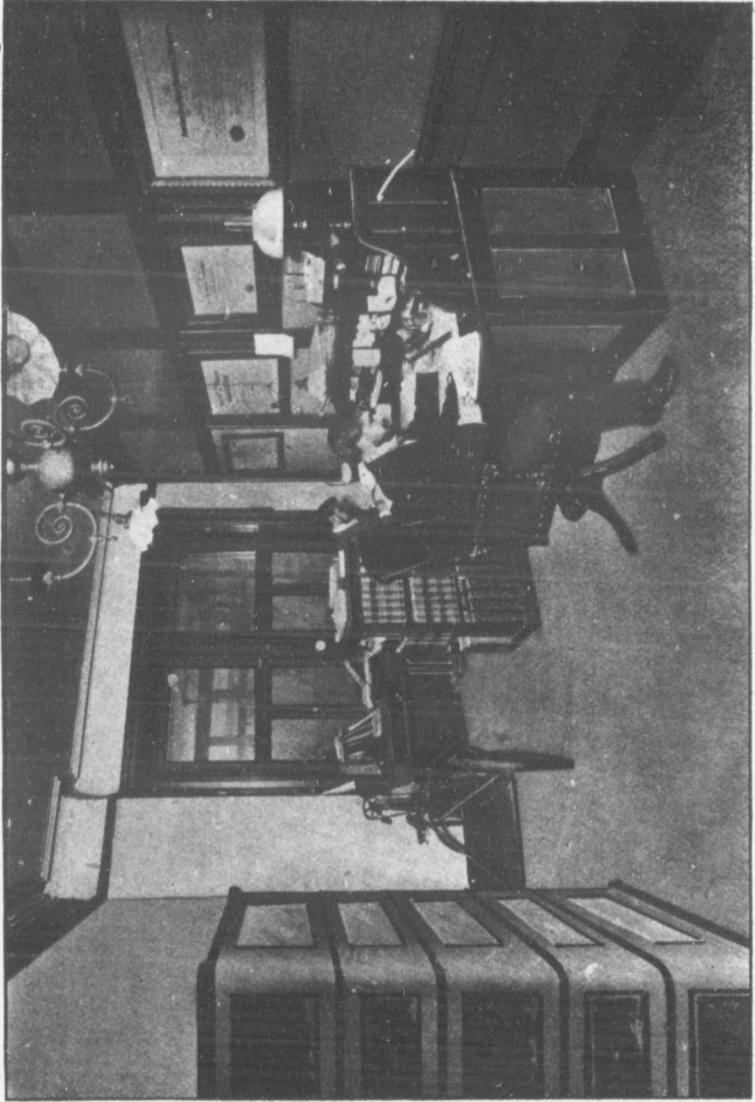
graph, the plaining machine, and the rubber patents, which are worth millions each. A few cases of the first kind will better illustrate my meaning."

"A man obtained a patent for a slight improvement in straw cutters, took a model of his invention through the Western States, and after a tour of eight months returned with \$40,000 in cash, or its equivalent".....

Inventions on even the smallest things are often wonderfully profitable. The "return ball," a little wooden ball with a rubber cord attached, realized for the inventor \$80,000 within three years; the Lead Pencil Rubber Tip cleared its inventor \$100,000; the Metal Rivet or Eyelet for Miner's Coat and Trousers Pockets brought the inventor a handsome fortune; Boot and Shoe Heel and Sole Plates of metal cleared \$1,850,000; the simple plan of fastening Powdered Emery on Cloth made a fortune; the Roller Skates cleared \$1,000,000 before the craze died out; Copper Tips for Shoes netted millions; the Simple Needle Threader netted \$10,000 a year; toys and playthings have cleared thousands; Dancing "Jim Crow" netted \$75,000 per year; Pharaoh's Serpent cleared \$70,000; the "Wheel of Life" cleared \$50,000; The Cameleon Top brought a fortune; the "Pigs in Clover" puzzle in one year, made its inventor a fortune; the Pencil Sharpener cleared a fortune.

The ball-and-socket glove fastener is a Frenchman's idea, and it has made him rich. A successful invention is the double ball-clasp for pocket books and hand bags. It is said that no sort of clasp can be popular unless it makes a noise when it catches. Only a few years ago a lucky man thought of putting a couple of little strips of cork on the nose-pieces of eye-glasses to make them more comfortable. Nearly all glasses nowadays have this improvement, and every pair pays a royalty to the inventor. The latest of the very profitable small inventions is the tin cap for beer bottles, which is taking the place of corks; it is cheaper than the cork, more convenient and keeps the beer better. Metal lemon-squeezers are undesirable, because the juice of the fruit acts upon the metal and makes a poison. Not long ago, somebody thought of making lemon-squeezers of glass, and the idea was just worth \$50,000 to him. Tin cans are now made so that they can be opened by simply striking the top a smart blow. As soon as he learned of the invention, Armour, the Chicago packer, ordered 500,000 of the cans, and the inventor is already independently wealthy. The automatic inkstand which keeps an equal supply of ink always ready for the pen, is said to have earned \$200,000. The "shading pen" has earned a sum even larger. Shoe-buttons are no longer sewed on, but are applied with a metal fastener; this idea has been worth a big fortune. A new contrivance that promises to be very profitable





OFFICE OF THE ENGINEER-IN-CHIEF IN TECHNICAL MATTERS
SOLICITING DEPARTMENT.

is a whistle for Bicycles, made on the principle of the siren fog whistle. There was \$500,000 in the wooden shoe peg, but the inventor went insane just as wealth was pouring in upon him. Another gold-producing patent was the inverted glass bell placed over gas jets to protect ceilings. Great sums have been earned by the barbed wire for fences, and a contrivance for shaving ice. A "hump" on a hook to keep it from slipping out of the eye has made the proprietors of the contrivance millionaires. Hundreds of thousands of dollars have been made by Dennison out of his shipping tags. The idea consists simply in a little ring of cardboard that re-inforces the tying hole and prevents the string from tearing out. A lot of money has been earned by the little brass clip fastening, patented a few years ago, by which sheets of paper are held together. Yet it is an exact copy of a contrivance in bronze that was used by the Romans more than twenty centuries ago. In fact, there are not a few modern inventions which are in reality merely reproductions of antique contrivances. One of these is the safety pin, which was commonly employed by the women of ancient Rome to fasten their dresses. Among the most profitable patents have been various little devices having relation to women's costume, such as the perspiration proof shield of rubber, the idea of substituting the quills of chickens and turkey feathers for whale-bone in corsets, and the suspender garter. The last was sold outright for \$50,000.

Indeed, the field is so vast and the number of profitable patents so great that it is reasonable to say that every patent, if properly managed, will surely reward the inventor handsomely for his small outlay." IF YOU HAVE AN INVENTION OR DISCOVERY, YOU SHOULD APPLY FOR A PATENT AT ONCE. DELAY OR NEGLECT MAY COST YOU A FORTUNE.

WHAT IS MY INVENTION WORTH?

This question is often asked by those who mistakenly suppose we are experts in commercial and industrial matters. The value of an invention can never be foretold, and a patent attorney should not be asked to answer this question. We know that there are attorneys who glibly inform the inventor that his device is worth many thousands of dollars. Attorneys without conscience, frequently do this when they know that the invention is not even patentable. We do not give opinions in regard to the value of inventions. We confine our opinion to questions we are competent to answer—patentability, scope, novelty, claims, etc. There is no standard for estimating the commercial value of a patent. No two are alike; no two can be hand-

led alike; the market for no two is the same, and every invention is necessarily an experiment and an unknown quantity in the commercial and industrial field. Some things that have come to our office which we thought valuable have turned out to be valueless; while others which appeared to us trivial have proven, through judicious management, of great value to the owners. The value of a patent frequently depends more on judgment and energy in management than upon the invention itself. This, however, is true of every species of property. Men may make or lose money on patents as well as on farms, factories and gold mines.

WARNING TO PATENTEES.

No sooner does any person's name appear in print as the patentee of a new invention, than he receives by mail a shower of letters and circulars from a gang of patent knaves. The patentee is invited, if he wants to realize immediately, say one thousand, two thousand, or ten thousand dollars, to send forward to the agent a *small advance fee*. Thus, instead of helping the patentee to obtain money, they begin by drawing money from him; upon this they live and flourish. We are often asked if these imposters, who so pressingly and plausibly claim to be able to sell patents, are reliable, and whether they ever effect sales. We regret to be obliged to say they are unreliable, and we are unable to learn of their making any sales. There are about twenty-five thousand new patentees every year, from many of whom these patent sale agents obtain money under false pretenses. They busy themselves in writing letters to inventors and in working them up to the remitting point, but have no time left for the drudgery of patent-selling, even if they had any ability in that direction. There is no trickery too low for some of these sellers, and no end to the falsehoods they tell. We do not sell patents, nor have we connection with any concern that pretends to do so. Our advice to patentees is: Beware of these fellows, and take upon yourselves the business of selling.

If the invention is one of importance in the arts, or of such a nature that its originality and usefulness are seen at a glance, evidently answering to public want, the patentee will be able, without much effort, to make advantageous arrangements for the sale and introduction. Such are quick-selling patents.

With the slow-selling patents the case is different. There is no easy and royal road to the sale. It requires active effort and constant attention until it is effected. In general the pa-

tentee himself is the best selling agent, for he is familiar with the merits of the invention.

To make the merits and importance of the improvement *publicly known* often effects the sale of a patent. This may be done in various ways: by advertisements in newspapers, by cards, circulars, pamphlets, etc., or by local and travelling agents.

Advertising should be done by the patentee, in his own name and address. He thus makes the invention known to the public, receives the direct benefit of all replies, and his money does not go into the pockets of swindlers.

WE DO NOT BUY OR SELL PATENTS

but confine our business strictly to the subjects mentioned in this pamphlet. Neither can we procure partners for inventors. The most we can do is to secure patents according to the terms explained in this pamphlet. By giving our time exclusively to procuring patents, and to causes in court involving patent law, we can reasonably claim to do better work than if we had a side speculation in selling, buying or advertising patents.

We avoid acquiring an ownership in any matter which might prove antagonistic to the interests of our clients; for instance, if you are on the point of securing a patent on an invention, you would not care to entrust it to an attorney who has an interest in an invention intended for a similar purpose, and which might compete with yours in the market. Being entirely free, we are in the best possible position to be fair to all.

HOW TO SECURE CAPITAL.

Should you lack the necessary funds to file an application, you can easily secure the required amount by entering into an agreement with one or more friends or other persons in your vicinity.

The grant of an interest in the patent to be secured, or the sale of a township or county right will generally be sufficient inducement for them to furnish the sum required. An agreement, as follows, will generally be sufficient:—

WHEREAS I _____, of _____, have invented new and useful improvements in _____ for which I am about to apply for Letters Patent.

AND WHEREAS _____ has advanced the

sum of _____, and has agreed to pay all expenses connected with procuring said Letters Patent:

NOW, THEREFORE, in consideration thereof, I hereby sell, grant and convey unto the said _____ and to his heirs and assigns, a license to make, use, and sell the invention within the limits of the county of _____, State of _____, for and during the full end of the term for which said letters patent are or may be granted.* Witness my hand and seal, this _____day of _____, A. D. 19—

In presence of _____

_____”

ABOUT SELLING PATENTS.

While we have had no experience in selling patents, we have been brought into contact with inventors who have been successful in selling them, and for the benefit of many inquirers we submit below a few hints which we hope may be useful.

1. Have a substantial model made, one that will show your invention in its best light. Do not employ a stranger, or a firm in a distant city, to make your model, but have it made at your end of the line and under your supervision.

2. In all cases where an invention can be advantageously represented by engravings, the patentee should have them made, to be used on bill heads, letters, pamphlets and circulars. He should, however, remember, that it is bad economy to have poor pictures. There are firms in all large cities who make engravings, or we can have the work done for you at the rates published herein.

3. If you have a chance to sell a town-right or shop-right, do so, no matter if you get little or nothing for it. The purchaser of this town or shop-right may, by his industry and good judgment pave the way for your future success. At any rate, you will have gained his services in your behalf and, at least, have made a start, while you will still have plenty of

*If further inducement is desirable the following may be inserted:

“And I do hereby further agree that all of the net profits by me in any manner made or received from the said invention and patent shall belong to and shall be delivered unto the said _____, until he shall have received back the said sum of _____ with lawful interest thereon.”

territory in reserve. Others may become interested and purchase rights, and once the public sees the worth of your invention, success is assured.

4. We know of many inventors who have made money by simply selling farm, county, State and shop-rights, and if an inventor does not wish to undertake the manufacture of his invention, this is a very desirable course to pursue. In estimating the value of patent rights for different states, counties, etc., one very common method is to fix the prices with reference to the population.

The license and royalty plan is often the most profitable method of selling patents. This, in effect, involves a contract between a patentee and a manufacturer by which the latter, in consideration of a license to manufacture the article, agrees to pay the patentee a specified sum for each article made or sold, and warrants to sell a certain number each year. The patentee of the chimney spring, now so commonly used to fasten glass chimneys upon lamps, was accustomed to grant licenses to manufacturers on receiving a royalty of five dollars on each machine, and his annual income was estimated at several hundred thousand dollars. Goodyear, the inventor of vulcanized rubber, divided his patent up into many different rights, licensing one company for manufacturing rubber combs, another for hose-pipes, another for shoes, another for clothing, another for wringers, etc. Each company paid a license fee. The inventor of the loom, in like manner divided his patent into many different rights, one company weaving carpets, another corsets, another bags, another sheeting.

Do not make the mistake of supposing that a patent is a fortune in itself. Success with a patent will, like success with a farm, a factory or gold mine, depend on management.

Finally, do not refuse any reasonable cash offer, but accept it, letting the buyer take the chances of proving the invention a financial success.

CUTS AND ENGRAVINGS.

Having made special arrangements, we are prepared to execute photo-engravings on metal, attached to wood bases, at the uniform rate of \$2.50 for cuts NOT EXCEEDING SIX SQUARE INCHES (3 x 2). Twenty-five cents per square inch for cuts of larger size. The charges are based on making the engraving from any one of the figures of the drawing of your patent, and do not include any change therefrom, as this would necessitate first making a new drawing at the usual rates. We will quote exact figures on application.

ELECTROTYPES made from photo-engravings, not exceeding six square inches, \$1 each. All over that size at the rate of 15 cents per square inch. As many electrotypes as desired can be made from a single photo-engraving, and it is always well to order one or more electrotypes when presenting your order for the photo-engraving, for you can then use your electrotype to print from and save the photo-engraving from wear.

Photo-engravings must be made from pen and ink or the Patent Office drawings to secure the best results. **THEY CANNOT BE TAKEN DIRECT FROM PHOTOGRAPHS** sent us by clients. "Half-tone" engravings can be made from photographs, suitable for printing circulars, envelopes and letter heads, but cannot be used for newspaper advertisements. Photo-engravings or electrotypes only, are suitable for the latter purpose. Rate for "Half-tone" work, 50 cents per square inch. None made for less than \$3.50.

We will cheerfully respond to all inquiries, and are prepared to give satisfaction, both in reasonable charges and prompt service

The money must in all cases accompany the order.

Our Entire Engraving Department is under the personal supervision of Mr. P. S. Marion, whose 20 years' experience and recognized ability guarantees satisfaction in each and every case.





OFFICE OF THE SECRETARY.

ABSTRACTS OF UNITED STATES DECISIONS IN LEADING PATENT CASES.

Relating to the Patent Grant.

Letters patent are *prima facie* evidence of the validity of the patent.—Carty *vs.* Kellogg, C. D., 1895; Cushman *vs.* Parham, C. D., 1876, p. 130.

Patent rights are coextensive with the United States, and are not subject to seizure and sale on execution.—Stevens *vs.* Gladding, 17 How., 447.

In construing a patent, it is, first, pertinent to ascertain what, in view of the prior *state of the art*, the inventor has actually accomplished, and, this having been found, such a construction should be given as will secure the actual invention to the patentee, so far as this can be done consistently with giving due effect to the language of the specification and claim.—Van Marter *vs.* Miller, 15 Blatch., 562.

An invention disclosed, but not claimed in a patent, cannot be covered by a new application for an original patent or for a reissue, filed long after the issue of the patent which thus discloses without claiming. "Where a patent fully describes an invention which could be claimed therein, and makes no reservation, and gives no warning to the public, a second patent, granted upon an application filed months afterwards, which claims simply and solely the invention thus made public, is invalid."—Holmes Electric Co. *vs.* Burglar Alarm Co., 33 F. R., 254; Miller *et al.* *vs.* Eagle Mfg. Co., C. D., 1894, p. 147.

Patentability of Inventions.

Systems of bookkeeping, tabulating, and the like, are not patentable.—Berolsheimer, M. E., *ex parte*, C. D., 1870, p. 33; *ex parte* Pierce, C. D., 1877, p. 46.

Systems of keeping accounts, etc., are not patentable.—Dick's (R.) Ext., C. D., 1872, p. 166.

The application of an old device to a new purpose simply analogous to its old purpose, is mere double use.—*Ex parte* Schoenberg, C. D., 1870, p. 36; Solvay Process Co. *vs.* Michigan Alkali Co., 90 F. R., 818 (1899); Adams Elec. Ry. Co. *vs.* Lindell Ry. Co., 77 F. R., 432.

An old construction in a windmill is not patentable in a paddle wheel.—*Ex parte* Glasgow, C. D., 1870, p. 40.

Curvatures and angles become of importance in plow-shares, water wheels, rotary pumps, engines and blowers, and generally in all cases when, by a change of form, a new and useful result is produced.—Wagner, *ex parte*, C. D., 1869, p. 41.

An article of manufacture, old as to form and general appearance, may have intrinsic qualities due to the process of its manufacture which make it a new and patentable product.—*Ex parte* Hopson & Brooks, C. D., 1871, p. 153.

Adulterations of food are not patentable.—Weida, P. W., *ex parte*, C. D., 1874, p. 118.

It is not the result, effect, or purpose to be accomplished which constitutes invention or entitles a party to a patent, but the mechanical means or instrumentalities by which the object sought is obtained.—Miller *et al.* *vs.* Eagle Mfg. Co., C. D., 1894, 147; U. S. Supreme Court.

Where the novelty of an invention resides in the particular form adopted, it is not negated by prior structures in another art not capable of doing its work nor designed nor adapted to do the same work.—U. S. Supreme Court, *Topliff vs Topliff et al.*, 1892, C. D., 402, and the Knickerbocker Co. *vs.* Rogers *et al.*, 1894, C. D., 337.

A combination of old elements producing a new and useful result is patentable.—1895, U. S. Printing Co. *vs.* American Playing Card Co., 72 O. G., 1499; Webster Loom Co. *vs.* Higgins, 105 U. S., 580; American Tobacco Co. *vs.* Streat, 83 F. R., 700; Clisby *vs.* Reese, 88 F. R., 645; Wood *vs.* Packer, 17 F. R., 650.

An assemblage of old elements conserving no new and useful result is not a patentable combination.—U. S. Supreme Court, 1895, Palmer *vs.* Corning, 70 O. G., 1497.

Mere change of form and proportion where no new result or advantage is produced is not patentable.—1895, Taws & Hartman *vs.* Laughlins & Co., 73 O. G., 287.

Simplicity in change of construction does not negative patentability where a new and beneficial result is involved.—American Cable Railway Co., *vs.* Mayor of City of New York, 1893, C. D., 468.

The mere substitution of one material for another is not invention.—Grayson & Crecelius, 1894, C. D. 100; Hicks *vs.* Kelsey, 18 Wall., 670.

The making of a structure in a solid casting instead of attached parts does not involve invention. Consolidated Electric Mfg. Co. *et al.*, vs. Holtzer, 72 O. G., 415.

While it is true that the utility of a machine, instrument, or contrivance, as shown by the general public's demand for it when made known, is not conclusive evidence of novelty and invention, it is nevertheless highly persuasive in that direction, and, in the absence of pretty conclusive evidence to the contrary, will generally exercise controlling influence.—Hicks vs. Kelsey, 18 Wall., 670.

It was never the object of the patent laws to grant a monopoly for every trifling device, every shadow or shade of an idea which would naturally and spontaneously occur to any skilled mechanic or operator in the ordinary progress of manufacture. Any adaptation to a special emergency which a competent person can make, by the aid of accumulated knowledge, and past experience, is an exercise of mere mechanical skill not amounting to the dignity of invention.—Atlantic Works vs. Brady, 107 U. S., 192.

Discoveries and Theoretical Inventions.

A mere discovery of a new principle, force or law, operating, or which can be made to operate, on matter, will not entitle the discoverer to a patent. It is only where the explorer has gone beyond the mere domain of discovery, and has laid hold on the new principle, force or law, and connected it with some particular medium, or mechanical contrivance, by which, or through which, it acts on the material world, that he can secure the exclusive control of it under the Patent Act. It is then an invention, although it embraces a discovery.—Morton vs. Infirmity, 5 Blach., 116.

Perpetual motion devices will not be patented.—Smith, W. L., *ex parte*, C. D., 1873, p. 139.

Patents will not be granted on air ships which create their own buoyant force, without practical demonstration.—*Ex parte* DeBausset, 43 O. G., 1583, and 50 O. G., 1766.

Design Patents.

All the regulations and provisions which apply to obtaining or protecting patents for inventions or discoveries, not inconsistent with the provisions of the statute relating to designs, shall apply to patents for designs. (Section 4933, Revised Statutes., Northrup vs. Adams, C. D., 1877, 322, cited with approval by the United States Supreme Court, in Smith *et al.* vs. Whitman Saddle Co., C. D., 1893, 324.

Design patents are granted for articles of manufacture which are given new and original appearances that may enhance their saleable value and may enlarge the demand.—Gorham Mfg. Co. *vs.* White, 14 Wall., 511, 524, approved and cited by United States Supreme Court, in *Smith et al. vs. Whitman Saddle Co.*, C. D., 1893, 324.

The adaptation of an old form for a design is patentable if such adaptation is not mere imitation, and the result is in effect a new creation.—*Untermeyer vs. Freund*, C. D., 1893, 664.

It is immaterial to the patentability of a design whether it is more graceful or more beautiful than older designs; it is sufficient if it is new and useful.—U. S. Supreme Court in *Lehnbeuter vs. Holthaus*, 105 U. S., 94.

In determining whether a design patent is infringed, the test is whether there is a substantial similarity in appearance, not to the eye of an expert, but to that of the ordinary observer, giving such attention as would ordinary be given by a purchaser of the article bearing the design.—*Ripley vs. Elson Glass Co.*, C. D., 1892, 467; *Byram vs. Friedberger*, 87 F. R., 559; *Smith et al. vs. Whitman Saddle Co.*, C. D. 1893, 324.

Trade-Marks.

Generally, any words, marks, or symbols indicative of the origin or ownership of the manufactured article, may be adopted as a trade-mark, but those used simply to describe the quality, kind or nature of the article cannot be so appropriated.—*Improved Fig Syrup Co., vs. California Fig Syrup Co.*; 7 U. S. App. 588, ; *Bennett vs. McKinley*, 26 U. S. App., 496; *Columbia Mill Co. vs. Alcorn*, 150 U. S., 460.

The exclusive right to the use of a mark or device claimed as a trade-mark is founded on priority of appropriation, and it must appear that the claimant was the first to use or employ it on like articles of production.—*Columbia Mill Co. vs. Alcorn* (United States Supreme court), 150 U. S., 460.

The fact that a trade-mark bears its owner's own name and portrait does not render it unassignable to another.—*Dr. S. A. Richmond Nervine Co. vs. Richmond* (United States Supreme Court), 159 U. S., 293.

In the case of an alleged violation of a valid trade-mark, the similarity of brands must be such as to mislead ordinary observers, in order to justify a restraining injunction.—*Improved Fig Syrup Co. vs. California Fig Syrup Co.*, 1893, C. D., 416.

Trade-marks based on misrepresentation and deceit, and especially such as are intended to deceive and defraud the public into the purchase of articles for what they are not, in the belief that they are valuable when they are deleterious, will not be protected by the Courts.—7 U.S. App. 588 (9th Cir.).

The Patent Title, Including Assignments and Licences.

A patent to a dead man at the time of the grant is not void for the want of a grantee, but vests in his heirs or assigns.—United States Supreme Court, *De La Vergne Refrigerating Machine Co. vs. Featherstone*, 1893, C. D. 181.

A patent right, like any other personal property, is understood by Congress to vest in the executors and administrators of the patentee, if he dies without having assigned it.—*Shaw Relief Valve Co. vs. City of New Bedford*, 19th Fed. Rep., 758.

A patentee who assigns his patent cannot, when sued for infringement, contest the validity thereof.—*Babcock et al. vs. Clarkson et al.*, 1894, C. D., 689; *Martin & Hill Cash Carrier Co. vs. Martin*, 1895, C. D., 503; *Griffith vs. Shaw*, 89 Fed. Rep., 313.

An oral agreement for the sale and assignment of the right to obtain a patent may be specifically enforced in equity upon sufficient proof thereof.—United States Supreme Court, *Dalzell et al. vs. Dueber Watch Case Mfg. Co.*, 1893, C. D. 357.

A verbal license or interest in an invention has no effect as against a subsequent assignee without notice of such verbal license or interest.—United States Supreme Court, *Gates Iron Works vs. Fraser et al.*, 1894, C. D., 304.

Although an assignment of patent is not recorded within three months it is binding on the assignor, and he cannot sell the patent again. *Ex parte Waters*, Com. Dec. 1869, p. 42.

One who buys patented articles of manufacture from an assignee for a specified territory becomes possessed of an absolute property in such articles unrestricted in time or place.—United States Supreme Court, *Keller et al. vs. Standard Folding Bed Co.*, 71 O. G., 451.

Every person who pays the patentee for a license to use his process becomes the owner of the product, and may sell it to whom he pleases, or apply it to any purpose, unless he binds himself by covenants to restrict his right of making and vending certain articles that may interfere with the special business of some other licensee. *Met. Washing Machine Co., vs. Earle*, 2 Fish., 203; 2 Wall., Jr., 239.

A territorial grantee cannot be restrained from advertising and selling within his territory, even though the purchasers may take the patented article outside of the vendor's territory.—*Hatch vs. Hall*, 22 Fed. Rep., 438.

A "shop-right" is a personal license and is not assignable.—*Gibbs vs. Hoefner*, 19 Fed. Rep., 323; 22 Blatch., 36.

The United States have no more right than a private person to use a patented invention without license or making due com-

pensation.—1896, United States Supreme Court, *Belknap et al. vs. Schild*, 74 O. G., 1121; 161 United States, 10.

A license merely to make, and not to sell, does not impair the patent owner's right to sue for infringement outside the license; and the purchase of the licensee's tools and materials would not carry the right to sell the product made therefrom. *American Graphophone Co. vs. Walcut*, 87 Fed. Rep., 556. (1898.)

An implied license to use a patented improvement without payment of any royalties during the continuance of employment of the inventor, and thereafter on the same terms and royalties fixed for other parties, is shown where the inventor applies the patent to his employer's work, without any agreement for compensation for its use, further than a notice that he would require pay after his employment terminated.—*Keyes vs. Eureka Consol. Min. Co.* (United States Supreme Court), 158 United States, 150.

An agreement to assign future patents, in consideration of the assignee's paying the expenses of taking them out, is broken by his refusal to pay for and take out a particular patent when requested, and a subsequent assignment to another conveys a perfect title.—*Buck vs. Timony*, 78 Fed. Rep. 487.

Where a party does license, grant and convey any invention which he may thereafter make, this gives only an equitable right to have an assignment made, and this right may be defeated by assignment of the patent to a purchaser for value, without notice of this equity.—*Regan Vapor Engine Co. vs Pacific Gas Engine Co.* (Ninth Cir.), 7 U. S., App. 73.

A contract assigning a patent and all future improvements thereon is enforceable against assignees of such improvements who take with notice of the contract.—*Westinghouse Air Brake Co. vs. Chicago Brake and Mfg. Co.* 85 F. R., 786.

The sale of a patented machine by one authorized to sell conveys the whole ownership to the purchaser, who may sell it again to another.—*Morgan Envelope Co. vs. Albany Perforated Wrapping Paper Co.*, 152 U. S., 425.

A license is not forfeitable for non-payment of royalties in the absence of express provision to that effect.—*Wagner Type-writer Co. vs. Watkins*, 84 Fed. Rep. 57 (1898).

Inventorship and ownership.

To constitute two persons joint inventors it is not necessary that exactly the same idea should have occurred to each at the same time, and that they should work out together the embodiment of this idea in a perfected machine. Such a coincidence of ideas would scarcely ever occur to two persons at the same time. If an idea is suggested to one, and he even goes so

far as to construct a machine embodying this idea, but it is not a complete working machine, and another person takes hold of it, and by their joint labors, one suggesting one thing and the other another, a perfect machine is made, a joint patent may properly issue to them. If, upon the other hand, one person invents a distinct part of a machine, and another person invents another distinct and independent part of the same machine, then each should obtain a patent for his own invention.—*Worden vs. Fisher*, 11 Fed. Rep. 505.

Owners of a patent are tenants in common, and each, as an incident of his ownership, has the right to use the patent or to manufacture under it. But neither can be compelled by his co-owner to join in such use or work, or be liable for the losses which may occur, or to account for the profits which may arise from such use.—*DeWitt vs. Elmira Nobles Mfg. Co.*, 12 N. Y. Supr., 301; *Rose vs. Singer*, 4 Allen (Mass.), 226 *vide* Pitt B. Hall, 3 Blatch., 201.

Where A suggests the idea of an invention to B, but gives no explanation as to how such idea is to be carried into effect, B is the lawful inventor if he embodies the idea into practical shape.—*Forgie vs. Oil Well Supply Co.*, 1894, C. D., 352.

Where an inventor had forgotten an invention, or has laid it aside as worthless, he has the right to take it up again and proceed as if he had then first made the discovery, so long as its abandonment was unknown to the public.—*Western Electric Co. vs. Sperry Electric Co.*, 1893, C. D., 573.

To make experiments, then drop them and only recur to them when another and later inventor has made a success of the idea, makes them "abandoned experiments."—*Chipman vs. Fales*, C. D. 1869, p. 44.

Abandonment of an invention once put in public use inures to the public; a subsequent inventor cannot take a patent therefor.—*Young vs. Van Duzen*, 16 O. G., 95.

The patent of an originator of a complete and successful invention cannot be avoided by proof of any number of incomplete and imperfect experiments made by others at an earlier date. This is true, though the experimenters may have had the idea of the invention, and may have made partially successful efforts to embody it in a practical form.—*Am. Wood Paper Co. vs. Fibre Disintegrating Co.*, 23 Wall., 566.

The making of an invention is complete when all that remains to be done is the work of the mere mechanic.—*Morse vs. Clark*, C. D. 1872, p. 58.

Employer and Employee.

When a man has conceived the main idea of an invention, and employs another to embody it, the product will be the in-

vention of the former, though the latter may furnish hints, suggestions and decided improvements, unless the changes made by the latter amount to a new and complete invention.—Hayes *vs.* Hopkins, C. D., 1892, p. 75; Jordan *vs.* Agawan Co., 7 Wall., 533.

An inventor may avail himself of the services of skilled laborers, and suggestions and improvements coming from them are to be considered part and parcel of the original invention.—Spofford *et al.* *vs.* Moore *et al.*, C. D., 1870, p. 6; Yost *et al.* *vs.* Powell, 13 O. G., 122.

As between an employer and employee, not specially employed to embody the invention of the former, there is no presumption of originality in favour of the employer.—Solomon *vs.* United States, 137 U. S., 342; Johnston *vs.* Pimlott, C. D., 1870, p. 44; Mallet *vs.* Crosby, C. D., 1870, p. 56.

A contract between an employer and employee, wherein the employee obtains service with the employer, on condition that any improvement he may make on the machines of the employer shall be for the exclusive use of the employer, held valid.—Hulse & Wright *vs.* Bonsack Machine Co., C. C. A., C. D., 1895, p. 225.

An employer has an equitable license to use and sell in the line of his business the invention of an employee who, during the course of his employment, uses the tools and workshop of his employer to experiment with and perfect his invention.—United States Supreme Court, Lane & Bodley Co., *vs.* Locke, 1893, C. D., 639.

If an employee makes an invention and permits his employer to use it before making application for a patent without demanding any compensation, a license to continue the use may be implied.—McClurg *vs.* Kingsland, 1 How., 202; 2 Robb., 105; Slemmer's Appeal, 58 Penn. St., 155; Chabot *vs.* Buttonhole Co., 6 Fish., 71.

In the absence of an express agreement, a company or manufacturing corporation is not entitled to the conveyance of patents obtained by a skilled employee, even though such employee is employed for a stated compensation to take charge of the works and devote his time and services to devising and improving the manufactured articles.—United States Supreme Court, Dalzell *et al.* *vs.* Dueber Watch Case Mfg. Co., 1893, C. D., 357.

An employee who uses property or labor of his employer to put an invention into practical form, and assents to the latter's use of it, cannot recover from him a royalty or other compensation therefor on taking out a patent on the invention.—Gill *vs.* United States (United States Supreme Court), 160 United States, 426; Blauvelt *vs.* Interior Conduit and Insulation Co., 80 Fed. Rep., 906.

Infringement.

Anything infringes a patent if it infringes any claim of a patent, and patents sometimes have many claims, so that each claim is to be considered by itself on this question of infringement. And each claim stands by itself on this question; it receives no help or assistance from any other claim, except that sometimes it is to be inferred that a claim should not have a certain meaning (*i.e.*, construction) given to it because some other claim in the same patent has that meaning, or because such a meaning is inconsistent with the clearly expressed meaning of some other claim. A claim is always to be understood in connection with and to be explained by what the descriptive part of the specification (in connection with the drawings, if any) says about the parts, steps or ingredients that are specified in the claim. *Fuller vs. Yentzer*, 91 United States, 283. A device is none the less an infringement because it contains an improvement upon the patented invention.—*Robbins et al. vs. Dueber Watch Case Mfg. Co.*, 1896, C. D., 202.

It is an infringement of a patent to either make, or use, or sell a patented thing without legal permit.—*Whittemore vs. Cutter*, 1 Wall., 429.

Making for one's own use is as wrongful as making for sale, and making without either using or selling is infringement.—*Bloomer vs. Gilpin*, 4 Fish., P. C., 50.

A preliminary injunction will ordinarily be granted to restrain the infringement of a patent, when the validity of a patent has been previously affirmed by a court, or is to be presumed by a long-continued public acquiescence, and when the title and infringement are clear.—*Standard Elevator Co. vs. Crane Elevator Co.*, 1893, C. D., 432, and *S. S. White Dental Mfg. Co. vs. Johnson et al.*, 1893, C. D., 430.

State Courts have no jurisdiction of suits for infringement, but are not barred out when patents come in collaterally.—*Goodyear vs. The Union Rubber Co.*, 4 Blatch., 63.

One who makes and sells one element of a patented combination with intent to bring about its use in that combination, is guilty of contributory infringement, and is equally liable with him who in fact organizes the complete combination.—*Thomson-Houston Electric Co., vs. Ohio Brass Co.* (C. C. A.), 80 Fed. Rep., 712; *Wallace vs. Holmes*, 9 Blatch., 65.

The absence from an alleged infringing device of a single essential element of the combination claimed, prevents infringement.—*Adams Electric Railway Co. vs. Lindell Ry. Co.*, 77 Fed. Rep., 432; *P. H. Murphy Mfg. Co. vs. Excelsior Car-Roof Co.*, 76 Fed. Rep., 227.

One purchasing in a foreign country an article protected by a United States patent from persons other than the owner of such patent or his vendees, cannot sell them here without infringing the patent.—*Dickerson vs. Finling*, 84 Fed. Rep., 192.

A purchaser of a patented machine consisting of several distinct parts may repair a part broken or worn out if the machine as a whole retains its identity, and what is done does not amount to reconstruction, but he has no right under the guise of repairs to make a new machine.—*Shickle, Harrison & Howard Iron Co. vs. St. Louis Car Coupler Co.*, 77 Fed. Rep., 739.

FOREIGN PATENTS.

To the preparation and prosecution of applications for Letters patent in foreign countries, we have given special personal attention for many years past and have been most successful in this particular branch of the patent practice.

Our Foreign Patents department is under the direction of Mr. J. A. Marlon, C.E., M.E., B.A.Sc., who has a wide personal acquaintance among European engineers and patent attorneys, and is a frequent visitor to European houses.

The specification is in every case translated by a native of the respective country, so that every care is taken to have it idiomatically as well as technically accurate.

CURIOUS GENEROSITY TO FOREIGNERS.

Very few inventors would take less than \$1,000 for their United States or Canadian Patents, yet nine-tenths of all patentees really present the entire world, outside of the United States and Canada with the fruit of their genius by neglecting to patent their inventions abroad.

The inventor looks to reap a rich reward from his invention here. Why would not the same invention be equally or more valuable abroad, where the population is more concentrated and where the invention therefore would be more easily handled than in this comparatively sparsely-peopled country? Over twenty-five thousand United States and Canadian Patents are granted each year. Amongst these are many devices of great utility and value. Very few of these valuable inventions are patented abroad. It seems almost incredible that these inventions are actually presented to the people of Europe, whereas by a trifling expenditure the inventions could have been patented in all the principal European countries. Would not these valuable inventions, if patented abroad, have readily sold for \$500 in each country? Yes, and probably four times this sum could have easily been obtained.

If you are in possession of a meritorious invention,

Do Not Fail to apply for foreign patents, before some one else has lodged his claim as the prior patentee. The sale of any such foreign patents, even at low figures, will enable you to work your patents elsewhere.

WHEN TO APPLY:

Under the old law the term of the American and of the Canadian patents were limited to the term of the shortest lived foreign patent previously granted to the same inventor, or to any one with his knowledge and consent, frequently resulting in the American or the Canadian term being shortened to five years, or even being extinguished altogether when the American or the Canadian application was delayed by long and vexatious interference proceedings in the Patent Office, as happened with some of the Edison patents. The date of the American application, even if prior to the date of the foreign patent, had no effect in mitigating this rule, provided the American patent issued at a date later than the foreign patent.

This led American attorneys to advise their clients against filing foreign applications until the grant of American patents was assured, and a practice sprang up of waiting until the final fee had been paid and then arranging to file all foreign applications simultaneously on the date of issuance of the patent, or so soon thereafter as to preclude the possibility of a copy of the American patent being sent abroad in season to invalidate the foreign grants, most of which depend upon the applicant being absolutely the first to make the invention known in that country and which are made worthless by prior publication of any kind.

The practice, while probably the best that could be advised under the old law, often led to the American inventor being barred from, or defrauded of, his entire rights abroad, either by the premature publication of a description of his invention, while he was waiting for his American patent to be allowed, or by an application by some independent foreign inventor during that interval, or else by some unscrupulous person in this country obtaining knowledge of the invention and hastening to secure foreign patents as the first communicator; a peculiarity of most foreign patent laws being that the first applicant, or the first one to communicate, is entitled to the patent whether he is the true inventor or not.

This has been changed by the amended law, and now an applicant can apply abroad at the same time that he applies in the United States and Canada, or even a period not exceeding twelve months earlier, *without suffering any limitation of the term of the American or Canadian patents from their full terms of 17 and 18 years, respectively.*

He cannot, however, obtain an American patent if the application upon which the foreign patent issued was filed more

than twelve months before the filing of the American application.

It is, therefore, now highly advisable for Canadian and American inventors to file their foreign applications at as early a date as possible, not exceeding twelve months prior to their applications in the United States. By so doing they will not only head off independent foreign inventors who might otherwise come in during the pendency of the American application, but will defeat the machinations of that class of persons who make a practice of pirating desirable inventions here and obtaining patents for them abroad as first communicators. Another consideration is that even should they lose their American patents through adverse decisions in interference proceedings with opposing applicants, they have every prospect of obtaining valid foreign patents as the first applicant abroad, and such patents may be used to effect an advantageous compromise with their successful competitor in the United States.

TIME FOR FILING APPLICATIONS FOR PATENTS.

For Valid Patents application should be made as follows:—

Before Publication of any kind anywhere:—

Brazil.§	Costa Rica.	Japan.§
Chili.	France.§	Malta.
Finland (Foreign Patent Office Publications excepted for six months).		
Newfoundland.	Portugal.§	Turkey.
Peru.	Tunis§	Uruguay.

Before Publication in print anywhere:—

Austria.	Germany.	Sweden.§
Denmark.§	Hungary.	Mexico.
<i>Also if maximum term is desired. Before publication anywhere:—</i>		
Argentina.	Columbia, U.S.	Russia.
Belgium.§	Congo.	Spain.§
Bolivia.	Italy.§	

Before Publication in the respective Country:—

Bahamas.	Jamaica.	Orange River Colony.
Barbadoes.	Australia.	Rhodesia.
British Guiana.	Leeward Isles.	South Australia.
British Honduras.	Liberia.	Switzerland.§
Cape Colony.	Mysore.*	Transvaal.
Ceylon.*	Natal	Trinidad.
Great Britain.§	New Guinea.*	
India.*	New Zealand.*§	

NOTE.—To most of these places copies of British specifications are sent shortly after issue. *See below for exceptions.

Countries marked § are also subject to exceptions provided for by the International Convention.

Within a limited time after Publication:—

Canada, Ceylon, India,
 Mysore.. . . . 1 year of first sealing abroad.
 Mauritius 1 year of sealing British Patent.
 New Zealand and
 Australia.. . . . 1 year of Application for British Patent.
 Norway§.. . . . 6 months of Publication.
 Transvaal.. . . . 1 year of date of Foreign Grant.
 United States of Amer-
 ica§ and Brazil§.... 12 months of first application anywhere.
 Uruguay.. . . . First year of a Foreign grant.
 Venezuela.. . . . 2 years of public sale, etc.

**At any time during currency of a Patent elsewhere
 and expiring therewith or sooner:—**

Belgium.	Russia.	Columbia, U.S.
Italy.	Honduras.	Congo.
Argentina (limit 10 years term). Spain (limit 5 years term).		

Letters of Registration in Lagos, Gold Coast Colony, Gambia and Southern Nigeria.

**At any time during currency of a British Patent and
 expiring therewith:—**

Fiji, Hong Kong, St. Helena.
 Of a British or British Colonial Patent:—British Borneo, Negri Sembilan, Pahang, Perak, Selangor, Straits Settlements.

APPLICATION BY "IMPORTER."

British Law recognizes that a patent may be validly granted to the first person who "imports" the knowledge of an invention, whether that person be the actual inventor or not. A corporate body cannot pose as "importer." The rule is presumably good for all British Colonies, unless specifically excluded, but applications in the true inventor's name are less liable to be questioned.

The following specifically or inferentially exclude the unauthorized "importer":—

Canada.	Mysore.	India.
Ceylon.	Lagos.	Newfoundland.
Gambia.	Jamaica.	Southern Nigeria.
Gold Coast Colony.		

The following require the "importer" to be a resident in the Colony and provided with a special authorization from the actual inventor or assignee:—

New Zealand.

PATENTS OF ADDITION are granted in the following countries to the owners of Patents of inventions for improvements or modifications in connection with the subject matter of the principal invention. They are, as a rule, not subject to yearly taxes or conditions of independent working, and expire with the principal patent.

Our ordinary blank powers provide for the possible future filing of Patents of Additions, so that if they have been used for the principal Patent, new powers are not needed to enable a Patent of Addition to be obtained.

Argentina.	Germany.	Portugal.
Austria.	Hungary.	Russia.
Belgium.	Italy.	Spain.
Brazil.	Jamaica.	Sweden.
Congo.	Luxembourg.	Switzerland.
Costa Rica.	Mexico.	Tunis.
Denmark.	Newfoundland.	Turkey.
Finland.	Norway.	Uruguay.
France.		

November, 1902.

INTERNATIONAL CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY.

A number of foreign states have entered into a convention with each other for the protection of inventions, trade-marks, and other industrial property. These include *Belgium, Brazil, Curacao and Surinam, Denmark, East Indian Colonies of the Netherlands, France, Germany, Great Britain, Italy, Japan, Mexico, New Zealand, Norway, Portugal, Queenstand, Santo Domingo, Servia, Spain, Sweden, Switzerland, Tunis and the United States.*

Canada has not yet joined the International Convention, and, consequently, Canadians cannot file their applications under the Convention.

The following are the leading provisions of the convention:

The subjects or citizens of each of the contracting states shall, in all the other states of the Union, as regards *patents, industrial designs or models, trade-marks and trade names*, enjoy the advantages that their respective laws now grant, or shall hereafter grant, to their own subjects or citizens. Consequently, they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided they observe the formalities and conditions imposed on subjects or citizens by the internal legislation of each state.

Any person who has duly applied for a patent, industrial design or model, or trade-mark in one of the contracting states shall enjoy as regards registration in the other states, and reserving the rights of third parties, a right of priority during the periods hereinafter stated. Consequently, subsequent registration in any of the other states of the Union, before expiry of those periods, shall not be invalidated through any acts accomplished in the interval, either, for instance, by another registration, by publication of the invention, or by the working of it by a third party, by the sale of copies of the design or model, or by the use of the trade-mark. The above mentioned terms of priority shall be *twelve months for patents, and four months for industrial designs and models and trade-marks.*

Patents obtained by parties entitled to the benefit of the convention are in the states belonging to the Union independent of corresponding foreign patents.

The introduction by the patentee into the country where the patent has been granted of objects manufactured in any of the states of the Union shall not entail forfeiture. Nevertheless, the patentee shall remain bound to work his patent in conformity with the laws of the country into which he introduces the patented objects, but in none of the contracting states can a patent be canceled for non-working until three years after the date of application of the patent, and then only provided the patentee cannot give satisfactory reasons for his inaction.

Every trade-mark duly registered in the country of origin shall, after due application, be admitted for registration, and protected in the form originally registered in all the other countries of the Union.

That country shall be deemed the country of origin where the applicant has his chief seat of business. If his chief seat of business is not situated in one of the countries of the Union, the country to which, the applicant belongs shall be deemed the country of origin.

Registration may be refused if the object for which it is solicited is considered contrary to morality or public order.

The nature of the goods on which the trade-mark is to be

used can, in no case, be an obstacle to the registration of the trade-mark.

A trade name shall be protected in all the countries of the Union, without necessity of registration, whether it form part or not of a trade-mark.

All articles illegally bearing a trade-mark or trade name may be seized on importation into those states of the Union where this mark or name has a right to legal protection. The seizure may be effected at the request of either the proper public department or of the interested party, pursuant to the internal legislation of each country.

The provisions of the preceding article shall apply to all goods falsely bearing the name of any locality as indication of the place of origin, when such indication is associated with a trade name of a fictitious character or assumed with a fraudulent intention. Any manufacturer of or trader in such goods, established in the locality falsely designated as the place of origin, shall be deemed an interested party.

The high contracting parties agree to grant temporary protection to patentable inventions, to industrial designs or models, and trade-marks, for articles exhibited at official or officially recognized international exhibitions.

THE FOLLOWING PATENTS EXPIRE WITH PREVIOUS PATENT ELSEWHERE.

Argentine, Austria, Belgium, Borneo, British Guinea, British Honduras, Cape Colony, Ceylon (or with British, if any), U. S. of Columbia, Congo, Costa Rica, Fiji, France, India (or with British, if any), Italy, Jamaica, Leeward Isles, Luxembourg (expires with German only, whether previously granted or not), Mysore (or with either British or India, if either), Natal, Newfoundland, Orange River Colony, Rhodesia, Russia (with shortest term foreign patent), Tunis, Turkey, Venezuela.

Patents taken under International Convention are to be exempt from any liability that might otherwise attach to them of expiring with previous patents in the other contracting States.

WHO MAY APPLY IN PLACE OF THE INVENTOR.

Assignee may apply in the following countries:

Argentine, Austria, Belgium, Borneo, Canada (assignment must be produced and recorded), Ceylon, Congo, Denmark (assignment must be produced and recorded), Finland, France, Germany, Hungary, Hong Kong, India (assignment must be pro-

duced and recorded), Italy, Japan, Jamaica (assignment must be produced and recorded), Liberia (assignment must be produced and recorded), Mysore, Mauritius, New Zealand (assignment must be produced and recorded), Norway (assignment must be produced and recorded), Orange River Colony (assignment must be produced), Peru, Russia (assignment must be produced and recorded). Switzerland (assignment must be produced and recorded), Spain, Straits Settlements, St. Helena (assignment must be produced and recorded), Turkey, Uruguay, Venezuela.

BRITISH PATENTS.

The law of England permits an inventor to take out the patent there in two parts, if he prefers. The first part is called *Provisional Protection* and protects the invention for a period of nine months in many cases. The cost of this form of protection, including all fees, is \$25. The second part, or complete patent, must be applied for previous to the expiration of the Provisional Protection. The cost of this second part, or complete patent is \$60. If a complete patent is applied for at the beginning, the entire charge is but \$75, including all taxes for 4 years.

The patent is granted for 14 years and covers England, Ireland, Scotland, Wales, the Channel Islands and the Isle of Man.

FRENCH PATENTS.

Next to England in value to the patentee is France, with its 45,000,000 of enterprising inhabitants. This country issues the regular mechanical patent. It endures for fifteen years. Manufacturing is carried on largely in France and her people are quick to adopt good Canadian and American inventions.

GERMAN PATENTS.

Germany issues two kinds of patents, namely, mechanical patents and model patents. The first named endure for fifteen years. They cannot be obtained unless the application therefor is filed previous to the issue of the United States patent.

Model patents cost \$40 all taxes paid for the first term of three years. They embrace all small inventions such as culinary utensils, tools, toys and such other articles as are complete in themselves and capable of being had as articles of trade.

German patents cover the entire German Empire, including Prussia, Bavaria, Baden, Saxony and Wurtemberg.

BELGIAN PATENTS.

This country is the most progressive little country in all Europe. The population is more than six millions, and manufacturing industries are carried on extensively. Good American inventions find a ready market there and can be quickly sold at a good profit. These patents endure for 20 years.

AUSTRIA.

Patents are granted for the term of fifteen years, but will expire with a prior foreign patent of shorter term. Application must be made before the invention is published or used in Austria.

HUNGARY.

Duration of Patent, fifteen years. Application must be filed before the invention has been described in a printed publication or is otherwise known in the country, or has been previously patented.

SPAIN.

A Spanish patent covers Spain and all her colonies. Patents are granted for twenty years if applied for before the invention has become publicly known in Spain or elsewhere. If the invention has been already patented abroad, a patent may be obtained for ten years, provided the application be made in Spain within two years from the date of the foreign patent; should more than two years have elapsed, the term will be for five years only.

ITALY.

Patents are granted for fifteen years. Application must be made before the invention has been published, or become publicly known in Italy. If the invention has been previously patented abroad, application must be made before the expiration of the foreign patent.

NORWAY.

Duration of patent, fifteen years. Application must be made before the invention is so well known in Norway that it can be carried out by others. Publication in print of the exhibition by the invention will not defeat a patent, if the application be made in six months thereafter.

SWEDEN.

Duration of Patent, fifteen years. The application must be filed before the invention has been published in any country.

COST OF FOREIGN PATENTS.

Prices quoted on the following pages include taxes and all other fixed charges, where they exist, for the year, and in all ordinary cases, the adjustment of any technical difficulties that may arise in the respective Patent Offices. Objections on the score of novelty or inoperativeness, requirements for division, limitation, additional drawings and the like (involving extensive alterations), interferences, protests, etc., necessitate additional labor, which will ordinarily be charged for.

Special discounts will be made when the order for three or more countries is given at the same time.

A retainer of \$20.00 per application is required with the order to go ahead; the remainder is due on the completion of the application papers.

To highly technical cases, especially those involving an intimate acquaintance with the higher mathematics, chemistry, electricity, optics, acoustics, etc.; or some special and intricate branch of industrial art, the above rates are not applicable, but special rates will be made depending on the nature of the case.

We have at present nearly 200 agencies in Europe alone. These include most of the best known of the British and Continental Patent Agency firms, as well as many others less known but of equal quality. Our long experience as International Patent Attorneys has given us unequalled opportunity to gauge the respective merits of our *confreers* abroad. We have also at least one direct agent in every other country and each British colony, even the smaller ones. It is our aim to entrust each case to the local agent most qualified as an expert, or otherwise to deal with its particular subject matter.

**Countries which our clients usually select as the best
in which to obtain patents.**

United States (not including final Government fee, \$20)..	\$45	b
Great Britain (complete patent)..	14 years	\$ 75 b
Great Britain (Provisional Protection)..	9 months	\$25 d
France..	15 years	75 c
Belgium..	20 "	50 c
Germany..	15 "	75 c
Germany (Model Patent)..	6 "	40 c
Austria..	15 "	75 c
Hungary..	15 "	75 c
Italy..	15 "	70 c
Norway	15 "	70 c
Denmark..	15 "	60 c
Spain and Colonies..	20 "	75 c
Portugal..	15 "	80 c
Russia..	15 "	185 c
Sweden..	15 "	70 c
Switzerland..	15 "	60 c
The Commonwealth of Australia, comprising		
New South Wales, Victoria, Queensland, South		
Australia, Western Australia and Tasmania	14 "	125 b
New Zealand..	14 "	60
Transvaal (complete patent)..	14 "	125
" Provisional Protection..	9 months	30
Japan..	15 years	125
Mexico..	20 "	85

b Includes 1500 words of specification and 1 **simple** sheet of drawings.

c Includes 1000 words of specification and 1 **simple** sheet of drawings.

Extra Specification.—When the specification in b and c above exceeds 1500 and 1000 words respectively an additional charge is made as follows:—

For 100 words in English..	\$0.50
" 100 " in French, German and Italian	1 00
" " in other European languages.. . . .	2 00

Extra Drawings. per sheet, according to amount of work required, \$5 to \$15.00.

d Where provisional protection is taken the cost of completing the patent is but \$60.00.

CENTRAL AMERICA.

British Honduras..	14 years	\$150 c
Costa Rica..	20 "	225 c
Guatemala..	15 "	400 c
Honduras..	14 "	250 c
Nicaragua..	10 "	150 c
San Salvador..	20 "	250 c

SOUTH AMERICA.

Argentine Republic..	5, 10, 15 years	\$175 c
Bolivia..	3, 6, 10 "	225 c
Brazil..	15 "	120 c
British Guiana..	14 "	225 c
Chili..	10 "	225 c
Columbia..	15 "	150 c
Ecuador..	10 "	225 c
Paraguay..	10 "	250 c
Peru..	10 "	250 c
Uruguay..	9 "	275 c
Venezuela..	15 "	280 c

WEST INDIES.

Bahama Islands..	21 years	\$175 c
Barbadoes..	21 "	110 c
Bermuda..	14 "	300 c
Danish West Indies..	15 "	135 c
Grenada..	14 "	125 c
Jamaica	14 "	175 c
Leeward Islands..	14 "	260 c
St. Helena..	14 "	150 c
St. Lucia..	21 "	125 c
St. Vincent..	21 "	125 c
San Domingo..	10 "	225 c
Trinidad..	14 "	150 c
Cuba..	17 "	100 c
Porto Rico, Registration..		75 c

b Includes 1500 words of specification and 1 **simple** sheet of drawings.

c Includes 1000 words of specification and 1 **simple** sheet of drawings.

ASIA.

British North Borneo..	14 years	\$125c
Ceylon..	14 "	150 c
China..	} No patent Law, but Inv. 14 " 150 c } may be reg'd at China's } foreign Office.	
Hong Kong..	} Granted for inventions patented } in Great Britain.	
India..	14 "	80 c
Straits Settlements..	14 "	145 c
Japan..	15 "	125 c
Pehang	14 "	170 c
Perak..	14 "	170 c

AFRICA.

Cape Colony..	14 years	\$120 c
Congo Free State..	20 "	135 c
Gambia (British)	14 "	135 c
Gold Coast Colony..	14 "	150 c
Lagos..	14 "	250 c
Liberia..	20 "	250 c
Natal..	14 "	120 c
Orange River Colony..	14 "	235 c
Seychelles Islands..	15 "	175 c
Sierra Leone..		325 c
Tunis	15 "	100 c
Zululand..	14 "	175 c
Selangor	14 years	\$170 c
Transvaal..	14 "	125 c
Rhodesia..	14 "	179 c
Nigeria..	14 "	170 c
East African Protectorate..	14 "	170 c
Zanzibar..	14 "	170 c
Malta and Congo	14 "	150 c
Egypt..	7 "	160 c

Extra Specification.—When the specification in *b* and *c* above exceeds 1500 and 1000 words respectively, an additional charge is made as follows:

Per 100 words in English..	\$0 50
" 100 " " French, German and Italian..	1 00
" 100 " " Other European languages	2 00

Extra Drawings, per sheet, according to amount of work required, \$5 to \$10.00.

REFERENCES.

We have been in business so long and have received so many letters from clients expressing satisfaction for the manner in which we have conducted their business that it would be easy for us to fill a volume with such letters.

This we do not wish to do for obvious reasons, but, to give a general idea of the appreciation of our clients for our efforts in their behalf, we annex copies of some letters received in the ordinary course of business which may be interesting to new clients or persons contemplating the employment of solicitors.

During the past years we have represented inventors residing in nearly every city, county or village, in the Dominion of Canada and many residing abroad, and, if requested to do so, we will cheerfully refer you to some client in your own vicinity. We believe that most of them will speak well of us and say that we were faithful and skilful in securing all they were entitled to under the patent laws and practice. :

LAVELL, FARRELL & LAVELL,
Barristers, Solicitors, &c.

J. A. Lavell, B.A. A. B. Farrell, B.A.
H. S. Lavell, B.A.

Solicitors for the Montreal Bank
CANADA.

Smith's Falls, Ontario

March 7th 1900.

Messrs Marion & Marion

Washington D.C.

Dear Sirs,-

I duly received yours of the 14th of February and am now in receipt of yours of the second and desire to express my gratification at the information given in both of those letters. I should apologize for not acknowledging before this your letter of the 14th but a number of matters have so engrossed me that I have not been able to come to a satisfactory conclusion as to foreign patents. I will try however to write you within the next few days.

Of course if there is anything further to do you will do it. What you have done has been so eminently satisfactory that I would consider it would be my own loss in case any change was made.

You are perfectly right in your belief that the promise of Mr Seitz made in Montreal has been fulfilled.

Yours truly,

David Lavell

ARCHIBALD SHARP
ASSOC. M. INST. C.E.
CONSULTING ENGINEER,
CHARTERED PATENT AGENT,

47 Victoria Street
Westminster.

London, 9th January, 1902
S.W

Messrs Marion & Marion,
New York Life Buildings,
Montreal, CANADA.

Dear Sirs,

Your favour of the 28th inst, advising me of the official notice of allowance for "Rolling Packing Tube", duly to hand.

Allow me to take this opportunity of expressing my unqualified satisfaction at the manner in which you have handled this difficult case; I am sure no Patent Agent could have done it better, and 19 out of 20 would probably have done much worse. The case was doubly difficult from the fact that in view of the prior British Patent the U.S. Patent, to be valid, had of necessity to be issued before the British one.

Yours faithfully,

Archd. Sharp
— *AS/16*

HALIFAX
 Police Chambers
 Market Street

HUDDERSFIELD
 Alexandra Chambers
 22, John Williams Street

SCWENBY BRIDGE
 Town Hall Street

C. A. BARRON & LEWIN,

Consulting and Mechanical Engineers.
 Experts in Patents.

ALEXANDRA CHAMBERS
 32, JOHN WILLIAM STREET.

HUDDERSFIELD, November 19th. 1902

Messrs. Marion & Marion,

Experts in British,
 Colonial, U.S.A. and
 Foreign Patents,
 Designs, Trade Marks,
 and Copyright.

New York Life Building,

MONTREAL.

 Negotiators.

Dear Sirs,

Patent Drawings made
 to fulfil the requirements
 of all Countries.

We beg to acknowledge the same receipt of Charles
 Henry Wilkinson's Canadian Patent No. 78077 granted Nov 4th.
 1902

Searches and References
 Reports furnished

Infringement & Validity
 Investigations instituted
 and opinions rendered

We beg to thank you for getting this Patent through
 without any action thereon, and trust the second one may also
 come through all right in good time.

Consultations & Advice
 relating to securing
 Letters Patent Free to
 Inventors, Manufacturers,
 and others concerned

We have at present two other Canadian
 applications in
 course of preparation and we hope to be able to send them
 on to you shortly.

Oppositions Conducted
 and Expert Evidence
 given

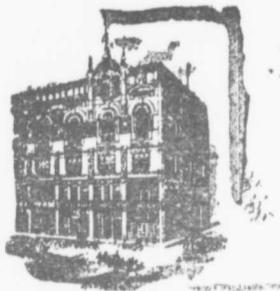
We are, Dear Sirs,

Yours faithfully,

Cases prepared for Coun-
 cils' opinions

Assignments & Licences
 settled and recorded

C. A. Barron & Lewin
Thos. Barron



The National Pharmacy.
National Monument Building

Montreal, May 5th 1896

To all the way Concord.

We take pleasure in saying
that J. Marion is the most prompt
energetic & successful patent attorney
one has ever employed. He sub-
stantiates for protection and not for ornament.
He is fully conversant with the "ins
& outs" of the Patent office - knows
what he can get & get it.

Wm. Stanger



Frederick W. Kahn,

Sole Owner for the United States and Canada for the

"SURE STEP" HORSE SHOE,

356 GRAND STREET,

New York, Jan 18 1897

Messrs Messrs J. Marion
Montreal Canada

Gentlemen

Your favor of the 1st inst. with my second patent on hand, for which accept thanks.

Especially for the short time it required you to produce it. I am ^{very} appreciative of your services, and will favor you with all my future patent transactions.

Thanking you again for your promptness I remain
Yours Respectfully
Frederick W. Kahn

THE ELECTRO-MAGNETIC TRACTION CO.,

120 BROADWAY.

ROOM No 5117

NEW YORK, N. Y., March 15, 1898

Mess. Marion & Marion,
Montreal, Can.

Gentlemen,-

We have your favor of the 14th inst. enclosing Canadian patent No. 51,497, with the certificate of one year extension recorded thereon, for which please accept our thanks.

Very truly yours,

Clarence V. ...
Secretary

BOISVERT & ROBERGE
 AGENTS MANUFACTURIERS
 DE
 MEUBLES de TOUS les PAYS
 EN GROS SEULEMENT

23. RUE SOUS LE FORT
 BASSE-VILLE, QUÉBEC

Québec, le 30 Oct 1896

Messrs Sharon Laberge
 Montréal

Messrs

Je viens de recevoir le buste des Cités
 Une fois terminés que vous avez préparés pour
 moi

Quand vous m'avez écrit qu'il fallait que vous
 reliez les applications anglaises françaises je
 croyais réellement que vous ne réussiriez pas
 à obtenir mon buste

Cela montre que vous êtes tenace en affaires
 et que vous arrivez à réussir quand il y a un
 moyen de réussir

Je vous remercie d'avoir eu bien
 à mon égard et je suis fier de croire que non
 seulement je vous donnerai d'autre buste as
 préparer mais encore je vous recommanderai
 fortement comme un collecteur compétent
 et honnête

Votre tout dévoué

W. B. Boivin

HUGH McLEAN.

JOEL H. GATES.

ANDREW McLEAN.

HUGH McLEAN & Co.

MANUFACTURERS & DEALERS IN
SHEDWOOD LUMBER,
Office and Yard, 1074 Seneca St.TELEPHONE, HOWARD 48 D.
P. O. BOX 206.

Buffalo, N. Y. Mar 15 1897

Messrs Marion & Marion
Buffalo.

Gentlemen

I have your favor of 12th inst
together with my Canadian
Patent no. 55733 for which accept
my best thanks.

I may say that I am entirely
satisfied with your service
and shall be most happy to place
any future business I may have
in your line with you.

Yours very truly
J. H. Edwards

Kentville, N.S., Feb. 7th, 1899.

MARION & MARION, Montreal.

Gentlemen.—I kindly extend my sincere thanks in acknowledgement of the receipt of my German Patent. Also for the prompt and efficient manner you transacted business up to date.

Yours kindly,

GEO. M. DONALDSON.

Toronto, Ohio, Jan. 25, 1900.

MESSRS. MARION & MARION, Montreal, Que.

Gentlemen,—This is to inform you that I received my Canada Patent some days since, and as I am more than pleased, you have my many thanks for your quick and effective work.

Yours truly,

J. M. DORSEY.

MESSRS. MARION & MARION, Montreal.

Bâtisse New York Life.

Messieurs,—Quoiqu'un peu en retard, nous accusons réception de nos brevets Canadien, Américain et Anglais, et après examen, nous sommes tellement satisfaits de vos services qu'il nous serait impossible de ne pas vous remercier cordialement, tout en vous assurant que ce sera toujours un devoir pour nous de vous envoyer ceux de nos amis qui pourraient être intéressés dans les brevets.

Bien à vous.

GEOFFRION & BELANGER,
2112 Notre Dame.

Montréal, Janvier 29, 1900.

Winchester, Ont., Jan. 29, 1900.

MESSRS. MARION & MARION, Montreal.

Dear Sir,—I am in receipt of your favor of 15th inst. enclosing British Patent No. 17000, Aug. 22, 1899.

Yours truly,

J. DRINKWATER,

Roadmaster.

Melita, Man., Jan. 26, 1900.

MARION & MARION.

Dear Sirs,—In reply to yours of the 20th, I received my Canadian Patent yesterday. I am very highly pleased with it, and will say that whenever I have any further business in your line I shall be more than pleased to engage your services.

I remain,

Yours truly,

JACOB N. FORLER.

New Ross, Ont., Nov. 10, 1900.

MESSRS. MARION & MARION, Montreal.

Gentlemen,—I have received my Canadian Patent, for which please accept thanks.

I also thank you most sincerely for the painstaking, and the businesslike way you have carried my patent through.

I had all confidence in your firm when I placed my application for patent in your hands. I will always recommend you to all I know who intend taking out a patent, for you are very painstaking in every way.

I hope soon to have more work for you in this line.

Yours very truly,

JOSEPH SKERRY.

St. Roch, Quebec, 30 Oct., 1900.

MESSRS. MARION & MARION, Montreal.

Messieurs,—Nous accusons réception par le courrier de ce matin du certificat d'enregistrement de notre marque de commerce "FOS." Veuillez accepter nos remerciements pour la promptitude avec laquelle vous nous avez servi.

Bien à vous,

F. SCHRYBURT & Co.

Kentville, N.S., April 30, 1900.

MARION & MARION, Montreal.

Gentlemen,—I received my United States patent, for which I desire to convey my heartfelt thanks, and because of the many patents obtained for me through your efforts, it affords me great pleasure to commend you to all persons having patent business, especially to those who wish to obtain broad and comprehensive patents, as I know your skill and general ability is unapproachable.

Yours very truly,

GEO. M. DONALDSON.

Trail, B.C., July 30, 1900.

MARION & MARION.

Dear Sirs,—Enclosed find \$20.00 final Government fee to issue Patent. I thank you for the honest and energetic way that you have attended to my business. I shall entrust all future business to you, and would recommend all inventors to do likewise.

Yours respectfully,

THOS. MCKELVEY.

Little Glace Bay, C.B., Sept. 24, 1900.

MESSRS. MARION & MARION.
Patent Attorneys, Montreal.

Gentlemen,—Yours of the 17th inst. to hand, containing my Canadian Patent, of which I feel very proud.

I am certain I have obtained such a patent as would be possible to have only through your firm, and I must congratulate myself on the choice I made in selecting my attorney, as that was the first important step. I hope that I may make my future steps in connection with my devices as successful.

I thank you for the gentlemanly manner in which you have carried on the correspondence, and the very satisfactory way you have transacted my business. When in need of any future service in your line will correspond with you. Again thanking you, I beg to remain,

Yours very truly,

MICHAEL E. MCNEIL.

Amherst, N.S., Oct. 23, 1900.

MESSRS. MARION & MARION, Montreal.

Gentlemen,—Your letter of the 17th just received, with notice of allowance of United States patent on propeller.

It was a surprise to me. It is the shortest time in which I ever received a patent before, and I wish to thank you for your promptness.

I will recommend you to my friends and hope to have another case ready for you very soon.

Your drawings and specifications cannot be equalled in Canada. Again thanking you for your promptness, I am

Yours respectfully,

GEORGE H. COVE.

P.S.—You will, no doubt, hear from us in a few days in reference to taking out foreign patents on propeller.

Yours,

G. H. C.

Everett, Wash., U.S.A., Nov. 14, 1900.

MESSRS. MARION & MARION, Montreal.

Gentlemen,—I received the patent (U.S.) to-day, and must take this opportunity of thanking you for the zeal and trouble you have taken in a very difficult case.

Faithfully yours,

PERCY HULL BROWN.

Halifax, N.S., Dec. 15, 1900.

MESSRS. MARION & MARION,

New York Life Building, Montreal.

Dear Sirs,—Your favor of the 13th inst with enclosed patent came duly to hand, this day, for which accept my thanks. I can assure you, your promptness and business methods has confirmed your firm in my estimation and will honestly do any thing I can or that lays in my power to speak honestly of your firm, and hope you will be successful in your undertakings.

Wishing a happy Christmas.

Respectfully,

P. DOYLE.

Fairville, N.B., April 13, 1901.

MESSRS. MARION & MARION, Montreal.

Gents,—Yours of the 9th inst. received, containing British patent; many thanks for same. The drawings and specification are entirely satisfactory and reflect credit on you. Thanking you again for your careful attention to my business, I remain,

Yours truly,

DANIEL CAMPBELL.

Cumberland, B.C., March 13, 1901.

MARION & MARION.

Gentlemen,—Your favor containing patent to hand. Thanks for promptness. Any future business I may have in connection with Patent Office will be put into your hands.

I remain,

Yours respectfully,

JOHN FURROW.

Montreal, 9 Mars, 1901.

MESSRS. MARION & MARION,
New York Life Building, Cité.

Messieurs,—J'accuse, avec plaisir, réception de la vôtre en date du 7 courant, ainsi que son contenu, c'est-à-dire mon brevet canadien, et pour lequel, veuillez accepter mes sincères remerciements.

Votre très respectueux,

J. A. BEAUDRY,
1662 rue Ste. Catherine.

Wallace, N.S., May 25, 1901.

MESSRS. MARION & MARION,

Dear Sirs,—Your favor of 22nd inst. to hand, enclosing Canadian Patent. I congratulate myself in having secured your services and thank you for the sincere and prompt manner in which you transacted my business.

Yours very truly,

A. MCINTOSH.

P.S.—I am making arrangements to apply for a U. S. patent, and will write you in a few days.

A. McL.

St. Hyacinthe, Avril 12, 1901.

MESSRS. MARION & MARION, Montreal.

Messieurs,—J'accuse réception de votre lettre du 11 courant et son contenu, mon brevet canadien. Merci de votre diligence.

Bien à vous,

L. P. MORIN.

Wyoming, June 8, 1901.

MESSRS. MARION & MARION, Montreal.

Gentlemen,—I received my Canadian Patent No. 71,650, and I am very much pleased with your work. I shall always consider it my duty to recommend the firm of Marion & Marion to any of my friends who may require patents.

Thanking you for your promptness and attention to this matter, I remain,

Yours truly,

ALEXANDER J. GILLATLY.
P.O. Box 201, Ontario.

Lachine Rapids, June 14, 1901.

MESSRS. MARION & MARION,
Engineers and Patent Attorneys, City.

GENTLEMEN,

Acknowledging the receipt of my U. S. Patent for "Speed Regulator for Prime Motors," I beg to thank you most sincerely for your excellent services in procuring for me a patent with such broad claims. Any future patent cases I shall gladly entrust to your care, for then I am confident they will come to a successful issue. *Hoping that my Canadian patent will soon be allowed, I am,*

Yours very truly,

A. MEUSCHEL, E. E.

Dunrea, Man., July 2, 1901.

MESSRS. MARION & MARION, Montreal.

DEAR SIRs,

I have the pleasure to acknowledge the receipt of my Canadian Patent, for which accept my thanks for the prompt and complete manner in which you have transacted the business.

I was not expecting my Patent for some time yet. If I require similar business in the future I will certainly employ you as my attorneys.

Awaiting the U. S. Patent,

I am, yours respectfully,

JOHN G. TAYLOR.

Iberville, Que., 11 Juillet, 1901.

MESSRS. MARION & MARION, Montreal.

Messieurs,—J'accuse réception à la vôtre qui m'est parvenue ce matin, dans laquelle était inclus mon brevet. Veuillez accepter mes remerciements.

Pour la Patente aux Etats-Unis, je vous verrai sous peu si je me décide de la prendre.

Votre tout dévoué,

JOS. AREL.

Cumberland, B.C., June 24th, 1901.

MARION & MARION.

GENTLEMEN,

Yours of the 10th inst. enclosing British Patent No. 2364, for which please accept my thanks. I shall be glad to recommend you to any one requiring the services of first-class attorneys.

Yours truly,

JOHN FURROW.

Longue Pointe, P.Q., 13 Avril, 1901.

MESSRS. MARION & MARION.

Bâtisse New York Life, Montréal.

Messieurs.—Je viens de recevoir mon brevet américain et je me fais un devoir de vous féliciter de la promptitude que vous avez eue à le préparer avec soin; je me fais aussi un devoir de vous recommander aux inventeurs comme sollicitateurs compétents et prompts à exécuter les demandes qui vous sont confiées.

Espérant pouvoir vous prouver encore une fois la confiance que j'ai en vous.

Je demeure, votre dévoué,

HIPP. BERGERON, architecte.

—
Little Metis, P.Q., July 27, 1901.

MARION & MARION.

Dear Sirs,—I received the United States Patent, and am much obliged to you for the prompt way everything has been conducted. Should I have, at any time, the need of a Patent Attorney I will call upon you.

Yours truly,

—
GEO. SIMS.

—
Vittoria, August 3rd, 1901.

MESSRS. MARION & MARION, Montreal, Que.

Gentlemen,—I take pleasure in acknowledging the receipt of my Canadian Patent, and I feel very thankful to you for your faithful services, and trust the United States Patent will come in due time.

Awaiting the same, I remain,

Yours respectfully,

F. A. COLLVER.

Toronto Junction, Ont., Aug. 10th, 1901.

MARION & MARION, Montreal.

DEAR SIRS,

Have just received my Canadian Patent, which was forwarded to me from Sturgeon Falls, where it has been delayed for some time. I am unable to express the thanks your firm deserve for their promptness in transacting my business. I regret that I had not secured your services before, as it would have saved me time and money, which were spent to no avail by placing my former patent business in the hands of cheap attorneys. I would advise all inventors to place their patent business in your hands, as I think your workmanship and business principles are unequalled. All my future patent business, which I hope will be extensive, I promise to place in your hands.

Again thanking you for your promptness and good work in getting my patent, and wishing you the success you deserve,

I remain, yours truly,

JOHN L. PRINGLE.

Kilsyth, 3rd Dec., 1901.

MESSRS. MARION & MARION.

Patent Solicitors, Montreal.

Re Tally Sheets.

Dear Sirs.—The patent in this was received here in my absence on the 28th ult. I understand that my son, who attends to some of my business in such cases, has acknowledged the receipt of the patent on my behalf. I feel however, that I would be lacking in ordinary courtesy if I did not try to express to you my high appreciation of your proficiency as Patent Solicitors.

In my experience, every word published in testimony of your unquestionable skill and honourable methods of doing business has been verified and vindicated.

You will hear from me later about the U. S. application.

In the meantime, accept my thanks for your prompt and faithful attention to the business I entrusted to you.

Yours sincerely,

W. BEATON.

Nelson, B.C., Oct. 31st, 1901.

MESSRS. MARION & MARION, Montreal.

Dear Sirs,—Yours of the 23rd enclosing the Canadian Patent came duly to hand, and I have to kindly thank you for the promptitude and care which have been bestowed by your firm on the professional work in connection with obtaining my patents. I can express myself the more fully, in view of the fact, that before transferring my business to you it had come to a standstill, owing to gross incompetence, and dishonesty on the part of the firm to whom I had entrusted my work.

You may rest assured I shall always recommend your firm to my friends. Again thanking you, I am, dear sirs,

Yours very truly,

JOHN PATERSON.

Montreal, July 6, 1901.

MESSRS. MARION & MARION.

Engineers and Patent Attorneys, Montreal.

Gentlemen.—I received my Canadian Patent No. 72086, and thank you very much for the prompt and efficient manner in conducting my business and procuring me Canadian and U. S. Patents with such perfect claims.

I shall always gratefully remember you in future patent transactions and recommend you as most competent attorneys to my acquaintances.

Sincerely yours,

A. MEUSCHEL.

Hydraulic Co., Montreal, P.Q.

Wolfville, N.S., Feb. 27th, 1899.

MARION & MARION.

Sirs.—Your favor containing patent papers at hand. Many thanks for promptness. I shall entrust all future business to you and recommend all to do so.

Yours faithfully,

B. G. BISHOP.

Westfield Centre, N.B., December 31st, 1899.

MESSRS. MARION & MARION.

Gentlemen.—Yours of the 29th containing my Canadian Patent duly received, and of which I feel very proud. I am certain I have obtained such a patent that it would be impossible to have only through your firm and I must congratulate myself on the choice I made in selecting my *attorneys*, for that was the first important step. I hope that I may make my future steps in connection with my device as successful. I now thank you for the gentlemanly way you have carried on the correspondence, and the very satisfactory way you have done the business. I also wish that the coming new year may be one of prosperity to you.

Yours very truly,

N. E. LISTER.

Hamtota, Man., Nov. 24th, 1897.

MARION & MARION, 185 St. James St., Montreal.

Dear Sirs,—Your esteemed favour of the 16th ultimo to hand, enclosing Patent on Land Scrubber, I beg to thank you very much for your efforts in this matter. I was agreeably surprised at my receiving Patent so soon, as it is my intention to put the Scrubbers on the market myself. It is not my intention to secure American Patent. Again thanking you, I beg to remain,

Yours very respectfully,

A. E. BROWN.

Boissevain, Man., Feb. 25th, 1899.

MARION & MARION.

Dear Sirs.—Received this mail my Canadian Patent for self rocking cradle, No. 62675, Feb. 16, 1899, and I am very much pleased with your work. As soon as circumstances permit I will try the English Patent next.

With thanks and kind regards,

Yours sincerely,

L. F. CUTTEN.

Albert Head B.C., Dec. 18th, 1899.

MESSRS. MARION & MARION, Montreal.

Dear Sirs.—I have to acknowledge receipt of the British Patent 8945 addressed to Mr. Ellison. I must again thank you for the diligence with which you have prosecuted my business and only hope that if you are entrusted with any other case of mine—and I assure you I would not think of employing anyone else—it will be a case where less work on your part will be needed.

Hoping to hear from you anent the other three countries (U. S., France and Belgium),

I am, Sirs,

Yours gratefully,

HENRY JONES.

Tilsonburg, Ont., Aug. 21st, 1897.

MARION & MARION,

Dear Sir,—I received my Canadian Patent on Aug. 13th. and I can assure you I was more than pleased. I shall always consider it my duty to recommend this firm of Marion & Marion to any of my friends who may require the services of competent Patent Attorneys. How much longer do you think it will be before you hear from the United States Patent. Thanking you for your promptness and attention to this matter.

I remain, Yours truly,

HENRY L. KIMPTON.

Leamington, Ont., Dec. 30, 1899.

MESSRS. MARION & MARION, Montreal.

Dear Sirs,—United States Patent received this morning, with many thanks to you for your masterly work in obtaining it. You can add my name to your list and refer any one to me that you wish. I will do all I can for you.

Yours very truly,

EDGAR McCLATCHEY.

Phillipsburg, Que., 23rd April, 1898.

GENTLEMEN,

Yours of 21st. inst. containing United States patent for my "Clothes Tongue" for removing clothing from boiling water received, and I cannot fully express my thanks and gratitude, for the able manner in which you have pressed my application to a final issue. Before writing you I placed my application in the hands of a prominent firm of Patent Solicitors in New York City. This firm made a preliminary search, and reported my chance for obtaining a patent as hopeless, and advised me not to make the attempt, citing two patents which had been granted some 28 years since on articles for similar purposes, though not constructed like mine, said patents having also expired several years since. I then placed my application in your hands, with the gratifying result that the Patent is now in my hands. Great credit is due you for the broad patent you secured, the claims being perfect.

My Canadian patent you obtained in 16 days. Your charges are extremely low considering the value of your services, which enables an inventor with moderate means to obtain the best service with about one-half the money required by some Patent Attorneys. If my voice could reach every inventor on this continent, I would say "Do not attempt to obtain a patent yourself, but place your application for Home or Foreign patents in the hands of Messrs. Marion & Marion, whom few equal and none excel."

You are at liberty to refer to me always.

Very truly yours,

E. B. STEVENSON.

Jersey City, Nov. 27th, 1896.

MR. J. A. MARION,

Dear Sir,—In regard to yours of Nov. 24 inst., I am surprised to think that you could get my Canadian Patent out in such a short time and you deserve great praise and credit for it. I have found you to do just as you said you would do and therefore I know that you are reliable. I will also have you to do all my business concerning Patents in the future.

I remain thankfully yours,

CHAS. ESCHER.

143½ Fremont St., Jersey City, N. J., U.S.A.

Detroit, Mich., March 21, 1898.

MESSRS. MARION & MARION, Montreal, Que.

Gentlemen,—Your favour of the 19th at hand, also enclosure of our patent No. 51,555. Please accept our thanks for your promptness in getting this extended.

When in need of any services on your side will correspond with you.

Yours truly,

AMERICAN ELECTRICAL HEATER CO.

per JOHN SCUDDEN,

Sec. and Treas.

Kingsbury, Que., March 5, 1898.

MESSRS. MARION & MARION, Montreal.

Gentlemen,—I received the United States Patent on Cloth Measuring Machine. When I have another I will remember you.

Yours truly,

T. R. WOODARD.

Hamburg, Mich., Aug. 24, 1897.

MESSRS. MARION & MARION, Montreal.

Gents,—I received both the Canadian and United States Patents to-day and can say that our dealings have been very pleasant and satisfactory and if you think there would be any thing in it for us to patent in any foreign country would say if you wish to go to the whole expense, I will sign all papers and give you one half interest in it as I have no more money to invest.

Yours truly,

JAS. NISBET.

Stanbridge Station, Que., Juillet 20 1897.

MESSIEURS MARION & MARION, Montréal,

Messieurs,—J'ai reçu mon brevet 56594 pour devidoires. Je suis très satisfait et je vous offre mes remerciements pour vos bons services.

Votre tout respectueux,

LOUIS BARCELOUX.

Collingwood, Ont., July 23th, 1897.

MESSRS. MARION & MARION, Montreal.

Gentlemen,—Please accept thanks from Mrs. Law for your prompt attention in getting extension of one year on Patent. If anything more is required will remember you.

Yours truly,

JOHN LAW.

Lowell, Mass., 16 Janvier 1898.

MESSIEURS,—Avec quel plaisir aujourd'hui nous venons vous remercier de tout notre coeur pour l'ouvrage et le succès que vous nous avez obtenus pour notre patente canadienne; tout nous prouve que nous avons fait un bon choix en mettant tout entre les mains pour agir pour nous. Ceci est une preuve de votre bon dévouement pour vos clients et un encouragement pour plus tard si l'on vient à avoir besoin de vous et nous espérons qu'avant bien longtemps nous serons heureux de s'adresser encore à vous. Ainsi donc, mille remerciements pour ce que vous nous avez obtenu et ce que vous allez nous obtenir de Washington que nous attendons avec impatience.

Vos dévoués,

LEFEBVRE, POLIQUIN & LAVOIE,
5 Montcalm Avenue, Lowell, Mass.

Sintaluta, Ass., Oct. 8, 1898.

MESSRS. MARION & MARION, Montreal, Que.

Dear Sirs.—I received my Canadian Patent for Pitman, No. 61283 and I can assure you I was more than surprised and pleased. I am very much satisfied with same, the claims being so broadly and clearly executed. You must have been surely vexed and tried with it being rejected so many times. I think it impossible for a patent intrusted in your hands to fall to the ground, I dare state that never had my business been attended to in such a businesslike and masterly manner. My connections with you in the present case have been of such a nature as will lead me to place my future business in your hands, and I will take pleasure in recommending you as honest and capable patent attorneys.

Yours truly,

C. W. Ross.

P.S.—I expect to apply for a U. S. Patent in a few days will advise you.

Philipsburg, Que., Nov. 17, 1897.

MESSRS. MARION & MARION, Montreal.

Your favour with patent papers inclosed received. I was much surprised to receive them so much sooner than expected. Only 11 days since I received my official receipt. I do not think any other attorneys could have done *as well*. You have broken the record. If my voice could reach every inventor on this continent, I would say: employ Marion & Marion.

I heartily thank you for the prompt manner in which you have secured my Canadian Patent and hoping you will do all you can to secure the United States patent and that your efforts may be crowned with success, but on my part I am going to send you a box of cigars as soon as I can, and do you all the good I can.

I remain, your truly,

E. B. STEVENSON,
Philipsburg, Que.

Victoria, B.C., Sept. 28th, 1897.

MARION & MARION, Patent Solicitors, Montreal.

Gentlemen,—I beg to acknowledge the receipt of the German Patent, for which I desire to express my sincere thanks for your promptness in transacting my business.

Yours respectfully,

THOMAS KIPLING.

St. George, N.B., December 15th, 1897.

MARION & MARION.

Dear Sir,—Yours received with assignment C. E. Rapley Patent No. 57210 to me, together with Patent itself. Thank you very much.

Yours truly,

H. McLEAN.

Trois-Rivieres, Que., 21 Mai 1897.

MONSIEUR,

Je reçois à l'instant ma patente Américaine et me fais un devoir de vous adresser immédiatement mes remerciements.

Votre dévoué,

EUG. GODIN.

Owen Sound, Ont., March 8th, 1897.

MESSRS. MARION & MARION, Solicitors of Patents,
185 St James St., Temple Bldg., Montreal.
GENTLEMEN,

I notice in *Toronto World* that you have secured for the following parties "letters patent" for their inventions. I would like you to advise me if those inventions are in shape to be put on and sold on the market and also to whom I should apply for information regarding the same.

Alice J. Hoyrasdt, Hudson, N.J., Safety Pin.

Francis H. Gorrill, Newton, Ia., Hook and Eye.

Sallie A. Seager, Allentown, Pa., Non re-fillable bottle.

Caroline A. Stone, Allegheny, Pa., Skirt supp. Belt.

B. Parry, Galesburg, Ill., Supp. for Wearing Apparel.

Elizabeth G. Tebbutt, Albany, N.Y., Self Meas. Bottle.

Mary R. Lucas, Omaha, Neb., Skirt Lifter Holder and Adjuster.

Mattie King, Plymouth, Mass., Imp. Safety Envelope.

Helen B. Rennie, Stratford, Can., Bicy. Skirt adj. and Holder.

Jennie M. Secord, Rotterdam Jct., N.Y., Garment and shawl pin.

Natalie Schell, San Francisco, Cal., Body Form for D. maker.

If you will kindly advise me as to above, I will consider it a favour.

Yours respectfully,

R. P. BLACK,
Owen Sound, Ont. Box 17.

Reformatory, Penctanguishe, Ont., March 28th, 1897.

MESSRS. MARION & MARION,

Dear Sirs,—In answer to your letter of the 8th inst. I received the Canadian Patent all right; hoping you will soon hear from the United States. And as to being satisfied with your services, I am perfectly satisfied and consider my business done in a very businesslike manner.

Will you be kind enough to send me the model back if it's not required any more.

I remain yours truly,

W. H. SMITH.

Hochelaga, Quc., 22 Janvier 1897.

M. J. A. MARION,

Cher Monsieur,—Veuillez agréer mes plus sincères remerciements pour le brevet de roue de voiture que je viens d'obtenir du Gouvernement Canadien par votre habile entremise, J'aime à vous dire que je suis réellement satisfait de vos services, puisque vous m'avez obtenu ce brevet dans un mois, du 15 décembre au 16 janvier et cela sans aucun trouble ni un centin d'extra, je n'ai pas été trompé dans ma croyance et j'admire la promptitude que vous mettez à obtenir vos brevets; cela montre que vous êtes tenace en affaire et que vous aimez à réussir quand il y a moyen de réussir. Je vous remercie d'avoir si bien agi à mon égard et je vous prie de croire que non seulement je vous donnerai d'autres brevets à préparer mais encore je vous recommanderai fortement comme solliciteur compétent et honnête. Bon succès dans mon brevet Américain,

Bien à vous,

J. B. GARAND.

Stanbridge Station, Quc., April 26th, 1897.

MESSIEURS MARION & MARION, Montréal.

Messieurs,—Votre faveur du 22 courant et mon brevet d'invention américain reçu avec beaucoup de joie. Je suis très satisfait de vos services relativement à cette affaire et je vous offre mes remerciements pour le succès que vous avez obtenu pour moi.

Votre bien dévoué,

LOUIS BARCELOUX.

Church Point, N.S., June 15th, 1897.

MESSRS. MARION & MARION.

Dear Sirs,—I received Canadian Patent on my arrival home Saturday and was much pleased to get it. I am now making arrangements with a firm in Yarmouth to have some made in order to test them. I am not yet ready to apply for the United States patent, but I think I will be soon.

Please accept many thanks for your promptness and good work in getting patent out.

Yours truly,

WM. S. MELANCON.

Beausejour, Man., September 18th, 1897.

TO ALL WHOM IT MAY CONCERN.

Being in need of the services of a competent and honest patent attorney, I, after some deliberation, employed Messrs. Marion & Marion, of Montreal, which gentlemen I have found to be indeed thoroughly competent, doing my business most satisfactorily and also strictly honest, doing all that they agreed to do. They obtained one patent for me inside of 13 days from the time of filing it in the patent office, and another patent they secured inside of a month. It is with the greatest pleasure that I recommend those gentlemen to the confidence of the Canadian public.

Yours very truly,

W. H. ORR.

Jackman, Maine, U.S.A., 11th Oct., 1897.

MARION & MARION.

Je suis chargé de la part de monsieur Julien Boucher de vous présenter ses plus sincères remerciements pour avoir si bien réussi à obtenir sa patente des Etats-Unis. Il est d'autant plus content qu'il ne conservait aucun espoir de l'obtenir.

Il ne manquera pas de vous accorder son patronage quand il prendra ses nouvelles patentes, car il en a plusieurs autres en marche.

Je demeure votre tout dévoué,

JOSEPH FOREST,, prêtre, curé,

Jackman, Me., U.S.

*Kelly Ville, near Paramatta, New South Wales,
Australia, 3rd, 1896.*

GENTLEMEN,

I am writing to thank you for the trouble you have taken in getting the Canadian Patent of my label and capsule, which considering I am in Australia, nearly 9,000 miles from Montreal, does you great credit

Faithfully yours,

ARTHUR STOCKDALE JACKSON.

Black Cape, Que., Oct. 20th, 1897.

MESSRS. MARION & MARION,

Dear Sirs,—I received my Patent all right. Please excuse my neglect of answering same. I am exceedingly well satisfied with your work, my patent being issued in three weeks from time of filing. If you wish to use my name as a reference you are quite at liberty to do so.

I remain yours truly,

DAVID A. TAYLOR.

Black Cape, Bonaventure Co., Que.

Port Philip, N.B., May 13th, 1897.

MARION & MARION.

Gentlemen,—I received my letters of patent for Clothes Pounder to-night. You have done my business with promptness and entire satisfaction. I consider you the best patent solicitors in Canada.

I am ever yours truly,

C. V. WOOD.

Victoria, B.C., November 11th, 1897.

MARION & MARION, Montreal.

Gentlemen,—Your favour with Belgian Patent enclosed to hand. I am more than pleased with it, and you have my sincere thanks for your promptness. I am sure that you have conducted my business in a most satisfactory manner, and I shall take great pleasure in recommending you to my friends who may require the services of competent attorneys. I find your warning of use. I have received several letters from "Patent Attorneys," but I pay no attention to them whatever.

Hoping soon to receive my other Patents, I am,

Faithfully yours,

THOS. KIPLING.

Montreal, Que., Sept. 12th, 1896.

M. J. A. MARION, Patent Solicitor, Montreal.

Dear Sir,—Yours of the 11th inst. with letters patent enclosed, came duly to hand, and in acknowledging the receipt of the same I avail myself of the opportunity to express to you my sincere thanks and satisfaction for the efficient and prompt work you have accomplished for me in procuring me a good patent *after the application had been rejected in the hands of another attorney who worked unsuccessfully during more than 10 months*. I must also state that you amended the application and secured the patent inside of 14 days. I shall be ready to recommend your valuable services as solicitors of patents and specialists in rejected cases.

I remain, very respectfully yours,

AIME TAILLEFER, Carriagemaker,

667 St. Paul Street.

Montreal, Que., Feb. 24th, 1896.

DEAR SIR,

Your favour of the 22nd containing official notice of allowance of my application is at hand. In justice to you, I must say that *you have obtained in less than two months an application which had been rejected in the hands of M. B. & F., of this city, and abandoned by them as fully anticipated.*

The specifications and claims as amended by you, are comprehensive, fully cover the construction and reflect credit on you as experts not only in the able manner in which you have assisted me personally, but as honest, conscientious gentlemen. I wish I had known you sooner; it would have been to me a considerable saving, both in time and money.

I must see you shortly about the validity of my Canadian Patent prepared by M. B. & F., who could not get the American Patent, and in the future, I will never entrust any business to CHEAP ATTORNEYS, IT COSTS TOO MUCH AT THE END.

Sincerely yours,

JOHN DONNELLY,

81 Greene Avenue.

Wapella, Assa., May 25, 1898.

MESSRS. MARION & MARION,

I received my English Patent No. 30675, for which please accept my thanks.

H. B. FITZSIMON.

Montreal, March 6th, 1896.

DEAR SIR,

It may be superior knowledge of patent business giving your individual attention to your clients' affairs until they are disposed of, or it may be from some mysterious cause unknown to me; I do, however, most emphatically state that *during a long experience in the patent business, I am better pleased with your conduct of my affairs in the Canadian and Foreign Patent offices than all other agents that I had to deal with put together.* Yes, gentlemen, you have been prompt, careful and successful, and you can always consider me one of your standing references.

Very truly yours,

ARTHUR DUBREUIL,
156 Berri Street.

Lowell, Mass., July 6th, 1896.

DEAR SIR,

You will find me very negligent in not answering and thanking you for your promptness, but I have just got home.

I will try and get the American Patent through your office as soon as I can. *I am much pleased with your work and your activity in obtaining Canadian patents and cannot thank you enough.*

Yours truly,

T. A. RYAN.

Quebec, Dec. 24th, 1895.

GENTLEMEN,

My patent No. 50,884 for Railway, came to hand last night, and was accompanied by your valued favour notifying me of date of mailing patent. Acknowledging the receipt of both, I have to say that I thank you for your promptness and would say to inventors who may need the services of a *competent, honest, and painstaking attorney*, in any business they may wish to transact with the patent bureau, that in my judgment, *they cannot possibly do better than to entrust their business to your firm*, knowing as I do that it will receive your earnest, prompt and faithful attention,—the fact being that you secured the patent in 22 days only. Closing, I will say that I thank you, and also that you are at liberty to make use of this letter whenever you may desire in extending your business and you are also at liberty to refer to me at all times.

Wishing you the fullest measure of success, and that your business may increase a thousandfold.

I am, gentleman, yours very truly,

V. A. EMOND,
Tool Manufacturer.

The St. Lawrence Sugar Refining Co., Limited,
Corn Exchange building.

Montreal, July 22nd, 1895.

J. A. MARION, Esq., C.E., Montreal.

Dear Sir,—Having engaged you as my solicitor to obtain a patent through Ottawa, I must say that you conducted the matter in a satisfactory manner, with the result that in the *short period of one month from the time of application for such patent having been made*, I received my paper granting a patent for my invention, and I would further state that all who are desirous of making application for patents, either at Canada or the United States, would do well to entrust you with their business. (Patent granted May 22nd, 1895.)

Yours truly,

E. GORDON JOHNSON.

Montreal, January 20th, 1896.

DEAR SIR,

I must thank you for the trouble you have taken in regard to my stopper for spirit bottles, the application for which was filed on December the 5th, 1895, and the Patent received by me on the 21st of December. It, therefore, only *took sixteen days*, which I think is a very short time and I must thank you for your promptness and the way you have looked after my interests.

Should you want me as a reference, I shall always be happy to oblige you.

I remain, yours truly,

ARTHUR STOCKDALE JACKSON.

Three Rivers, P.Q., October 12th, 1896.

DEAR SIRS,

The Canadian patent received. Enclosed please find balance of fee due on same. How much longer do you expect it will be before you receive the U. S. patent?

Thanking you for your *promptness and attention to this matter*.

I remain, yours truly,

S. W. BUTTERFIELD.

North Sydney, CB., Nov. 1st, 1902.

MESSRS. MARION & MARION,

Dear Sirs,—Thanks for yours of 23rd, enclosing U. S. Patent No. 711660. We are now trying to introduce the machine, and I have much pleasure in conveying to you the thanks of all interested in the "Puncher" for your uniform kindness and attention to the business in connection therewith. If at any time I can throw anything your way, you can depend upon my doing so.

Yours truly,

F. T. LEMOINE.

Cataraqui, March 21st, 1902.

MESSRS. MARION & MARION, Montreal. Que.

Gentlemen,—Yours of the 20th inst. to hand containing stated enclosure, viz.: Official notice that application for a Patent for an *Improvement in Axle Bearings* has been allowed by the Commissioners of Patents, at Washington, U.S.

Permit me, most sincerely to thank you for your arduous and successful labours in obtaining the same. As occasion may offer, I shall take great pleasure in recommending you to inventors, as reliable and trustworthy Patent Attorneys.

Yours very truly,

T. F. VAN LUVEN.

Quebec, 1er Nov. 1902.

MM. MARION ET MARION, Solliciteurs de Patentes, Montréal.

Laissez-moi vous offrir mes plus sincères remerciements pour le zèle et la promptitude que vous avez déployés pour obtenir mes brevets d'invention, du Gouvernement Canadien d'abord ensuite des Etats Unis.

Je suis absolument satisfait de vos services et je ne puis suffisamment en proclamer toute la valeur.

Je me feral un devoir en temps opportun de recommander la haute honorabilité de votre maison.

Veillez me croire, Messieurs, votre reconnaissant serviteur,

ARTHUR BOLDOC.

Tweed, Ont., April 23, 1903.

MESSRS. MARION & MARION, Montreal

Gentlemen,—Your letter of April 22, received and noted, Mr. Leal and I are very greatly pleased to note you have succeeded in procuring patent for our Steel Hog Trough. We certainly had become pretty well discouraged about the matter when the examiner refused the patent the second time. You certainly deserve a great deal of credit for persevering in this matter.

I shall be very much pleased to furnish written testimonial if it would be of any use to you.

I enclose you D. E. order for \$25.00.

Yours truly,

W. GORDON.

Heatherdale, P.E.I., June 22nd, 1903.

MESSRS. MARION & MARION, Montreal.

Dear Sirs,—I have just received my Canadian Patent and let me say that I am delighted that you have been able to secure so broad and comprehensive a claim.

The work you have done for me required the exercise of rare virtues as well as skill and engenuity.

I thank you heartily for the patience and courtesy you have displayed in bringing my invention to a final and successful issue, would bespeak for you the full and extensive patronage which your capable and efficient services should command I expect my U. S. Patent along soon.

I have not yet made a move to secure *over the sea* Patents.

I am respectfully yours,

SAMUEL M. MARTIN.

Elkhorn, Man., Nov. 4th, 1903.

MARION & MARION.

New York Life Building, Montreal.

I am in receipt of your favour of the 29th ultimo, enclosing Canadian Patent. No. 83,650 granted Oct. 27th, 1903, for which I thank you.

I am pleased with the satisfactory manner in which you have handled this business for me. I can assure you that it will give me very much pleasure to do any further business I may have, in this direction, with your firm.

Yours very truly,

A. E. WILSON.

Principal.

Lone Tree, Manitoba, April 4th, 1904.

MESSRS. MARION & MARION, Montreal.

Dear Sirs,—I beg to acknowledge with many thanks your favour of 26th March enclosing Canadian Patent for my invention.

While I do not feel like taking steps for protecting myself in foreign countries, nor for taking out U. S. Patent (as I do not feel the invention is worth it) *just at present*, I desire to convey to you my high appreciation of the way in which you have managed the business entrusted to your care, and I shall have pleasure in recommending your firm to any one likely to be doing business in your way. Thanking you again for trouble and care taken in this matter,

I am yours truly,

C. L. GURNEY.

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