

Be it enacted by the Senate and House of Representatives
of the United States of America in Congress assembled, THAT the Com-
missioner of Patents may establish rules for taking
affidavits and depositions required in cases pending
in the Patent Office, and such affidavits and depo-
sitions may be taken before any justice of the peace,
or other officer authorized by law to take depositions
to be used in the courts of the United States, or in the
State courts of any state where such officer shall reside,
and in any contested case pending in the Patent Office
it shall be lawful for the clerk of any court of the
United States for any district or Territory, and he is
hereby required, upon the application of any party to
such contested case, or the agent or attorney of such
party, to issue subpoenas for any witnesses residing
or being within the said district or Territory, com-
manding such witnesses to appear and testify be-
fore any justice of the peace, or other officer as aforesaid,
residing within the said district or Territory, at any
time and place in the subpoena to be stated; and
if any witness, after being duly served with such
subpoena, shall refuse or neglect to appear, or, after
appearing, shall refuse to testify, (not being privileged
from giving testimony,) such refusal or neglect being
proved to the satisfaction of any judge of the court
whose clerk shall have issued such subpoena, said
judge may thereupon proceed to enforce obedience to
the process, or to punish the disobedience in like
manner as any court of the United States may do in
case of disobedience to process of subpoena ad-

testificandum issued by such court; and witnessed in such cases shall be allowed the same compensation as is allowed to witnesses attending the courts of the United States: Provided, That no witnesses shall be required to attend at any place more than forty miles from the place where the subpoena shall be served upon him to give a deposition under this law: Provided, also, That no witness shall be deemed guilty of contempt for refusing to disclose any secret invention made or owned by him: And provided, further, That no witness shall be deemed guilty of contempt for disobeying any subpoena directed to him by virtue of this act, unless his fees for going to, returning from, and one day's attendance at the place of examination shall be paid or tendered to him at the time of the service of the subpoena.

Section 2. And be it further enacted, That, for the purpose of securing greater uniformity of action in the grant and refusal of letters patent, there shall be appointed by the President by and with the advice and consent of the Senate a board of three examiners-in-chief, at an annual salary of three thousand dollars each, to be composed of persons of competent legal knowledge and scientific ability, whose duty it shall be, on the written petition of the applicant for that purpose being filed, to revise and determine upon the validity of decisions made by examiners when adverse to the grant of letters patent; and also to revise and

3

14 determine in like manner upon the validity of
15 the decisions of examiners in interference cases,
16 and when required by the Commissioner in appli-
17 cations for the extension of patents, and to perform
18 such other duties as may be assigned to them by
19 the Commissioner; that from ^{their} [the] decisions [of this board]
20 appeals may be taken to the Commissioner of Patents
in person, upon payment of the fee hereinafter pre-
scribed; that the said examiners-in-chief shall be gov-
erned in their action by the rules to be prescribed by
the Commissioner of Patents.

Section 3. And be it further enacted, That no
appeal shall be allowed to the examiners-in-chief from
the decisions of the primary examiners, except in in-
terference cases, until after the application shall have
been twice rejected; and the second examination of
the application by the primary examiner shall not
be had until the applicant, in view of the references
given on the first rejection, shall have renewed the
oath of invention, as provided for in the seventh sec-
tion of the act entitled "An act to promote the progress
of the useful arts, and to repeal all acts and parts
of acts heretofore made for that purpose", approved
July fourth, eighteen hundred and thirty-six.

1 Section 4. And be it further enacted, That the salary
2 of the Commissioner of Patents, from and after the ^{passage of this act} close of the present
3 fiscal year, shall be four thousand five hundred dollars
4 per annum, and the salary of the chief clerk of the
5 Patent Office shall be two thousand five hundred
dollars, and the salary &c

4

Section 5. And be it further enacted, That the Commissioner of Patents is authorized to restore to the respective applicants, or when not removed by them, to otherwise dispose of such of the models belonging to rejected applications as he shall not think necessary to be preserved. The same authority is also given in relation to all models accompanying applications for designs. He is further authorized to dispense in future with models of designs when the design can be sufficiently represented by a drawing.

Section 6. And be it further enacted, That the tenth section of the act approved the third of March, eighteen hundred and thirty-seven, authorizing the appointment of agents for the transportation of models and specimens to the Patent Office is hereby repealed.

§ Section 7. And be it further enacted, That the Commissioner is further authorized, from time to time, to appoint in the manner already provided for by law, such an additional number of principal examiners, first assistant examiners, and second assistant examiners as may be required to transact the current business of the office with dispatch, provided the whole number of additional examiners shall not exceed four of each class, and that the total annual expenses of the Patent Office shall not exceed the annual receipts. §

1 Section 8. And be it further enacted, That the
2 Commissioner may require all papers filed in the
3 Patent Office ^{if not} [to be] correctly, legibly, and clearly written,
4 [or] ^{to be} printed at the cost of the parties filing such papers.

5
and for gross misconduct he may refuse to recognize any person as a patent agent, either generally or in any particular case; but the reasons of the Commissioner for such refusal shall be duly recorded, and subject to the approval of the President of the United States.

1 Sec. 9 And be it further enacted, That no money
2 paid as a fee on any application for a patent after
3 the passage of this act shall be withdrawn or refunded,
4 nor shall the fee paid on filing a caveat be consid-
5 ered as part of the sum required to be paid on filing
6 a subsequent application for a patent for the same in-
7 vention.

8 That the three months notice given to any caveator,
9 in pursuance of the requirements of the twelfth section
10 of the act of July fourth, eighteen hundred and thirty-six,
11 shall be computed from the day on which such notice
12 is deposited in the post office at Washington, with the
13 regular time for the transmission of the same added there-
14 to, which time shall be indorsed on the notice; and
15 that so much of the thirteenth section of the act of Congress,
16 approved July fourth, eighteen hundred and thirty-six,
17 as authorizes the annexing to letters patent of the descrip-
18 tion and specification of additional improvements
19 is hereby repealed, and in all cases ^{where a separate improvement is} of additional
improvements, a separate patent shall be issued.] (M)

1 Section 10. And be it further enacted, That all
2 laws now in force fixing the rates of the Patent Office
3 fees to be paid and discriminating between the in-
4 habitants of the United States and those of other coun-
5 tries which shall not discriminate against the in-

6 habitants of the United States are hereby repealed
7 and in their stead the following rates are established:

8 On filing each caveat, ten dollars;

9 On filing each original application for a
10 patent except for a design, ^{fifteen} [twenty] dollars;

11 On issuing each original patent, ^{twenty} [ten] dollars;

12 On every appeal from the examiners-in-chief
13 to the Commissioner, twenty dollars;

14 [On every application for a patent for a design,
15 fifteen dollars;]

16 On every application for the reissue of a patent,
17 thirty dollars;

18 On every application for the extension of a
19 patent, fifty dollars; and fifty dollars, in addition,
20 on the granting of every extension;

21 On filing each disclaimer, ten dollars;

22 For certified copies of patents, and other papers
23 ^{ten} [twelve] cents per hundred words;

For recording every assignment, agreement, power
of attorney and other papers of three hundred words
or under, one dollar;

For recording every assignment, and other papers
over three hundred and under one thousand words,
two dollars;

For recording every assignment or other writing,
if over one thousand words, three dollars;

For copies of drawings, the reasonable cost of
making the same.

Section 11. And be it further enacted, That all
2 applications for patents shall be completed and pre-

3 pared for examination within two years after the
4 filing of the petition, and in default thereof, they shall
5 be regarded as abandoned by the parties thereto; unless
6 it be shown to the satisfaction of the Commissioner of
7 Patents that such delay was unavoidable and all appli-
8 cations now pending shall be treated as ^{applied to} [original cases] and
all applications for the extension of patents shall be
filed at least ninety days before the expiration thereof;
and notice of the day set for the hearing of the case
shall be published, as now required by law, for at
least sixty days.

1 Section 12. ¹³ And be it further enacted, That in all
2 cases where an article is made or vendd by any
3 person under the protection of letters patent, it shall
4 be the duty of such person to give sufficient notice to
5 the public that said article is so patented, either by
6 ^{persons} [stamping] thereon the word patented, together with the
7 day and year the patent was granted; or when, from
8 the character of the article patented, that may be imprac-
9 ticable by enveloping one or more of the said articles,
10 and affixing a label to the package, or otherwise
11 attaching thereto a label on which the notice, with
12 the date, is printed; on failure of which, in any
13 suit for the infringement of letters patent by the
14 party failing so to ^{mark} [label or stamp] the article the
right to which is infringed upon, no damage
shall be recovered by the plaintiff, except on proof
that the defendant was duly notified of the infringement,
and continued after such notice to make or vend
the article patented. And the sixth section of the act

entitled "An act in addition to an act to promote
the progress of the useful arts," and so forth, approved
the twenty-ninth day of August, eighteen hundred and
forty-two, be, and the same is hereby, repealed.

^{Last}
^{Section} Section 13. And be it further enacted, That all acts
and parts of acts heretofore passed which are in-
consistent with the provisions of this act be, and the
same are hereby, repealed.

Passed the Senate

May 26. 1860.

Attest

Abney Dinkins,
Secretary.

Congress of the United States
IN THE HOUSE OF REPRESENTATIVES.

Resolved, That the Bill from the Senate (N^o 10) entitled "An Act
In addition to an act to promote the progress
of the useful arts." do pass with the following
Amendment.

1st In line 5 of section 2, (page 2), strike out the
words "a board of,"

Senate concur

2^d In line 19 of same section, strike out the
word "the" (preceding the word "decisions") and
insert "their", and strike out the words
"of this board."

Senate concur

3^d In lines 2 & 3, of section 4, strike out the
words "close of the present fiscal year" and
insert in lieu thereof the words "passage
of this act;" and at the end of said sec-
-tion add the following:

Senate concur

"And the salary of the Librarian of the
Patent Office shall be eighteen hundred
dollars."

4th On page 4, strike out the seventh
section.

Senate
Non-concur

HR. recedes