

ANOTHER FORM.

19 —K—No.

In the High Court of Justice
King's Bench Division
[or Chancery Division.
Mr. Justice ——]

Writ issued

Between A. B.,

Plaintiff

and

C. D.,

Defendant.

STATEMENT OF CLAIM.

The defendant has infringed the plaintiff's patent No. _____ of Infringement.
A.D. _____ granted for the term of fourteen years from the _____
day of _____ 19 _____ for certain improvements in _____
whereof E. F. therein named was the true and first
inventor.

1. The plaintiff claims an injunction to restrain the defendant Injunction.
from further infringement.

2. An inquiry as to the damages sustained by the plaintiff by Damages or
reason of the infringement or at plaintiff's option an account of account.
profits made by the defendant.

3. That the defendant may be ordered to pay to the plaintiff the Payment of
amount so found to be due. amount found
due.

4. That the defendant may be ordered forthwith to deliver up Delivery up.
to the plaintiff to be destroyed all machines or apparatus made in
infringement of the plaintiff's patent.

5. Costs.

Costs.

(Signed)

Particulars of breaches are delivered herewith.

Delivered this _____ day of _____ 19 _____ by
of _____ solicitor for the plaintiff.

ANOTHER FORM.

19 --A--No.

In the High Court of Justice
 Chancery Division
 Mr. Justice —
 [*or* King's Bench Division]
 Writ issued
 Between A. B.,

Plaintiff

and

C. D.,

Defendant.

STATEMENT OF CLAIM.

Title.

1. The plaintiff is the registered legal owner of the letters patent dated the day of 19 and numbered for an invention of improvement in the manufacture of granted for the term of fourteen years from the date thereof to E. F.

2. The said letters patent were duly assigned to the plaintiff by an indenture dated the day of 19 and made between the said E. F. and the plaintiff. Notice of such assignment was entered on the Register of Patents on the day of 19 since which date the plaintiff has remained the sole registered owner of such letters patent.

Validity.

3. The said letters patent are good and valid and are and have been ever since the grant thereof of full force and effect.

Infringement.

4. Since the day of 19 and prior to the issue of the writ herein the defendant has infringed [*or* threatened to infringe] the said letters patent and has made sold supplied let on hire and used [*or* threatened to make sell supply let on hire and use] manufactured according to the invention in respect of which the said letters patent were granted and he threatens and intends to continue to do so unless restrained by the order of this honourable Court.

The plaintiff claims—

Injunction.

1. An injunction to restrain the defendant his servants agents and workmen during the continuance of the said letters patent from manufacturing selling supplying letting on hire or using any manufactured according to

PARTICULARS OF BREACHES.

Delivered with the Statement of Claim in this Action pursuant to the Statute in that case made and provided.

The following are the particulars of breaches of which the plaintiffs complain in this action :—

Infringements at divers times subsequent to the date of plaintiff's patent.

1. The defendants have subsequently to the granting of the letters patent in the statement of claim referred to and subsequently to the amendment of the said letters patent on the of 19 and prior to the issue of the writ in this action used constructed in accordance with the invention disclosed in the said specification of the said letters patent.

2. The so used by the defendants are constructed and operate substantially in accordance with the invention described in the specification of the plaintiffs' said letters patent and claimed in the and claiming clauses thereof.

Specific infringements.

3. The plaintiffs in particular complain of the use by the defendants of bearing the name of and believed by the plaintiff's to be constructed by . Such are used by the defendants for the purpose .

The defendant sold a to one of on the day of 19 . The exact number and dates of the defendant's infringements save as hereinbefore mentioned are not at present known to the plaintiff, but the plaintiff will claim to recover full compensation from the defendant in respect of all such infringements.

Number and date of other infringements not known to the plaintiff.

(Signed)

Delivered this day of 19 by solicitor for the plaintiff.
of .

DEFENCE. (d)

1. The defendant did not infringe the patent.
2. The invention was not new.
3. The plaintiff was not the first or true inventor.
4. The invention was not useful.
5. [*Denial of any other matter of fact affecting the validity of the patent.*]
6. The patent was not assigned to the plaintiff.

(Signed)

Delivered

ANOTHER FORM.

19 —A—No.

In the High Court of Justice
 King's Bench Division
 [or Chancery Division
 Mr. Justice ———]
 Between A. B.,

Plaintiff

and

C. D.,

Defendant.

DEFENCE.

The defendant says that—

1. He has not infringed the plaintiff's patent No. of A.D. Infringement.
2. The defendant contends that the invention which is described and claimed in [*the patentee's*] specification is one in which
 and that the as described in the
 said specification is not claimed by any of the claiming clauses thereof except when in combination with the invention as hereinbefore described and limited. The defendant sells and exports considerable numbers of and separately and not in the form of complete and they contend that such acts are not infringements of the said letters patent.
3. The alleged invention was not new. Novelty.
4. The alleged invention was not useful. Utility.
5. The alleged invention is not proper subject-matter for a patent. Subject-matter.
6. E. F. was not the true and first inventor of the alleged invention. True and first inventor.
7. The plaintiff is not in law the proprietor of the exclusive right to make and sell [*the articles complained of*] by reason that the exclusive right to make and sell such [*articles complained of*] was granted prior to the date of the said letters patent No. of 19 [*the plaintiff's patent*] to A. R. by letters patent No. of 19 . The grant of the said letters patent No. of 19 to A. R. Prior grant.
8. The complete specification of the alleged invention does not Insufficiency of specification.

(e) See Vol. I. p. 405.

PARTICULARS OF OBJECTIONS. (f)

19 —A—No.

In the High Court of Justice
King's Bench Division
[or Chancery Division
Mr. Justice —]

Between A. B.,

Plaintiff

and

C. D.,

Defendant.

PARTICULARS OF OBJECTIONS.

Delivered by the Defendant with his Statement of Defence.

The following are the particulars of the objections on which the defendant relies in support of his defence:—

1. The said E. F. referred to in the statement of claim was not the true and first inventor of the said invention. True and first inventor.
2. The said [patentee] obtained the said patent by misrepresentation in falsely alleging that he was the true and first inventor [add details].
3. The plaintiff is not in law the proprietor of the exclusive right to make and sell [the articles complained of] by reason that the exclusive right to make and sell such [articles complained of] was granted prior to the date of the said letters patent No. of 19 [the plaintiff's patent] to A. R. by letters patent No. of 19 . The grant of the said letters patent No. of 19 to A. R. is available by way of defence to this action under sec. 26 of the Patents, Designs, and Trade Marks Act, 1883. Prior Grant.
4. The alleged invention is not the proper subject-matter for a patent. Subject-matter.
5. The alleged invention is not useful. Utility.
6. The alleged invention was not new *de jure* at the date of the said letters patent and was not proper subject-matter for valid letters patent having regard to the common and public knowledge at the date thereof. The defendant proposes to refer to all the prior publications set out in paragraph hereof as disclosing part of the common general knowledge and to allege that it was common general knowledge to [add particulars]. Common knowledge.

The defendant will contend that the plaintiff's alleged invention

(f) As to the objects and requisites of particulars of objections, see Vol. I. p. 412.

is a mere particular application involving no invention of such common general knowledge.

Publication of
prior specifica-
tions.

7. The alleged invention was published within this realm prior to the date of the said letters patent by the filing at the Patent Office of the following specifications :—

Name.	No. and date.	Part relied on.	Claims of plaintiffs' patent published.
John Jones	1262 of 1902	The whole	No. 3
William Brown	5842 of 1876	p. 2, ll. 20-25	All

[Add other specifications].

Publication by
prior books.

8. The alleged invention was published within this realm prior to the date of the said letters patent in the following printed books :—

(Title)	edition	page	line	to line	.
(Title)	edition	page	line	to page	line .

[Add other books.]

Publication by
prior reports
and drawings.

9. The alleged invention was published within this realm prior to the date of the said letters patent in a report and drawings by C. W. S. Such report is dated the day of 19 and was published in London by being forwarded by the said C. W. S. (from his office in Westminster) on or about that date to H. W. B. of .

The said report was further published in London by copies thereof having been forwarded about the date aforesaid to (amongst others) the following persons :—

(a) W. H. T. of .
(b) J. L. of .

[Add others.]

Publication by
prior machines.

10. The alleged invention was published within this realm prior to the date of the said letters patent by the manufacture and sale [or erection or use or public exhibition] of machines similar to the machine described and claimed in the plaintiff's complete specification at the places and in the years hereinafter mentioned that is to say—

(a) By J. W. of at in 19 .
(b) By Messrs. H. H. & Co. of at in 19 .

[Add others.]

Other
instances of
publication.

11. [Other instances of prior publication, e.g., oral communications.]

Disconformity.

12. The provisional specification of the alleged invention does not describe the nature thereof and the invention claimed in the said complete specification [as amended] is an invention differing from

and larger than that described in the said provisional specification and differs therefrom in the following particulars that is to say [point out differences].

13. The complete specification of the alleged invention does not particularly describe the nature thereof and in what manner the same is to be performed, inasmuch as—

Insufficiency
of complete
specification.

(a) The directions given on page line to line are not sufficient to enable a practical result to be obtained.

(b) The said complete specification does not distinguish what parts of the alleged invention are new and what parts thereof are old.

(c) The said complete specification contains false suggestions to wit that [certain parts] are described as useful and necessary whereas the said [same parts] are not of any utility and are not necessary.

(d) The said complete specification is ambiguous and calculated to mislead in that [add particulars].

(e) The said complete specification is insufficient by reason that it does not contain sufficient information to enable a workman skilled in the trade to [add details].

(f) The patentee did not state in the said complete specification the most beneficial method with which he was at the date of the said specification acquainted of carrying out the said invention to wit he did not state [add particulars].

Delivered this day of 19 by
of solicitor for the defendant.

NOTICE OF MOTION FOR LEAVE TO AMEND A SPECIFICATION PENDING ACTION FOR INFRINGEMENT.

TAKE NOTICE that this Honourable Court will be moved before his lordship, Mr. Justice —, on the day of , 19 , or so soon thereafter as counsel can be heard by counsel on behalf of the above-named the owner of the letters patent mentioned in the writ in this action, that he may be at liberty to apply at the Patent Office for leave to amend the specification filed in pursuance of the said letters patent by way of disclaimer, and that in the meantime the hearing of this action may be postponed. And that the said specification, when so amended as aforesaid, may be used in evidence on the hearing of the said action upon such terms as may seem fit to his lordship.

To [the defendant], and
of , his solicitor.

NOTICE OF MOTION FOR INTERLOCUTORY
INJUNCTION.

TAKE NOTICE that this Honourable Court will be moved before his lordship, Mr. Justice —, on the day of , 19 , or so soon thereafter as counsel can be heard, by Mr. —, of counsel on behalf of the above-named plaintiff, that the defendant, his servants and agents, may be restrained until the trial of this action, or until further order, during the continuance of the letters patent bearing date the day of , 19 , and numbered , from making, selling, supplying, using, or putting in practice any [*patented articles*], made according to or in the manner described in the specification [or specifications], of the invention for which the said letters patent were granted, or according to or in any manner only colourably differing from the same, and from in any manner infringing the said letters patent, and that such further order may be made as to this Honourable Court shall seem meet.

JUDGMENT FOR PLAINTIFF AFTER TRIAL OF
ACTION.

Order of Mr. Justice , dated day of , 19 .
19 —B—No.

In the High Court of Justice,
Chancery Division,
Mr. Justice —

Wednesday, the day of 19 .
Between The B. A. Company,

Plaintiffs

and

I. L., J. L., and C., and J. L. L. and S.,

Defendants.

This action coming on the day of and the day of , 19 , for trial before this Court, in the presence of counsel for the plaintiffs and defendants, and upon hearing the Pleadings, &c. pleadings in the action the letters patent of the day of 19 , granted to J. H., therein mentioned, and the indenture of the day of 19 , also therein mentioned, and so much of the answer of the said defendant I. L. to the plaintiff's interrogatories as is contained in paragraphs 6, 8, &c., and the further answer of the said defendant I. L. read, and upon

hearing the evidence of the several persons named in the schedule hereto on their examination taken orally before this Court upon the several days set opposite their names in the said schedule, and upon producing the several exhibits to such persons on their said examinations referred to in the third column of the said schedule; and the defendants by their counsel admitting that the dye analysed by Dr. William O., Professor I. D., Dr. J. B. G., and Professor W. E. A. was the Fast Blackley Red which was sold to A. S. B., as in the pleadings mentioned, and that the same was sold by the defendants; and upon hearing what was alleged by counsel for the plaintiff and defendants; and the Judge, for his assistance, having submitted certain questions to Professor R. for his opinion, and obtained from the said Professor R. certain reports thereon, dated respectively the day of _____, 19____, and the day of _____, 19____:

This Court did order that this action should stand for judgment, and, this action standing for judgment, this day, in the presence of counsel for the plaintiffs and defendants, and the particulars of objections of the defendants being deemed to be amended by the addition thereto of an objection that the alleged invention of J. H. J., in the pleadings named, was and is not proper subject-matter for which letters patent can be validly granted: This Court doth order that the defendants, I. L., J. L., and C., and J. L. L. and S., their servants, agents, and workmen, be restrained, during the continuance of the letters patent in the pleadings mentioned, from making, using, or putting in practice, or permitting to be made, used, or put in practice, the invention described in the specification of J. H. J., in the pleadings mentioned, or any part of the same invention, and from manufacturing, selling, or making any profitable use, or permitting the manufacture, sale, or profitable use, of any dyes or colouring matters being the same as "Fast Blackley Red" sold to A. S. B., in the pleadings mentioned, or any dyes or colouring matters made according to the said invention, or any part thereof, or by any process being a colourable imitation of the said invention, or any part thereof, and from in any manner infringing the rights and privileges granted by the said letters patent. And it is ordered that an account be taken of all dyes or colouring matters being the same as the "Fast Blackley Red" sold to the said A. S. B. as aforesaid, or otherwise made in infringement of the said letters patent, which have been manufactured, or sold, or used by, or by the order of for the use or profit of, the defendants, or any of them; and also of the gains or profits made by the defendants, or any of them, by reason of such manufacture, sale, or use. And it is ordered that the defendants do, within fourteen days after the date of the Chief Clerk's Certificate, pay to the plaintiffs what shall be certified to be the amount of such

Admissions.

Action to stand for judgment.

Injunction.

Account to be taken.

profits made by the defendants respectively. And it is ordered that the defendants I. L., J. L., and C. and J. L. L. and S. deliver up to the plaintiffs, The B. A. and S. F., or in the presence of the plaintiffs or their agents destroy or otherwise render unfit for use, all dyes or colouring matters made or used by, or by the order or for the profit of, the defendants, or any of them, being the same as the "Fast Blackley Red" sold to the said A. S. B. as aforesaid, or otherwise made in infringement of the said letters patent, which are in the possession, custody, or power of the defendants, or any of them, or the servants or agents of them, or any of them, the particulars of such dyes or colouring matters to be verified by affidavit, but such delivery, destruction, or otherwise rendering unfit for use is not to be enforced before the of , 19 ; and in the event of the defendants electing to appeal, not until the appeal has been disposed of, or until further order, and in that case such dyes or colouring matters are to be deposited for safe custody at the office of M. A. and G. W. F., the defendants' solicitors, at No. P. S. M.

Deposit of documents, &c.

And it is ordered that the plaintiffs do deposit with the Master of the Supreme Court the original shorthand-writers' notes of the and argument, and also all printed or written copies thereof in

Appeal.

the possession or power of the plaintiffs, their solicitor, agent, and witnesses (to be verified by affidavit), the same to remain in Court until either there shall be an appeal, or until, by lapse of time or otherwise, it shall be determined that there shall be no appeal. And

Application.

in the event of such appeal, the parties respectively are to be at liberty to apply for delivery out to them of so many copies of the said notes, or of the said printed or written copies, as they may require. And if, by lapse of time or otherwise, it shall be determined

Certificate of validity.

that there shall be no appeal, either of the parties are to be at liberty to make such application to the Court for the disposal of the said notes, and printed and written copies, as they may think fit. And

Certificate as to particulars of breaches.

this Court certifies pursuant to the 31st section of the Patents, Designs, and Trade Marks Act, 1883, that upon the trial of this action the validity of the said letters patent came in question. And this Court

Payment of costs.

certifies pursuant to the 29th section of the Patents, Designs, and Trade Marks Act, 1883, that in the trial of this action the plaintiffs proved the particulars of breaches delivered by them. And it is ordered that the said defendants do pay to the said plaintiffs their costs of this action, including the costs of transcribing and printing the shorthand-writers' notes, and the costs of Professor R.'s reports; such costs to be taxed by the Taxing Master.

**JUDGMENT FOR DEFENDANT AFTER TRIAL OF
ACTION.**

19 —C—No.

In the High Court of Justice,
Chancery Division,
Mr. Justice —

Mr. —, Reg.
Fo. 88.

Friday the day of 19 .

Between A. B.,

Plaintiffs

and

C. D.,

Defendants.

This action coming on for trial on the
days of 19 before this Court in the presence
of counsel for the plaintiffs and for the defendants and upon hearing
the pleadings in this action the particulars of breaches delivered with
the statement of claim and re-amended particulars of objections
delivered on the of 19 read and the evidence of the
several persons named in the Schedule A, hereto on their examinations
taken orally before this Court on the days mentioned in the second
column and upon production to them of the exhibits specified in the
third column of the said schedule and what was alleged by counsel
on both sides. This Court did order that this action should stand
for judgment and the same standing in the paper for judgment this
day accordingly in the presence of counsel for the plaintiffs and for
the defendants.

This Court doth order and adjudge that this action do stand
dismissed out of this Court with costs to be taxed by the Taxing
Master on the higher scale and the Taxing Master is to allow the
defendants three counsel and (by consent) to include the costs of
taking transcribing and printing the shorthand-writers' notes.

And it is ordered that the plaintiffs A. B. do pay to
the defendants C. D. the amount of their
said costs when taxed.

And this Court certifies pursuant to the 29th section of the
Patents, Designs, and Trade Marks Act, 1883, that the defendants'
following objections were reasonable and proper that is to say
Objections No. 1, No. 3, No. 4, Objection No. 5 except
and Objection No. 6 except

THE SCHEDULE A.

No.	Names of witnesses.	Date of Examination, May, 19 .	Exhibits.
1	G. H.	8th and 9th.	G.H. 1. Plaintiffs' apparatus with weight. G.H. 2. Plaintiffs' meter. G.H. 3. Small model dynamo. G.H. 4. Alleged infringement. G.H. 5. Defendants' wooden model of bar magnets. G.H. 6. A model Barlow wheel. G.H. 7. A model of Abel magnet. G.H. 8. Another model Barlow wheel made prior to 1884.

NOTICE OF APPEAL TO COURT OF APPEAL.

In the Court of Appeal,
Between A. B.,

Plaintiffs

and

C. D.,

Defendants.

Take notice that the Court of Appeal will be moved on Monday the day of 19 at 10.30 o'clock in the forenoon or so soon thereafter as counsel can be heard by counsel for the plaintiffs and on their behalf that the judgment of Mr. Justice made in this action and dated the day of 19 may be reversed in so far as it is adjudged that the defendants did not infringe the plaintiffs' patent No. of and that judgment may be entered herein for the plaintiffs on the above issue with costs in the Court of Appeal and in the Court below.

Dated the day of 19 .

Solicitors for the plaintiffs

To the defendants and to their
solicitors.

**JUDGMENT OF COURT OF APPEAL VARYING THE
JUDGMENT OF THE COURT BELOW.**

ORDER OF THE COURT OF APPEAL.

Dated 19 .

Court of Appeal, 19 —B—No. .

Saturday, the day of , 19 .

Mr. C., Regr.
Between B. A., &c.

Plaintiffs

and

I. L., &c.

Defendants.

Upon motion by way of appeal on the of November, and the of December, 19 , made unto this Court by counsel for the defendants, from the judgment dated the June 19 , and upon hearing counsel for the plaintiffs, and upon reading the said judgment :

This Court did order that the said appeal should stand for judgment, and the same standing on the March, 19 , and this day in the paper for judgment, in the presence of counsel on both sides :

Judgment reversed. This Court doth order that the said judgment be reversed.

And it is ordered that the plaintiffs' action do stand dismissed.

Repayment of costs. And it is ordered that the plaintiffs, B. A., &c., do repay the defendants, I. L., &c., the sum of £ , being the amount of the costs of the said judgment, already paid by the defendants to the plaintiffs.

Taxation of costs. And it is ordered that it be referred to the Taxing Master to tax —(1) The defendants their costs of this action, other than their costs occasioned by the issue or issues raised by the Particulars of Breaches in the said judgment mentioned, and other than the defendants' costs of the motion on the November, 19 , but including in the defendants' costs the costs of transcribing and printing the shorthand-writers' notes in the Court below, and the costs of Professor R.'s report in the judgment mentioned ; (2) The costs of the defendants occasioned by the said appeal, other than their costs occasioned by the issue or issues raised by the Particulars of Breaches aforesaid ; and (3) The costs of the plaintiffs of the said action, as well in the Court of Appeal as in the Court below,

occasioned by the issue or issues raised by the said Particulars of Breaches.

And it is ordered that such costs of the plaintiffs, and the sum of £ , the taxed costs of the plaintiffs of the motion made on the November, 19 , in this action by the defendants, be set-off against such costs by the defendants. And the Taxing Master is to certify to whom, after such set-off, the balance is due.

And it is ordered that the party from whom such balance shall be certified to be due pay the amount thereof to the other party. Payment of
balance.

CERTIFICATE OF VALIDITY.

I hereby certify, pursuant to the 31st section of the Patents, Designs, and Trade Marks Act, 1883 (46 & 47 Vict. c. 57), that upon the trial of this action, the validity of the letters patent, in the pleadings mentioned, dated the 28th November, 1878, and numbered 4847, granted to F. J. C., amended by disclaimer allowed 12th November, 1884, and now vested in the Edison and Swan United Electric Light Company, Limited, came into question.

Dated this 16th day of July, 1888.

E. E. KAY.

ACTION TO RESTRAIN THREATS OF LEGAL PROCEEDINGS.

INDORSEMENT ON WRIT.

The plaintiff's claim is—

1. For an injunction to restrain the defendant from continuing to threaten the plaintiff, or any other person or persons, whereby the plaintiff may be aggrieved, by circulars, advertisements, or otherwise, with any legal proceedings or liability in respect of any alleged manufacture, use, sale, or purchase of any invention in infringement of the defendant's patent, dated the day of , 19 , and numbered , or in respect of any article or articles, process or processes, alleged by the defendant to be an infringement of his said patent.
2. For damages in respect of such threats.
3. For costs.

STATEMENT OF CLAIM.

19 —A—No.

In the High Court of Justice
King's Bench Division
[or Chancery Division
Mr. Justice ——]

Between A. B.,

Plaintiff

and

C. D.,

Defendant.

STATEMENT OF CLAIM.

1. On the day of 19 the defendant by [*set out particulars*] claiming to be the patentee of an invention for [*state the title of the invention*] threatened the plaintiff [*or E. F.*,

who was a customer of the plaintiff] with legal proceedings in respect of the sale [or purchase or use] by the plaintiff [or the said E. F.] of certain [add particulars] to [add particulars].

2. The plaintiff was aggrieved by reason of such threats and injured in his business, and in consequence of the said threats [add particulars of injury].

3. The sale [or purchase or use] of the said [add particulars] to which the said threats related was not in fact an infringement of any legal rights of the defendant.

4. The defendant issued the said threats falsely and maliciously and with the object of injuring the plaintiff and not *bonâ fide* in support of any patent or other right which he possesses.

5. Unless the defendant is restrained from publishing the said or similar threats the plaintiff will be greatly injured in his business.

The plaintiff claims—

1. An injunction to restrain the defendant from alleging by letters, circulars, advertisements or in any other manner that [the articles in question] constructed or sold [or purchased or used] by the plaintiff are constructed in infringement of the defendant's patent and to restrain the defendant from threatening the plaintiff or any of his customers with proceedings for infringement of any patents the property of the defendant in connection with the construction or sale [or purchase or use] by the plaintiff of any of the said [the articles in question].

2. An injunction to restrain the defendant from writing or forwarding to any customers of the plaintiff or to any other person any letters, documents or statements alleging that they are entitled to restrain the plaintiff from selling [or constructing or purchasing or using the articles in question] or that it is their intention to take any proceedings to restrain the plaintiff from selling his [or constructing or purchasing or using the articles in question].

3. Damages.

4. A declaration that the [the articles in question] constructed and sold [or used] by the plaintiff are not infringements of any patent or other rights vested in the defendant.

DEFENCE.

19 —A—No.

In the High Court of Justice
King's Bench Division
[or Chancery Division
Mr. Justice ———]
Between A. B.,

Plaintiff

and

C. D.,

Defendant.

DEFENCE.

1. The defendant denies that by the letters patent No. of or No. of or either of them referred to in paragraph of the statement of claim he threatened the plaintiff with any legal proceedings in respect of the sale by the plaintiff of [the articles in question] to [the plaintiff's customer] or in respect of any alleged sale of [the articles in question] or other inventions. The defendant does not and never did allege any such sale as aforesaid and he denies that the plaintiff in fact ever sold a [the article in question].

2. The defendant denies that the plaintiff was a person aggrieved within the meaning of sec. 32 of the Patents, Designs, and Trade Marks Act, 1883, and that he has suffered any damage by reason of the alleged threats.

3. The invention referred to in paragraph of the statement of claim was the subject of letters patent granted to No. of 19 which expired in 19 . The defendant did not during the currency of the said letters patent claim and has not since the expiration of the said letters patent claimed to be patentee thereunder of the said invention. The fact that the said letters patent had expired in 19 was well known to the persons to whom the letters complained of by the plaintiff were addressed.

4. The said letters were not written falsely or maliciously or with the object of injuring the plaintiff but were written *bonâ fide* under the circumstances hereinafter mentioned.

[State the circumstances.]

5. With regard to the invention referred to in paragraph of the statement of claim the said invention is the subject-matter of letters patent No. of 19 of which the defendant is the registered legal owner and the said letters are and always have been good and

valid. Such threats having reference to the said letters patent as were in fact made by the defendant were made *bonâ fide* and with the intention of protecting his rights under the said letters patent.

6. The said _____ has in fact infringed the defendant's said letters patent No. _____ of _____ in manner following that is to say [*add particulars*].

7. On the _____ day of _____ the defendant commenced an action [*add the title of the infringement action*] for the infringement of the said letters patent No. _____ of _____. Such action is still pending and the defendant will rely on the same as an answer to this action.

REPLY.

19 —A—No.

In the High Court of Justice
King's Bench Division
[or Chancery Division
Mr. Justice ——]
Between A. B.,

Plaintiff

and

C. D.,

Defendant.

REPLY.

1. As to paragraphs _____ and _____ of the defence the plaintiff joins issue thereon.

2. As to paragraph _____ of the defence the plaintiff says and will contend that—

(a) he has not infringed the defendant's letters patent No. _____ of _____ as alleged or at all ;

(b) the said letters patent were at the date of the alleged threats complained of by the plaintiff and are at the present date invalid for the reasons set forth in the particulars of objection delivered herewith.

3. At the date of the said threats the letters patent in paragraph _____ of the statement of claim referred to were invalid to the knowledge of the defendant, and since the date of the said threats the defendant has amended his specification filed in respect of such letters

patent and the plaintiff will contend that by reason of the said amendment the defendant is estopped from alleging that at the date of the said threats the said letters patent were valid and subsisting letters patent.

REJOINDER.

19 —A—No.

In the High Court of Justice
King's Bench Division
[or Chancery Division
Mr. Justice ——]
Between A. B.,

Plaintiff

and

C. D.,

Defendant.

REJOINDER.

1. The defendant denies that at the date of the alleged threats complained of the said letters patent No. of were invalid, or that they are at the present time invalid, or that they were at any time known to him to be invalid.

2. The defendant joins issue with the plaintiff on his reply.

REVOCATION OF LETTERS PATENT.

PETITION FOR REVOCATION.

In the High Court of Justice,
Chancery Division,

Mr. Justice —

In the Matter of G. & G.'s Patent,

No. A.D. 19

and

In the Matter of the Patents, Designs, and
Trade Marks Acts, 1883-1902.

To His Majesty's High Court of Justice

THE HUMBLE PETITION of S. S., of , in the City
of London.

SHEWETH AS FOLLOWS :—

1. Your petitioner is an electrician, and the patentee of many inventions in connection with the production, distribution, and utilisation of electric currents, which inventions are now in extensive practical use.

2. Among other methods of distribution, for some time past your petitioner has specially occupied himself with methods of effecting the same by means of secondary generators by which electrical action is obtained at different points of an electrical circuit by means of electric induction only, without interrupting such circuit or making any connection with the conductor conveying the current.

3. In or about the month of December, 19 , your petitioner invented an improved form of secondary generator for the purpose of effecting economically and conveniently the above-mentioned object, and on the day of December, 19 , your petitioner applied for and obtained a provisional protection, No. A.D. 19 for such invention, and has since filed a complete specification for the said invention.

4. Since obtaining the said provisional protection your petitioner has manufactured and used secondary generators constructed according to your petitioner's said invention, and the same have been

shown to possess great advantages over other forms, and to be of great practical utility.

5. The sale and user of the said secondary generators made according to your petitioner's invention has recently been interfered with by a Limited Company named the National Company for the Distribution of Electricity by Secondary Generators (Limited). The said company claim to be entitled to restrain any person using any mode of electrical distribution by means of secondary generators, of whatever form or construction such generators may be.

6. The said claim of the aforesaid company purports to be based upon letters patent granted to L. G. and J. D. G., and numbered A.D. 19 . The invention in respect of which the said letters patent were granted was in no wise novel at the date of the same, and the said letters patent are and always have been of no force and validity by reason thereof and of the other matters set forth in the particulars of objection delivered herewith in pursuance of sec. 26 of the above-named Act.

7. The existence of the above-named letters patent claiming a wide and general monopoly of the system of distribution by means of secondary generators, which was known to and the property of the public at the date of the said letters patent, has been and is the cause of great injury to the public by preventing the sale of machines made according to your petitioner's invention, as well as those made by other inventors who likewise have made improvements in secondary generators and in the distribution of electricity thereby.

8. That the public are prejudiced by the above-mentioned general claim in the said letters patent, because consumers of electricity are not in general acquainted with the science of electricity and the technical application thereof, and are therefore unable to form an opinion as to the invalidity of the said letters patent, whereby the sale and use of improved secondary generators are wholly prevented.

9. The office of Mr. A. C. C. H., No. , in the county of , is the place where the petitioner may be served with any petition or summons or notice of any proceedings or order of the Courts relating to the matters herein referred to.

Your petitioner therefore humbly prays for the revocation of letters patent No. A.D. 19 , or that such order may be made in the premises as to this Honourable Court may seem meet.

And your petitioner will ever pray, &c.

(Signed) S. Z.

It is intended to serve this petition on L. G., J. D. G., and the

N. Co. for the Distribution of Electricity by Secondary Generators
(Limited).

I hereby authorise the presentation to the High Court of Justice of the above-written petition.

Fiat of
Attorney-
General.

(Signed)

Attorney-General.

ROYAL COURTS OF JUSTICE,
, 19 .

MEMORIAL TO THE ATTORNEY-GENERAL FOR HIS
FIAT.

In the Matter of Letters Patents granted to A. B., for an inven-
tion of [title] and numbered of 19

and

In the Matter of the Patents, Designs, and
Trade Marks Acts, 1883-1902.

To His Majesty's Attorney-General for England. The Memorial
of , of , in the County of .

SHWETH AS FOLLOWS :—

1. Your memorialist is [add description].
2. The invention set forth in the complete specification of the said letters patent No. of granted to A. B. for an invention of [title] relates to [add short description of the invention].
3. The claiming clause of the said specification is as follows :—
[claim].
4. Your memorialist is seriously hampered in his trade by the existence of the said letters patent No. of by reason [add reasons].
5. The said letters patent are and always have been null and void for the reasons set forth in the particulars of objections which is one of the documents accompanying this memorial.
6. The following documents accompany this memorial, viz. :—
 - (a) A king's printers copy of the specifications of the said letters patent No. of .
 - (b) Two copies of the petition which your memorialist desires to present to the Court.

- (c) Two copies of the particulars of objections which your memorialist desires to present with the said petition.
- (d) Statutory declaration by your memorialist verifying the statements herein and stating that there are no pending proceedings in the United Kingdom wherein the issues proposed to be raised by the said petition or particulars of objections could be determined.
- (e) The certificate of [*a Barrister-at-law*] that the said petition is proper to be authorised by you.
- (f) The certificate of [*a Solicitor*] that your memorialist is a proper person to be a petitioner and that he is competent to answer the costs of all proceedings in connection with the petition if unsuccessful.

Your memorialist therefore prays that you will be pleased to grant leave to him to present the said petition to His Majesty's High Court of Justice for the revocation of the said letters patent No. of
granted to the said A. B.

EXTENSION OF LETTERS PATENT.

ADVERTISEMENT OF INTENTION TO PRESENT PETITION FOR EXTENSION OF LETTERS PATENT.

In the Privy Council.

In the Matter of Letters Patent granted to _____,
of _____, and bearing date the _____ day
of _____ 19____, and numbered _____.

Notice is hereby given, that it is the intention of _____,
of _____ [*as assignee of the above patent*], to present a petition
to His Majesty in Council praying that the term of the said letters
patent may be extended. And notice is hereby further given, that
on the _____ day of _____ inst., or on such subsequent day as the
Judicial Committee of His Majesty's Privy Council shall appoint for
that purpose, application will be made to the said committee that a
day may be fixed for hearing the matter of the said petition, and any
person or persons desirous of being heard in opposition to the said
petition must enter a *caveat* to that effect in the Privy Council on or
before the said _____ day of _____ next.

Dated this _____ day of _____, 19____.

Solicitor for the Petitioner.

CAVEAT.

In the Privy Council.

In the Matter of Letters Patent granted to _____,
of _____, and bearing date the _____ day
of _____, and numbered _____.

Caveat issued on behalf of _____.

**ADVERTISEMENT OF DAY FIXED FOR HEARING
PETITION FOR EXTENSION.**

In the Privy Council.

In the Matter of Letters Patent granted to
of , and bearing date the day
of , 19 , and numbered .

Notice is hereby given, that their lordships, the Judicial Com-
mittee of the Privy Council, have appointed the day of
, 19 , at half-past ten o'clock in the forenoon, for hearing
the matter of the petition of the above-named for an extension
of the term of the above letters patent.

Solicitor for the Petitioner.

PETITION FOR EXTENSION OF LETTERS PATENT.

In the Privy Council.

Presented the day of , 19 .

To the King's Most Excellent Majesty in Council.

In the Matter of Letters Patent granted to R. R.,
formerly of No. , A. Road, now No. , H.
Road, N. C., in the County of , Con-
tractor, for the Invention of "A new or
improved captain's bridge, constructed as a
self-launching life-raft," dated the day
of , 19 .

THE HUMBLE PETITION of the above-named R. R., formerly of
No. , A. Road, now No. , H. Road, N. C., in the County
of , Contractor.

SHEWETH :—

1. That your petitioner, previously to the grant of the letters Invention.
patent hereinafter mentioned, invented, after considerable personal
application and cost, "A new or improved captain's bridge, con-
structed as a self-launching life-raft" (hereinafter called "the said
invention"), which invention was and is of great utility, and there-
fore beneficial to the public.

2. That your Majesty was graciously pleased, by letters patent Grant of
bearing date the day of , 19 , to grant unto your letters patent.

petitioner R. R., his executors, administrators, and assigns, the sole privilege and authority to use the said invention within the said United Kingdom, the Channel Islands, and the Isle of Man for the term of fourteen years from the date of the said letters patent.

No foreign patent rights.

3. That your petitioner has not obtained any letters patent or brevets d'invention for his said invention in any foreign country.

Expenditure, &c., on invention.

4. That your petitioner has expended large sums of money and devoted great pains and trouble while in health in endeavouring to introduce the said invention to the public and to bring the same into use.

Accident to petitioner.

5. That your petitioner met with an accident while travelling on the South-Eastern Railway between London Bridge and Cannon Street on the day of , 19 , and in consequence thereof was confined to his bed until nearly the end of the year 19 .

Cause of delay in presenting petition.

6. That your petitioner would have presented this his petition earlier, and about the day of , 19 , when he called at the Privy Council Office for particulars as to presenting same; he was, however, unfortunately seized that day with a fit, and is only now able to attend to business.

Insufficient remuneration.

7. That your petitioner has, owing to his illness and other circumstances wholly beyond his control, failed to receive adequate benefit from his invention.

Probability of invention becoming profitable.

8. Your petitioner has no doubt that, if the term of the said letters patent should be extended, the said letters patent will become productive, and your petitioner will be able to obtain a fair reimbursement and remuneration commensurate with the great public value and importance of the said invention, and which his state of health will now allow him energetically to prosecute.

Merits of invention.

9. That your petitioner's invention was tried practically, and with great success, in the month of , 19 , on board H.M.S. *Polyphemus*, at Portsmouth, before Lord and others, when the use of the invention for the saving of life was most amply demonstrated.

Medals awarded for invention.

10. That your petitioner exhibited a model of his invention at the Exhibition held in London in 19 , when he was awarded a gold medal; and at the Exhibition held at the Agricultural Hall, Islington, in , 19 , when he was awarded the first prize of 100 guineas.

Seven years' extension desired.

11. That your petitioner humbly submits that, under the circumstances of the case, an exclusive right of using and vending the said invention for the further period of seven years will not sufficiently reimburse and remunerate your petitioner.

12. That your petitioner has given public notice by advertisements caused to be inserted the requisite number of times in the *London Gazette* and in other newspapers, pursuant to the statutes in that case made and provided, that it is his intention to apply to your Majesty in Council that the said letters patent may be extended for a further term. Advertisements.

Your petitioner therefore humbly prays that your Majesty Prayer. will be graciously pleased to take the case of your petitioner into your Royal consideration, and to refer this petition to the Judicial Committee of your Majesty's Most Honourable Privy Council, and that your petitioner may be heard before such committee by his counsel and witnesses; and that your Majesty will be graciously pleased to grant to your petitioner a prolongation of the term by the said letters patent granted for the additional term of fourteen years, or for such term as to your Majesty shall seem fit,
And your petitioner will ever pray.

R. P. U.,
Solicitor for the Petitioner.

ANOTHER FORM.

In the Privy Council.

Presented day of , 19 .
To the King's Most Excellent Majesty in Council.
In the Matters of Letters Patent granted to W. A. M.,
late of , in the of
 , but now of and ,
in the of , for the invention
of "Improvements in apparatus for consuming
smoke, promoting combustion, and feeding fur-
naces with fuel," bearing date the day
of , 19 , No. .

THE HUMBLE PETITION of W. M., of Nos. and ,
in the of , , and of the
above-named W. A. M.

SHEWETH :—

1. That your petitioner the above-named W. A. M., previously Invention.
to the grant of the letters patent hereinafter mentioned, invented,
after considerable personal application and cost, certain "Improve-
ments in apparatus for consuming smoke, promoting combustion,

and feeding furnaces with fuel" (hereinafter called "the said invention"), which invention was and is of great utility and greatly beneficial to the public.

Grants of
letters patent.

2. That your Majesty was graciously pleased, by letters patent bearing date the day of , 19 , to grant unto your petitioner W. A. M., his executors, administrators, and assigns, the sole privilege and authority to use the said invention within the said United Kingdom, the Channel Islands, and Isle of Man for the term of fourteen years from the date of the said letters patent.

Foreign patent
rights.

3. That your petitioner W. A. M. also obtained letters patent or brevets d'invention for his said invention in the Empire of France, dated the day of , 19 ; in the Dominion of Canada, dated the day of , 19 , and in the Kingdom of Norway, dated the day of , 19 .

4. That letters patent, dated the day of , 19 , for the use of the said invention in the United States of America were also granted to your petitioner W. A. M., and one J. A., of Broadway, New York, to whom the said W. A. M. had by an agreement dated the day of 19 , agreed to grant an exclusive licence to make, use, and vend the said invention in the said United States at the royalty and upon the conditions in the same agreement mentioned. Your petitioner W. A. M. ultimately assigned one moiety of the last-mentioned letters patent to one E. H. A., of Boston, in the State of Massachusetts, in the United States aforesaid, your petitioner W. A. M. remaining the owner of the other moiety thereof. The said last-mentioned letters patent were re-issued in the United States of America under date 19 .

Licences
granted.

5. That by an indenture dated the day of , 19 , and made between your petitioner W. A. M. of the first part, and the said J. A. of the second part, after reciting that, by an assignment of even date, your petitioner had conveyed to the said J. A. an undivided half of his right in the said Canadian patent, your petitioner granted to the said J. A., his executors, administrators, and assigns, the exclusive licence to make, use, and vend the said invention in the Dominion of Canada at the royalty and upon the conditions in the same indenture mentioned.

6. That on the of , 19 , letters patent for the use of the said invention in the Empire of Austria were, on the nomination of your petitioner W. A. M., granted to a certain firm of B. N. & F., in consideration of a sum of £ by the last-named persons paid to your petitioner W. A. M., and an agreement on their part to pay to your last-named petitioner a royalty of

£ per door, and a minimum yearly royalty of £ .
 The contract under which the said Austrian patent was obtained by the said B. N. & F. (which contract was dated in the year 19) provided for the obtaining by that firm of a patent or brevet d'invention for the use of the last-mentioned invention in Russia, but your petitioners have been unable to ascertain whether any such Russian patent was ever obtained. Your petitioners did not, nor did either of them, ever obtain any patent for the said invention in Russia. Your petitioners received from the said firm of B. N. & F. the aforesaid sum of £ , and a further sum of £ for royalties ; but, except as aforesaid, they have not, nor has either of them, ever received any moneys from the last-mentioned firm.

7. That the said several letters patent or brevets d'invention for France, Canada, the United States of America, and Austria have all expired, or lapsed, or been abandoned. The said patent or brevet d'invention for Norway is still in force, but will expire on the day of , 19 .

Expiration of foreign patent rights.

8. That the said invention relates to improvements in the means of consuming smoke and of effecting combustion in steam boilers, as also improvements in the means of supplying furnaces with fuel.

Object of invention.

9. That your petitioner W. A. M. is a civil engineer, and he has for more than thirty years past devoted his attention to smoke-consuming apparatus, and has given much time and labour and expended very considerable sums of money in conducting experiments relating to the subject-matter of the said invention, and either alone, or with his then partner, one E. W., he obtained letters patent for apparatus relating thereto, all of which last-mentioned letters patent have expired or become void.

Expenditure, &c., on invention.

10. That previously to the time when your petitioner W. A. M. turned his attention to the subject, the smoke-consuming apparatus then known were ineffective on account of some of them failing to introduce the air to the furnaces in such a manner as to support combustion, and those apparatus which succeeded in consuming smoke diminished the efficiency of the fire and caused waste of fuel, and in some cases became destroyed by the action of the fire. These defects were sought to be remedied by an apparatus which was the subject of the letters patent dated , 19 , No. , granted to your petitioner W. A. M. and one J. P. This invention consisted of argand fire-bars, and the object was to cause an increased supply of atmospheric air to enter the furnace through the grates. This object, however, was not attained, by reason of the holes frequently becoming clogged with dross and clinker from the fire, rendering them useless as conductors of the air. Subsequently your petitioner W. A. M., and the said J. P.,

Improvements produced by invention.

obtained letters patent of the _____, 19____, No. _____, for a contrivance which consisted in constructing the furnace with rocking bars. The object of the last-mentioned contrivance was to provide a means for keeping the surface of the grate free from the accumulations of dross, clinker, &c., and so to maintain a regular supply of air to the furnace from the ash-pit. This was sought to be accomplished by giving a rocking motion to the fire-bars. The system introduced by the last-mentioned letters patent proved to be defective in consequence of the fire-bars being necessarily too deep, and consequently impeding the passage of air and clogging the air spaces. In case the stoker neglected to frequently put these rocking bars in motion, they became fast, so that they could not be put in motion at all until the fire was out and the apparatus re-adjusted. Your petitioner W. A. M. then obtained letters patent of the _____, 19____, No. _____, for a contrivance the object of which was to secure lightness as well as strength, so that thin bars could be used. As these bars consisted of two parts, wrought and cast iron, and the parts had to be put together, the manufacture under this last patent was found to be too expensive.

Prior patents for allied but unsuccessful inventions.

11. That your petitioner W. A. M. also, in conjunction with one E. W., obtained provisional protection dated _____, 19____, and letters patent dated _____, 19____, for inventions connected with smoke-consuming apparatus, which, however, were not successful; and ultimately your petitioner W. A. M. invented the contrivance which was patented by the above-mentioned letters patent of _____ day of _____, 19____, the subject of this present petition. The general advantages of this invention are as follow:—It was found that the consumption of smoke could not be successfully carried out by the fire-bars, but that a proper admission of atmospheric air at the mouth of the furnace was required. The patent door the subject of the invention comprised in the last-mentioned letters patent accomplished that object. It secured a better control over the air admitted than any other system, and was easily manipulated. Being balanced, it would remain in whatever position it was set—a great advantage for marine purposes. The manner of consuming, or rather preventing, the smoke was by opening the door a few inches inward. This caused the atmospheric air to impinge on the fuel at the commencing point of combustion, causing the gases to be perfectly developed before leaving the furnace, an effect which may be compared with a glass chimney on a lamp.

Assignment of patent.

12. That by an indenture dated the _____ day of _____, 19____, and made and executed between and by your petitioner W. A. M. of the one part, and your petitioner W. M. of the other

part, your petitioner W. A. M., in consideration of the sum of £ , in the said indenture expressed to be paid by your petitioner W. M. to your petitioner W. A. M., assigned the said letters patent of the day of , 19 , to your petitioner W. M. for all the residue of the term of the said letters patent.

13. That your petitioner W. M. is a son of your petitioner W. A. M., and at the date of the assignment was a clerk in the office of your last-named petitioner. That the sum of £ mentioned in the last-stated indenture was never paid by your petitioner W. M. to your petitioner W. A. M.; and the said assignment was, in fact, executed by your petitioner W. A. M. with the view to make a provision for his said son, your petitioner W. M., in the event of your petitioner W. A. M. dying during the continuance of the said letters patent, leaving his said son him surviving. That your petitioner W. M. is still in the employment of your petitioner W. A. M., and assists him in his business of a civil engineer, but does not participate in any profits thereof, and merely receives a salary. That the said letters patent of the day of , 19 , although vested under the assignment aforesaid in your petitioner W. M., are, and ever since the year 19 have been, worked for the sole benefit of your petitioner W. A. M.

Non-payment
of purchase-
money.

14. That your petitioner W. A. M. has expended large sums of money, and devoted great pains and labour, in endeavouring to introduce the said invention to the public, and to bring the same into use. That for this purpose your petitioners, or one of them, advertised the said invention extensively, and personally undertook journeys to all parts of the country to visit various manufacturing towns and other places where it was likely the said invention would be taken up, and also employed travellers or agents to sell on commission fire-doors made according to the said invention, and also supplied such fire-doors free of expense to shipowners and manufacturers for the purpose of trial.

Expenditure,
&c., in
endeavouring
to introduce
invention.

15. That although, under the circumstances aforesaid, considerable numbers of fire-doors made according to the said invention comprised in the said letters patent of the day of , 19 , were sold, yet the necessary expenses of introducing the said invention as aforesaid were so great that it was only during the last year and nine months, or thereabouts, that is to say, the years 19 and 19 , that any profit was made from the said invention. In all other years since the date of the said letters patent, the working of the said letters patent, and the manufacture and sale of fire-doors made according to the said invention, resulted in losses, which far more than counter-balanced

Insufficient
remuneration.

the profit of the years 19 and 19 aforesaid; and, on the whole, your petitioner W. A. M., instead of obtaining any profit from the said invention, has sustained a very considerable loss.

Only one licence granted in the United Kingdom.

16. That only one licence has ever been granted for the use of the said invention in the United Kingdom, that is to say, a licence to one J. B., of M. and O., which was granted by your petitioner W. A. M. in or about the month of , 19 . That the said licence was granted with a view to the establishment of the said J. B. as an agent for the sale of fire-doors made according to the said invention, but the business arising therefrom being very small and unprofitable to your petitioner, he in the month of , 19 , revoked the said licence. Your petitioner believes that the said J. B. made no profit whatever from his use of the said invention under the said licence.

Reasons for delay in public appreciation of invention.

17. That, at the time when your petitioners were endeavouring to introduce the said invention to the public, there were so many other inventions before the public having the same object as the said invention of your petitioner W. A. M. that it was very difficult to induce manufacturers and others to give a trial to any new invention; and further, the Acts for preventing smoke nuisance were not at that time so rigidly enforced as they are at present; and from these and other circumstances your petitioners experienced great difficulty in getting manufacturers and steam-users to give a trial to the same invention, and their endeavours to introduce the same to the public necessarily involved great expense on the part of your petitioners.

Utility of invention.

18. That of late the utility of the said invention has been generally acknowledged, and steam-users are now requiring that boilers made for them shall be fitted with fire-doors made according to the said invention, and compelling engineers to apply such fire-doors, and in consequence there has arisen a considerable demand (which is increasing) for fire-doors made according to the said invention. Moreover, the Lords Commissioners of the Admiralty have caused the boilers of ten of His Majesty's ships to be fitted with the said fire-doors made according to the said invention; and your petitioner W. A. M. has supplied several of the said fire-doors for the boilers used at His Majesty's Dockyard at Portsmouth, where they are now in use. Under the circumstances aforesaid, the working of the said letters patent and invention has resulted, during the last two years, in a considerable increase in the number of sales, with a diminution in the expenses of working.

Loss sustained by petitioner.

19. That, under the circumstances aforesaid, your petitioner W. A. M. has, notwithstanding his considerable outlay upon the said invention, been unable to obtain any profit thereupon, nor has

he obtained any remuneration for his expense and labour in perfecting the same; but, on the contrary, he has sustained considerable loss in relation to the said invention, and it is only now, when the letters patent are about to expire, that the use of the said invention is becoming fully established and extending.

20. That your petitioners have no doubt that, if the term of the said letters patent should be prolonged, the said letters patent will now become productive, and your petitioner W. A. M. will be able to obtain a fair reimbursement and remuneration commensurate with the great public value and importance of the said invention. Probability of patent becoming productive.

21. That your petitioners humbly submit that, under the circumstances of the case, an exclusive right of using and vending the said invention for the further period of seven years will not sufficiently reimburse and remunerate your petitioner W. A. M. Seven years' extension asked for.

23. That your petitioners have given public notice, by advertisements caused to be inserted the requisite number of times in the *London Gazette* and in metropolitan and country newspapers, pursuant to the statutes in that case made and provided, that it is their intention to apply to your Majesty in Council for a prolongation of the term of sole using and vending the said invention. Advertisements.

Your petitioners therefore humbly pray that your Majesty will be graciously pleased to take the case of your petitioners into your Royal consideration, and to refer the same to the Judicial Committee of your Majesty's Most Honourable Privy Council, and that your petitioners may be heard before such Committee by their counsel and witnesses, and that your Majesty will be pleased to grant to your petitioners a prolongation of the term of sole using and vending the said invention for the further and additional term of fourteen years, or for such other term as to your Majesty shall seem fit, and to grant new letters patent for the said invention to your petitioners for such term as to your Majesty shall seem fit, after the expiration of the first term originally granted by the existing letters patent hereinbefore mentioned according to the form of the statutes in such cases made and provided. Prayer.

And your petitioners will ever pray, &c.

B. & R.,
Solicitors for Petitioners.

FORM OF THE ACCOUNTS WHICH MUST ACCOMPANY PETITION FOR EXTENSION OF LETTERS PATENT.

IN THE PRIVY COUNCIL.

Re R. Patent, 19 , No. .

STATEMENT OF RECEIPTS AND EXPENDITURE FILED ON PETITION FOR PROLONGATION OF PATENT.

<i>Receipts.</i>		£	s.	d.	<i>Expenditure.</i>		£	s.	d.
19					19				
April	Money received in prizes at exhibitions, viz. :—				April	Taking out patent, making drawings, &c. Making three working models, and exhibiting same at the London Tavern .			
	1st prize at Agricultural Hall, London .				19				
	Do. at the International Fisheries Exhibition				June	Exhibiting models at the Exhibition of Life Saving Apparatus at Liverpool .			
					Dec.	Exhibiting models at the Admiralty .			
					19				
					April	Paid Government stamp			
						Paid patent agents' charges			
					19				
					May	Exhibiting models at Fishmongers' Hall .			
					19				
					March	Do. at United Service Institute			
					May	Do. do.			
					Aug.	Do. at the Royal Aquarium, when 1st prize silver medal was received			

APPENDIX.

Carried forward . . .

Nov. Making two large working models of the *Princess Alice*, and exhibiting same to the jury at Woolwich, and at the Board of Trade Office, Poplar

19

April Paid Government stamp
 Paid patent agents' charges
 Making eight working models to scale, and exhibiting same at the Naval and Submarine Exhibition at the Agricultural Hall, Islington, London—

	£	s.	d.
Rent of space			
Fitting up stand, &c.			
Wages, attendance to show models			
Carriage of models each way			
Workmen's time and materials			

Printing circulars, &c., in connection with same

19

April Exhibiting models at Clarence House to H.R.H. the Duke of Edinburgh

May Do. do. at Admiralty to Sir Thomas Brassey

Do. do. to Sir Francis Sullivan

Carried forward

	£	s.	d.
Brought forward . . .			
Total Receipts . . .	£		

19 July Exhibiting models at Admiralty to Sir William Mends

May to Oct. Making eight improved large working models, and exhibiting same with others at the International Fisheries Exhibition, London—

	£	s.	d.
Fitting up of stand and writing boards		
Carriage of models . . .			
Attendants—			
2 men for 6 months . . .			
1 man for 3 months . . .			
Making of models, workmen's time, and materials			

19 Taking models and exhibiting same in Germany—viz., Riel, Berlin, and Hamburg

Do. do. at Liverpool

Total Expenditure . . . £

	£	s.	d.
Brought forward . . .			
Total Expenditure . . .	£		

<i>Receipts.</i>					
£	s.	d.	£	s.	d.
19	To Sale of 301 doors, as per press copy-book . . .				
	<i>Less</i> discount . . .				
	To Balance, being loss . . .				
			£		

<i>Expenditure.</i>					
£	s.	d.	£	s.	d.
19	By Purchases of raw material for 301 doors, calculated to be at least . . .				
	„ Trade expenses, as per cash-book, being one year's travelling—				
	Expenses of several travellers . . .				
	Law expenses incurred in recovering several debts . . .				
	Patent fees . . .				
	Stationery . . .				
	Charges for patterns, oil, and other trade expenses . . .				
	„ Commission, as per cash-book . . .				
	„ Advertising . . .				
	„ Wages of workmen . . .				
	„ Rent, taxes, and lighting .				
			£		

FORMS.

19

Receipts.

To Sale of 411 doors, as per
press copy-book . . .

Less discount . . .

To Royalties—

Austria

£ s. d. £ s. d.

32

19

Expenditure.

By Purchases of raw material
for 411 doors, as per
vouchers

„ Trade expenses, as per cash-
book, being one year's tra-
velling—

Expenses of several tra-
vellers

Stationery

Charges for patterns, oil,
and other trade ex-
penses

„ Commission, as per cash-
book

„ Advertising

„ Wages of workmen

„ Rent, taxes, and lighting

By Balance, being profit

£ s. d. £ s. d.

32

FORMS.

M.'s PATENT.

List of Firms supplied gratuitously with Furnace Doors.

							Cost.					
							£	s.	d.	£	s.	d.

ORDERS.

ORDER FOR REVOCATION OF LETTERS PATENT.

Re Gaulard and Gibbs' Patent, 4362, A.D. 1882
(*North, J., July 9, 1888*).

Upon the petition of S. Z. de F., in the
on the day of , 19 , preferred unto this
Court, and upon hearing counsel for the petitioner and for the
respondents, L. G. and J. D. G., and the N. Co. for the Distribution
of Electricity by Secondary Generators, Limited, on the ,
and upon reading the petition, the amended particulars of objections
delivered by the petitioner, the exhibits produced to the witnesses
named in the schedule hereto, and set opposite to their names in the
third column of such schedule, and upon hearing the evidence of the
witnesses named in the first column of such schedule, upon their
examination taken orally before this Court on the days mentioned
in such schedule: this Court did order that the petition should stand
for judgment, and the same standing for judgment this day in the
paper, in the presence of counsel for the petitioner and the respon-
dents: this Court doth order that the letters patent No. 4362, A.D.
1882, in the petition mentioned, granted to L. G. and J. D. G., be
revoked. And it is ordered that the respondents L. G., J. D. G., and
the N. Co. for the Distribution of Electricity by Secondary Gene-
rators, Limited, pay to the petitioner, S. Z. de F., his costs of the
said petition, to be taxed by the taxing master on the higher scale.

SCHEDULE.

ORDER FOR FURTHER AND BETTER PARTICULARS OF OBJECTIONS.

Harris v. Rothwell (Feb. 13, 1886).

Upon, &c., this Court doth order that the defendant do on or
before the day of , 19 , deliver to the plaintiff
further and better particulars in writing of his objections as to the

validity of the letters patent on which he means to rely at the trial, viz. :—

Portions of invention alleged to have been published.

1. By stating what portions of the plaintiff's invention are alleged to have been published prior to the date of the letters patent in each of the several publications in the particulars of objections mentioned by reference to the claiming clauses of the specification of the said patent.

Parts of prior publications relied on.

2. Also by stating more specifically the parts of the alleged publications relied on by the defendant in paragraph eleven of the said particulars of objections.

3. Also by stating more particularly the time and place of the alleged prior users.

Claim anticipated.

4. Also by stating, by reference to the claiming clauses of the specification of the plaintiff's patent, which portions of the said patent are alleged to be anticipated by each of such prior users.

Interrogatories.

And it is ordered that the plaintiff be at liberty to administer interrogatories for the examination of the defendant.

Costs.

And it is ordered that the costs of this application be costs in the action.

ORDER FOR LEAVE TO AMEND SPECIFICATION
DURING ACTION OF INFRINGEMENT.

The Haslam Foundry and Engineering Company v. Goodfellow and others (Kay, J., Dec. 2, 1887).

Upon motion this day made unto this Court by counsel for the plaintiffs, and upon hearing counsel for the defendants, and upon reading the pleadings in this action, and an affidavit of A. C., filed the 1st December, 1887, and the exhibits therein referred to: it is ordered that the plaintiffs be at liberty to apply at the Patent Office for leave to further amend the specification of their patent, No. 1034 of the year 1877, by striking out the second claim thereof, and by making such other alterations (if any) as will be rendered necessary thereby. And it is ordered that, after such amendment has been made, the plaintiffs be at liberty to amend their statement of claim so as to limit this action to the amended specification of the said patent. And in default thereof, it is ordered that this action do stand dismissed of this Court, with costs, to be taxed by the taxing master, and be paid by the plaintiffs, the Haslam Foundry and Engineering Company, Limited, to the defendants. And it is ordered that the costs of the defendants Messrs. G. & M., Messrs. L.

& H., and Messrs. T. N. & Son, of this application, and of and occasioned by such last-mentioned amendment, be their costs in any event, and be borne by the said plaintiffs, the Haslam Foundry and Engineering Company, Limited. And it is ordered that, in the event of this action proceeding, all other costs be reserved.

ORDER FOR LEAVE TO AMEND SPECIFICATION
PENDING PETITION FOR REVOCATION OF
PATENT.

Re Gaulard and Gibbs' Patent (Kekewich, J., Nov. 21, 1887).

Upon motion this day made unto this Court by counsel for L. G. and J. D. G., and the N. Co., the respondents to the petition preferred by the above-named S. Z. F., and upon hearing counsel for the said petitioner, an affidavit of the petitioner, S. Z. F., filed the day of _____, 19____, and an affidavit of J. D. G., filed the day of _____, 19____: this Court doth order that the applicants be at liberty forthwith to apply to amend their specification filed in pursuance of the above letters patent, No. _____ of 19____, by way of disclaimer, the applicants undertaking to prosecute their proceedings with all diligence. And it is ordered that the petitioner be at liberty, within fourteen days after notice of the amendments made in the specification, either to amend his petition and the particulars of objection delivered by him, or to discontinue all proceedings thereunder. And it is ordered that the respondents L. G., J. D. G., and the N. Co. do pay to the petitioner, S. Z. F., his costs of and consequent upon the presentation of his petition up to and including his costs of this motion. Costs to be taxed by the taxing master.

19____ —A—No.

ORDER FOR INSPECTION.

*The Haslam Foundry and Engineering Company, Limited v.
Goodfellow and others (Kay, J., April 5, 1887).*

Upon motion this day made unto this Court by counsel for the plaintiffs, and upon reading the writ issued in this action and affidavit of _____, &c. &c., and the plaintiffs by their counsel undertaking during the inspection hereinafter directed, or until further

order, not to threaten the defendants, Messieurs Goodfellow and Mathews, or their customers, or any other person or persons, by circulars, advertisements, or otherwise, with any legal proceedings or liability in respect of the manufacture, use, sale, or purchase of refrigerating engines or machines by the said defendants, or the use, sale, or purchase of engines or machines, sold by, or offered for sale by any purchaser from, the said defendants : this Court doth order that the plaintiffs be at liberty, on giving four days' notice, by [*scientific experts*] and solicitor, to inspect refrigerating machines manufactured and in course of manufacture by the defendants, Messieurs Goodfellow and Mathews, for the other defendants, or one of them, which are referred to in the said affidavit of R. M. in the said action of Goodfellow *v.* The Haslam Foundry and Engineering Company, Limited, 1887--G--573. And it is ordered that the costs of this application be costs in the action.

ORDER OF REFERENCE TO INDEPENDENT EXPERT
FOR REPORT TO THE COURT DURING ACTION OF
INFRINGEMENT.

Badische Anilin und Soda Fabrik v. Levenstein. (a)

The Court, being desirous of obtaining the opinion of Professor R. upon the questions set forth or referred to in the schedule hereto, doth order that such questions be referred to the said Professor for inquiry and report, and that a specification of the patent, dated February 25, 1878, No. 786, be supplied to the Professor.

SCHEDULE.

ORDER FOR EXPERIMENTS BEFORE SCIENTIFIC
EXPERT AND HIS REPORT TO THE COURT DURING
ACTION OF INFRINGEMENT.

*Edison and Swan United Electric Light Company, Limited v.
Hollard and others (Kay, J., Jan. 1, 1888).*

This Court, being desirous that experiments should be conducted as hereinafter mentioned, doth hereby order that experiments

(a) 2 R. P. C. 77.

confined to the repetition of experiments of which evidence has already been given before this Court on behalf of the plaintiff and defendants respectively upon the patent of _____, dated the _____ day of _____, and numbered _____, to be conducted before one of the following persons in the following rotation [*names of scientific experts*]. And the plaintiffs and defendants respectively are to repeat in the presence of the person before whom such experiments are conducted, and of two experts on each side, any of their said experiments of which evidence has been given as aforesaid which they may think fit, with the aid of assistants. Each side to choose the place at which its experiments shall be made. And it is ordered that such one of them the said _____ before whom such experiments shall be conducted do report to the Court the nature and result of each experiment made before him.

FEES.

FEES IN REFERENCE TO THE REGISTRATION OF PATENT AGENTS. (a)

Nature of Fee.	When to be Paid.	To whom to be Paid.	Amount.
For registration of name of patent agent who had been <i>bonâ fide</i> in practice prior to the passing of the Act.	On application and before registration.	To the Registrar at the Institute.	£ 5 5 0
For registration of name of any person other than as above.	Do. do.	Do.	5 5 0
Annual fee to be paid by every registered patent agent.	On or before November 30 of each year, in respect of the year commencing January 1st following.	Do.	3 3 0
On entry of a candidate for the final qualifying examination.	At time of entering name.	Do.	2 2 0

(a) This list forms Appendix C. to the Register of Patent Agents' Rules, 1889.

**LIST OF FEES PAYABLE ON AND IN CONNECTION
WITH LETTERS PATENT. (b)**

	£	s.	d.	£	s.	d.
1. On application for provisional protection	1	0	0			
2. On filing complete specification	3	0	0			
	-----			4	0	0
or						
3. On filing complete specification with first application				4	0	0
4. On appeal from Comptroller to Law Officer. By appellant				3	0	0
5. On notice of opposition to grant of patent. By opponent				0	10	0
6. On hearing by Comptroller. By applicant and by opponent respectively				1	0	0
On application to amend specification :—						
7. Up to sealing. By applicant				1	10	0
8. After sealing. By patentee				3	0	0
9. On notice of opposition to amendment. By opponent				0	10	0
10. On hearing by Comptroller. By applicant and by opponent respectively				1	0	0
11. On application to amend specification during action or proceeding. By patentee				3	0	0
12. On application to the Board of Trade for a com- pulsory licence. By person applying				1	0	0
13. On opposition to grant of compulsory licence. By opponent				1	0	0
13A. On sealing of patent; in respect of each applica- tion (c)				1	0	0
On certificate of renewal :—						
14. Before the expiration of the 4th year from the date of the patent and in respect of the 5th year ...				5	0	0
15. Before the expiration of the 5th year from the date of the patent and in respect of the 6th year ...				6	0	0
16. Before the expiration of the 6th year from the date of the patent and in respect of the 7th year ...				7	0	0
17. Before the expiration of the 7th year from the date of the patent and in respect of the 8th year ...				8	0	0
18. Before the expiration of the 8th year from the date of the patent and in respect of the 9th year ...				9	0	0

(b) This list forms the First Schedule to the Patent Rules, 1903.

(c) See Patent Rules, 1905, r. 13, p. 320, *ante*.

	£	s.	d.
19. Before the expiration of the 9th year from the date of the patent and in respect of the 10th year ...	10	0	0
20. Before the expiration of the 10th year from the date of the patent and in respect of the 11th year ...	11	0	0
21. Before the expiration of the 11th year from the date of the patent and in respect of the 12th year ...	12	0	0
22. Before the expiration of the 12th year from the date of the patent and in respect of the 13th year ...	13	0	0
23. Before the expiration of the 13th year from the date of the patent and in respect of the 14th year ...	14	0	0
On enlargement of time for payment of renewal fees:—			
24. Not exceeding one month	1	0	0
25. „ „ two months	3	0	0
26. „ „ three months	5	0	0
27. For every entry of an assignment, transmission, agreement, licence, or extension of patent	0	10	0
28. For duplicate of letters patent each	2	0	0
29. On notice to Comptroller of intended exhibition of a patent under section 39	0	10	0
30. Search or inspection fee each	0	1	0
31. For office copies every 100 words	0	0	4
(but never less than one shilling)			
32. For office copies of drawings, cost according to agreement			
33. For certifying office copies, MSS. or printed each	0	1	0
34. On postal request for printed specification	0	0	8
On request to Comptroller to correct a clerical error:—			
35. Up to sealing	0	5	0
36. After sealing	1	0	0
37. For certificate of Comptroller under section 96 ...	0	5	0
38. For altering address in register	0	5	0
39. For enlargement of time for filing complete specification, not exceeding one month	2	0	0
For enlargement of time for acceptance of complete specification:—			
40. Not exceeding one month	2	0	0
41. „ „ two months	4	0	0
42. „ „ three months	6	0	0

THE END

INDEX.

ABANDONMENT OF APPLICATION

on, for a patent before advertisement of acceptance of the complete specification the specifications are not published, 145: ii. 13
except in cases under the Convention, ii. 18, 257

ABANDONMENT OF OPPOSITION

does not entitle applicant to succeed, ii. 27

ABRIDGMENTS OF SPECIFICATIONS

publication of, ii. 217
powers of Board of Trade as to, ii. 236

ACCEPTANCE

of application for patent, ii. 6
notice of, ii. 12
effect of, ii. 12
advertisement of, ii. 305
of complete specification, ii. 18
when, must take place, ii. 18
extension of time for, ii. 18
form of application for, ii. 372
effect of, ii. 18, 207
advertisement of, ii. 18
specification is open to public inspection on, ii. 18
no guarantee of validity, ii. 18

ACCESSION OF BRITISH GOVERNMENT

to International Convention, ii. 302
declaration of, ii. 303

ACCIDENT

result of, may be good subject-matter, C, 82

ACCOUNT—See also ACCOUNT OR DAMAGES

assignee of share in profits is entitled to an, from licensee, ii. 112
defendant usually ordered to keep an, when an interlocutory injunction is refused, 489
necessary on petition for extension—see EXTENSION OF TERM OF PATENT of fees, salaries, &c., in Comptroller's annual report, ii. 237

ACCOUNT OR DAMAGES

power conferred on Court by Act of 1883 as to, in action of infringement, ii. 215
successful plaintiff may claim, at his election, 494
but not both against same defendant, 494, 501
account against one defendant and damages against another, 494
when damages are preferable to an account of profits and *vice versa*, 495
order, by agreement, for a royalty is sometimes to be preferred to an account or damages, 496

ACCOUNT OR DAMAGES—(continued)

- successful plaintiff may claim, at his election—(continued)
 - distinction between an account of profits and an inquiry as to damages, 495
 - the greater the profit the less may be the damage, and the less the profit the greater may be the damage, 495
- expiry of patent before conclusion of action, 496
- delay and its effect on right to, 496
- plaintiff may be entitled to, though not to an injunction, 496
- omission to ask for, at the trial, 508
- assessment, 497
 - usually extends to acts done within six years prior to action, 497
 - usually goes up to the conclusion of the inquiry, 497
 - is limited to acts done during the lifetime of the patent, 496
 - plaintiff an assignee, 497
 - articles manufactured for export, 497
 - infringements committed within certain periods are not included in, 498
 - prior to publication of complete specification, 498
 - prior to amendment of specification unless the Court is satisfied that the original claim was framed in good faith and with reasonable skill and knowledge, 498
 - after failure to pay fees and before enlargement of time for payment, 498
 - time for payment of amount found due after, 498
 - proof in bankruptcy for amount found due, 500
 - discovery on, of number of infringing articles sold and prices, 498
 - names and addresses of defendant's customers, 498
- account of profits, 499
 - relationship between plaintiff and defendant on the taking of an, 499
 - plaintiff only entitled to actual profits made by defendant's use of the invention, 499
 - true test of profits, 499
 - comparison between profits of defendant's business before and after infringement, 500
 - when plaintiff is in the habit of supplying on royalty articles consisting of patented and non-patented parts, 501
 - scope of, 500
 - against manufacturer does not licence patented article in hands of all purchasers, 494
 - production of documents on order for an, 500
 - interrogatories on order for an, 500
- damages, 501
 - plaintiff must prove damage in fact, before he can be entitled to an inquiry as to, 501
 - usual form of order as to, 504
 - limitation of inquiry as to, in an action on several patents, 487
 - may be recovered against a manufacturer or user, or both, until the full measure has been recovered, 494, 506
 - effect of acceptance of agreed, from manufacturer, 506
 - in respect of infringements committed after a judgment adverse to the patentee and before its reversal on appeal, 507
 - in respect of infringements before amendment of specification, 498: ii. 79, 209
 - in respect of loss of reputation to a patented article, 502
 - reference of an inquiry as to, to a judge and jury, 507
 - in action at the instance of one of several co-owners, ii. 112
 - measure of, 502
 - importance of plaintiff's usual course of dealing with the invention, 503
 - when plaintiff's usual course of business is to grant licences, 503
 - when plaintiff's usual course of business is not to grant licences, 505
 - every sale without licence is a damage to the patentee, 503
 - profit derived by defendant is not necessarily a, 504

ACCOUNT OR DAMAGES—(continued)

damages—(continued)

measure of—(continued)

contract for supply of infringing articles as, 502

difficulty in arriving at, when product sold might have been made by process or machine other than the plaintiff's, 505

reduction of price by the plaintiff, 505

consequent on defendant's underselling, 505

reduction allowed to defendant in respect of increased sale and business connection, 505

infringement forming part only of article sold by defendant, 503

not affected by amount accepted from non-litigants, 502

user without notice of the patent, 507

annoyance and vexation caused by necessity for litigation does not affect, 503

costs of former discontinued action, 507

cost of inquiry as to, 533

usually reserved, 533

ACCOUNTS

See EXTENSION OF TERM OF PATENTACQUIESCENCE—*See also* LACHES

effect of, on right to interlocutory injunction, 427, 428, 430

as a bar to a perpetual injunction to restrain infringement, 437

as a total bar to account of profits or damages, 496

as a partial bar to account of profits or damages, 496

as a ground for damages in lieu of injunction, 428, 437

ACTION OF INFRINGEMENT—*See* WRIT; STATEMENT OF CLAIM; PARTICULARS OF BREACHES; DEFENCE; PARTICULARS OF OBJECTIONS; DISCOVERY; INSPECTION; CONSOLIDATION OF ACTIONS; TRIAL; NEW TRIAL; INJUNCTION; ACCOUNT OR DAMAGES; DESTRUCTION OR DELIVERING UP; COSTS

remedies of patentee in respect of infringements, 333

two distinct kinds of, 339

one based on actual infringement, 339

the other on threatened infringement, 400

proceedings before commencement of, 385

usual course, 386

plaintiff not bound to rely on promise of an infringer not to repeat infringement, 386

Court does not usually notice negotiations prior to action, 386

proper course when there are several different infringers, 385

which is a defence to an action to restrain threats of legal proceedings, 318

does not lie in respect of infringements committed before acceptance and publication of complete specification, ii. 12

more than one patent may be put in suit, 394

commenced after expiration of the patent, 496

"passing off" may be sued for in, 334

also infringement of copyright, 334

recovery of royalties may be asked for alternatively in, ii. 155

registration of assignment condition precedent to right to sue, *quæry*, ii. 123

survival of right of, to tenant in common, ii. 111

amendment of specification after, ii. 82

discontinuance of, 513, 520

effect of failure to prove infringement in one, upon a second, in respect of same patent but against different defendant, 385

ACTION TO RECOVER ROYALTIES

See ROYALTIES

ACTION OF REDUCTION

proceedings for revocation are in Scotland in the form of an, 293

ACTION TO RESTRAIN THREATS OF LEGAL PROCEEDINGS
See THREATS OF LEGAL PROCEEDINGS

ACTS
See STATUTES

ADDITION
See COMBINATION

ADDRESS
 correction of, 283

ADDRESS FOR SERVICE
 must accompany application, ii. 305
 also notice of opposition, ii. 308

ADEQUATE REMUNERATION
See EXTENSION OF TERM OF PATENT

ADMINISTRATOR
 may apply for patent, 5
 may petition for extension of term of patent, ii. 162

ADMISSION OF INFRINGEMENT
 effect of, and undertaking not to repeat on the costs of action, 511
 also on plaintiff's right to an injunction, 483

ADVANTAGE
 production of a new, is not *per se* sufficient to support a patent, 67, 79,
 83, 98

ADAPTIVE SKILL
 mere, in manufacture is not invention, 42

ADVERTISEMENT
 of acceptance of application, ii. 305
 of acceptance of provisional specification, ii. 305
 of acceptance of complete specification, ii. 18, 305
 of request for leave to amend specification, ii. 85
 of amendment of specification, ii. 209, 311
 of intention to present petition for extension, is necessary, ii. 168
 in the *London Gazette*, 168
 and other papers, ii. 168
 when petitioner is resident abroad, ii. 169
 equitable assignee's name, if co-petitioner, must appear in the adver-
 tisements of, ii. 169
 form of, ii. 413
 of day fixed for hearing of petition for extension, ii. 169
 form of, ii. 485
 threats of legal proceedings made by, 309

AFFIDAVIT
 for use under Act of 1883, form of, ii. 307
 in support of order for inspection, 450, 451
 further, of documents, 448
 of advertisement of intention to present a petition for extension must
 accompany the petition, ii. 169
 made from information and belief, 487

AGENT—See also PATENT AGENT
 any one may act as an ordinary agent in the matter of obtaining a patent,
 ii. 3
 application cannot be signed by, ii. 2
 forms subsequent to application may be signed by, ii. 2
 appointment of, form of, ii. 348
 rights of, of assignor when the right to use the invention is reserved, ii. 110
 licensee manufacturing by his, ii. 142

INDEX.

v

AGENT—(continued)

mere, cannot maintain action of infringement in his own name, 388
of Crown authorised to use invention on terms, ii. 145
of foreign inventor may be patentee, 19
of prior patentee cannot oppose grant of patent, ii. 35
infringement by, 389

ALIEN

as patentee, ii. 19
rights of, ii. 19
enemy cannot be patentee, 20
query patent could be held in trust for, 20
communications from abroad by, 16

ALLOWANCES

mentioned in Comptroller's annual report, ii. 297
to credit of petitioner for extension—See EXTENSION OF TERM OF
PATENT

AMBIGUITY

See LICENCE ; SPECIFICATIONS

AMBIT OF CLAIM

for carrying a new principle into effect, 51
for carrying an old principle into effect, 53
for a process, 62
licensee not estopped from using, ii. 148, 149
affected by documents which do not amount to publications, 153, 285
may extend to proportions of ingredients not specifically mentioned, 212
may extend to essence of invention though not specifically mentioned,
289
fixed by patentee, 335
what is outside, is disclaimed, 336

AMENDMENT—See also AMENDMENT OF THE SPECIFICATIONS

of application may be required by Comptroller, ii. 7, 204
of application which comprises more than one invention, ii. 8
of notice of opposition to grant of patent, ii. 25
of particulars of breaches, 396
of particulars of objections, 413, 302
of documents not provided for by Acts of 1883-1902.. ii. 315

AMENDMENT OF THE SPECIFICATIONS

patent otherwise void may sometimes be cured by, ii. 62
second amendments,
original specification not considered on application for, ii. 72
are discouraged, ii. 89
necessity for, should be avoided, ii. 62
not necessarily evidence of prior invalidity, ii. 65
adverse consequences of, ii. 62
discretion of Comptroller and law officer as to allowing, ii. 65
prohibition does not lie to Comptroller or law officer, ii. 65
leave to amend, no guarantee of validity, 65
is conclusive, ii. 88
except in case of fraud, ii. 88
as evidence of prior invalidity, ii. 65
effect of application for, by defendant to action under s. 32 of Act of
1883.. 313
amended specification takes the place of the original, ii. 66
disconformity after amendment is fatal, ii. 65
notification of, to be entered on Register of Patents, ii. 56
advertisement of, ii. 209, 311
delay may be a bar to, ii. 77
drawings may be inserted on, ii. 78
after action for infringement, ii. 82
after order for revocation, ii. 82

AMENDMENT OF THE SPECIFICATIONS—(continued)

- after action adverse to defendant removes the estoppel in a subsequent action, 408
- injunction obtained before, cannot be enforced after, 490: ii. 82
- actions after, in respect of infringements committed before, ii. 78
 - statutory provisions as to, 209
- certain amendments only are allowable, ii. 64
 - defects inconsistent with intention to fully specify the invention cannot be cured by, ii. 69
 - extension or substantial variation of claim by amendment is not allowable, ii. 65, 71, 72
 - law officer's decision is final as to fact of, ii. 66
 - practice when opposition in doubtful cases, ii. 67
 - examples, ii. 68
 - imputations of disadvantages in prior patents are not allowable on amendment, ii. 66
 - allowable amendments, ii. 63
 - prior to Act of 1883.. ii. 63
 - under Act of 1883.. ii. 64
 - no action or petition pending, ii. 64
 - pending action for infringement or petition for revocation, ii. 65
 - disclaimer, ii. 70
 - definition of, ii. 70
 - object of an allowable, ii. 70
 - which removes an ambiguity is allowable, ii. 72
 - e.g.*, a limitation to one of two possible meanings, ii. 73
 - rule in *Seed v. Higgins*, ii. 73
 - which removes an insufficiency of specification is not allowable, ii. 72
 - but *quæry* in case of communicated inventions, ii. 72
 - which extends the claim is not allowable, ii. 71
 - i.e.*, which extends the total grant as distinct from the extension of an individual claim, ii. 71
 - is not a claim to residue, ii. 74
 - residue is not construed by, ii. 74
 - but reference may be had to the original, ii. 75
 - word, construed narrowly in s. 19 of Act of 1883.. ii. 90
 - correction and explanation, ii. 75
 - good reason for, must be shown, ii. 75
 - function of a legitimate, ii. 76
 - ambiguity may be removed by, ii. 76, 77
 - but specification cannot be rewritten, ii. 76
 - or subsequently acquired information added, ii. 76
 - insertion of drawing may be allowed, ii. 78
 - clerical errors, ii. 76
 - jurisdiction of Master of the Rolls in matter of, ii. 76
 - s. 18 of Act of 1883 applicable whether patent is sealed or not, ii. 77
- conditions for the benefit of the public are sometimes imposed when leave is given for, ii. 78
 - e.g.*, no action to be brought in respect of infringements committed before a certain date, ii. 78
 - effect on continued user of article made prior to date fixed, ii. 78, 80
 - or in respect of particular infringements, ii. 78
 - to protect persons who have embarked capital on the strength of an imperfect patent, ii. 79
 - right to bring actions on patents not the subject of the application is not affected by, ii. 80
 - marking of articles in respect of which no action is to be brought, ii. 80
- when leave for, has been given, action for infringement may be founded on the amended specification, though the amendment has not been actually made, ii. 81
- retrospective effect of, ii. 81

AMENDMENT OF THE SPECIFICATIONS—(continued)

retrospective effect of—(continued)

use of amended specification in proceedings pending at the time of amendment, ii. 81

practice as to,

before acceptance of complete specification, ii. 16, 17

after acceptance of complete specification, but before patent is sealed, ii. 17, 29, 49, 62

at hearing of applications for patents before law officer, ii. 29, 49

after patent is sealed, ii. 62

no action for infringement or petition for revocation pending, ii. 83

s. 18 of Act 1883 applies, ii. 83

applicant, who may be, ii. 85

request, must be signed by, ii. 85

reasons for, must be stated in writing, ii. 69

but form no part of the specification when amended, ii. 70

nor is leave refused merely on ground of insufficiency of statement of, ii. 70

advertisement of, ii. 85

opposition, ii. 86

notice of, necessary, ii. 86

locus standi of opponent, ii. 87

postponement of opposition to grant of a patent till hearing of, ii. 63

evidence, ii. 86

when and how to be filed, ii. 86

hearing, ii. 86

personally or by agent, ii. 84

objection to *locus standi* of opponent, ii. 87

decision when there is no opponent or opponent does not appear, ii. 88

appeal from Comptroller, ii. 86, 87

law officer's decision is final, ii. 87

Comptroller may be heard on, ii. 88

leave to amend is conclusive, ii. 88

except in case of fraud, ii. 83

costs, ii. 88

Comptroller has no power over, ii. 88

law officer has control over, ii. 88

pending action or petition, ii. 89

Comptroller does not usually give or receive, on appeal, ii. 89

return of stamp on appeal, ii. 90

effect of commencement of action for infringement or, petition for revocation before application under s. 18 is disposed of, ii. 92

pending action for infringement or proceeding for revocation, ii. 90

meaning of, ii. 91

amendment by mere disclaimer only is allowable, 307: ii. 92

s. 19 of Act of 1883 applies, ii. 92

leave of the Court or a Judge is necessary, ii. 93

"Court" defined, ii. 92

powers of Court of Appeal and House of Lords, ii. 92

how obtained, ii. 93

notice of motion for leave of Court or a Judge, ii. 95

plurality of applications in same action or petition, ii. 94

several actions or petitions pending, ii. 94

discretion of a Court or a Judge, ii. 94, 99

refused when it is clear the proposed disclaimer would not validate the patent, ii. 100

no rules as to terms imposed when leave is granted, ii. 95

terms imposed in particular cases, ii. 95

when Court does not impose terms the Comptroller or law officer does not usually do so, ii. 100

AMENDMENT OF THE SPECIFICATIONS—*(continued)*

practice as to—*(continued)*

after patent is sealed—*(continued)*

pending action for infringement or proceeding for revocation—
(continued)

s. 19 of Act of 1883 applies—*(continued)*

leave of the Court or a Judge is necessary—*(continued)*

procedure after leave of the Court or a Judge has
been obtained, ii. 100

action or petition commenced after application made under
s. 18 of Act of 1883.. ii. 93

form of application for leave to amend, ii. 855

form of opposition to amendment, ii. 856

order for leave to amend pending action for infringement,
ii. 444

pending petition for revocation, ii. 445

AMOUNT OF INVENTION

See SUBJECT-MATTER

ANALOGOUS APPLICATION

See NEW USE OF OLD APPLIANCES

ANALOGOUS USE

prior, may or may not be publication, 116

ANTICIPATION—*See also* NOVELTY; PUBLICATION

distinction between, and publication, 117

distinction between, and issue of subject-matter, 460

statement of desirability of a result is not an, 111

mere scientific curiosity is not, 111

combination capable of yielding an unobserved result is no, of an invention
which consists in perceiving and utilising it, 111

what would be an infringement, if of later date than a patent, is not
necessarily an, 152

prior document is no, unless all essential features of the invention are
disclosed, 151

combined effect of different prior documents, 154

mosaic of extracts from different prior documents no, 155

APPEAL

from Comptroller to law officer

practice on, ii. 323—*See* LAW OFFICERS' RULES

from judgment in action of infringement, 482

procedure on, 482

security for costs of, 482

when appellant is bankrupt, 483

fresh evidence on, 306, 416, 483

amendment of particulars so as to admit, 416

issues abandoned below are not allowed to be raised, 484

effect of defendant's right to petition for revocation, 306

costs of, 483

decision on fact as well as law may be reversed on, 485

decision of several points on, when one is sufficient, 485

practice as to, 486

particulars of objections may be considered on, though only issue is
infringement, 485

new trial may be ordered on, 481

stay of proceedings pending, 535

absence of plaintiff abroad insufficient ground for postponing, 583

judgment for appellant with costs, 486

form of notice of, to Court of Appeal, ii. 400

APPLICANT FOR PATENT

any person may be an, alone, 4: ii. 4

if he can make the necessary declaration, 4

who may be a joint, 4

disagreement as to form of specification by joint applicants, ii. 18

APPLICANT FOR PATENT—(continued)

- foreigner who has previously applied abroad, ii. 19
 - preference given to, 8: ii. 19
- form of application must be signed by, ii. 2
- entitled to notice of opposition, ii. 24
- alien enemy, 20
- infant, 5
- legal representative of deceased inventor, 5
- lunatic, 5
- married woman, 5
- joint inventors should all be, 12
- persons disqualified from being, 19
- rival applicants, ii. 34
- death of, before sealing of patent, 5
- rights of, after acceptance of complete specification and before sealing of patent, ii. 12

APPLICATION FOR PATENT—See also APPLICANT FOR PATENT; SPECIFICATIONS; OPPOSITION

- statutory provisions for, ii. 202
 - forms of, ii. 345-349
- interest of an inventor in the invention before making, ii. 105
- delay in making, effect of, 133: ii. 102
- delay in making, is undesirable, 133: ii. 102
- joint inventors must concur in the same, 12
- in fraud of true and first inventor, ii. 55
- by legal representative of deceased true and first inventor, 5
- subsequent, before a prior, is sealed for the same invention, ii. 17
- concurrent, ii. 33
- form of, must be signed by the applicant, ii. 2
 - subsequent forms may be signed by an agent, ii. 2
- how to be made, ii. 4
 - invention original, ii. 4
 - communicated from abroad, ii. 4
 - partly original and partly communicated from abroad, ii. 4
- to be left at, or sent by post to, the Patent Office, ii. 4
 - with a declaration and specification, ii. 5
 - provision for persons incapable of making declaration, ii. 5
 - specification may be provisional or complete, ii. 5
 - form of declaration to be used, ii. 5
- one invention only should be included in, ii. 6
 - inclusion of more than one invention is no objection to validity, ii. 6
- abandonment of,
 - specifications are not published on, 145: ii. 13
 - except in cases under the Convention, ii. 13, 257
- conditions may be imposed on grant of patent, ii. 28—see also **CONDITIONS**
- examination and acceptance of, ii. 6
 - examiners appointed by statute, ii. 6
 - reference of application to, ii. 6
 - duties of, ii. 6
 - reports of, are not published, ii. 16
 - Comptroller acts on report of, ii. 7
 - and may require amendment of the specification, ii. 7
 - appeal to law officer from Comptroller's decision, ii. 7
 - practice on, ii. 7
 - costs of, ii. 8
 - objections which may be taken by Comptroller, ii. 6
 - as to title, ii. 8
 - as to inclusion of more than one invention, ii. 8
 - test of one invention, ii. 9
 - example of amendment by limitation to one invention, ii. 9
- notice of acceptance of, ii. 12
 - effect of, ii. 12
- advertisement of acceptance of, ii. 305
- rights of foreigner, who has applied abroad, as to, ii. 19
 - foreign corporation, ii. 19, 21

APPLICATION FOR PATENT—(continued)

- rights of foreigner, who has applied abroad, as to—(continued)
 - are personal, ii. 21
 - only foreigner who has actually applied abroad is recognised, ii. 21
 - effect of abortive application abroad, ii. 21
 - practice under s. 103 of Act of 1883.. ii. 22
 - minor differences in English and foreign specification allowable, ii. 22
 - second, in respect of same invention, ii. 17
- costs,
 - Comptroller no statutory power over, ii. 28
 - law officer has statutory power over, ii. 28

APPORTIONMENT

- of costs in action of infringement, 514
 - when plaintiff succeeds on validity, but fails on infringement, 514
 - when plaintiff fails on validity, but succeeds on infringement, 517

ARBITRATION ACT, 1889

- applies to patent actions, 473
- arbitration between parties before action no estoppel, 411

ARKWRIGHT'S CASE

- contrasted with Dolland's case and Tennant's case, 116

ARMS (ROYAL)

- unauthorised use of, incurs a penalty, ii. 12

ART

- subject-matter must be an, 24
 - producing vendible articles, 25
 - not to be used for illegal purposes, 25: ii. 6, 292
- rediscovery of a lost, as subject-matter, 118
- interpretation of terms of, 144, 265, 266, 267, 268, 284, 453

ARRANGEMENT OF PARTS

- generally may be subject-matter, 50
- distinguished from a principle, 50

ASSESSOR

- trial of action of infringement with aid of an, 474
 - power of Court to order, 474
 - Court must order, on request of either party, 474
- hearing of petition for revocation with aid of an, 305
- remuneration of, 474
- statement by, of his opinion to the Court, 474
- effect of opinion of, on judgment of the Court, 474, note (k)

ASSIGNEE

- included in the term "patentee" as used in the grant, ii. 105
- account of profits or inquiry as to damages where plaintiff is an, 497
- under no obligation to maintain the patent, 107
- covenants for protection of co-owners are advisable on an assignment of a patent, 109
- of share in profits entitled to an account from a licensee, 112
- equitable, of exclusive licensee not estopped from disputing the patent, 150
- from liquidator of limited company, 126
- rights of, 122
 - as to action of infringement, 122
 - query registration a condition precedent, 122
 - amendment of specification, ii. 85, 123
 - petition for extension of term of patent, ii. 123, 163
 - not so favourably received as original patentee on, 163
 - who has advanced capital for the development of the invention is more favourably received on, than one who has not, ii. 164
- under prior patent has *locus standi* to oppose a grant of a subsequent patent, ii. 34
- death of, ii. 125

ASSIGNMENT OF PATENT

- origin of power to assign, ii. 101
 - consists in the terms of the grant, ii. 105
 - rights of an author, ii. 101
 - rights of an inventor, ii. 101
 - monopoly exists only by virtue of the grant, ii. 105
 - interest in an invention before the grant of a patent, ii. 105
 - form of letters patent, ii. 105, 378
- to corporations, ii. 106
- for a district, ii. 106
 - difference between legal interest of an assignee and a licensee, ii. 109
- to Secretary of State for War, ii. 108
- different inventions included in one patent, ii. 109
- to several assignees, ii. 110
 - rights of co-owners, ii. 111
- account of profits or damages where there has been an, ii. 497
- does not fix assignee with obligation to maintain the patent, ii. 107
 - i.e.*, to pay renewal fees when consideration is a royalty, ii. 107
- equitable, may arise from conduct, ii. 107
- exclusive licence may amount to an, ii. 143
- estoppel on, ii. 115
- future inventions, ii. 113
- partnership may be created by, ii. 124
- precedent of an, ii. 378
- warranty on, ii. 118
- with notice of licences, ii. 122
- with notice of covenants, ii. 121
- may be by deed or act and operation of law, ii. 106
 - by deed, ii. 106
 - no particular form of words necessary, ii. 106
 - consideration, ii. 107
 - covenants in restraint of trade, ii. 109
 - covenant to assign future improvements, ii. 113
 - covenants for protection of co-owners, ii. 111
 - reservation to assignor of right to use the invention, ii. 110
 - agents of assignor, ii. 110
 - form of, ii. 378
 - by act and operation of law, ii. 125
 - death of grantee or assignee, ii. 125
 - death of person possessed of unpatented invention, ii. 125
 - bankruptcy, ii. 125
 - patent granted to undischarged bankrupt, ii. 126
 - seizure by sheriff under writ of *fi. fa.*, ii. 127
- registration of, ii. 127
 - should be immediate, ii. 128
 - practice on, ii. 128
 - quæry* condition precedent to right to sue, ii. 128
 - quæry* has a retrospective effect, ii. 129
- subject to agreement for licence, ii. 122

ASSIGNOR

- covenants in restraint of trade by, ii. 109
- reservation of right to use the invention by, ii. 110
- estoppel,
 - recitals and covenants may effect an, ii. 115
 - from denial of title as against assignee, ii. 116
 - but not from denial of a particular construction of the specification, ii. 116
 - no, against assisting a defendant with evidence, ii. 117
 - of, of licensee as against assignee, 409: ii. 148

ASSISTANT

- employment of, by first and true inventor, 12

ASSIZES

- trial of action for infringement at, 478
- hearing of petition for revocation at, 305

ATTACHMENT

difference between procedure on, and committal, 491

ATTORNEY-GENERAL—See also LAW OFFICER

fiat of, when necessary for presentation of petition for revocation of letters patent, 292, 294
 how obtained, 295
 may be given *nunc pro tunc*, 296
 form of memorial to obtain, ii. 411
 form of, ii. 411
 costs of obtaining, 296
 practice when, is necessary and hearing comes on without it, 296
 may oppose petition for extension of term of patent without notice, ii. 172
 always appears at hearing of petition for extension of term of patent, ii. 173
 but does not give or claim costs, ii. 194

AUTHOR

rights of an, as compared with those of an inventor, ii. 101

BANK HOLIDAY

Patent Office closed on, ii. 315
 Register of Patents closed to inspection on, ii. 313
 leaving documents, paying fees, &c., at Patent Office on, ii. 54, 235

BANKRUPTCY

proof in, of amount found due on taking of account of profits or damages, 500
 devolution of patent on, of patentee, ii. 125
 assignment by trustee in, does not effect an estoppel against a bankrupt patentee in an action brought by the assignee, ii. 118
 patent granted to an undischarged bankrupt, ii. 126
 right of undischarged bankrupt to fruits of an unpatented invention, ii. 126
 action by undischarged bankrupt, 126

BENEVOLENT CONSTRUCTION

of the grant, 277
 of specifications, 273

BOARD OF TRADE

power of, to make and alter rules regulating business of Patent Office, ii. 236
 power of, as to registration of Patent Agents, ii. 249, 338
 power of, to appoint and remove Comptroller and other officers, ii. 232
 Comptroller acts under superintendence and direction of, ii. 232
 power of, to require models on payment, ii. 217
 power of, to regulate fees, ii. 212
 proceedings of, ii. 255
 certificate of, conclusive evidence, ii. 255
 exhibitions certified by, 182: ii. 217, 247
 powers of, in reference to compulsory licences, ii. 136, 137
 form of petition to, for compulsory licence, ii. 358
 how powers of, may be exercised, ii. 255

BODY CORPORATE

may be patentee, 20
 but not alone, 20
 except in case of foreign corporation, 20: ii. 19
 may be an assignee, ii. 106
 and registered as such, ii. 106

BONA FIDES

See SPECIFICATIONS. THREATS OF LEGAL PROCEEDINGS

BREACHES

See PARTICULARS

BRITISH POSSESSION

definition of, ii. 242

BURDEN OF PROOF*See EVIDENCE***CAPITALIST**

may obtain interest in the invention from the first, 4

CARRIER*See INFRINGEMENT***CATALOGUES**

relating to inventions, published by Comptroller, ii. 217

CAVEAT

any person may enter a, against the extension of the term of a patent, ii. 170

CERTIFICATEof Comptroller is *prima facie* evidence, ii. 234

form of, ii. 367

of Board of Trade as to exhibitions, 132: ii. 217, 247

of particulars

necessary on taxation of costs in action on infringement, 518

but not on petition for revocation, 308, 525

query in action to restrain threats, 328

omission to ask for, at the trial, 519

power of Court of Appeal and House of Lords to grant, 519

practice of Court of County Palatine of Lancaster as to, 519

is granted (1) when particulars have been proven; (2) when in the opinion of the Court or a Judge they were reasonable and proper, 520

whether the particulars are of breaches or objections, 520

when defendant admits infringement, 521

when action is discontinued, 513

when action not tried out on all issues, 521

rule that Court will only certify such particulars as materials before the Court enable it to say are reasonable and proper, 521.

illustrations of the working of the rule, 521

particulars not proved under a particular issue but necessary to determination of another issue, 524

action in respect of several patents, 524

of payment of renewal fees, ii. 613

form of, ii. 360

form of application for, ii. 360

of Secretary of State for War to effect that invention should be kept secret, ii. 108

of validity, 525

effect of, on costs of subsequent petition for revocation, 525

effect of, on costs of subsequent action, 525—*see* COSTS—Solicitor and clients

effect of, in subsequent action to restrain threats of legal proceedings, 328, 525

meaning of "subsequent action," 528

should be pleaded in subsequent action, 528

powers of Court of Appeal and House of Lords as to, 525

discretion of Court or Judge as to allowing solicitor and client's costs on the strength of, 529

illustrations of exercise of, 530

when subsequent defendant does not dispute validity, 530

when may be given, 525

after expiry of the patent, 525

in absence of evidence on issue of validity, 527

where plaintiff fails on issue of infringement, 528

where defendant admits validity on a certain construction of the specification, 528

query in action to restrain threats, 525

on petition for revocation, 525

form of, ii. 403

CESTUIS QUE TRUST

right of, to sue in respect of infringement, ii. 118
 may be made party to action commenced by trustee, ii. 118

CHEMICAL INVENTION

publication of highly scientific, 152
 infringement of patent for, 369

CHRISTMAS DAY

Patent Office closed on, ii. 315
 Register of Patents not open to inspection on, ii. 318
 leaving documents, paying fees, &c., at Patent Office on, ii. 54, 285

CIRCULARS

threats of legal proceedings by, 309, 314, 317

CLAIM

See SPECIFICATIONS

CLASSES OF INVENTIONS, 43**CLERICAL ERRORS**

See ERRORS

CLERK OF FOREIGN INVENTOR

may be patentee, 19

COKE, SIR EDWARD

chapter of monopolies by, 26
 commentary on ss. 5 and 6 of Statute of Monopolies, 26
 commentary by, on words "mischievous to the State by raising the prices
 of commodities at home," in 21 Jac. 1, c. 3, s. 6.. 159

COLONIES

prior use in, no bar to English patent, 135
 provisions under Acts of 1883 for, and India, ii. 238

COLOURABLE IMITATION

infringement by, 339, 363
 is infringement though substitution of equivalents may not be, 363
 objection to the use of the terms "colourable," "colourably," 339

COMBINATION

is subject-matter, 67
 if result is new, better or cheaper article, 69
 whether parts are new or old, 67, 71
 immateriality of novelty of parts, 71
 merit largely depends on result produced, 67
ratio decidendi of the cases, 67
 new combination may consist in
 omission of a part or parts from an old combination, 71
 addition to an old combination, 71
 substitution of new equivalents for old parts, 71, 73
 examples of patents void for substitution of known
 equivalents, 73
 rearrangement of old parts, 72, 367, 368
 infringement of patent for, 349—see also INFRINGEMENT
 by taking substance, 350
 special claim for subsidiary part, 351
 by substitution of equivalents, 353
 not known at the date of the patent, 353
 effect of public knowledge on question of, 354
 two classes of cases, 356
 Curtis v. Platt as type of one class, 356
 Proctor v. Bennis as type of the other class, 358
 correct application of the doctrine of, is a matter of difficulty in
 some cases, 366
 illustrations, 367

- COMBINATION**—(*continued*)
 infringement of patent for—(*continued*)
 by substitution of equivalents—(*continued*)
 colourable imitation is infringement though substitution of equivalents may not be, 339, 363
 new parts of new, are subject-matter for separate patents or claims, 71, 256
- COMMERCIAL SUCCESS**
 as a test of invention, 9, 12, 32
 not necessarily evidence of utility, 466
 want of, not necessarily evidence of non-utility, 466
- COMMERCIAL UTILITY**
 as it affects validity, 163, 466
- COMMISSION**
 credited to petitioner on application for extension of term of patent, ii. 188
- COMMITTEE OF LUNATIC**
 declaration by, 5
- COMMON KNOWLEDGE**
 effect of, on question of invention or no invention, 39, 108, 155, 418, 460
 effect of, on construction of specification, 283, 285, 354, 467
 as objection to validity, 418
 how the plea should be raised, 419
 distinction between issue of, and prior publication, 420
 limitation as to what may be referred to under plea of, 420
 particulars of, not requisite if ambit of claim only and not validity of patent is attacked, 419, 467
- COMMON LAW**
 declaration of, by Statute of Monopolies, 1
 cases on subject-matter prior to Statute of Monopolies, 28
 novelty as a requisite at, 105
 preserved by Statute of Monopolies, 107
 utility a, requisite, 157
- COMMUNICATION**
 by one to another in the realm not subject-matter, 18
 made abroad may be subject-matter, 18
 patents granted under Act 1883 for, 18
 by one foreigner to another abroad good subject-matter, 19
 foreigner's application for patent, ii. 19
 rights under s. 103 of Act 1883 are personal, ii. 21
 amendment of specification in case of, invention, ii. 72
 extension of term of patent in case of, invention, ii. 165, 183, 187
 sufficiency of specification in case of, invention, 19
- COMMUNICATOR**
 as true and first inventor when the invention is a foreign one, 16
 the invention is made in the realm, 18
 extension of term of patent on petition of, ii. 165, 183, 187
- COMPANY**
 "person" includes, ii. 242
 may be registered as proprietor, 20
 as sole patentee, 20
 may be joint original patentee, 20
 as petitioner for extension of term of patent, ii. 164
 directors of, personally liable for infringement, 389
 patent owned by limited, vests in Crown on dissolution of, ii. 126
- COMPLETE SPECIFICATION**
 See SPECIFICATIONS

COMPTROLLER

- as defined by Act of 1883.. ii. 242
- is appointed by the Board of Trade, ii. 232
- may be removed by Board of Trade, ii. 232
- acts under superintendence and direction of the Board of Trade, ii. 232
- certificate of, *prima facie* evidence, ii. 59, 234
- discretion of Crown as to granting patents is exercised through the, ii. 1
 - on the report of examiners with regard to acceptance of applications, ii. 7
 - subject to appeal to the law officer, ii. 7
 - practice on, ii. 7
 - power to refuse patent for invention to be used for illegal or immoral purpose, ii. 6, 232
- no inquiry as to age, coverture, or sanity of an applicant by, 5
- hearing of opposition by, ii. 26
- reopening of cases decided by, ii. 29, note (*m*)
- discretion of, as to amendments of specifications, ii. 65
 - does not usually impose terms when the Court has not done so under s. 19 of Act 1863.. ii. 100
- exercise of discretionary power of, subject to appeal, ii. 7, 234
- form of notice that hearing before, will be attended, ii. 364
- form of certificate of, ii. 367
- power of, to take direction of law officer, ii. 234
 - to refuse application or to require amendment, ii. 7, 232
 - to impose conditions on granting leave to apply to amend specifications, ii. 78
 - to correct clerical errors, ii. 77
 - none over costs of proceedings on application for patent, ii. 8
 - to require amendment of specification on report of examiner, ii. 14
 - to allow amendment of specification at hearing of application for a patent, ii. 49
 - none over costs of application for leave to amend specification, ii. 88
- required to publish illustrated journal and report of cases, ii. 55
 - also annual report, ii. 237

COMPULSORY LICENCES

- statutory provisions as to, ii. 137
- patentee may be compelled to grant, ii. 136
- obligation of patentee to use invention or allow others to do so, 161, 174
- Board of Trade considers petition for, ii. 137
- form of application for grant of, ii. 357
- form of petition for grant of, ii. 358
- form of opposition to grant of, ii. 359
- grounds for grant of, ii. 137
- practice on application for, ii. 139
- revocation of patent in lieu of, ii. 137
- practice as to, ii. 139
 - rules, ii. 313, 332
- enforcement of order for, ii. 138

CONDITIONS

- of grant of patent, 174: ii. 102
 - non-compliance with, a ground of revocation, ii. 297
- special, may be imposed by Comptroller or law officer on application, ii. 28
- licence limited by, ii. 142
- infringement by breach of, 377

CONSENT

- judgment by, 480
- revocation by, 305

CONSIDERATION

- disclosure of invention and means of performing it as, for a patent, 105, 112, 158, 166, 174
- for a patent is entire, 112
- partial failure of, for patent is fatal to validity, 112, 166

CONSIDERATION—(continued)

- novelty as part of, for a patent, 105
- utility as part of, for a patent, 157
- not necessary for licence by deed, 147
- no restriction as to, for licence, 147
- usual, for licence, 147

CONSIGNEE

- of goods shipped from abroad, defendant to action of infringement, 391

CONSOLIDATION OF ACTIONS

- can be obtained only at the instance of the defendants, 481
- several actions on the same patent, 480
- several actions by different plaintiffs against the same defendant, 481
- time for, 481
- how to be effected, 481

CONSTRUCTION

- of letters patent, 331
- of specifications—*see* SPECIFICATIONS

CONTEMPT OF COURT

- breach of injunction a, 490
 - motion for committal, 490
 - proof necessary on, 490
 - expiry of patent, an answer to, 492
 - is procedure whereby to determine whether acts done since injunction, similar though not the same as those done before, are a breach of the injunction, 492
 - solicitor and client's costs on, 493
- advertisements relative to *ex parte* statements in Court which are, 493
 - advertisements and statements relative to evidence and expense of trial or appeal which are not, 493
- effect of s. 32 of Act of 1883 on rule as to comment pending litigation, 316
- publications tending to influence result of pending suit, 493

CONTRACT

- breach of, no justification for infringement of patent, 381
- for supply of infringing articles as measure of damage, 502
- distinction between construction of a, and a specification, 207
- patent considered as of the nature of a, 106, 172, 202, 331

CONTRACTORS

- of Crown authority, right to use invention on terms, ii. 145

CONVENTION (INTERNATIONAL)—See INTERNATIONAL CONVENTION

- for protection of industrial property, ii. 285
 - final protocol, ii. 297
 - accession of her Majesty's Government to, ii. 302
 - declaration of acceptance of, ii. 303

CO-OWNERS OF PATENT

- should be joint petitioners on application to amend a specification, ii. 85
 - but amendments may be allowed in absence of unregistered, ii. 85
- covenants for protection of, ii. 111
- disputes between, on an application for extension of the term of a patent, ii. 182
- rights of,
 - to sue in respect of infringements, ii. 111, 113
 - to sue in respect of royalties, ii. 112, 113
 - to personal use of the invention, ii. 113
 - to grant licences, ii. 113
 - trustee and *cestuis que* trust, ii. 113
 - original cograntees, ii. 110

COPIES

- of accounts on petition for extension, ii. 171
- of deeds, licences, &c., to be supplied to Comptroller, ii. 212

COPIES—(continued)

- sealed, to be received in evidence, ii. 233
- certified, of documents in Patent Office, ii. 313
- of Patent Office publications, presentation of, ii. 285

CORPORATION—See BODY CORPORATE

- sole as patentee, 20
- may be joint patentee, 20
 - but not sole original patentee, 20
 - except in case of invention communicated from abroad, 20
- may be assignee, ii. 106
 - and registered as such, ii. 106

CORRECTION

See AMENDMENT OF THE SPECIFICATIONS

COSTS

- of application for patent
 - Comptroller has no power over, ii. 29
 - law officer has power over, ii. 29
- of amendment of specification, ii. 88, 195
- of opposition to grant of patent, ii. 29
- of action to restrain threats of legal proceedings, 330
 - caused by trying action in two forms, 330
- of action of infringement, 510
 - effect of House of Lords judgment with costs, 486
 - discretion of the Court or a Judge, 510
 - ignorance of the patent does not exempt from liability, 511
 - circumstances which will induce the Court to deprive a successful plaintiff of, 512
 - defendant admitting and undertaking to discontinue infringement, 512
 - oppressive conduct on the part of the plaintiff, 512
 - discontinuance, 513
 - apportionment of, 514
 - where plaintiff succeeds on validity but fails on infringement, 514
 - where plaintiff fails on validity but succeeds on infringement, 517
- drawings, 532
- inquiry as to damages, 533
 - usually reserved, 533
- expert's fees, 531
- further and better particulars, 412
- interest on, returned as result of an appeal, 483
- issues, abandoned at the trial, 514
 - separate, 514
- motion to commit for breach of injunction, 493
- models, 532
- on the higher scale, 533
 - illustrations of cases in which, are given, 534
 - on appeal though refused below, 534
 - reservation of question as to, till after taxation, 535
- party and party, 531
- scientific evidence, 531
- security for, of appeal, 482
 - when appellant is bankrupt, 483
- shorthand notes, 532
 - usual agreement as to, 532
- solicitor and client's, 529
 - Public Authority entitled to, 531
 - not always given though certificate of validity has been obtained in a former action, 529
 - discretion of the Court or a Judge, 529
 - illustration of exercise of the, 530
 - when defendant does not dispute validity, 530

COSTS—(continued)**of action of infringement—(continued)****taxation**

agreed inspection, 451

certificate of particulars, 518

is necessary on taxation, 518

omission to ask for, at the trial, 519

power of Court of Appeal and House of Lords to grant, 519

practice of Court of County Palatine of Lancaster, 519

is granted (1) where particulars have been proven; (2) where in the opinion of the Court or a Judge they were reasonable and proper, 520

where action is discontinued, 521, 523, 524

in case of judgment by default, 523

where action is not tried out on all the issues, 521

rule that Court will only certify such particulars as the materials before the Court enable it to say are reasonable and proper, 521

illustrations of the working of the rule, 521

particulars not proved under a specific issue but necessary for the decision of another issue, 524

action in respect of several patents, 524

certificate of validity in former action and its effect on costs of a subsequent action, 525, 528

should be pleaded in subsequent action, 528

meaning of "subsequent action," 528

discretion of taxing-master as to, pending appeal, ii. 155

of fresh evidence on appeal, 583

of three counsel, 582

of interrogatories, 443

must be secured, 443

of petition for revocation, 308

respondent out of jurisdiction cannot be compelled to give security for, 304

certificate of particulars is not necessary on taxation, 308, 525

of threats action, 380, 525

COUNSEL

joint petitioners for revocation must appear by same, 305

only two on each side heard on petition for extension, ii. 170

unless opponents have distinct and separate interests, ii. 170

costs of three, 582

COUNTY COURT

no jurisdiction to try actions in which the validity of a patent is in issue, 473

action to recover royalties may be brought in, 473

COURT

as defined by Act of 1883.. 292: ii. 242

leave of, or a Judge is necessary for the amendment of specifications pending action of infringement or petition for revocation, ii. 90.

how obtained, ii. 93

terms usually imposed on application for, ii. 95

power of, to compel inspection, 542

rectification of Register of Patents by, ii. 59

COURT OF APPEAL

discretion of, as to admitting evidence not within the particulars, 455

jurisdiction of, to grant certificate of particulars, 519

jurisdiction of, to grant certificate of validity, 525

COURT OF COUNTY PALATINE OF LANCASTER

jurisdiction of, to try patent actions, 473

to grant leave to apply to amend specifications pending action or petition, ii. 92.

to grant an account of profits or inquiry as to damages, 501

COURT OF COUNTY PALATINE OF LANCASTER—(continued)

jurisdiction of, to try patent actions—(continued)

to certify as to particulars, 519

to grant certificate of validity, 526

to hear petition for revocation, 292

COVENANTS

acceptance of royalties from infringers and breach of, not to grant further licences, ii. 143

assignment with notice of, ii. 121

usual, inserted in licences, ii. 142, 147

recovery of royalties paid without knowledge of breach of, ii. 154

estoppel in virtue of, implying validity, ii. 148

in restraint of trade by assignee and their enforcement, ii. 109

to assign future improvements, advisable for protection of assignee, ii. 113

difficulties in drafting and interpretation of, ii. 114

for protection of co-owners, advisable on assignments, ii. 111

for title, to grant licences, and for validity are not implied by law, ii. 150

COVERTURE,

no inquiry as to, on application for patent, 5

CRANE v. PRICE

decision in, doubtful on the facts, 55

CROWN

discretion of, in matter of granting patents, ii. 1

exercised through Comptroller-General and law officers, ii. 1

not suspended during minority or incapacity of the sovereign, ii. 1

authority of, to grant an extension of the term of a patent, ii. 157—see

EXTENSION ON TERM OF PATENT

patent binds the, ii. 145, 214

but the Crown has the right to use of inventions on terms, ii. 145

procedure to question authority of, or its officers to use an invention,
ii. 146

patent owned by limited company vests in, on dissolution of the company,
ii. 126

no merger when a patent vests in the, ii. 126

CURTIS v. PLATT

type of case to which doctrine of infringements by substitution of equivalents is inapplicable, 356, 366

facts in, 356

rule in, 358

instances of application of, 356 (j), 360

CUSTOM HOUSE AGENT

liability of, in respect of importation of infringing goods, 382

CUSTOMERS

disclosure of defendants, 446

notice by plaintiff to defendant's, in infringement action, 316

threats to, 313

disclosure of defendant's, on inquiry as to damages, 498

motion to commit liquidator for non-compliance with order for, 499

DAMAGES

See ACCOUNT OR DAMAGES; THREATS OF LEGAL PROCEEDINGS

DATE OF LETTERS PATENT

letters patent bear date as of the day of application, 187: ii. 53, 207

except in case of patents granted to foreigners under s. 103 of Act of
1883, which may be ante-dated to date of application abroad, ii. 19

DEATH

of person possessed of an invention for which no application for a patent
has been made, 5: ii. 125

of person possessed of an invention in respect of which an application for
a patent has been made, 5: ii. 207

DECLARATION

- necessary, on application for a patent, 4: ii. 5
 - provision for persons incapable of making, ii. 5
 - by legal representative of deceased inventor, 5
 - by first importer, 17
- statutory, for use in Patent Office, ii. 5
 - how to be made and subscribed, ii. 5
 - exempt from stamp duty, ii. 6
 - on opposition to grant of patent, ii. 25
 - times for leaving at Patent Office, ii. 25, 26
 - copies of, to be furnished to opposite party, ii. 26
- of acceptance of accession of British Government to International Convention, ii. 303
- that patentee holds as trustee, 16
- of invalidity may probably be obtained in special circumstances, 291

DEDUCTIONS

See EXTENSION OF TERM OF PATENT

DEED

- assignments of patents must be by, failing act and operation of law, ii. 106
 - no particular form of words necessary, ii. 106
- licences by, ii. 132
- necessity for a formal, is question of construction in cases of executory agreements for licences, ii. 133

DEFENCE

- in action of infringement, 401
 - two main defences are open, 401
 - denial of infringement, 401
 - denial of validity, 401
 - alternative pleas of no infringement and acts done under licence are not allowable, ii. 152
 - breach of contract by plaintiff no, 401
 - ignorance no, 337
 - intention no, 336
 - all grounds of, should be stated, 401
 - relation of, to particulars of objections, 402
 - particulars do not stand in the place of pleas, 402
 - and cannot go outside pleas, 402
 - denial of validity on the grounds stated in the particulars of objections is sufficient, 402
 - grounds on which invalidity may be pleaded, 402
 - patentee not true and first inventor, 402
 - invention not subject-matter, 403
 - invention not new, 404
 - invention not useful, 403
 - prior grant, 404
 - insufficiency of specification, 405
 - disconformity, 406
 - any ground on which the patent might, prior to 1884, have been repleaded by *scire facias*, 403
 - fresh issues may, on leave, be raised during the progress of the action, 406
 - estoppel of defendant from denying the validity of the patent, 406
 - arbitration between parties before action, 411
 - decision in former action, 406
 - parties to subsequent action not the same as parties to the former, 406
 - specification amended after former action removes estoppel, 408
 - defendant having submitted to an injunction, 403
 - defendant a licensee, 409
 - defendant an assignor, 409
 - may deny ambit of claim, 409
 - or particular construction of specification, 409: ii. 116
 - defendant a former partner of the plaintiff, 410
 - agreement between the parties, 410

DEFENCE—(continued)

in action of infringement—(continued)

estoppel of defendant from denying the validity of the patent—(contd.)

assignment by trustee in bankruptcy does not necessarily estop original patentee, 411

some co-defendants may be estopped whilst others are not, 411

defendant may be estopped on motion for interlocutory injunction, though not at the trial, 410

inspection for purpose of preparing, 451

precedents of, in action of infringement, ii. 390

in action to restrain threats of legal proceedings, ii. 406

DEFENDANT

to infringement action, 389

not appearing at trial, 479

DEFECTS

what allusions to, in prior inventions are allowable in subsequent specifications, ii. 44

DEFINITIONS

anticipation and publication, 117

British possession, ii. 242

Comptroller, ii. 242

Court, the, ii. 242

Court of Appeal, ii. 242

disclaimer, ii. 70

distinct statement of invention claimed, 249

foreign application, ii. 19

"improvements" as used in title, 79, 117

industrial property, ii. 297

infringement, 385

injunction, in Scotland, means interdict, ii. 220

invention, ii. 220

law officer, ii. 242

legislature, ii. 242

manufacture, 23

novelty and discovery, 116

ordinary skilful workman, 217

patent, ii. 220

"patents" as used in International Convention, ii. 297

patentee, 220

"person" includes "body corporate," ii. 19, 242

"prescribed," in reference to Act of 1883.. ii. 242

public knowledge, 108

public use, 126

"subsequent action," in reference to costs, 528

subject-matter

exhaustive definition of, not possible, 43

by Statute of Monopolies, 3

by Court of King's Bench, 26

"summary conviction" in Ireland, ii. 242

Treasury, the, ii. 242

utility, 162

DEGREE

invention may consist in, 42

DELAY—See LACHES

in applying for a patent is undesirable, 133

in sealing a patent, 52

may be bar to amendment of specification, 77

effect of, on right to account or damages, 496

disentitles plaintiff to interlocutory injunction, 428

what amounts to, 429

may sometimes be explained, 429

examples, 429

no bar to perpetual injunction, 487

DESIGNS

statute law as to, ii. 220

DESTRUCTION OR DELIVERY TO PLAINTIFF OF INFRINGING ARTICLES

power of Court to order, 508
 as alternative remedies, 508
 when infringing article is composite, 509
 marking of infringing articles, 509
 loss caused to defendant by, 510
 question as to, may be reserved, 509
 form of order for, 509

DETAILS

improvements in, made by servant of inventor, 15
 mentioned in complete and provisional specifications may differ, 184, 189
 effect of variations in, on question of infringement, 366

DIRECTOR OF COMPANY

may be personally liable for infringements, 389

DISCLAIMER—See AMENDMENT OF SPECIFICATIONS; OPPOSITION TO GRANT OF PATENT

claim is by implication a, 250: ii. 74
 amendment of specification by, ii. 70
 definition of, ii. 70
 object of allowable, ii. 70
 removal of ambiguity, ii. 72
 e.g., limitation to one of two possible meanings, ii. 73
 rule in *Seed v. Higgins*, ii. 73
 insufficiency of specification may not be cured by, ii. 72
 but *quarry* in the case of communicated inventions, ii. 72
 extension of claim by, is not allowable, ii. 71
 i.e., extension of total grant, ii. 71
 sealed copy of, in Patent Office is evidence, ii. 233
 at hearing of opposition to grant of a patent Comptroller sometimes effects the principle that no claim is allowed which is wide enough to include something already patented, by requiring a general or special, ii. 41
 grounds on which required, ii. 42, 46
 general disclaimers are more usual than special, ii. 45
 when special disclaimers are requisite, ii. 44-48
 difference in effect of general and special disclaimer, ii. 48
 difference between a special disclaimer and a general disclaimer in terms of opponent's claim, ii. 48
 opponent seeking special disclaimer must adjure evidence of the state of knowledge, ii. 45

DISCONFORMITY—See also IMPROVEMENT; SPECIFICATIONS; VARIANCE

meaning of, 190
 is fatal to validity, 190
 whether before or after amendment, 191: ii. 65
 if case is doubtful patent should be sustained, 192
 a ground for refusing an application for a patent, ii. 50
 true way to decide questions of fact as to, 191
 effect of detailing advantages in the provisional specification, 192
 illustrative cases of patents held void for, 193
 illustrative cases in which objection of, failed, 196

DISCONTINUANCE

of action of infringement, 513, 521

DISCOVERY

not every, is subject-matter, 29
 distinction between, and invention, 29
 distinction between, and novelty, 116

DISCOVERY—(continued)

in action of infringement, 440-454

interrogatories, 440

may be administered notwithstanding necessity for particulars, 440

must be limited to facts enabling interrogating party to prove his case, 440

as to fact of infringement, 446

fishing, are not allowable, 441

irrelevant, are not allowable, 440

plaintiff and defendant have an equal right to discovery, 442

when discovery a matter of indifference to party against whom it is sought, 442

or cannot help the interrogating party till he obtain judgment, 442

rule that "he who answers must answer fully," 443

neither party can be compelled to put a construction on the specification in answer to, 446

when complete answer cannot be given without oracular demonstration, 446

names and addresses of alleged prior users, 446

defendant's customers, 446

disclosure of processes used by alleged infringer, 446

as to documents not disclosed in original affidavit, 448

costs of, must be secured, 443

right to, may depend on prior decision of an issue, 443

trade secrets and, 444

privileged communications, 445

communications between patentee and patent agent not, 445

communications between patentee and his solicitor are, 445

production of documents, 447

documents not disclosed in original affidavits, 448

further affidavit of documents, 448

interrogatories as to, 449

effect of limited order for, 449

on an account of profits or an inquiry as to damages

number of infringing articles sold with the prices, 498

names and addresses of defendant's customers, 498

profits of defendant's business before as well as after infringement, 500

on petition for revocation

as in action of infringement, 302

time for application for, 304

DISMISSAL

of subsequent action after judgment in earlier action, 335

DOCUMENTS—See also AFFIDAVIT

publication by, 140

foreign books, 141

a question of fact, 142

document may be public property the moment it is written, 144

terms of art may have different meanings in different, 144

document which points away from the patentee's claim, 145

description of a useless machine no publication of useful one, 154

provisional specifications, 145

no necessity to prove that prior description has been put in practice, 146

mere suggestion is not publication, 147

general statement as to a class, 153

sufficiency of description necessary to amount to publication, 148

document though no publication may narrow the ambit of patentee's claim, 153

DOCUMENTS—(continued)

publication by—(continued)

a question of fact—(continued)

difference between a prior document and a prior machine or a publication, 141

several different documents taken together, 154

mosaic of extracts from, 155

highly scientific inventions, 152

evidence as to, 462

notice to admit is necessary, 463

proof of documents not admitted, 463

production of, 447

documents not disclosed in original affidavit, 448

further affidavit of, 448

interrogatories as to, 449

effect of limited order for, 449

discovery of relevant, 448

amendment of, by Comptroller, ii. 315

may be sent by post to Patent Office, ii. 235

provisions as to day for leaving at Patent Office, ii. 235

sealed copies of, in Patent Office are evidence, ii. 233

size, &c., of, for use in Patent Office, ii. 320

DOLLOND'S CASE

authority on law of true and first inventor, 8

contrasted with Tennant's case and *Rex v. Arkwright*, 8, 116

DRAWINGS

both provisional and complete specification must be accompanied by, if required, 186

both specifications may be accompanied by the same, ii. 247

complete specification may refer to the, which accompany the provisional, ii. 247

errors in, corrected by letterpress, 288

not published unless application is accepted, ii. 246

amendment of, ii. 7, 78

amendment of specification by insertion of new, ii. 78

costs of, in action of infringement, ii. 7

effect of, on construction of specifications, 287

as aiding description and limiting claim, 288

references to drawings may or may not be restrictive, 251, 252

powers of Board of Trade as to, ii. 236

size and preparation of, for use in the Patent Office, ii. 320

transmission of certified copies of, ii. 235

publication by, 153

DUE DILIGENCE—See THREATS OF LEGAL PROCEEDINGS

action not prosecuted with, a ground for dissolving an interlocutory injunction, 440

DUPLICATES

of letters patent, ii. 55

of specifications, &c., ii. 236

DURATION

See EXTENT AND DURATION OF LETTERS PATENT

DUTIES

payment of, in respect of patents assigned in consideration of a royalty, ii. 107

payable in respect of patents, ii. 449

payable in reference to registration of patent agents, ii. 448

EDINBURGH MUSEUM OF SCIENCE AND ART

transmission of certified copies of specifications, &c., to, ii. 235

EMPLOYER

- not entitled to invention made by employee, 14
- but is entitled to details worked out by employee, 15
- suggestions made by employee, 15

ENGLAND

- revocation of letters patent in, effect of, 292

ENLARGEMENT OF TIME

- for payment of fees, ii. 313, 315
 - form of application for, ii. 361
- for leaving and accepting specifications, ii. 305
 - forms of application for, ii. 371, 372
- for doing other acts prescribed by Patent Rules, 1903. .ii. 315
- for appealing to law officer, ii. 323

EQUITY

- no infringement on, of a patent, 336

EQUIVALENTS

- substitution of known, not subject-matter, 73
- substitution of new, is subject-matter, 73
- examples of patents void as being merely for the substitution of one known, for another, 73
- prior use of, may or may not be publication, 118
- importance of, in questions relating to opposition to grant of patents, ii. 39
- effect of words "or any mechanical equivalent," 283 (note)
- infringement by use of, 352
 - doctrine of, not applicable in all cases, 354, 366
 - equivalents not known at date of patent, 353
 - effect of public knowledge on question of, 354
 - two classes of cases, 355
 - Curtis *v.* Platt as type of one class, 356
 - Proctor *v.* Bennis as type of the other class, 358
 - difficulty in deciding in which class a particular case falls, 360
 - correct application of doctrine of, a matter of difficulty sometimes, 354, 366
 - illustrations, 367
 - chemical patents and, 369
 - use of ingredients in proportions outside those claimed, 370

ERRORS

- in specifications
 - effect of, on sufficiency, 222
 - if corrected by other parts are not fatal, 288
 - if apparent are not fatal, 289
 - if not apparent are fatal, 289
 - which amount to false suggestion are fatal, 289
 - construction of, by the Court, 288
 - clerical
 - power of Comptroller to correct, ii. 77
 - power of Master of Rolls to correct, ii. 76
 - delay in applying to correct, ii. 77
 - form of request for correction of, ii. 366

ESSENCE OF INVENTION

- should be specifically claimed, 280
- may be protected though not specifically claimed, 280

ESTOPPEL

- of assignor
 - recitals and covenants by, which affect an, ii. 115
 - as against assignee from denying title to convey, ii. 116
 - but not a particular construction of the specification, ii. 116
 - no estoppel from assisting defendant with evidence, ii. 117
 - assignment by trustee in bankruptcy does not estop bankrupt patentee, 411 : ii. 118
 - of license as against his assignee, 409 : ii. 148

ESTOPPEL—(continued)

- of defendant to action of infringement from denying validity, 406
 - decision in former action, 406
 - different parties, 406
 - amendment of specification after action removes estoppel, 408
 - prior submission to injunction, 408
 - agreement between parties, 410
 - assignment by trustee in bankruptcy, 411
 - defendant assignor, 409
 - defendant licensee, 409
 - defendant a former partner of plaintiff, 410
 - some joint defendants may be estopped whilst others are not, 411
 - may operate on motion for interlocutory injunction though not at the trial, 410
- of licensee, ii. 135, 148
 - from denying validity of patent in action by licensor, ii. 148
 - but not if licence not under seal unless acted on, ii. 150
 - or if licensee is only equitable assignee of exclusive licensee, ii. 150
 - no, against denial of ambit of licence, ii. 148
 - or ambit of patentee's claim, ii. 149
 - may be subject of special covenant, ii. 150
 - terminates with the licence, ii. 151
- licence to construct only may operate as an, against third party with notice, ii. 149
- no, against petitioner for revocation in respect of an unsuccessful action for infringement, 306

EVIDENCE

- action of infringement, 454
 - necessary on application for interlocutory injunction, 427-440
 - necessary to obtain an order for inspection, 450
 - necessity for evidence of actual damage, 501
 - when defendant does not appear at the trial, 454
 - confined to the particulars, 454
 - except by leave of Court or a Judge, 454
 - not within the particulars, 455
 - discretion of Judge as to, 455
 - discretion of Court of Appeal as to, 455
 - particulars not objected to are construed widely, 456
 - and such evidence is admitted as is within their literal meaning, 455
 - of assignee, 456
 - interest in validity of patent may affect, 456
- of licensee admissible in action brought by patentee, 456
 - though action is for benefit of the licensee, 457
- expert, 457
 - necessity for, and value of, 457
 - limit of admissibility of, 458
 - costs of, 531
- rebutting, 462
 - evidence by way of rejoinder to, 463
- proof of documents filed in Patent Office, ii. 233
 - necessary to prove
 - grant of patent, 459
 - scope of invention claimed, 459
 - issue of true and first inventor, 459
 - effect of previous failures on, 12
 - issue of subject-matter, 460
 - novelty and utility not conclusive evidence of invention, 40
 - simplicity is not conclusive evidence of lack of invention, 40
 - new, better and cheaper article as evidence of invention, 12
 - issue of novelty, 461
 - plaintiff must give *prima facie* evidence on, 461
 - onus* then on the defendant, 461

EVIDENCE—(continued)

action of infringement—(continued)

necessary to prove—(continued)

issue of novelty—(continued)

documents as evidence of publication, 432

necessity for notice to admit documents, 463

proof of documents not admitted, 463

sealed copies of documents filed at Patent Office are evidence, ii. 293

not necessary to prove patentee's knowledge of prior document, 142

proof of public right of access to, is sufficient, 142

not necessary to prove actual use of prior published invention, 146

common knowledge

as objection to validity, 418

how plea should be raised, 419

distinction between issue of, and prior publication, 420

particulars of, not requisite if ambit of claim only and not validity of patent is attacked, 467

rebutting evidence may be given by plaintiff on, 462

recalling witnesses, 463

evidence of person who has knowledge of plaintiff's specification, 150, 462, 464

models as evidence on, 464

issue of utility, 464

user or non-user by the public as evidence on, 165, 466

commercial success, 163, 466

patent for an improvement is not evidence of lack of utility in the original, 76

issue of sufficiency of specification, 466

plaintiff must give some evidence on, 466

onus then on defendant to establish insufficiency, 467

amendment of specification as evidence of prior invalidity, 313: ii. 65

issue of infringement, 467

a mixed question of law and fact, 265, 467

common knowledge directed to, may be given without particulars, 467

multiplicity of expert evidence not admissible on, 468

effect of prior construction of specification by Court of Equal Jurisdiction, 469

defendant himself a patentee, 470

necessity for proof that alleged infringement was not committed by agents or under licence of the plaintiff, 470

or that an alleged licence was given under misapprehension, 471

when it is sufficient for the plaintiff to make out a *prima facie* case on, 471

facts which are *prima facie* evidence of infringement, 471

defence that alleged infringement in a trade secret, evidence given *in camera*, 472

when *onus* is on plaintiff to prove that infringing article was not made by his authority, 472

fresh evidence on appeal, 306, 416, 483

amendment of particulars so as to admit, 416

issues abandoned below not allowed to be raised on, 483

effect of defendant's right to petition for revocation, 306

costs of, 416

opposition to grant of patent, ii. 25

petition for extension, ii. 173

formal proofs may be taken by clerk of Privy Council, ii. 173

petition for revocation, 304

confined to particulars, 301

except by leave of Court or a Judge, 302

trial on affidavit evidence, 304

EVIDENCE—(continued)

- statutory provisions as to giving in, and effect as, of,
 - Board of Trade Orders and Certificates, 472 : ii. 257
 - Patent Office copies and certificates of specifications, disclaimers and other documents or extracts from them, 472 : ii. 233, 234
 - Register of Patents, 472 : ii. 212
 - Seal of the Patent Office, 472 : ii. 206, 232

EXAMINATION

- of application, ii. 6
- of complete specification, ii. 14

EXAMINERS

- appointed under Act of 1883. . ii. 232
- application for patent is referred to, ii. 16
 - duties of examiners, ii. 6
 - Comptroller may refuse application on report of, ii. 6
 - or require amendment of specifications and drawings, ii. 6
- complete specification is referred to, ii. 14
 - and Comptroller may refuse it or require an amendment on report of, ii. 14
 - search as to novelty, ii. 14
- reports of, are not published, ii. 16
 - power of Court to order production of, ii. 16
 - effect of, in cases of rival applications, ii. 17

EXECUTION

- against patent, ii. 127

EXECUTOR

- patent vests in, ii. 125

EXHIBITIONS (INDUSTRIAL OR INTERNATIONAL)

- protection of non-patented inventions exhibited at, 132 : ii. 217, 247
- Patent Rules, 1903, as to, ii. 307
- form of notice of intended exhibition of an unpatented invention, ii. 365
- foreign corporation carrying on business by hiring a stand at, 380

EXISTING PATENTS

- provisions of Act of 1883 as to, ii. 219

EXISTING RULES

- provisions of Act of 1883 as to, ii. 241

EXPERIMENTAL USE

- and publication, 120
 - prior, though profitable is not necessarily fatal to validity, 124
 - law as to, stated by Tindal, C.J., 120
 - always a question of fact, 121
- and infringement, 373
 - use by way of *bond fide* experiment, no infringement, 373
 - use for advantage is infringement, 374
 - e.g.*, use for instruction of pupils, 374

EXPERIMENTS

- law of anticipation by, 120
- unsuccessful, no publication, 120
- publication by, always a question of fact, 7, 121
- abandoned, *prima facie* presumed to have been incomplete, 121
 - illustrative cases, 121
- when necessity for, renders a specification bad and when not, 214, 224
- expenses of, credited to petitioner for extension of term of patent, ii. 188
- inclusion in complete specification of results of, made during period of provisional protection, 189

EXPERT

- evidence of, and its value, 457
 - costs of, 531 : ii. 331

EXPERT—(continued)

- multiplicity of, evidence not admissible, 468
- form of order for reference to independent, during action, ii. 446
- form of order for experiments before, and his report to the Court thereon, ii. 446

EXPLANATION

See AMENDMENT OF SPECIFICATIONS

EXTENSION OF TERM OF PATENT

- Crown has authority to grant an, ii. 157
- is a matter of favour and not of right, ii. 166, 192
 - and Crown is not bound to act on the recommendation of the Judicial Committee, ii. 192
- only one period of, in respect of the same patent, ii. 193
- cannot be demanded *ex debito justitiæ*, ii. 174
- when same invention is patented abroad, ii. 187
- procedure for, prior to 1835 was by special Act of Parliament, ii. 158
 - between 1835 and 1884 was by way of petition to Privy Council, ii. 158-161
 - Lord Brougham's Act, ii. 158
 - 2 & 3 Vict. c. 67.. ii. 159
 - 7 & 8 Vict. c. 69.. ii. 159
 - 15 & 16 Vict. c. 83.. ii. 160
- procedure for, since 1884 is by way of petition under s. 25 of Act of 1883.. ii. 161
 - practice is governed by Privy Council Rules, 1898, and Privy Council Rules made under Lord Brougham's Act, ii. 161
 - s. 25 of the Act of 1883.. ii. 161
 - petitioner, ii. 162
 - who may be, ii. 162
 - original patentee, ii. 162
 - legal personal representative, ii. 162
 - assignee, ii. 162
 - not so favourably received as original patentee, ii. 163
 - who has advanced capital for development is more favourably received than one who has not, ii. 163
 - companies, ii. 164
 - importer, ii. 165
 - not so meritorious as an original inventor, ii. 165
 - exclusive licensee should be a co-petitioner, ii. 165
 - quæry* mortgagee, ii. 123
- petition, ii. 165
 - cognate patents may be included in one, ii. 165
 - requisites of, ii. 165
 - full disclosure of all essential facts must be made, ii. 166
 - examples, ii. 166
 - amendments may be made, ii. 167
 - how, ii. 167
 - absence of statutory, affects jurisdiction of the Committee, ii. 167
 - but not so non-compliance with the rules, ii. 167
 - advertisement of intention to present, is necessary, ii. 168
 - in *London Gazette*, ii. 168
 - and other papers, ii. 168
 - petitioner resident abroad, ii. 169
 - precedent of, ii. 413
 - affidavit of advertisement must accompany the petition, ii. 169
 - must be proved before petition is heard, ii. 169
 - otherwise Judicial Committee has no jurisdiction, ii. 170
 - Judicial Committee may dispense with the prescribed mode of, ii. 170
 - name of equitable assignee must appear in, ii. 169
 - service of, on all opponents is necessary, ii. 171

EXTENSION OF TERM OF PATENT—(continued)

procedure for, since 1884 is by way of petition unders. 25 of Act of 1888—(continued)

petition—(continued)

time limit for presentation of, ii. 167

six months before the natural expiration of the patent, ii. 168
and one week after last requisite advertisement in the
London Gazette, ii. 168

how to be printed, ii. 172

documents necessary to be lodged at the Council Office before hearing of, ii. 169

precedents of, ii. 415

opposition

any person may enter a *caveat*, ii. 170

interest in the patent is not essential, ii. 170

Attorney-General always appears at the hearing, ii. 173

and may oppose without notice, ii. 173

opponent is entitled to notice of day fixed for hearing and to copy of the petition, ii. 171

also, at his own expense, to all papers lodged in reference to the petition, ii. 171

also to notice of any special application by the petitioner, ii. 171

all opponents must be served, ii. 171

objections

copies of, must be lodged by opponent at Council Office, ii. 171

how notices of opposition, &c., are to be printed, ii. 172

compliance with rules may be dispensed with, ii. 172

precedent of, ii. 414

grounds of

extension detrimental to public interest, ii. 174, 175

grant of an exclusive licence, ii. 175

may be surmounted by licensee renouncing, ii. 175

patent *prima facie* invalid, ii. 176

invention not meritorious, ii. 175

part only meritorious, ii. 176

validity highly doubtful for some specific reason, ii. 176

invention not useful, ii. 177

no benefit accrued or likely to accrue to the public, ii. 180

small public user, ii. 178

no likelihood of future user by the public, ii. 180

patentee sufficiently rewarded, ii. 180

accounts insufficient, ii. 182

assignee's profits not disclosed in, ii. 185, 186

licensee's profits not disclosed in, ii. 186

profits derived from foreign patents not disclosed in, ii. 187

patentee has not used his best endeavours to develop the invention, ii. 181

disputes between co-owners have retarded the development of the invention, ii. 182

patentee has permitted open infringements, ii. 181

prior extension of term, ii. 193

accounts

when to be lodged by the petitioner, ii. 182

requisites of, ii. 182

must be full, clear, and accurate, ii. 182

must disclose whole profit and loss from the patent, ii. 182

made by the patentee as such, ii. 185

other patents for similar inventions, ii. 166

foreign patents for same invention, ii. 166, 187

items which may be credited to the patentee, ii. 188

expenses of experiments, legal proceedings, salaries, and commissions, ii. 188

manufacturer's profits as distinct from patentee's profits, ii. 189

EXTENSION OF TERM OF PATENT—(continued)

- procedure for, since 1884 is by way of petition under s. 25 of Act of 1883—(continued)
- accounts—(continued)
 - requisites of—(continued)
 - must disclose whole profit and loss from the patent—(contd.)
 - made by the patentee as such—(continued)
 - items which may be credited to the patentee—(contd.)
 - personal remuneration for time devoted to pushing invention, ii. 190
 - items not allowed, ii. 188
 - assignee's profits, ii. 186
 - licensee's profits, ii. 186
 - foreign patents, profits on, ii. 186
 - rule in Pitman's case, ii. 186
 - profits on articles made expressly for exportation abroad, ii. 187
 - absence of books may sometimes be explained, ii. 188
 - losses sometimes need not be proved with strict accuracy, ii. 184
 - how, should be kept from the first, ii. 184
 - effect of keeping and rendering accounts on a wrong system, ii. 185
 - balance at end of each year should be struck, ii. 186
 - to disclose ratio of increase or diminution of profit from year to year, ii. 186
 - copies of, how obtained, ii. 171
 - precedents of, ii. 424
 - grounds on which Judicial Committee recommend extension, ii. 174
 - all the circumstances of the case are to be considered, ii. 174, 187
 - practice with regard to inventions also patented abroad, ii. 187
 - probable benefit to the petitioner and injury to the public is important, ii. 163
 - no extension is recommended unless the original patentee would be directly or indirectly benefited, ii. 164
 - merit, ii. 176-180
 - prima facie* proof of validity must be given, ii. 176
 - validity is not decided by the Committee, ii. 176
 - though it is always material on the fact of merit, ii. 176
 - invention must be proved to be independently meritorious, ii. 176
 - only part meritorious, extension may be limited to, ii. 176
 - nature of merit necessary to be proved, ii. 177
 - merit of utility as distinct from merit of ingenuity is essential, ii. 177
 - test of utility for purpose of extension, ii. 178
 - non-user by the public, ii. 178
 - presumption of non-utility arising from, may be rebutted in certain cases, ii. 179
 - patent for an improvement is not proof of want of utility in original, 76
 - probability of future user by the public must be established, ii. 180
 - from point of view of the public, ii. 193
 - of an importer is less than that of an original inventor, ii. 165
 - insufficient remuneration, ii. 180-190
 - benefit accrued to or likely to accrue to the public is to be considered with that derived by the patentee, ii. 180
 - patentee must have used his best endeavours to develop the invention, ii. 181
 - e.g.*, he must not have permitted open infringements, ii. 181
 - disputes between co-owners retarding development, ii. 182
 - adequate remuneration, what is, ii. 182

EXTENSION OF TERM OF PATENT—(continued)

procedure for, since 1884 is by way of petition under s. 25 of Act of 1883—(continued)

- hearing of the petition, ii. 172
 - application for a day for, ii. 169
 - must be made by the petitioner, ii. 169
 - and advertised when fixed, ii. 169
 - precedent of advertisement, ii. 415
 - usual order fixing a day for hearing, ii. 170
 - postpones hearing if the patent has a considerable time to run, ii. 170
 - discretion of the Committee is absolute, ii. 174
 - parties may appear personally or by counsel on, ii. 172
 - not more than two counsel are heard on either side, ii. 172
 - unless opponents have distinct and separate interests, ii. 172
 - Attorney-General always appears on, ii. 173
 - when there is no opposition, ii. 173
 - pending proceedings affecting the validity of the patent, ii. 173
 - utility usually dealt with before adequacy of remuneration, ii. 173
 - formal proofs may be taken by the clerk of the Committee, ii. 173
- new grant, ii. 190
 - Crown gives effect to the recommendation of the Judicial Committee by means of a, ii. 190
 - which is subject to the same conditions as the expired grant, ii. 191
 - to whom, may be made, ii. 191
 - no fresh specification need be filed on, ii. 191
 - is in the nature of a graft on the old one, ii. 191
 - and open to the same objections, ii. 177, 191
 - conditions are frequently imposed on a, where requisite, ii. 191
 - in the interest of the original patentee, ii. 191
 - or his representatives, ii. 191
 - for the benefit of persons other than the original patentee, ii. 191
 - for the benefit of the public generally, ii. 192
 - as to date of commencement and expiry when there are cognate patents, ii. 192
 - security for performance of conditions is usually required, ii. 193
 - Crown has authority only to make one, in respect of the same patent, ii. 193
 - duration of, cannot exceed fourteen years, ii. 193
 - usually limited to not more than seven years, ii. 193
 - but sometimes a longer period is recommended, ii. 193
 - registration of order for, ii. 193
- costs, ii. 193
 - Attorney-General does not ask for and is not ordered to pay, ii. 194
 - discretion of the Committee as to, ii. 193
 - practice as to, ii. 193
 - taxation of, ii. 172

EXTENSION OF TIME

- for payment of fees, ii. 54, 313
 - form of application for, ii. 361
- for leaving and accepting specifications, ii. 305
 - forms of application for, ii. 371, 372
- for doing other acts prescribed by Patent Rules, 1908.. ii. 315
- for appealing to law officer, ii. 323

EXTENT AND DURATION OF PATENT

- geographical extent, ii. 53
- duration, ii. 53
 - usual, ii. 53
 - is conditional on payment of fees, ii. 54
 - enlargement of time for payment of fees, ii. 54, 313
 - revival of patent void for own payment of fees, ii. 54

EXTENT AND DURATION OF PATENT—(continued)
duration—(continued)

application in fraud of true and first inventor, ii. 55
adverse decision does not annul a patent, ii. 55

EXTRACTS FROM REGISTER OF PATENTS

any person may obtain, ii. 59
sealed, are evidence, ii. 59

FALSE SUGGESTION

invalidates a patent, 297
e.g., as to novelty, 118
utility, 166, 168
correct specification, 202, 204
a ground of revocation, 297
distinction between false representation and false statement, 296

FALSIFICATION

of entries in Register of Patents, ii. 61

FAST (PUBLIC)

days observed as
Patent Office closed on, ii. 315
Register of Patents not open to inspection on, ii. 313
leaving documents, paying fees, &c., at Patent Office on, ii. 54

FEEES

statutory provisions as to, ii. 212
payment of, is necessary to validity, ii. 54
revival of patent void for non-payment of, ii. 54
enlargement of time for payment of, 54, 313
form of application for, ii. 361
list of, in reference to the registration of Patent Agents, ii. 448
list of, on and in connection with letters patent, ii. 449

FIAT

See ATTORNEY-GENERAL

FIDUCIARY COMMUNICATION

effect of, on novelty, 131

FIERI FACIAS

writ of, entitles sheriff to sell patented article, ii. 127
sheriff cannot sell patent under, ii. 127

FIRST AND TRUE INVENTOR

See TRUE AND FIRST INVENTOR

FOREIGN APPLICATION

meaning of, ii. 22
practice on, ii. 22
must be made in same manner as an ordinary application, ii. 20
patentee in respect of, ii. 20, 22
provisions as to, confer no rights in respect of communicated inventions,
ii. 21
i.e., rights thereby conferred are personal, ii. 21
allowable difference between English and foreign specification on, ii. 22
description in English not in foreign specification, ii. 23
claim in English not in foreign specification, ii. 23
retrospective effect of order in Council as to, ii. 20

FOREIGN PATENT

extension of English patent for invention, subject of, ii. 187
reference to, necessary on petition for extension of English patent, ii. 186

FOREIGN SOVEREIGN

position of, as regards infringement, 382

FOREIGN VESSELS

in British waters, use of patented invention in, 381

FOREIGNER

may be patentee, 4

patents were granted to, prior to Act of 1883.. 4

when entitled to priority, 8, 18: ii. 19

concurrent application by, 8

communication by one, resident abroad to another is good subject-matter, 19

liability of, in this country in respect of infringement, ii. 382, 390

rights of, on application for patent under International Convention of 1884.. ii. 21

are personal, ii. 21

corporation, ii. 19

effect of abortive application abroad, ii. 21

practice on applications under provisions of s. 103 of Act of 1883.. ii. 22

minor differences in English and foreign specifications allowable, ii. 22

as opponent to grant of English patent, ii. 33

as defendant to action of infringement, 390

FORM

See SHAPE

FORMS

form of patent, ii. 373

application for patent, ii. 345

application for patent for invention communicated from abroad, ii. 347

application for patent under international and colonial arrangements, ii. 349

provisional specification, ii. 350

complete specification, ii. 351

opposition to grant of patent, ii. 353

notice that hearing before the Comptroller will be attended, ii. 354

application for amendment of specification, ii. 355

opposition to amendment of specification, ii. 356

application for compulsory grant of licence, ii. 357

petition for compulsory grant of licences, ii. 358

opposition to compulsory grant of licence, ii. 359

application for certificate of payment or renewal, ii. 360

application for enlargement of time for payment or renewal fee, ii. 361

request to enter name upon the register of patents, ii. 362

request to enter notification of licence or other document in the register of patents, ii. 363

application for duplicate of patent, ii. 364

notice of intended exhibition of an unpatented invention, ii. 365

request for correction of clerical error, ii. 366

certificate of Comptroller, ii. 367

notice of alteration of an address in register, ii. 368

application for entry of order of Privy Council in register, ii. 369

appeal to law officer, ii. 370

application for extension of time for leaving a complete specification, ii. 371

application for extension of time for acceptance of a complete specification, ii. 372

notice of desire to have patent sealed, ii. 375

appendices to Patent Agents' Rules, 1889.. ii. 376

assignment of letters patent, ii. 378

licence to use patented invention, ii. 380

mortgage of letters patent, ii. 383

action of infringement

indorsement on writ, ii. 386

statement of claim, ii. 387

particulars of breaches, ii. 389

defence, ii. 390

particulars of objection, ii. 393

notice of motion for interlocutory injunction, ii. 396

FORMS—(continued)

- action of infringement—(continued)
 - notice of motion for leave to amend a specification pending action for infringement, ii. 395
 - judgment after trial of action, ii. 396
 - judgment affirmed on appeal, ii. 401
 - judgment varied on appeal, ii. 403
 - certificate of validity, ii. 402
 - notice of appeal to Court of Appeal, ii. 400
- action to restrain threats of legal proceedings
 - indorsement on writ, ii. 404
 - statement of claim, ii. 404
 - defence, ii. 406
 - reply, ii. 407
 - rejoindre, 408
- extension of letters patent
 - advertisement of intention to present petition, ii. 412
 - caveat, ii. 412
 - notice of objections, ii. 414
 - advertisement of day fixed for hearing of petition, ii. 415
 - petition for extension of letters patent, ii. 415
 - accounts to accompany petition for extension, ii. 424
- revocation of letters patent
 - petition for revocation, ii. 409
 - memorial to obtain fiat of Attorney-General, ii. 411
 - fiat of Attorney-General, ii. 411

FOXWELL v. BOSTOCK

- rule in, 244
- explanation of, 245

FRANCHISE

- patent is a, 473

FRAUD

- application for patent in, of true and first inventor, ii. 55
- abroad no prejudice to applicant for patent for a communicated invention, ii. 32
- of rights of another, meaning of, 294
- defence of action to recover royalties, ii. 154
- ground for revocation, 294, 300
 - must be strictly proved, 301
 - if patent revoked; new patent may be granted to inventor, 300
- judgment obtained by, 481

GENERAL DISCLAIMER

See AMENDMENT OF SPECIFICATIONS

GENERAL PUBLIC KNOWLEDGE

See COMMON KNOWLEDGE

GENERAL WARNING

See THREATS OF LEGAL PROCEEDINGS

GOOD FRIDAY

- Patent Office closed on, ii. 315
- Register of Patents not open to inspection on, ii. 313
- leaving documents, paying fees, &c., at Patent Office on, ii. 54

GOVERNMENT CONTRACTOR

- may be sued for infringement, ii. 146

GRANT

- practice on, of patents regulated by Act of 1883 and rules thereunder, ii. 2
- effect of, of patent, 105
- opposition to, of patent—see OPPOSITION

GRANTEE

- true and first inventor must be one, 4
- several persons may be, 4
- person other than true and first inventor may be one, 4
- married woman, 5
- infant, 5
- lunatic, 5
- legal representative of deceased person, 5
- on death of, patent vests in executor or administrator, ii. 125
- persons not capable of being, 19
- interest in patent of co-grantees, ii. 110

HIDDEN PROPERTY OF MATTER

- application of newly discovered, is good subject-matter, 50, 98
- examples, 58

HILL v. EVANS

- rule in, as to sufficiency of description necessary in an anticipatory document to render it a publication, 148
- explained, 148

HOLIDAY

- See **BANK HOLIDAY**

HOUSE OF LORDS

- jurisdiction of, to grant certificate of particulars, 519
- jurisdiction of, to grant certificate of validity, 525
- no original jurisdiction to grant leave to amend a specification pending action or petition, ii. 92
- effect of judgment of, with costs, 486

IGNORANCE

- no defence to action of infringement, 336
- does not exempt from liability to pay costs, 511

ILLEGAL MONOPOLIES

- suppressed by Statute of Monopolies, 2
- Acts for suppression of certain, prior to Statute of Monopolies, 1

ILLEGAL PURPOSE

- power of Comptroller to refuse patent for invention to be used for, ii. 6, 232

ILLUSTRATED JOURNAL

- publication and sale of, of patents, ii. 55

IMMORAL PURPOSE

- power of Comptroller to refuse patent for invention to be used for, ii. 6, 232

IMPORTATION

- of article made abroad and its effect on novelty, 137
- infringement by, 375, 390

IMPORTER

- first, is true and first inventor, 17-19
- even though he did not actually make the invention, 17
- and is not a meritorious importer, 19
- may petition for extension of term of patent, ii. 162, 165
- but is not considered so meritorious as an original inventor, ii. 165

IMPROVEMENT

- in details during provisional protection, 187, 189, 198
- inclusion of, in complete specification, 184, 189, 198, 238
- made by servant belong to master, 15
- may be good subject-matter, 75
- as consisting in an addition to, omission from or rearrangement of old parts, 75
- if it is the outcome of invention, 75, 77

IMPROVEMENT—(continued)

- may be good subject-matter—(continued)
 - amount of improvement does not affect validity of patent for, 79
 - nor does lack of utility in a prior construction, 171
- claim must be limited to, in case of patent for, 76, 228, 242
- legality of patents for, 75
- patent for, is no evidence of lack of utility in an original invention, 76
- licence of patentee of an original invention may be necessary for use of an, upon it, 75
- mere use of known machine in a more beneficial manner is not a patentable, 78
- mere adaptation of a well-known idea is not a patentable, 79
- mere working direction is not a patentable, 77
- of which patentee was ignorant at the date of patent, 239
- validity of patents used for obstructing, 160
- covenant to assign future, not contrary to public policy, 113
 - and is advisable for protection of an assignee of letters patent, 114
 - difficulties in drafting and interpretation of, 114
 - what is an infringement of, is not necessarily an improvement on a prior patent, 114
- meaning of "improvements" as used in titles, 79, 177, 287
- effect of "improvement" in the title on construction, 79, 177, 287
- use of substance of patented invention together with an, is infringement, 843

INABILITY

- declaration on behalf of person under, ii. 5

INDEMNITY

- person who has given an, to defendant may be allowed to take part in the action, 391
- validity of agreement of, 391

INDEX, ETC.

- of specifications prior to Act of 1883.. ii. 217
- under Act of 1883.. ii. 217

INDORSEMENT OF WRIT

- form of, in action of infringement, ii. 386
- form of, in action to restrain threats of legal proceedings, ii. 404

INDUSTRIAL PROPERTY

- See INTERNATIONAL CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY

INFANT

- may be patentee, 5
- validity of patent granted to, alone, 5
- declaration on behalf of, ii. 5

INFRINGEMENT

- a mixed question of law and fact, 265, 467
- breach of contract no justification for, 381
- consideration of question of, apart from the patent, 56
- criterion of novelty and, are not the same, 343
- definition of, 335
- description not amounting to a publication might if carried out subsequently to a patent be an, 152
- no proceedings for, until patent actually sealed, 383
- no, if patent is void, 401
- no, unless saleable article is produced, 25
- no, unless what is claimed is taken, 257, 335, 345
 - ambit of claim may be limited, 335
 - claim really a disclaimer, 336
- importance of ascertaining the essence of the invention as claimed, 338, 340

INFRINGEMENT—(continued)

importance of ascertaining the essence of the invention as claimed—(contd.)

use of essence of invention with an improvement, 343

essence of invention may be protected though not referred to *nominatio*n in the claim, 280

no, of equity of a patent, 336

inciting third parties to infringe, 372

innocent, 337

ignorance is no defence, 337

intention is immaterial on question of, 336

effect of intention, 336

act done under subsequent patent, 333

colourable imitation, 339, 363

objection to the use of the terms "colourable" or "colourably," 339

by several different persons, 385

proper course for patentee to adopt on, 385

after decision adverse to validity and before its reversal on appeal, 384

procedure to test whether similar though different acts done after in-
junction are, 492

before publication of complete specification, damages in respect of, 498

before amendment of specification, 498

before seal is obtained, 383

after failure to pay fees and before enlargement of time, ii. 54

proof of, in action, 467

threatened, 384

action may be maintained in respect of, 384, 399

offer to supply an article alleged to be an infringement, 384

threats in relation to, and s. 32 of the Act of 1883.. 317

how to consider the question of, 339

necessity for determination of exact invention protected, 338

importance of ascertaining the principle of the invention protected,
340, 345

i.e., claimed, 257

ambit of a claim does not extend to what might be but is not
claimed, 257, 335, 345

documents though not a publication may narrow ambit of a
subsequent claim, 153

adoption of principle of invention though with different details,
341

when an infringement, 341

when not, 341

relative importance of details, a question of evidence, 343

not lawful to take substance of invention without licence,
345

but may be lawful to take its "pith and marrow" in a
sense, 345

modes of,

breach of restrictions on sale or licence, 377

of a combination, 348

by taking its substance, 349

using separate components, 349, 351

special claims for subsidiary parts, 349, 351

by substitution of equivalents, 352

doctrine of infringement, not applicable in all cases, 353, 366

equivalents not known at date of patent, 353

effect of public knowledge on question of, 354

two classes of cases, 355

Curtis v. Platt as type of one class, 356

Proctor v. Bennis as type of the other class, 358

illustrations of difficulty in deciding in which class
a particular case falls, 360

correct application of doctrine of, a matter of difficulty in
some cases, 366

illustrations, 367

facts in *Boyd v. Horrocks*, 367

facts in *Thomson v. Moore*, 368

INFRINGEMENT—(continued)

modes of—(continued)

of a combination—(continued)

by substitution of equivalents—(continued)

chemical patents and infringement, 369

use of ingredients in proportions outside those claimed,
370

manufacture of separate parts, 371

sale of separate parts, 371

restoration of patented instrument, 373

grant of licence to work under an infringing patent, 371

importation, 375, 390

loan of patented article, 377

manufacture without proof of sale, 373

obtaining orders on commission for a foreign manufacturer, 375

ordering the construction of patented article, 371

possession, 380

sale of patented article or articles made by patented process or
machine, 375notwithstanding *locus* of manufacture, 375

manufacturer resident abroad who is also an importer, 390

exposure for sale, 376

by purchaser from unrestricted licensee, 377

in breach of conditions of a licence, 377

in this country to foreign customer, 375

transshipment of goods, 382

the property of a foreign sovereign, 382

Custom House agents and the, 382

transportation for sale abroad, 383

use of patented article, 374, 379, 380: ii. 134

at instigation of patentee no infringement, 371

if made under licence, is no infringement, 375: ii. 134

in breach of limited licence, 377

licence given under misapprehension, 471

for purpose analogous to that specified by the patentee, 193, 379

claim may be limited to a particular user, 379

for purpose totally distinct from that specified by the patentee, 380

in British vessel, 381

in foreign vessels within jurisdiction of British Courts, 381

not as such forming an ingredient of final product, 375

notwithstanding authority to construct, 379

prior to sealing of the patent, 383

by way of *bonâ fide* experiment is no infringement, 373

for advantage, 374

use for instruction of pupils is, 374

pecuniary profit is not condition precedent to liability, 375

INGENUITY

See SUBJECT-MATTER

INJUNCTION

in Scotland means "interdict," ii. 220

interlocutory

in action of infringement

power of the Court or a Judge under Act 1883 as to, 427: ii. 215

how obtained, 427

ex parte application, 430rule in *Hill v. Thompson*, 430

usual course, 431

Court endeavours to keep things *in statu quo* on application for,
427*primâ facie* case of validity and infringement must be established
on application for, 427

disputed compromise may form a bar to, 427

acquiescence disentitles to, 427

what amounts to, 428

INJUNCTION—(continued)

interlocutory—(continued)

in action of infringement—(continued)

acquiescence disentitles to—(continued)

delay may sometimes be explained, 429

examples, 429

defendant working under a patent of which plaintiff had knowledge before action brought, 429

defendant the agent of a person who could establish a case of *laches*, 430

defendant working under patent of his own, 429

delay in pending action ground for refusal of, in subsequent action, 428

validity of patent an important factor on application for, 431

patent recent and validity not established the injunction is refused, 431

presumption in favour of validity arises from long uninterrupted enjoyment, 432

no necessity to state patent has not been disputed, 433

but actual user must be proved, 433

and proved to have been uninterrupted, 433

length of uninterrupted active enjoyment sufficient to raise presumption of validity, 433

patent once established is regarded as valid, 434

appeal pending, 435

judgment wrongly obtained, 435

certificate of validity on judgment by default or consent, 435

prior interdict in Scotland, 435

award of an arbitrator, 435

degree of doubt as to fact of infringement an important factor on application for, 436

Court considers itself bound by construction of specification in prior proceedings, 436

injunction refused in cases of real doubt, 436

quantum of doubt and question of convenience or inconvenience to the parties, 436

injunction granted on information and belief and their effect, 437

is granted if infringement is established and presumption is in favour of validity, 436

indemnity of defendant by plaintiff as a condition of grant of, 437

inability of defendant to satisfy plaintiff's claim induces Court to grant, 438

procedure when there is an independent case against the grant of, 438

motion ordered to stand over till the trial, 438

on refusal of, defendant is usually ordered to keep an account, 439

not usually granted if defendant voluntarily offers to keep an account and is able to satisfy plaintiff's claim, 439

dissolved on application of defendant if action not prosecuted with due diligence, 440

form of notice of motion for, ii. 396

in action to restrain threats, 310, note (h), 325

how and when obtained, 310, note (h), 325

perpetual

in action of infringement

power conferred on the Court or a Judge by Act of 1883 as to, ii. 215

successful plaintiff usually entitled to, 486

though not always, 386, 486

no intention on part of defendant to continue infringement, 488

by consent, 486

though one defendant succeeds, 486

INJUNCTION—(continued)

perpetual—(continued)

in action of infringement—(continued)

by consent—(continued)

withdrawal of consent given under mistake or surprise, 487

undertaking in lieu of, 486

acquiescence may induce the Court to refuse a, 487

laches though a bar to an interlocutory injunction may be none to a, 487

doubt as to which of several patents has been infringed, 487

expiry of patent before conclusion of action, 488

specific infringements may be exempted from a, 489

c.g., articles ordered before action brought when plaintiff

elects to take an account of profits, 489

obtained before amendment of specification cannot be enforced after, 490 : ii. 82

breach of, 490

is a contempt of Court, 490

motion to commit for, 490

proof necessary on, 490

expiry of patent an answer to, 492

solicitor and client's costs on, 493

justifiable under certain circumstances, 491

procedure to determine whether specific acts are a, 492

form of, ii. 397

prior secret use cannot be restrained by, 332

threatened infringements may be restrained by, 334

stay of, pending appeal, 489

licence in lieu of, 489

in case of several patents covering all known ways of making an article, 487

in action to restrain threats of legal proceedings, 309

scope of, 329

breach of, 329

INSPECTION

when complete specification is open to public, ii. 18

in case of foreigners application, ii. 357

in action of infringement, 449

provisions of Act of 1883 as to, 449 : ii. 215

power to Court as to under R. S. C., 449

costs of agreed, 451

not a matter of right, 449

objects of, 449

evidence necessary to obtain an order for, 450

for purpose of preparing pleadings, 451

how obtained, 450

order for inspection may be made at any time, 452

usual form of order for, 452 : ii. 445

conditions of order for, 452

against licensee not a party to the action, 452

delay no bar to, 452

power of Court to compel, 452

right to, may depend on prior determination of an issue, 452

trade secrets and, 452

samples may be ordered to be taken on, 453

of books, 454

of machines not belonging to but in power of either party, 453

independent inspector, 453

action founded solely on threats to infringe, 454

on petition for revocation, 304

time for application for, 304

INSTITUTE OF PATENT AGENTS

prosecutes in case of infraction of Register of Patent Agents' Rules,
ii. 3

INTENTION

- of infringer is immaterial *qua* infringement, 336
- but not *qua* an injunction, 337, 488
- effect of, on costs of action, 337, 512
- patentee's, is no real guide to the construction of his specification, 270, 272

INTERDICT

- in Scotland means injunction, ii. 220
- may be obtained against Englishman or other foreigner, 393
- prima facie* evidence of validity on application for interlocutory injunction, 435

INTEREST

- recovery of, on unpaid royalties, ii. 155
- on costs returned in consequence of a successful appeal, 486

INTERLOCUTORY INJUNCTION

See INJUNCTION

INTERNATIONAL AND COLONIAL ARRANGEMENTS

- provisions of Act of 1883 as to, ii. 237
- provisions for Colonies and India, ii. 238

INTERNATIONAL CONVENTION for the protection of industrial property,
ii. 285

- objects of, ii. 285
- plenipotentiaries, ii. 285
- articles agreed upon, ii. 289
- union for the protection of industrial property, ii. 289
- legal remedies, ii. 289
- rights of subjects of States not forming part of the union, ii. 289
- right of priority of person who has applied for a patent in one of the contracting States, ii. 289
- importation and forfeiture, ii. 291
- registration of trade marks, ii. 291, 299
- nature of goods is no obstacle to registration of trade mark, ii. 291
- protection of trade name, ii. 291
- seizure of goods illegally bearing a trade mark or trade name, ii. 291
- goods falsely bearing name of a locality, ii. 293
- protection of patentable invention, &c., at exhibitions, ii. 293
- special government offices, ii. 293, 299
- international bureau, ii. 293, 299
- periodic revisions, ii. 293
- conferences, ii. 293
- special arrangements between contracting parties, ii. 295
- adherence to convention of other States, ii. 295
- subordination of convention to laws of the contracting States, ii. 295
- commencement of operation, ii. 295
- ratification, ii. 295
- "industrial property," meaning of, ii. 297
- "patents," meaning of, ii. 297
- expenses of international office, ii. 299
- final protocol to form part of convention, ii. 301
- accession of Her Majesty's Government to the convention, ii. 302
- declaration of acceptance of accession, ii. 303

INTERNATIONAL EXHIBITION

See EXHIBITIONS

INTERROGATORIES

See DISCOVERY

INVENTION

- definition of, 18, 22: ii. 220
- purely a question of fact, 31, 39
- decision in one case no guide to another, 39
- essential considerations, 32

INVENTION—(continued)

- difference between, and discovery, 29
- classes of, held good subject-matter, 43
- is necessary to support a patent, 31
 - mere scintilla is sufficient, 31
- effect of common or public knowledge on question of, or no, 39, 103, 154, 418, 460
- may be the result of accident, 32
 - example of accidental invention, 32
- may consist in
 - degree, 42
 - the omission of parts, 11
 - new application of old machine, 42
 - the apprehension of a new use of an old appliance, 84
 - the perception and utilisation of an unobserved result of an old combination, 111
 - the mere conception of an idea may be the merit of an, 33, 40, 47
 - production of a new thing which effects a result not previously attained, 38
 - putting together items of common knowledge, 41
 - selection of a member of a class, 41
 - selection of a particular size may be, 42
 - new method of using an old machine without structural alteration, 42, 57
- mere adaptation of old idea is not, 42
- mere adaptive skill in manufacture is not, 42
- mere discovery of theory of what was formerly done empirically is not, 57
- merely more skilful application of known tools or process is not, 42, 78
- mere use on a commercial scale of what has been previously used on a small scale is not, 58
- mere variation of proportions is not, 42
- mere alteration of shape is not, 42
- evidence of,
 - new, better, or cheaper article as, 12
 - immediate commercial success, 32, 39
 - simplicity is not evidence of lack of invention, 40
 - demand for an article is not necessarily, 32, 42
 - though demand was previously unsatisfied, 32
 - novelty and utility of an application is not conclusive, 39
- amount of, sufficient to support a patent, 31
 - mere scintilla of invention is sufficient, 31
 - authorities, 34
- assignable interest in an, before the grant of letters patent, ii. 105
- covenants to assign future, ii. 113
- effect of keeping an, secret, ii. 102
- international arrangements for protection of, ii. 237
 - in Colonies and India, ii. 238

INVENTOR—See TRUE AND FIRST INVENTOR

- rights of an, as compared with those of an author, ii. 101

INVENTOR (DECEASED)

See DEATH

IRELAND

- reservation of remedies in, ii. 240
- general saving of jurisdiction of Courts in, ii. 240
- meaning in, of "summary conviction" in Patent Act of 1883...ii. 242
- revocation of letters patent in, 292

ISLE OF MAN

- application of Patent Acts to, ii. 240
- penalties for statutory offences in, ii. 13

ISSUES,

- fresh, may, on leave, be raised during progress of an action, 406

ISSUES—(continued)

- right of discovery may depend on prior decision of certain, 448
- also right to inspection, 452
- trial of, separately in action of infringement, 475
- advantages of, 476
- direction of, on application for rectification of Registrar of Patents, ii. 60, 233

JOINT APPLICANT

See APPLICANT FOR PATENT

JOINT INVENTORS

- must all be applicants, 12
- disagreement as to form of specification by, ii. 18

JOINT OWNERS

See CO-OWNERS OF PATENT

JOURNAL

- illustrated, of patents, publication of, ii. 155

JUDGMENT

- in action of infringement
 - motion for, on admission of facts, 479
 - motion for, on determination of issues, 479
 - by default, 479
 - by consent, 480
 - form of, judgment for plaintiff, ii. 396
 - form of, for defendant, ii. 399
 - form of, affirmed on appeal, ii. 401
 - form of, varied on appeal, ii. 402
 - effect of adverse, on the status of the patent, 303

JUDICIAL COMMITTEE

See EXTENSION OF TERM OF PATENT; PRIVY COUNCIL; PRIVY COUNCIL RULES

JURISDICTION

See COURT OF APPEAL; COURT OF COUNTY PALATINE OF LANCASTER; COUNTY COURT; HOUSE OF LORDS

JURY

- statutory provisions as to trial of proceedings for infringement or revocation of patent by, 473: ii. 214
- trial of patent actions by, is rare, 473
- and not usually desirable, 473
- but may be had if fraud or libel is alleged, 474

KING (THE)

- cannot be a patentee, 20

KING'S BIRTHDAY

- day observed as
 - Patent Office closed on, ii. 315
 - Register of Patents not open to inspection on, ii. 318
 - leaving documents, paying fees, &c., at Patent Office on, ii. 54, 235.

LACHES

- disentitles plaintiff to an interlocutory injunction, 427, 428
- what amounts to, 428
- delay may sometimes be explained, 429
- examples, 429
- defendant working under a patent of which plaintiff had knowledge before action brought, 429
- defendant the agent of a person who could establish a case of laches, 430

LACHES—(continued)

- no bar to a perpetual injunction, 487
- may be total bar to account of profits or damages, 496
- partial bar to account of profits or damages, 496
- a ground for damages in lieu of injunction, 487

LANCASTER, COURT OF COUNTY PALATINE OF

- jurisdiction of, to grant leave to apply to amend specifications pending action or petition, ii. 92
- to grant an account of profits or inquiry as to damages, 501
- to certify as to particulars, 519
- to certify as to validity, 525
- to hear petition for revocation, 292

LAW OFFICER—See also LAW OFFICERS' RULES

- defined by Act of 1883 as Attorney-General or Solicitor-General for England, ii. 242
- right of appeal from Comptroller to, ii. 7, 27, 284,
- statutory provisions as to proceedings and costs before, ii. 216
- discretion of Crown as to grant of patents is exercised through, i. 1
- hearing by, of appeals from Comptroller in opposition to grant of letters patent, ii. 27
- appeal to, from Comptroller on questions as to amendment of specifications, ii. 64, 208
- decision of, is final as to fact of enlargement of claim by a proposed amendment, ii. 66
- practice in doubtful cases, ii. 67
- does not lightly overrule Comptroller on question of *locus standi* of an opponent, ii. 36
- discretion of, in matter of amendment of a specification, ii. 65
- does not usually impose terms on application to amend under s. 19 of Act of 1883 if Court has not done so, ii. 100
- form of appeal to, ii. 370
- practice on appeal to, is regulated by LAW OFFICERS' RULES
- prohibition does not lie to, ii. 65
- power of, to examine witnesses on oath, ii. 216
- make rules, &c., ii. 216
- impose conditions on grant of patent, ii. 28
- impose conditions on granting leave to apply to amend specifications, ii. 78
- allow amendments of specifications at hearing of application for patent, ii. 49
- reopening of cases decided by, ii. 29 (*m*)

LAW OFFICERS' RULES,

- notice of intention to appeal to law officer, ii. 323
- requirement of, ii. 323
- copies of, and to whom to be sent, ii. 323
- papers to be remitted to law officer's clerk, ii. 323
- time within which notice of appeal must be given, ii. 323
- notice of time and place appointed for hearing, ii. 323
- to whom to be given, ii. 323
- evidence on appeal to law officer, ii. 324
- cross-examination of persons who have made declarations, ii. 324
- payment of witnesses, ii. 324
- power of law officer over costs, ii. 324
- order for payment of costs under s. 38 of Act of 1883.. ii. 324
- regulations as to documentary evidence, ii. 324
- sending notices or documents through the post, ii. 324

LEGAL PROCEEDINGS—See ASSESSOR; PARTICULARS; INSPECTION; CERTIFICATES; THREATS OF LEGAL PROCEEDINGS

- statutory provisions as to, ii. 214
- hearing with assessor, ii. 214
- delivery of particulars, ii. 215
- order for inspection, &c., in action, ii. 215

LEGAL PROCEEDINGS—(continued)

statutory provisions as to—(continued)

certificate of validity questioned and costs thereon, ii. 215

remedy in case of groundless threats of legal proceedings, ii. 215

expenses of, may be credited to petitioner on application for extension of term of patent, ii. 188

LEGAL REPRESENTATIVE

"patentee" as used in the grant embraces, ii. 105, 373

meaning of, in Patent Act, 1883.. ii. 30

of deceased inventor may be patentee, 5

how application for patent must be made by, 5

time within which application for patent must be made by, 5

LEGISLATURE

as defined by Patent Act, 1883.. ii. 242

LETTERS PATENT

See PATENT

LICENCE—See also COMPULSORY LICENCE; ROYALTIES

origin of patentee's power to grant, ii. 131

co-owner's power to grant, alone, ii. 132

mortgagee's power to grant, ii. 132

of original inventor may be necessary for use of an improvement, 75

assignee may be unable to use invention assigned without licence of a prior patentee, ii. 121

agreement for, made prior to grant of patent, ii. 133

sale of patented article by patentee, ii. 134

an answer to action of infringement, 470, 472

but not if granted under misapprehension, 471

classification of licences, ii. 134

consideration for, no restriction as to, ii. 147

Crown has right to use invention on terms, ii. 145

Government contractors, ii. 146

procedure to question Crown's right, ii. 146

distinction between, to work under a foreign patent and unconditional

sale of article made under both British and foreign patents, ii. 148

stamps, ii. 134

how may be granted, ii. 132

under seal, ii. 132

writing acted upon though not under seal, ii. 133

necessity for deed a question of construction in cases of executory agreements, ii. 133

parol agreement, ii. 133

may be

assignable, ii. 144

assignability depends on terms, ii. 144

acceptance of royalties from assignee estops patentee from disputing assignability, ii. 145

compulsory, ii. 136

statutory provisions as to, ii. 137

patentee may be compelled to grant, ii. 136

upon petition of any person interested, ii. 136

if the reasonable requirements of the public have not been satisfied, ii. 136

obligation of patentee to use invention or licence others to do so, 161, 174

form of application for grant of, or revocation of patent, ii. 357

petition for grant of, or revocation of patent, ii. 358

opposition to petition for grant of, or revocation of patent, ii. 359

revocation in lieu of, ii. 137

practice as to, ii. 139

rules, ii. 313, 332

enforcement of order for, ii. 138

LICENCE—(continued)**may be—(continued)**

- exclusive, ii. 142
 - geographical area, ii. 142
 - if irrevocable may operate as an assignment, ii. 143
 - but not if any interest in the patent is reserved to the licensor, ii. 148
 - grantor of, may be restrained from infringing the patent, ii. 149
- expressed, ii. 134
- general, ii. 141
 - effect of unrestricted, 377
- implied, ii. 134
- irrevocable, ii. 139
- limited, ii. 142
 - sale or user in breach of a condition is an infringement, 377
 - restrictions as to user may be placed on purchase of patented article by the patentee, 377
 - user in breach with notice is an infringement, 377
- non-assignable, ii. 144
 - precedent of, ii. 380
- revocable, ii. 139
 - licence coupled with an interest is not revocable at will, ii. 139
 - mere licence is revocable at will, ii. 140
 - provision for revocation, ii. 139
 - by one party only, ii. 140
 - deed not necessary for revocation, ii. 140
 - contract not to exercise power of revocation, ii. 141
- voluntary, ii. 136
- covenants, ii. 147
 - usual, ii. 147
 - not implied, ii. 150
 - absence of, for title and validity, ii. 150
- registration of, ii. 56, 152
 - not notice to all the world, ii. 59
- assignment with notice of, ii. 121
- purchase without notice of, 377

LICENSEE

- assignee of share in profits entitled to account from, ii. 112
- a competent witness for the patentee, 456 : ii. 150
 - though action is for the benefit of the licensee, 457
- cannot sue alone in respect of infringements, ii. 156
 - unless licence amounts to an assignment, ii. 156
- estoppel of, from denial of validity of patent against the licensor, 409 : ii. 148
 - from denying validity as against his assignee, 409 : ii. 148
- in virtue of covenants or recitals implying validity of patent, ii. 409, 148
- no, if licence is not under seal, unless it is acted upon, ii. 150
- no, against equitable assignee of exclusive licensee, ii. 150
- no, against denial of ambit of licence, ii. 148
- no, against denial of ambit of patentee's claim, ii. 149
- right to dispute validity may be specially provided for, ii. 150
- terminates with the licence, ii. 150, 151
- licence to construct only may create an, against a third party with notice using a patented article, ii. 149
- exlicensee not entitled to sell articles as made under licence, ii. 149
- exclusive
 - right of, to restrain patentee from representing that articles sold are not made in accordance with the patent, ii. 144
 - should be co-petitioner on proceedings for extension of term of the patent, ii. 165
 - equitable assignee of, not estopped from denying validity against the patentee, ii. 150
- inspection against a, not party to an action against his licensor, ii. 150
- legal interest of a, compared with that of an assignee for a district, ii. 109

LICENSEE—(continued)

- plea of determination of licence in defence to action to recover royalties, ii. 150
- recovery of royalties by, paid without knowledge of breach of covenant by licensor, i. 154
- rights of, to employ agent, ii. 142
- rights of, in reference to threats of legal proceedings, 314
- rights of vendee of, 377
- person may be both a, and an infringer, 379

LICENSOR

- not allowed to interfere with trade of licensee, ii. 148
- may sue alone in respect of infringements, ii. 156

LIQUIDATOR

- motion to commit, of defendant company, 499
- assignment of patent by, of limited company, ii. 126

LOAN

- may amount to publication, 134

LORD ADVOCATE

- revocation of patent in Scotland at instance of, 293
- revocation of patent in Scotland by persons authorised by, 293

LORD CHANCELLOR

- saving of existing rules made by, ii. 241

LOSS OR DESTRUCTION OF PATENT

- provisions as to, ii. 55

LOST ART

- rediscovery of, as subject-matter, 118

LUNATIC

- may be a patentee, 5
- statutory declaration may be made by committee of, ii. 5

MACHINE

- prior, as a publication of an invention, 141
- useless, is no publication of a useful one, 154

MAKING

- See* MANUFACTURE

MANUFACTURE

- definition of, 23, 60
- within the realm not a condition of the patent, 174
- infringement by, 371, 373
 - articles which may be used for purpose of infringement, 371
 - parts of a combination, 371

MANUFACTURER

- effect of acceptance of agreed damages from, 506
- non-payment of damages by, 506
 - damages may be recovered from user, 506
- and user may be sued in same action, 390

MARRIED WOMAN

- may be patentee, 4
- patent, separate estate of, 4

MASTER—See also SERVANT

- is not entitled to invention of his servant, 14
 - but is entitled to details worked out by his servant, 15
- effect of relationship of, and servant on issue of true and first invention, 12
 - cases illustrative of, 13
- liability of, for infringement committed by servant, 389

MASTER OF THE ROLLS

jurisdiction of, to amend clerical errors in specifications, ii. 76

MASTER PATENT

meaning of, 366

necessity for special reference in applicant's specification to opponents, ii. 45

MECHANICAL EQUIVALENTS

See EQUIVALENTS

MERGER

query whether there is a, when patent vests in the Crown, 126

MERIT

See EXTENSION OF TERM OF PATENT

METHOD—*See also* PROCESS

new, of using old machine may be invention, 42

claim may be for a, and not an apparatus though drawings are referred to, 251

claim mentioning a, nomination may be limited to use of a particular machine, 252

"MISCHIEVOUS TO THE STATE," &c.

commentary on the words, as used in the Statute of Monopolies, 159

MISDEMEANOUR

falsification of entry, &c., in Register of Patents is, ii. 61

punishment for, in Isle of Man, ii. 240

MISREPRESENTATION

a defence to action to recover royalties, ii. 154

MISTAKE

See ERRORS

MODELS

as evidence in action of infringement, 464

costs of, 532

authority of Board of Trade to require, on payment, ii. 217

MONOPOLIES—*See also* STATUTE OF MONOPOLIES

object for which many, were created prior to statute of, 1

oppressive, under Tudor sovereigns, 1

suppression of illegal grants of, 1

by Statute of Monopolies, 2: ii. 197

in new and useful inventions exempted from Statute of Monopolies, 3

remedy of persons aggrieved by illegal, 3

Coke on, 26

in inventions are created by grant of patent, ii. 104

MORTGAGE

form of, of letters patent, ii. 383

MORTGAGEE

not necessary party to action of infringement by mortgagor, 388

not entitled to petition for leave to amend specification, *query*, ii. 85, 123

can petition for extension, *query*, ii. 123

how entered on Register of Patents, ii. 123

licences granted by, in possession, ii. 132

MORTGAGOR

can maintain action of infringement without mortgagee, 388

MOTION FOR JUDGMENT

See TRIAL; JUDGMENT

- MUNITIONS OF WAR**—*See also* REVOCATION
assignment of patents for inventions of, to Secretary of State for War,
ii. 108
- MUSEUM (PATENT)**
control and management of, ii. 56
models for, how obtained, ii. 56
- NEW TRIAL**—*See also* TRIAL
how obtained, 481
particulars of objections on, 414
power of Court of Appeal to order, 481
course to pursue when judgment obtained by fraud, 481
- NEW USE OF OLD APPLIANCE**
may be subject-matter, 80
if not merely analogous to previous uses, 81
result of the cases, 81
novelty is not alone sufficient to support a patent for a, 83
nor is a mere advantage, 98
cases of void patents for, 84
cases of valid patents for, 99
application of newly discovered quality of matter, 98
- NOTICE**
of acceptance of application for patent, effect of, ii. 12
of acceptance of complete specification, effect of, ii. 18
of opposition to grant of patent, ii. 25
assignment with, of covenants and licences, ii. 121, 122
registration of licence not, to all the world, ii. 59
of appeal to Court of Appeal, ii. 400
of objections to extension of term of patent, ii. 414
- NOTICE OF MOTION**
for leave to amend a specification pending action of infringement, ii. 395
for interlocutory injunction, ii. 396
- NOVELTY**—*See also* ANTICIPATION; COMMON KNOWLEDGE; PUBLICATION;
PUBLIC USE; PUBLIC KNOWLEDGE
consideration of, is entire, 112
partial failure of, is fatal to validity, 112
want of, in a material part is fatal, 113
want of, in subsidiary part not fatal, 115
criterion of, and infringement is not the same, 348
distinction between, and discovery, 116
distinction between issue of, and subject-matter, 460
documentary publications and their effect, 140
always a question of fact, 142
different documents combined, 154
mosaic of extracts, 155
prior document to be fatal must disclose all essentials of the invention,
151
though actual user need not be proved, 146
sufficiency of a prior specification is not the crucial test of publi-
cation, 148, 150
exhibition at industrial or international exhibitions, 132
essential to validity, 105
essential to every claim, 112
fiduciary communications, 131, 140
general statement as to a class, 153
highly scientific inventions, 152
importation of article made abroad and its effect on, 137
loan of an article prior to application for a patent for it, 134
manufacture by person confidentially related to patentee, 134
not every, is subject-matter, 31, 108

NOVELTY—(continued)

- of application not conclusive evidence of invention, 89
- of result not necessarily conclusive evidence of novelty of process, 56
- personal communications made by the patentee and their effect, 140
- prior use, 107, 119
 - by persons other than patentee is fatal to validity, 107
 - by person in conjunction with the patentee, 107
 - in colony no publication, 135
 - of equivalents, 118
 - secret
 - by patentee himself, 125, 135
 - by persons other than the patentee, 136
- proof of, in action of infringement, 461
- provisional specifications as means of publication, 145
- public knowledge, 108
 - meaning of, 108
- public use, 126
 - meaning of, 126
 - use in public as distinguished from use by the public, 127
 - cases, 128
- publication without actual user is fatal, 146
- rediscovery of lost art, 118
- requisite at common law, 105
 - declared by Statute of Monopolies, 106
- sale of article prior to application for a patent for it, 133
- subsidiary claim to something old not necessarily fatal, 115, 260
- suggestion of an invention is not necessarily publication, 147
- test of, 109
 - per Hatherley, L.C., 110
 - per Westbury, L.C., 110

OATH

- power of law officer to examine witnesses on, ii. 216

OBJECTIONS

- See* PARTICULARS

OBSTRUCTION OF SUBSEQUENT IMPROVEMENTS

- validity of patents used for, 160

OBTAINING PATENT

- See* CROWN; PATENT AGENTS; APPLICATION; SPECIFICATION; OPPOSITION; SEALING THE PATENT; EXTENT AND DURATION OF PATENT

OFFENCES UNDER ACT OF 1883

- See* STATUTORY OFFENCES

OFFICERS AND CLERKS (PATENT OFFICE)

- appointment and removal of, ii. 232
- salaries of, ii. 232

OFFICIAL

- sometimes incapacitated from being patentee, 20

OFFICIAL SEARCH FOR NOVELTY

- is made by examiners, ii. 6

OMISSION

- of parts may constitute invention, 11

ONE INVENTION

- application for patent should comprise only, ii. 6
 - inclusion of more than, does not affect validity of patent if granted, ii. 6
- test of, ii. 9

ONE INVENTION—(continued)

amendment to, may be required, ii. 8

examples of amendments required to limit application to, ii. 9

OPPOSITION TO GRANT OF PATENT

regulated by s. 11 of Act of 1883.. ii. 23

and Patent Rules, 1903, as to, ii. 308

extension of time for, by fiat from the Privy Council, ii. 25

withdrawal of, does not entitle applicant to succeed, ii. 27

bogus, for purpose of delaying date of seal, ii. 52

form of, ii. 353

notice of, ii. 25

when and how to be given, ii. 25

applicant is furnished with a copy of, by the Comptroller, ii. 25

amendment of, ii. 25

evidence of opponent and applicant, ii. 25

times within which statutory declarations are to be left at the Patent Office, ii. 25

copies of statutory declaration to be delivered to opposite party, ii. 26

effect of filing multiplicity of unnecessary statutory declarations, ii. 26

effect of not filing, ii. 26

closing of, ii. 26, 309

limited to declarations filed in due course except with leave, ii. 26

hearing, ii. 26

time for, fixed by Comptroller, ii. 26

notice of, to be given to the parties, ii. 27

application by either party to be heard is necessary, ii. 27

decision when neither party applies to be heard, ii. 27, 310

practice as to who begins, ii. 27

notification to parties of Comptroller's decision, ii. 27

appeal from Comptroller's decision to law officer, ii. 27

evidence on, ii. 27

cross examination of witnesses, ii. 28

assistance of expert on, ii. 28

opponent not obliged to furnish applicant with copy of notice of appeal, ii. 28

conditions may be imposed by Comptroller or law officer, ii. 28

patent is only refused if ground of opposition is proved, ii. 28

in case of abandonment of, ii. 27

costs, ii. 29

grounds of opposition, ii. 24

only three, are possible, ii. 24

(1) applicant has obtained the invention from the opponent or a person of whom he is the legal representative, ii. 24, 30

legal representative, ii. 30

issue of true and first inventor is not open, ii. 30

experiments of persons other than the applicant, ii. 32

objection may succeed in part, ii. 30

patent sealed if evidence conflicting, ii. 31

employer and employed, ii. 31

assignment of unpatented and unpublished inventions, ii. 32

fraud committed abroad does not prejudice applicant in respect of a communicated invention, ii. 32

rights of foreign inventor, ii. 33

opponent may be made joint grantee, if he invented part, ii. 33

condition that opponent be made a joint patentee, ii. 33

concurrent applications, ii. 33

condition that grantee shall assign a share may be required in the interests of justice, ii. 33

separate patents to rival applicants, ii. 31

applicant's invention only an improvement on opponent's, ii. 31

fact that, may be required to be stated in applicant's specification, ii. 31

OPPOSITION TO GRANT OF PATENT—(continued)

grounds of opposition—(continued)

only three, are possible—(continued)

(2) the invention has been patented in this country on an application of prior date, ii. 24, 34

particulars of prior patent are requisite, ii. 309

locus standi of opponent on this ground may be questioned, ii. 34only persons having a direct interest in prior patents have *locus standi*, ii. 34assignee under prior patent has *locus standi*, ii. 34person whose complete specification has been accepted has a *locus standi*, ii. 36mere agent of prior patentee has no *locus standi*, ii. 35person about to work under a prior patent has a *locus standi*, ii. 35person having a *locus standi* may rely on specifications other than his own, ii. 35law officer does not lightly overrule Comptroller on question of *locus standi*, ii. 36only question is whether the invention has been already patented, *i.e.*, claimed, ii. 36, 37

in doubtful cases patent is allowed, ii. 36

prior description without claim is immaterial, ii. 37

e.g., a provisional specification, ii. 37

ambit of opponent's claim may be disputed, ii. 37

conjoint effect of several prior grants, ii. 38

patent is refused in cases of no appreciable difference between opponent's and applicant's claims, ii. 38

mechanical equivalents, ii. 39

question of infringement of prior patent is not considered, ii. 39

validity of prior patent is immaterial, ii. 39

notice of this ground of opposition must be distinct, ii. 39

claim by applicant to something not foreshadowed in provisional specification of prior patentee, ii. 40

expiration of prior patent is immaterial, ii. 40

means of giving effect to the principle that no claim is to be allowed which is wide enough to include something already claimed, ii. 41

disallowing a claim or ordering its modification, ii. 41

applicant should avoid necessity for amendment of claims, ii. 49

general or special disclaimers, ii. 41

legitimate objects for which, are ordered, ii. 46

difference in effect of, ii. 48

grounds on which required, ii. 42

general disclaimers are more usual, ii. 45

special disclaimers, ii. 43-48

principles upon which, are ordered, ii. 43

where requisite, ii. 44

opponent seeking, must give evidence of state of knowledge, ii. 45

not allowed when opponent has a practically concurrent application, ii. 44

appeal from Comptroller may be limited to question of special disclaimer, ii. 40

difference between, and a general disclaimer in terms of opponent's claim, ii. 48

agreement between parties as to the meaning of a specification, ii. 48

OPPOSITION TO GRANT OF PATENT—(continued)

grounds of opposition—(continued)

only three, are possible—(continued)

- (3) the complete specification describes and claims an invention other than that described in the provisional specification, and such other invention forms the subject of an application made by the opponent in the interval between the hearing of the provisional specification and the complete specification, ii. 24, 50
- disconformity and this ground of opposition, ii. 50
- object and effect of this ground, ii. 50
- duties of Comptroller and law officer when this ground is raised, ii. 50
- illustration of this ground, ii. 51

ORDER

- conditions of, for inspection, 452
- scope of, for account of profits, 497
 - for assessment of damages, 497
- effect of, for revocation of patent, 308
- form of, for revocation of patent, 308: ii. 83, 443
 - when all claims are bad, ii. 83
 - when some claims are good, ii. 83
 - when patent was obtained in fraud of rights of petitioner, 300
- for further and better particulars, ii. 443
- for leave to amend specification during action of infringement, ii. 444
- for leave to amend specification pending petition for revocation, ii. 445
- for inspection, ii. 445
- for reference to independent expert report to the Court during action of infringement, ii. 446
- for experiments before scientific expert and his report to the Court during action of infringement, ii. 446
- for an inquiry as to damages, 504
- proper, when defendant has paid money into Court and plaintiff succeeds in action of infringement, 440

ORDER IN COUNCIL

retrospective effect of, under s. 103 of Act of 1883.. ii. 20

PALATINE COURT (LANCASTER)

See COURT OF COUNTY PALATINE OF LANCASTER

PARLIAMENT

- rules to be laid before, ii. 236
- reports of Comptroller to be laid before, ii. 236
- special Act of, necessary to revive a lapsed patent, ii. 54

PARTICULARS

of breaches

- in action of infringement, 395
 - are necessary, 395
 - and must accompany statement of claim, 395
 - or be delivered, by order, subsequently, 395
 - evidence is restricted to, 395, 454
 - unless leave of Court obtained, 395, 454
 - amendment of, 396
 - further and better, 396
 - by order of Court or a Judge, 396
 - Court of Appeal, 396
 - must be reasonable and proper, 396
 - sufficient if with pleadings they give defendant notice of the case to be made against him, 396
 - must state how the patent has been infringed, 397
 - a user is entitled to fuller particulars than a manufacturer, 397

PARTICULARS—(continued)

of breaches—(continued)

in action of infringement—(continued)

must specify which claims have been infringed, 398

if necessary by reference to pages and lines of the specification, 398

though the claims need not be specially referred to, 398

specific instances of infringement must be alleged, 398

but certain general words may be allowable, 399

by way of example and not limitation, 399

when action is based solely on threats to infringe, 399

precedents of, ii. 389

in action to restrain threats of legal proceedings, 324

plaintiff may be entitled to, 324

of objections

on petition for revocation, 301

on petition for extension, are requisite, ii. 171—see EXTENSION OF TERM OF PATENT

in action to restrain threats of legal proceedings, 324

defendant may be entitled to, 324

in action of infringement, 412

are necessary, 412

when novelty is disputed, 412

or patent otherwise alleged to be invalid, 412

plaintiff may be required to give, when he disputes validity of a prior grant, 405

must be delivered with defence, 412

or by order, subsequently, 412

evidence limited to, 412, 454

discretionary power of Court or a Judge to admit evidence not within, 412, 454

do not stand in place of pleas, 402, 412

cannot go beyond pleas, 402, 412

must give more detailed information than the pleas, 402, 412

more detail is required in particulars of objections than in particulars of breaches, 412

amendment of, 413

terms usually imposed when leave given for, 414

order when plaintiff elects to continue before the terms of the order are settled, 416

in cases of amendments, 415

further and better, 412, 413

should be applied for without delay, 413

time for pleading after order for, 412

costs of, 412

form of order for, ii. 443

non-compliance with order for, 413

fresh particulars cannot be given under an order for, 413

but can be given at any time by leave of the Court or a Judge, 413

on new trial, particulars may be given which were not raised at the first trial, 414

further evidence on appeal, 416

objects of, 416

requisites of

reference to specific claims of plaintiff's specification, 417

as to true and first inventor, 417

as to subject-matter, 417

as to prior grant, 417

as to novelty, 418

must not be too general, 418

objections to general plea, 418, 420

general user may be stated in general but not too indefinite terms, 418, 420

common knowledge, 418

how objection should be raised, 419

- PARTICULARS—(continued)**
 of objections—(continued)
 in action of infringement—(continued)
 requisites of—(continued)
 as to novelty—(continued)
 common knowledge—(continued)
 specifications and rare books cannot be referred to
 as anticipations under a plea of, 419
 distinction between issue of, and prior publication,
 420
 specific prior users or publications, 422
 difference between requisites of Acts of 1852 and
 1883 respectively, 423
 publication by prior specifications and printed books,
 424
 reference to pages and lines requisite, 425
 reference to plaintiff's claims requisite, 425
 as to disconformity, 417
 as to insufficiency of specification, 425
 greater detail required under Act of 1883 than formerly,
 426
 as to non-payment of fees, 426
 precedents of, ii. 393
 certificate as to, 518
 is necessary on taxation of costs in action of infringement, 518
 but not on petition for revocation, 308
query in action to restrain threats, 328
 omission to ask for, at the trial, 519
 power of Court of Appeal and House of Lords as to, 519
 practice of Court of County Palatine of Lancaster as to, 519
 is granted (1) when particulars have been proven; (2) when in the
 opinion of the Court or a Judge they were reasonable and proper,
 520
 when action is discontinued, 521, 523
 when action not tried out on all issues, 521
 in case of judgment by default, 523
 rule that Court will only certify such particulars as materials before
 the Court enable it to say are reasonable and proper, 521
 illustrations of the working of the rule, 521
 though validity is not decided, the certificate may be given on the
 ground that the particulars were necessary for the decision of
 another issue, 521
 action in respect of several patents, 524

PARTIES

- petition for revocation, 301
 action of infringement
 all persons interested in the patent should be, before the Court, 387
 all co-patentees should be made, in action at instance of one, 387 :
 ii. 112
 misjoinder of, 388
 nonjoinder of, 388
 adding, 388
 foreigner, 390
 plaintiff, 387
 agent, 388
 assignee, 387
cestui que trust, 388
 co-owner, 387
 owner of distinct part, 387
 licensor alone may be, ii. 156
 but not so a licensee, ii. 156
 unless the licence amounts to an assignment, ii. 156
 married woman, 387
 mortgagee, 388
 mortgagor, 388

PARTIES—(continued)

action of infringement—(continued)

plaintiff—(continued)

patentee, 387

trustee, 388

transfer of plaintiff's rights pending action, 389

person who has no right to sue cannot amend by joining person entitled to sue, 388

defendant, 389

agent, 389

any person who takes part in an infringement, 389

company, 389

consignee of goods shipped from abroad, 391

director of a company, 389

firm as distinct from a partner, 389

foreign sovereign, 382

foreigner, 390

who is not an importer, 390

manufacturer and purchaser may be made co-defendants, 390

master, 389

principal, 389

servant, 389

user, 390

when different infringers must be made, to different actions, 391

separate actions must be brought against infringers of separate patents, 391

person who has indemnified the, may be allowed to take part in the action, 391

PARTNER

estoppel of former, from disputing validity of patent, 410

rights of, in patented invention, ii. 124

PARTNERSHIP

may be created by assignment of share in a patent, ii. 124

"PASSING OFF"

goods as and for those of a patentee or other person, 333

right of action in respect of, 333

claim for injunction to restrain infringement or in the alternative, 334

PATENT

viewed as a bargain between public and patentee, 106, 172, 202, 331

assignment of—see ASSIGNMENT

consideration necessary for grant of, 105, 112, 158, 166, 174

co-owners rights in, 110

date of, ii. 53

antedating, ii. 53

definition of, ii. 220

is a franchise, 473

is a chose in action, ii. 127

destruction of, ii. 216

duplicate of, ii. 55

form of application for, ii. 364

effect of grant of, 105, 290

expiry of, prior to judgment, 488, 496

extent of, ii. 53

extension of—see EXTENSION OF TERM OF PATENT

should be for one invention only, ii. 6

form of, ii. 373

how, is obtained—see OBTAINING PATENT

interpretation of, 331

former spirit of, 331

modern spirit of, 331

loss of, ii. 216

master, meaning of, 366

PATENT—(continued)

- pioneer, meaning of, 366
- registration of—*see* REGISTER OF PATENTS
- revival of lapsed, ii. 54
- revocation of—*see* REVOCATION
- sealing of, 51
- security of public against illegal, 934
- surrender of, ii. 130
- term of, ii. 53
 - conditional on payment of fees, ii. 54

PATENT AGENT—*See also* AGENT

- definition of, ii. 249
- usually employed by applicants for patents, ii. 2
- may sign documents other than the application or notice of abandonment
 - on behalf of applicant, ii. 2
- qualifications of, ii. 2
- registration of, ii. 3
 - fees, in reference to, ii. 448
- rules affecting—*see* REGISTER OF PATENT AGENTS' RULES
- communications between, and patentee are not privileged, 445
- no penalty for practising as a, without description as, ii. 3

PATENT MUSEUM

- control and management of, ii. 56, 217
- models for, ii. 56, 217

PATENT OFFICE

- and proceedings thereat, ii. 231
- hours of business, ii. 315
- officers and clerks, ii. 232
- seal of, ii. 232
- provision as to days for leaving documents at, ii. 235
- provision for closing, on certain days, ii. 235, 315
- transmission of certified printed copies of specifications, &c., ii. 235

PATENT RULES, 1903.. ii. 304

- statutory force of, ii. 236
- short title, ii. 304
- commencement, ii. 304
- interpretation, ii. 304
- fees, ii. 304, 449
- forms, ii. 345—*see also* FORMS
- applications for patents, ii. 305
 - by representative of deceased inventor, ii. 305
 - address for service, ii. 305
 - order of recording, ii. 305
 - extension of time for leaving and accepting complete specification.
 - ii. 305
 - notice and advertisement of acceptance, ii. 305
 - inspection of complete specification, ii. 306
- applications, under the International Convention, ii. 306
 - convention applications, ii. 306
 - foreign specification, &c., to accompany application, ii. 306
 - public inspection, ii. 306
 - proceedings, ii. 306
- size, &c., of documents, ii. 306
- drawings accompanying specifications, ii. 306
- statutory declarations and affidavits, ii. 307
 - form, &c., of, ii. 307
 - manner in which, are to be made, ii. 307
- industrial or international exhibitions, ii. 308
- exercise of discretionary powers by the Comptroller, ii. 309
 - notice of hearing, ii. 308
 - notice by applicant, ii. 308
 - Comptroller may require statement, &c., ii. 308

PATENT RULES, 1903—(continued)

- exercise of discretionary powers by the Comptroller—(continued)
 - decision to be notified to parties, ii. 308
- opposition to grants of patents, ii. 308
 - notice of opposition, ii. 308
 - copy for applicant, ii. 308
 - evidence in support of allegation that invention has been obtained from opponent, ii. 308
 - attendance of declarant on Comptroller, ii. 308
 - particulars of prior patent, ii. 309
 - opponent's evidence, ii. 309
 - applicant's evidence, ii. 309
 - evidence in reply, ii. 309
 - applicant's evidence if opponent does not leave statutory declarations, ii. 309
 - opponent's evidence, ii. 309
 - evidence in reply, ii. 309
 - closing of evidence, ii. 309
 - hearing, ii. 309
- amendment of specification, ii. 310
 - request for leave to amend, ii. 310
 - leave by order of Court, ii. 310
 - notice of opposition, ii. 310
 - copy for applicant, ii. 310
 - opponent's evidence, ii. 310
 - further proceedings, ii. 310
 - applicant's evidence of opponent's does not leave statutory declarations, ii. 310
 - further proceedings, ii. 311
 - requirements on amendment, ii. 311
- register of patents, ii. 311
 - entry of grant, ii. 311
 - entry in respect of convention application, ii. 311
 - alteration of address, ii. 311
 - request for entry of subsequent proprietorship, ii. 311
 - form and signature of request, ii. 311
 - particulars to be stated in request, ii. 311
 - production of documents of title and other proof, ii. 312
 - copies for Patent Office, ii. 312
 - body corporate, ii. 312
 - entry of orders of the Privy Council or of the Court, ii. 312
 - entry of date of payment of fees on issue of certificate, ii. 312
 - entry of failure to pay fees, ii. 312
 - entry of notification of licence, or other document, ii. 312
 - hours of inspection of, ii. 313
 - certified copies of documents, ii. 313
- payment of fees for continuance of patent, ii. 313
 - enlargement of time for, ii. 313
 - certificate of, ii. 313
- compulsory licences and revocation of payments, ii. 313
 - petition for grant of compulsory licence or revocation, ii. 313
 - to be left with evidence at Patent Office, ii. 314
 - opponent's evidence, ii. 314
 - evidence in reply, ii. 314
 - closing of evidence, ii. 314
 - power of Board of Trade to dismiss petition, ii. 314
 - arrangements between parties, ii. 314
 - reference of petition to Judicial Committee, ii. 315
- general, ii. 315
 - power of amendment, ii. 315
 - general power to enlarge time, ii. 315
 - power to dispense with evidence, ii. 315
 - hours of business, ii. 315
 - leaving documents, ii. 316
- agency, ii. 316
- repeal, ii. 316

- PATENT RULES, 1905.. ii. 317**
 statutory force of, ii. 236
 short title, ii. 317
 commencement, ii. 317
 interpretation, ii. 317
 application for patents, ii. 317
 claims, ii. 317
 one invention, ii. 317
 application for separate patents by way of amendment, ii. 317
 procedure under s. 1 of the Patents Act, 1902.. ii. 318
 power of Comptroller to post-date, ii. 318
 provisional report in case of complete anticipation, ii. 318
 time for leaving amended specification, ii. 318
 extension of time, ii. 318
 hearing by Comptroller under sub-s. 6.. ii. 319
 reference to prior specification, ii. 319
 appeal, ii. 319
 appeal to law officer, ii. 319
 sealing of patent and payment of fee, ii. 319
 fees, ii. 320
 forms, ii. 320
 size, &c., of documents, ii. 320
 drawing accompanying specifications, ii. 320
 general, ii. 321
 requirements as to paper, ii. 321
 size of drawings and arrangement of figures, ii. 321
 drawings to be suitable for reproduction, ii. 321
 drawings to bear name of applicant, &c., but no descriptive matter,
 ii. 322
 copies of drawings, ii. 322
 marking of originals and true copies, ii. 322
 delivery of drawings, ii. 322
 provisional drawings used for complete specification, ii. 322

PATENTEE

- definition of, ii. 220
 who may be, 4
 corporation, 20
 sole, 20
 foreigner, 4
 infant, 5
 legal representative of deceased inventor, 5
 lunatic, 5
 married woman, 5
 person other than true and first inventor, 4
 several persons jointly, 4
 true and first inventor, 4
 persons incapable of being, 19
 alien enemy, 20
 corporation alone cannot be patentee of an original invention, 20
 corporation sole as such, 20
 official persons sometimes, 20
 the King, 20
 evidence of, who has assigned, 456
 in respect of foreign application, 18: ii. 19
 not entitled to use word "patent" before his patent is sealed, ii. 12
 obligation of, to use invention or licence others to do so, 161, 174
 entitled to oppose grant of subsequent patent, ii. 24, 34
 on bankruptcy of, patent vests in trustee, ii. 125
 remedies of, for invasion of his rights, 331
 communications between, and patent agent not privileged, 445
 communications between, and solicitor privileged, 445
 rights of co-patentees, ii. 110
 may use invention without liability to account, ii. 113
 power to grant licences, ii. 132
 query without liability to account, ii. 132

PATENTEE—(continued)

rights of co-patentees—(continued)

- power to sue alone, ii. 111
- all co-patentees should be made parties in action at instance of one, 387 : ii. 112
- co-patentees cannot dispose of each other's rights, ii. 113
- damages in action at instance of one co-patentee, ii. 112
- patent is granted at peril of, ii. 1

PATENTS ACTS, 1883-1902

- Patents Act of 1883.. ii. 202
- Amendment Act of 1885.. ii. 245
- Amendment Act of 1886.. ii. 247
- Amendment Act of 1888.. ii. 249
- Amendment Act of 1901.. ii. 257
- Amendment Act of 1902.. ii. 258

PAYMENT OF FEES

See FEES

PAYMENT OUT OF COURT

proper order for, when defendant has paid money into Court and plaintiff in infringement action is successful, 440

PENALTIES—See also STATUTORY OFFENCES

- for practising as a patent agent without registration, ii. 2
- for representing an article as patented which is not so, ii. 12
- for unauthorised use of royal arms, ii. 12
- for falsifying Register of Patents or copy therefrom, ii. 61

PERSON

under Act of 1883, includes a body corporate, ii. 242

PETITION

- for extension of term of patent, ii. 165—*See EXTENSION OF TERM OF PATENT*
- requisites of, ii. 165
- when, may be presented, ii. 167, 168
- amendment of, ii. 167
- advertisement of, ii. 168
 - affidavit of, ii. 169
- application for time for hearing, ii. 169
- proof of advertisements before hearing, ii. 169
- documents to be lodged with, ii. 169
- hearing of,
 - precedents of, ii. 415
- for revocation of letters patent, ii. 290—*See REVOCATION; COMPULSORY LICENCES*
- who may present, ii. 291, 293
- fiat of Attorney-General, when necessary for presentation of, ii. 295
 - how obtained, ii. 295
 - may be given *nunc pro tunc*, ii. 296
- form of, ii. 409

PIONEER PATENT

See MASTER PATENT

“PITH AND MARROW”

- infringement by taking, of invention protected, 345
- objection to use of the term, 345
 - it may be lawful to take the, of an invention in one sense, 345
 - but never so to take its substance without licence, 345

PITMAN'S CASE

rule in, ii. 186

PLAN

mere, is not subject-matter for a patent, 25

PLEADINGS

in action of infringement,

usual, 392

trial without, 392

inspection necessary for preparation of, 451

forms of, ii. 386

in action to restrain threats of legal proceedings, 323

forms of, ii. 404

in petition for revocation, 301, 302

form of petition for revocation, ii. 409

POSSESSION

infringement by, 380

POST

applications for patents and notices, &c., by, ii. 4, 235

service by sending through, proof of, ii. 235

PRECEDENTS

See FORMS

PREROGATIVE OF CROWN

saving for, by Act of 1883.. ii. 241

PRESCRIBED

definition of, ii. 242

PRESIDENT OF BOARD OF TRADE

exercises powers of Board of Trade, ii. 255

certificate of, conclusive evidence, ii. 255

PRICE

reduction of, by patentee, effect on damages, 505

reduction of, by defendant, effect on damages, 505

PRINCIPAL

as defendant to action for infringement, 389

PRINCIPLE

is not subject-matter, 43

application of a, may be subject-matter, 44

illustrations, 46

if principle be new, means may be old, 51

if principle and means be both new, means may be claimed separately,
51

distinction between a general arrangement and a, 50

claim to all methods of application amounts to a claim to the principle, 45

ambit of claim for carrying a new, into effect, 51

ambit of claim for carrying an old, into effect, 53

PRINCIPLE OF THE INVENTION

meaning of, 340

importance of determining, in questions arising on the patent, 340

protected though not referred to in the claim, 280

PRIOR GRANT

a defence to an action on a patent, 404

a ground for revocation, 297

validity of, in case of concurrent applications, 405

particulars of objections as to, 405

PRIOR USE

See NOVELTY; PUBLICATION; SECRET USER

PRIVILEGED COMMUNICATIONS

communications between patentee and patent agent not, 445

PRIVY COUNCIL

- revocation of patent by, 291 : ii. 186
- power of, to call in aid of an assessor, 305
- extension of term of patent upon petition to, ii. 161
 - petition to, referred to Judicial Committee, ii. 161

PRIVY COUNCIL RULES

RULES OF 1898..ii. 328

- advertisement of intention to petition under s. 25 of the Act of 1883..
 - ii. 328
- presentation of the petition and accompanying affidavits, ii. 329
- application for time for hearing and advertisement of the same,
 - ii. 329
- documents to be lodged by petitioner at the Council Office, ii. 329
- caveats*, when to be entered, ii. 330
- service of petition, ii. 330
- copies of opponent's grounds of objections, when to be lodged, ii. 330
- obtaining copies of papers lodged at the Council Office, ii. 330
- how documents are to be printed, ii. 330
- taxation of costs, ii. 330
- non-compliance with rules, ii. 33
- right of audience of Attorney-General or other counsel for the Crown,
 - 351

RULES OF 1903..ii. 332

- application to fix a time for hearing, ii. 332
- notice of application for hearing, ii. 333
- caveat*, ii. 333
- documents to accompany application for hearing, ii. 333
- time for hearing not to be less than four weeks from application for
 - fixing the same, ii. 333
- statements in affidavits may be disputed upon hearing, ii. 334
- caveators* required to serve notice of objections on petitioner, ii. 334
- form of petition and other documents, ii. 334
- solicitors and agents, ii. 334
- applications for hearing to be addressed to Registrar of Privy Council,
 - ii. 335
- power to excuse compliance with rules, ii. 335
- evidence, ii. 335
- reference of matters to be examined and reported on, ii. 335
- Attorney-General or other counsel on behalf of the Crown, ii. 335
- costs, ii. 336

OLD RULES, ii. 325

- advertisement of intention to petition under s. 2 of 5 & 6 Will. IV.
 - c. 83... ii. 325
- advertisement of intention to petition under s. 4 of 5 & 6 Will. IV.
 - c. 83... ii. 325
- time within which petition must be presented, ii. 326
- affidavits of advertisements to accompany petition, ii. 326
- service of petition, ii. 326
- notice of objections to be lodged at the Council Office, ii. 326
- obtaining copies of papers lodged at the Council Office, ii. 326
- costs, taxation of, ii. 326
- documents to be lodged at Council Office on petition for extension,
 - ii. 327
- Crown to be represented at hearing, ii. 327

PROCESS—See METHOD

- may be subject-matter, 53, 61
 - history of the cases, 53
 - Crane v. Price settled the law, 55
 - but decision in, is doubtful on the facts, 55
 - which consists merely in the omission of a step hitherto thought to
 - be necessary, 61
- not so wide a term as "manufacture," 60
- not every novel, is good subject-matter, 56
- combination of one, with another, may be subject-matter, 72

PROCESS—(continued)

- consisting in application of hitherto hidden and unperceived property
may be good subject-matter, 58
- examples, 58
- discovery of theory of a, formerly carried out empirically is not subject
matter, 57
- objection to the term "patentable process," 59
- ambit of claim for a, which achieves a new result, 62
- ambit of claim for a, which achieves an old result, 62
- rights of discoverer of secret, 332
- discovery as regards trade secret, 444, 452

PROCTOR v. BENNIS

- type of case to which doctrine of infringement by substitution of equiva-
lents is applicable, 355, 358, 366
- facts in, 358
- rule in, 359
- instances of application of, 356, note (n), 360

PRODUCT

- may be good subject-matter, 64
- when claim for a product is good, 65
- when not, 65
- ambit of legitimate claim for new, 66
- ambit of claim for new means of producing an old, 67

PROFIT—See ACCOUNT OR DAMAGES

- does not render experimental user fatal to novelty, 124
- pecuniary, is not condition precedent to liability in respect of infringe-
ment, 375

PROLONGATION OF PATENTS

See EXTENSION OF TERM OF PATENT

PROPERTY

- in infringing articles remains in the infringer, 25, 509

PROPORTIONS,

- mere variation of, no invention, 42
- effect of statement of, on sufficiency of specification, 212
- claim may embrace, not stated, 212
- claim may be limited to specific, stated, 212, 335

PROPRIETORS

See REGISTER OF PATENTS

PROVISIONAL PROTECTION—See also SPECIFICATIONS

- statutory provision for, ii. 207
- nature and effect of, 187
- object of, 187
- applicant enjoys, against effects of publication, 131
- foreign applicant, 131
- legitimate developments of the invention during period of, 188
- always a question of fact, 189
- improvements in detail, 189
- when, should be claimed and when not, 238
- better and different methods, 189

PROVISIONAL SPECIFICATION

See SPECIFICATIONS

PUBLIC

- protection of, against illegal patents, 334

PUBLIC AUTHORITY

- entitled to solicitor and client costs if successful, 531

PUBLIC KNOWLEDGE

- meaning of, 108
 - per Jessel, M.R., 109
- test of novelty, 109
 - per Hatherley, L.C., 110
 - per Westbury, L.C., 110
- at date of specification may affect its construction, 283, 285, 354, 467
- effect of, on question of infringement by substitution of equivalents, 354
 - i.e., affects ambit of patentee's claim, 355
- effect of, on subject-matter, 89, 108, 155, 418, 460
- how objection of, should be raised, 419
 - specifications and rare books cannot be referred to under a general plea of, 419
- distinction between plea of common knowledge and prior publication, 420

PUBLIC USE

- meaning of, 126
 - use in public as distinguished from use by the public, 127
 - cases, 128
- applicant for patent is provisionally protected against, 131
- prior, of one specimen sufficient to invalidate a patent, 126
- prior, in colony no publication, 135
- what amounts to publication by, 119
- unsuccessful experimental, no publication, 119
- prior, of completed invention though discontinued is fatal to validity, 121, 130
- abandoned, *prima facie* presumed to have been incomplete, 121
 - illustrative cases, 121
- prior experimental, though profitable is not necessarily fatal, 124
- prior use whether public or not by persons other than patentee invalidates the patent, 107, 136
- patentee cannot restrain a prior use public or otherwise, 332
- publication by description without actual, 146
 - during period of provisional protection, 131

PUBLICATION—See also ANTICIPATION; NOVELTY

- must be clear to invalidate a patent, 7
- applicant for a patent is protected against his own, 131
 - protection afforded to foreign applicant, 131
- distinction between a prior machine and a document as a means of, 141
- distinction between issue of common knowledge and, 420
- distinction between, and anticipation, 117
- no, of specifications abandoned before acceptance of complete, 145: ii. 13
 - except in cases under the convention, ii. 13, 257
- documentary, 140
 - always a question of fact, 142
 - unless all essential features are disclosed, a prior document is no, 151
 - sufficiency of description in a prior document necessary to render it a, 148
 - rule in *Hill v. Evans*, 148
 - explained, 149
 - highly scientific inventions, 152
 - sufficiency of specification is not the crucial test of publication by it, 150
 - document which points away from patentee's claim is no, 145
 - description of a useless machine is no, of a useful one, 154
 - but it may affect the question of subject-matter, 460
 - general statement as to a class is no, of invention which consists in selecting a particular member, 153
 - proof of actual use of invention described in a prior document is not necessary, 146
 - proof that patentee saw document not necessary, 142
 - document sometimes public property the moment it is written, 144
 - suggestion merely in a document, 147
 - terms of art may differ in meaning in different documents, 144

PUBLICATION—(continued)

documentary—(continued)

foreign books as, 141

prior provisional specifications, as, 145

power of Court to order production of, 145

no publication of reports of Patent Office examiners, ii. 16

combined effect of different documents, 154

mosaic of extracts from different documents, 155

drawing may be, 158

exhibition at industrial or international exhibitions prior to application, 182

by importation of article made abroad, 187

what is not a, may narrow ambit of patentee's claim, 159

what would be an infringement if of later date than a patent is not necessarily a, 152

by loan, 184

manufacture by person confidentially related to the patentee, 184

by offering for sale, 183

by personal communication, 140

by prior experiment, 120

law as to, stated by Tindal, C.J., 120

a question of fact, 121

unsuccessful experiment, 119

abandoned user *prima facie* presumed to have been incomplete, 121

illustrative cases, 121

by prior user, 119—*see also* PUBLIC USE

by persons other than the patentee, 107, 136

by person in conjunction with the patentee, 107

analogous use may or may not be, 116

prior user of equivalents as, 118

prior use in a Colony no, 135

prior public use though abandoned is fatal, 121, 130

prior secret though profitable user no, 124, 135

PURCHASE

infringement and, 377

PURCHASER—See also VENDEE

defendant to action of infringement, 390

damages from, from manufacturer, 506

rights of—*see* INFRINGEMENT—sale

no redress against unlicensed vendor in absence of express warranty, 390

REBUTTING EVIDENCE*See* EVIDENCE**RECITAL**

estoppel in virtue of, implying validity of patent, ii. 148

RECTIFICATION OF REGISTER*See* REGISTER OF PATENTS**REDISCOVERY***query*, of a lost art is subject-matter, 118**REDUCTION, ACTION OF**

proceedings for revocation in Scotland are in the form of an, 293

REFEREE

questions in action of infringement which may be referred to a, 477

illustrations, 477

usual course as to report of a, and counsel's comments thereon, 477

REGISTER OF PATENT AGENTS' RULES

RULES OF 1889.. ii. 337

register to be kept, ii. 337

contents of register, ii. 337

REGISTER OF PATENT AGENTS' RULES—(continued)

RULES OF 1889—(continued)

- printed copies to be published annually, and to be evidence of contents of register, ii. 337
- registrar, ii. 337
- registration of persons who were patent agents prior to the passing of Act of 1888.. ii. 338
- final qualifying examination for registration, ii. 338
- exemption of pupils and assistants from preliminary examination, ii. 338
- qualification of persons generally for registration, ii. 338
- final qualifying examination to be held by the Institute, ii. 339
- correction of names and addresses in the register, ii. 339
- erasure of names of deceased persons, ii. 339
- erasure of names of persons who have ceased to practice, ii. 339
- erasure of names for non-payment of fees, ii. 339
- registrar to act on evidence, ii. 340
- erasure of incorrect or fraudulent entries, ii. 340
- erasure of names of persons convicted of crimes, and persons found guilty of disgraceful conduct, ii. 340
- restoration of erased name, ii. 340
- inquiry by Board of Trade before erasure of name from register, ii. 341
- appeal to Board of Trade, ii. 341
- notice of appeal, ii. 341
- case on appeal, ii. 341
- transmission of notice of appeal to Board of Trade, ii. 341
- directions as to hearing of appeal, ii. 341
- notice of hearing of appeal, ii. 341
- hearing and decision of appeal, ii. 341
- fees, ii. 341, 447
- alteration of regulations, ii. 342
- report to Board of Trade, ii. 342
- definitions, ii. 342
- commencement, ii. 342
- title, ii. 342
- Board of Trade powers as to, ii. 3
- validity of, ii. 3
- infraction of, ii. 3
 - proper party to prosecute for, ii. 3

RULES OF 1891.. ii. 343

- transfer of powers and duties of Institute of Patent Agents to Chartered Institute, ii. 343
- saving rights, privileges, acts, appointments, and regulations under Rules of 1889.. ii. 343
- publication of register, ii. 344
- alteration of Appendix B, ii. 344
- commencement and citation, ii. 344

REGISTER OF PATENTS

- statutory provisions as to, ii. 212
- kept at the Patent Office, ii. 56
- former, to be deemed part of present, ii. 57
- prima facie* evidence of matters authorised to be entered thereon, ii. 57
 - certificate of Comptroller, ii. 59
- copies of documents affecting proprietorship of patents are to be supplied for entry on, ii. 56
- facts relating to ownership may be entered on, ii. 58, 60
 - but not legal inferences to be drawn therefrom, ii. 58, 60
- registration of amendments, ii. 56
 - notification of amendments of specifications to be entered on register, ii. 56
- registration of assignments, ii. 56, 127
 - should be immediate, ii. 128
 - practice on, ii. 128
 - quary* condition precedent to right to sue, ii. 128
 - quary* has a retrospective effect, ii. 129

REGISTER OF PATENTS—(continued)

- request for notification of applications to enter documents on, ii. 56
- registration of licences, ii. 152
 - all licences should be registered, ii. 152
 - not notice to all the world, ii. 59
- registration of mortgages, ii. 56, 123
 - how mortgagees are entered on register, ii. 123
- registration of orders
 - for extension of term of patent, ii. 193
 - for revocation of patent, 307
- notices of trusts, as such, cannot be entered on, ii. 53
 - but documents which affect the proprietorship, *e.g.*, equitable assignments can, ii. 58
- documents which create neither legal nor equitable interests cannot be entered on, ii. 53
- documents of earlier date than the patent, ii. 53
- not notice to all persons, ii. 59
- fee for each entry on, ii. 450—*see FEES*
- inspection of, ii. 59
- evidence of entries on, ii. 59
- rectification of, ii. 59
 - order in Council, ii. 60
 - by Court of a Judge, ii. 59
 - appeal from order for, made by, ii. 60
 - extension of term of patent, ii. 60, 193
 - order affecting validity or proprietorship of patent, ii. 60
 - in respect of proceedings in Scotland or Ireland, ii. 61
- falsification of, ii. 61
- form of request to enter name upon, ii. 362
- form of request to enter notification of licence on, ii. 363
- form of notice of alteration of address on, ii. 368
- form of application for entry of order of Privy Council on, ii. 369

REGISTRATION

See REGISTER OF PATENTS

REPAIRS

- when executing, is an infringement, 373 : ii. 134

REPEALED ACTS

- saving of past operation of, by Act of 1883.. ii. 241

REPORTS

- annual, of Comptroller, ii. 237
- of cases, publication and date of, ii. 55
- of examiners
 - are not published, ii. 16
 - power of Court to order production of, ii. 16
 - effect in cases of rival applications, ii. 17

REPUTATION

- damages in respect of loss of, of a patented article, 503

RES JUDICATA

- when parties to subsequent action are same as to prior action, 407 : ii. 82
- but defendant may petition for revocation of patent, 306, 408

RESTRAINT OF TRADE

See COVENANTS

REVIVAL

- of lapsed patent, ii. 54

REVOCAION

- of licence, ii. 139
 - provision for, ii. 139
 - by one party only, ii. 140
- licence not coupled with an interest is revocable, ii. 140

REVOCACTION—(continued)

of licence—(continued)

- licence coupled with an interest is not revocable, ii. 139
- deed not necessary for, ii. 140
- contract not to exercise power of, ii. 141

of patent, 290

- by consent, 305
- when patent has expired, 291
- effect of, in part of United Kingdom, 292
- amendment of specification pending proceedings for, 307
- amendment of specification after order for, ii. 82
- certificate of validity when proceedings for, fail, 525
- condition for, by sovereign on recommendation of Privy Council, 291
- delivery up of revoked patent, 307
- grant of fresh patent to petitioner, 300
- order for, effect of, 308
 - form of, 304: ii. 83
 - when all claims are bad, ii. 83
 - when one or more claims are good, ii. 83
 - when patent was obtained in fraud of the rights of the petitioner, 300

registration of order for, 307

statutory provision for, ii. 213

- in case of improvements in munitions of war, 293: ii. 219

petition for, 290

- substituted for older procedure by *scire facias*, 291
- jurisdiction of Court of County Palatine of Lancaster, 292
- in Scotland action of reduction takes the place of, in England, 293
- form of, ii. 409

petitioner for, 293

- who may be, 293
 - unsuccessful defendant to action for infringement may be, 306, 408
- when, must obtain the fiat of the Attorney-General in England or Ireland or the Lord Advocate in Scotland, 294
 - procedure to obtain fiat of the Attorney-General, 295
 - costs, 296

grounds for, 297

- distinction between a false representation in the letters patent and a false statement in the specification, 298
- inventions with the same objects, 299
- cases of revocation on the ground of fraud on the petitioner's rights, 300
 - must be strictly proved, 300
 - patent may be granted to a petitioner who succeeds on this ground, 300

practice on petition for, 301

- parties, 301
- particulars of objections, 301—*see also* PARTICULARS
 - at hearing evidence confined to, 302
 - amendment of, 302
 - certificate as to, not necessary on taxation, 302

discovery

- as in action of infringement, 302
- time for application for, 304

inspection

- time for application for, 304

interrogatories, 302—*see also* DISCOVERY; INSPECTION

service of petition, 302

- out of the jurisdiction, 302

hearing, 304

- mode and time of, 304
- when case comes on without the Attorney-General's fiat, which is necessary, 296
- petition is an action and tried like other actions, 304

REVOCACTION—(continued)

of patent—(continued)

practice on petition for—(continued)

hearing—(continued)

respondent's right to begin, 304

on affidavit evidence, 304

postponement of, pending action on the patent, 305

with witnesses, 304

with assessor, 305

without a jury, 305

at assizes, 305

when respondent consents to revocation, 305

when respondent does not appear, 305

joint petitioners must appear by same counsel, 305

old practice as to non-suits and postponements of actions of
infringement pending *scire facias*, 306

fresh evidence on appeal, 307

stay of proceedings pending appeal, 307

costs, 308

effect of certificate of validity in former action on, 525

RIVAL APPLICATIONS*See* APPLICANT; APPLICATION**ROYAL ARMS**

penalty for unauthorised use of, ii. 12

ROYALTIEScovenant to pay, can be enforced after declaration of invalidity of patent,
ii. 153acceptance of, from assignee estops patentee from disputing assignability
of licence, ii. 145

action to recover, ii. 153

may be founded on the contract, ii. 153

even though the patent has been declared void, ii. 153

fraud a defence to, ii. 154

misrepresentation a defence, ii. 154

determination of licence a defence to, ii. 150

relief in respect of infringement may be an alternative plea in, ii. 155

interest on unpaid royalties, ii. 155

when Court can only estimate royalties due, ii. 155

discretion of taxing-master pending an appeal, ii. 155

paid after, and without knowledge of, breach of covenant by licensor
may be recovered, ii. 154patentee is not bound to accept same, from an infringer as from other
persons, 506**RULES**Judicial Committee, —*see* PRIVY COUNCIL RULESLaw Officers', —*see* LAW OFFICERS' RULESPatent, 1903, —*see* PATENT RULES, 1903Patent, 1905, —*see* PATENT RULES, 1905Register of Patent Agents, —*see* REGISTER OF PATENT AGENTS'
RULES

saving for, existing at date of Act of 1883.. ii. 241

SALARIESmay be credited to petitioner on application for extension of term of
patent, ii. 188**SALE**

effect of, by patentee without restrictions, ii. 185

restrictions as to user may be imposed by patentee on, of patented
article, 377

user in breach of restrictions is infringement, if with notice, 377

when offering for, is publication, 133

SALE—(continued)

- of goods in fraud of a patentee or other person, 333
- of article manufactured without licence of patentee an infringement, 335, 375—*see* INFRINGEMENT
- by licensee with a restriction, 379
- exposure for, by unlicensed manufacturer does not imply warranty, 390
- of component parts of a combination, no infringement, 371—*see* INFRINGEMENT

SAMPLES

- order for inspection may authorise taking of, 453

SATURDAY

- leaving documents, paying fees, &c., at Patent Office, ii. 235

SAVING OF JURISDICTION

- by Act of 1883
 - Courts in Scotland, ii. 239
 - Courts generally, ii. 239
 - remedies in Ireland, ii. 239
 - past operation of repealed enactments, ii. 241
- by Act of 1888
 - things done under Act of 1883 prior to Act of 1888.. ii. 256

SCIENCE AND ART DEPARTMENT

- controls Patent Museum, ii. 56
- models may be required by, on payment, ii. 56

SCIENTIFIC ASSESSOR

See ASSESSOR

SCIENTIFIC EVIDENCE

See EVIDENCE

SCIRE FACIAS

- petition for revocation substituted for, 291
- any ground on which patents could be repealed by, is a ground for revocation, 297
- grounds for, 297

SCOPE OF INVENTION

- assignor not estopped from disputing, in action at instance of assignee, ii. 116
- importance in actions on the patent of ascertaining, claimed, 338, 340

SCOTLAND

- action of reduction is procedure for revocation of patent in, 293: ii. 239
- penalties for statutory offences in, ii. 12
 - summary proceedings in respect of, ii. 239
- practice as to particulars in patent action in, 395
- in, "injunction" means "interdict," ii. 220
- interdict may be obtained in, against Englishman or other foreigner, 393
- saving for Courts in, as to jurisdiction in patent matters, ii. 239
- general saving of jurisdiction of Courts in, ii. 239

SEAL

- of Patent Office, ii. 232
 - is, *qua* patents, equivalent to great seal of United Kingdom, ii. 51
 - time within which patents must be sealed with, ii. 51

SEALING THE PATENT

- time and manner of, ii. 51

SECRET—See also TRADE SECRETS

- effect of keeping an invention a, ii. 102
- assignment of, invention, ii. 104

SECRET PROCESS

See PROCESS; DISCOVERY; INSPECTION

SECRET USE

- effect on novelty of,
 - prior, by patentee himself, 125, 135
 - prior, by persons other than patentee, 136
- patentee cannot restrain a continuance of a, prior to date of patent, 332
- subject of a, may be subject-matter for a patent, 125, 135, 332
- Court will not attempt to protect a, ii. 104

SECRETARY OF STATE FOR WAR

- assignment of patents for inventions of munitions of war to, 103
- may order specifications of inventions assigned to him to be kept secret, ii. 108, 218
- contract by, binds his successors in office, ii. 108

SECRETARY TO BOARD OF TRADE

- may exercise powers of Board of Trade, ii. 255

SECURITY FOR COSTS

See COSTS

SEED v. HIGGINS

- rule in, ii. 73

SELLERS v. DICKINSON

- rule in, 253

SERVANT—See also MASTER

- employment of, by an inventor, 12
- invention of, does not belong to master, 14
 - even though made in employer's time and by use of employer's tools, 16
 - but servant may be trustee of patent for master, 16
- as defendant to action of infringement, 389
- order of master does not justify, in infringing a patent, 389
- liability of master for infringement committed by his, 389

SERVICE—See also WRIT

- of petition for extension of term of patent, ii. 171
 - all opponents must be served, ii. 171
- of petition for revocation, ii. 302
 - out of the jurisdiction, ii. 302

SHAPE

- mere alteration of, is not invention, 42
- need not be described in specification, if form is not of the essence of the invention, 231

SHERIFF

- sale of patented article by, under *fi. fa.*, ii. 127
- cannot sell patent under *fi. fa.*, ii. 127

SHERIFF COURT

- prosecution for statutory offences under Patent Acts in, ii. 12

SHIP

- use of patented invention in British, 381
- use of patented invention in foreign, 381

SHORTHAND NOTES

- costs of, 532
- usual agreement as to, 532

SIZE

- selection of a particular, may be invention, 42
- of documents and drawings to be lodged at the Patent Office, ii. 320

SKILL

See WORKMAN

SLANDER

slandorous statements may be restrained apart from s. 32 of Act of 1883..
310

SOLICITOR

communications between patentee and his, are privileged, 445
but not *qua* patent agent, 445

SOLICITOR-GENERAL

"law officer" includes, ii. 242

SOLICITOR AND CLIENT'S COSTS

See COSTS

SOVEREIGN

cannot be a patentee, 20
infringement by foreign, 382

SPECIAL REFERENCE

See OPPOSITION TO GRANT OF PATENT

SPECIFICATIONS—*See also* AMENDMENT OF THE SPECIFICATIONS

origin of, 172
copies of, to be kept on sale, ii. 55
if sealed, are evidence, 472: ii. 233, 234
transmission of certified, to various places, ii. 235
title, 175
virtually a concise statement of the invention, 175
defective, and validity, 175
defect in, may be remedied in body of the specification, 176
should conform to certain rules, 176
must not be too extensive, 176
must not be too narrow, 178
must not be vague or ambiguous, 179
must not misdescribe the invention, 179
must not contain a false suggestion, 180
must be comprehensive enough to include the invention, 181
objection may be taken to, on application for a patent, ii. 6—*see*
APPLICATION
provisional, ii. 182
abandoned, is not published by the Patent Office, 145: ii. 13
power of Court to order production of, 145
effect of publication of, 145
difference between, and complete, 182
is optional, 182: ii. 5
drawings may be required, 186: ii. 5
function of, 182
to avoid disputes as to what the invention was for which the
patent was granted, 183
in case of dispute the question is whether the complete is
excessive, 183
may go beyond the complete, 184
and cannot be impeached as too general, 184
and details referred to in provisional and complete may
differ, 184
and subordinate matters be dropped in the complete, 185
no method of carrying the invention into effect need be stated in, 183
all objects to which invention is applicable need not be stated, 183
provisional protection afforded by, 187
nature and effect of, 187
object of, 187
legitimate development of the invention during, 188
always a question of fact, 189
better and different methods discovered during provisional
protection, 189
improvements in details, 189
sufficiency of, 200
form of, ii. 350

SPECIFICATIONS—(continued)

complete

- if abandoned before acceptance is not published, 145: ii. 13
 - except in cases under the convention, ii. 13, 257
- acceptance of, no guarantee of validity, ii. 18
 - advertisement of, ii. 18
 - period in which acceptance must take place, ii. 18
 - form of application for extension of time for acceptance, ii. 372
 - effect of acceptance, 383: ii. 12, 207
- amended, takes the place of original, ii. 66
- amendment of, before acceptance, ii. 17
- amendment of, after acceptance but before seal, ii. 17
- difficult to draft, 200
- disagreement of joint applicants as to form of, ii. 18
- disconformity between, and provisional, 190. See VARIANCE.
 - meaning of, 190
 - fatal to validity, 190
 - amended complete, 191
 - true way to decide questions of fact as to, 191
 - in doubtful cases patent should be sustained, 192
 - effect of detailing advantages in the provisional, 192
 - illustrations of patents held void for, 193
 - illustrations of cases in which the objection as to, failed, 196
 - legitimate developments of the invention, if included in complete
 - do not produce, 188
 - application of invention to objects not contemplated at date of provisional, 189, 193
 - subordinate matters may be abandoned in complete, 185
 - details in complete may differ from those in provisional, 184
 - improvements in details, 189
 - better and different methods not mentioned in provisional, 189, 238
- drawings may be required, 186: ii. 203
 - same drawings may accompany both specifications, ii. 247
 - complete may refer to drawings which accompany provisional, ii. 247
- form of, ii. 351
- must be filed within six, or, upon leave, seven months from date of application, ii. 13
 - form of application for extension of time for filing, ii. 371
- open to public inspection after advertisement of acceptance, ii. 18
- proof of sufficiency of, 265, 466
- reference of, to an examiner before acceptance, ii. 14
 - duties of examiner on, ii. 14
- refusal of, on report of an examiner unless amendment be made, ii. 14
- object of, 199
- requisites of, 201
 - must be *bonâ fide*, 202
 - must not mislead by commission or omission, 202
 - false suggestion, effect of, 204
 - wrong theory of action, effect of, 202
 - must not describe or include methods or things which will not answer, 203
 - distinction between a false method and something useless, 203
 - misstatement of materiality of parts, 205
 - must not give problems to be solved, 204
 - though experiments may be necessary before succeeding, 214, 224
 - invention must be useful for object stated, 204
 - to sanguine statement as to quantum of useful result obtained, 203, 205
 - statement that invention is useful for purposes not specified, 205
 - illustrative cases, 205

SPECIFICATIONS—(continued)

complete—(continued)

requisites of—(continued)

- must not be ambiguous, 207
 - want of clearness, or studied ambiguity, 207
 - perfect precision in language not possible, 207
 - meaning of terms is liable to change, 210
 - meaning at date of patent is the important point, 210
 - sufficiency of description a question of fact, 211, 220, 221
 - must not include what will not answer the purpose in view, 208, 222
 - e.g.*, proportions of substances mentioned, 212
 - or members of a class, 280
 - statement of requisite proportions of ingredients, 212
 - test of sufficiency, 214, 265, 466
 - when patentee is agent of foreign inventor, 19
 - when patentee is importer and also actual inventor, 19
 - ambiguity may be cured by disclaimer, ii. 72
 - but insufficiency cannot be cured by disclaimer, ii. 72
 - query*, however, in cases of communicated inventions, ii. 72
 - when necessity for experiments before succeeding is fatal and when not, 214, 224
 - drawings may aid the description, 288
- must be intelligible to an ordinary workman, 217
 - "ordinary workman" test, 217
 - sufficiency determined by, 266
 - statement of law as to ordinary workman test in a particular case, 218
 - per Parke, B., 218
 - per Jessel, M.R., 218
 - per Maule, J., 219
 - inventions which can be appreciated only by persons of great skill and knowledge, 219
 - sufficiency when persons of great skill and knowledge would be left in doubt, but others less skilled would succeed, 220
 - specifications are not addressed to persons wholly ignorant of the subject-matter, 220
 - persons to whom specifications are addressed are presumed to possess all the existing knowledge common to the trade, 221
 - but not more, 221
 - inaccurate use of words may be explained by context, 222
 - errors which an ordinary workman would perceive and correct, 222
 - errors not apparent, 223
 - errors which amount to a false suggestion, 223
 - must particularly describe and ascertain the nature of the invention and how the same is to be performed, 225
 - a statutory as well as a common law requisite, 225
 - object of the invention must be disclosed, 227
 - disclosure as far as patentee's knowledge at the time extends is sufficient, 228
 - invention consisting of several parts, 228
 - must disclose the best method known to the patentee of carrying out the invention, 231
 - best method within patentee's knowledge, 231
 - not necessarily the best possible method, 233
 - nothing essential must be suppressed, 235
 - examples of specifications bad for suppression of essentials, 235
 - if invention is communicated from abroad best method communicated to patentee must be stated, 19
 - not necessarily best method known to foreign inventor, 19

SPECIFICATIONS—(continued)

complete—(continued)

requisites of—(continued)

must disclose the best method known to the patentee of carrying out the invention—(continued)

all processes claimed need not be equally successful, 237

no objection that patentee himself does not know which is commercially best, 237

when improvement discovered during period of provisional protection should be included and when not, 238

must distinguish what is old from what is new and claim only the latter, 241

if a combination is new, it is not necessary to distinguish new from old parts, 242

if subject-matter is an improvement, it must be distinguished from old parts, 242

i.e., specification must condescend upon the improvement and claim that only, 242

rule in *Foxwell v. Bostock*, 244

explanation of, 245

effect of not distinguishing new from old parts when both fall within the claim, 242

need not mention everything which will produce the desired result, 240

need not describe any step or process which is necessarily implied, 229

need not describe minutely any known thing to which it refers, 230

need not describe the form of a part referred to if form is not of the essence of the invention, 231

signature of, ii. 13

claim, 248

is by implication a disclaimer, 250

but disclaimer is not a claim to residue, ii. 74

effect of omitting an essential part, 250

ambit of

may be expressly limited, 335

does not extend to what might be, but is not claimed, 257, 335

illustration, 257

proportions not specifically stated may be within, 212

for carrying a new principle into effect, 51

for carrying an old principle into effect, 53

legitimate claim for new product, 66

legitimate claim for new means of producing an old product, 67

documents not amounting to publication may narrow, 153

effect of public knowledge on, 354

distinct, is in practice required, but not absolutely necessary, 248

security for the patentee, 248

may be drafted as patentee pleases so long as he does not interfere with existing rights, ii. 49

“distinct statement of the invention claimed,” meaning of, 249

essence of invention should be referred to in, 280

but essence of invention is protected though not referred to in, 280

extension of, by amendment of specification, ii. 65-69

for anything old is fatal, 241

apparently and not really for something old, 241

but not when *appendant* as distinct from *in gross*, 115, 260

examples, 260

though some subordinate claims are fatal, 264

for a combination or process protects all parts new and material, 247

but distinct subordinate parts are not protected unless specifically claimed, 256

for use of old thing in a new combination, 70

for an improvement must not include the original, 242

for improvement in old things and combinations of old parts, nature of valid claim, 242

SPECIFICATIONS—(continued)

claim—(continued)

for every mode of carrying out a principle is, to the principle itself, 45
 for general arrangement as distinguished from claim to a principle, 50
 for a new thing is not vitiated by a further claim to a use not itself
 subject-matter, 264

improvements not known at the date of the patent, may not be in-
 cluded in a general claim, 24

object of, 249

“pioneer claim,” meaning of, 366

rules to be observed in drafting, 250

requisites of, 250

statement of method of performing the invention in the form of a
 claim, 272

speculative claim may be fatal, 254

ambiguity which includes what will not answer is fatal, 255

examples, 255

too extensive a claim may be fatal, 251

claim to what patentee has not invented is fatal, 251

claim to something useless is fatal, 252

but not so a claim to something of small utility, 253

claim apparently for a class may by context be limited to
 certain members only, 277, 280

description of advantages common to what patentee has and has
 not invented, 253

claim to use of apparatus for analogous purposes, 253

construction of

distinction between, a written contract and a specification, 207

necessity for, in legal proceedings, 265, 338

logically should be settled before other issues, 266

is for the Court; sufficiency is for the jury, 265

spirit in which, should be approached, 268

adopted in prior proceedings binds Court of equal jurisdiction, 436, 469

reference to original to aid, amended specification, ii. 75

opinion of scientific witness as to, 339, 458

of language used in specification, 266

terms of art and technical terms, 267

evidence to explain, 267

variation in meaning of, 268

effect of state of public knowledge at date of the patent on, 283,
 285, 354, 467

question is what language used would lead a person to whom it
 is addressed to do, 284

i.e., when there is an ambiguity, 285

intention of patentee no real guide to, 270

interest of patentee is immaterial to, 269

must be logical, fair, and impartial, 270

doctrine that patentee would not intend to claim anything which
 would make the patent bad, 270

limit of, 272

Court not astute to find flaws, 272

benevolent construction, doctrine of, 273

ut res magis valeat quam pereat, 274

limits of, 274

when claim can be interpreted in two ways Court adopts meaning
 which supports validity in preference to one which does
 not, 272, 276

i.e., in case of ambiguity Court endeavours to give effect to
 patentee's intention, 272

terms used in popular sense are not construed in accordance with
 their exact meaning, 277

an amended specification, ii. 75

claims are construed with reference to body of specification, 277

and after a consideration of it, 277

distinct effective meaning is if possible given to each claim, 280

redundant claims do not vitiate the patent, 280

SPECIFICATIONS—(continued)

construction of—(continued)

- claims are construed with reference to body of specification—(contd.)
 - essence of invention may be protected without specific mention in the claims, 280
 - claims by implication, 282
- disclaimer no aid to, of residue, ii. 74
 - but reference may be had to original, to aid amended specification, ii. 75
- drawings in relation to, 287
 - how far they may aid the description, 287, 288
 - references to, are not necessarily restrictive, 252
- effect of words "substantially as described," 282
 - "as described," 283 (n)
 - "as above described," 283 (n)
 - "as above set forth," 283 (n)
 - "substantially as set forth," 283 (n)
 - "other substances," 283 (n)
 - "any mechanical equivalent," 283 (n)
 - "analogous," 283 (n)
 - "more or less," 283 (n)
 - "or," 283 (n)
 - "improvements" (in the title), 79, 177
 - "causing," 283 (n)
 - "float," 283 (n)
 - "should," 283 (n)
- errors corrected by context, 288
 - which are apparent, 289
 - which are not apparent, 289
 - which amount to a false suggestion, 289
- prior publications, effect on, 285
- provisional cannot be called in aid of the, of the complete, 283, 289
 - or read to supply an omission from it, 289
 - but reference may be had to it to ascertain the real object of the invention, 283

STAMP,

- exemption of statutory declaration for use in Patent Office from, ii. 6
- assignments, ii. 107
- licences, ii. 134

STATEMENT OF ADDRESS FOR SERVICE

- must accompany application, ii. 305
- also notice of opposition, ii. 308

STATEMENT OF CLAIM

- action of infringement, 393
 - allegation of grant and title, 393
 - not necessary to allege novelty in, 393
 - or validity, 393
 - or to set out the specifications, 393
- disclaimer should be stated in, 393
- must disclose case sufficient to justify the relief asked for, 393
- several patents sued on in one action, 394
- certificate of validity should be pleaded in a subsequent action, 528
- precedents of, ii. 386
- action to restrain threats of legal proceedings, precedent of, ii. 404

STATUS

- effect of adverse decision on, of the patent, 308
- effect of order for revocation on, of the patent, 308

STATUTE OF MONOPOLIES

- a declaration of the common law as to patents for inventions, 1
- unrepealed portions of, 2: ii. 197
 - epitome of, 2
 - twofold effect of s. 6., 22
- meaning of "manufacture" in, 23
- defines subject-matter, 23

STATUTES

- Statute of Monopolies, ii. 197
- Patent Designs and Trade Marks Act, 1888.. ii. 202
- Patent Designs and Trade Marks (Amendment) Act, 1885.. ii. 245
- Patents Act, 1886.. ii. 247
- Patent Designs and Trade Marks Act, 1888.. ii. 249
- Patents Act, 1901.. ii. 257
- Patents Act, 1902.. ii. 258
- Trade Marks Act, 1905.. ii. 262
- repealed by Act of 1888.. 248
- validity of patents which evade, 26

STATUTORY DECLARATIONS

- how, are to be made and subscribed for use in the Patent Office, ii. 5
- exempt from stamp duty, ii. 6
- on opposition to grant of patent
 - times for leaving, at Patent Office, ii. 25, 26
 - copies of, to be furnished to opposite party, ii. 26

STATUTORY OFFENCES,

- falsifying Register of Patents, or copy therefrom, ii. 6
- representation that an article is patented, when no patent has been granted, 131: ii. 12
 - no offence if complete specification has been accepted, ii. 12
 - when patent has expired, ii. 12
 - modes of representation, ii. 12
- unauthorised use of the royal arms, ii. 12
- penalties,
 - in Scotland, ii. 12
 - in Isle of Man, ii. 18

STAY OF PROCEEDINGS

- pending appeal, 535
 - not usual, 535
 - application for, 535
 - costs of, 536
- circumstances which induce the Court to grant a, 535
- stay of subsequent action pending appeal in prior action, 385

SUBJECT-MATTER—See COMBINATION; COMMUNICATION; IMPROVEMENT;

- NEW USE OF OLD APPLIANCES; PRINCIPLES; PROCESS; PRODUCT**
- adaptation of old idea without invention, is not, 42
- alteration of shape, 42
- invention and, 30—see INVENTION.
 - some invention must have been expended, 31
 - what is invention—see INVENTION
 - a question of fact in each case, 31, 39
 - more scintilla sufficient, 31, 34
 - presumption of expenditure of invention sufficient, 31, 32
 - accidental discovery, 22
 - degree, 42
 - novelty, 31
 - unsatisfied demand, 32
 - conception of an idea, 33
 - practical success, 32, 39
 - production of a new thing which effects a result not previously attained, 38
 - simplicity no bar, 40
 - selection of a member of a class, 41
 - use according to a new method, 42
 - new application, 41
 - mere adaptation, 42
 - mere alteration of shape or proportions, 42
 - mere application of old thing, 42
 - mere skilful application of known tool, 42
 - mere use of known machine in a new manner, 42

SUBJECT-MATTER—(continued)

- any manner of new manufacture, 22
- combinations of parts as, 67
 - when result is new, better, or cheaper article, 69
 - whether parts are new or old, 67, 71
 - immateriality of novelty of parts, 71
 - merit largely depends on result produced, 67
 - ratio decidendi* of the cases, 67
 - new combination may consist in
 - omission, 71
 - addition, 71
 - or substitution, 71
 - or arrangement of parts, 72, 867
 - definite arrangement of parts producing definite result, 868
 - substitution of equivalents for parts in old combination, 73
- common law authorities as to, 28
- conception of an idea may be, 83, 40
- defined by Jac. I. c. 8, s. 6..22
 - Courts and early text writers, 26
 - exhaustive definition not possible, 28
- description of useless machine is no publication of a useful one, 151
 - but may affect question of, 461, 462
- discovery of what was formerly done empirically is not, 57
- essential considerations as to, 82
- general arrangement may be, 50, 868
 - distinction between, and a principle, 50
- improvement may be, 75
 - may consist in addition to, omission from, or rearrangement of old parts, 75, 868
 - mere working direction is not a patentable improvement, 77
 - mere use of existing machine in a more beneficial manner is not a patentable improvement, 42, 56, 78
 - mere adaptation of a well-known idea is not a patentable improvement, 79
- new, better, or cheaper article as, 11, 69
- new method of using an old machine without structural alteration, 42, 56
- new use of old appliance may be, 42, 80, 98
 - apprehension of, may be invention, 84
 - mere, is not, 42, 56, 57, 78, 83
 - novelty of, is not alone sufficient to support a patent for a, 83
 - result of the cases, 81
 - examples of void patents for, 84
 - examples of valid patents for, 99
- must be an art, 24
 - producing vendible articles, 25
 - not to be used for illegal purposes, 25
- not every new and useful discovery is, 29
 - nor is every novelty, 31, 108
- principles *per se* are not, 43
 - applications of principles may be, 44
 - illustrations, 46
 - claim to a general arrangement distinguished from claim to a principle, 50
- process may be, 53
 - history of the cases, 53
 - law settled by *Crane v. Price*, 54
 - decision doubtful on the facts, 54
 - not every novel process is subject-matter, 56
 - process which results in increased yield of known products, 58
 - application of hidden or unperceived property of previously known thing, 58
 - examples, 58
- product may be, 64
 - when claim for, is good, 65
 - when claim for, is bad, 65
 - ambit of legitimate claim for new, 66
 - ambit of legitimate claim for new means of producing old, 67

SUBJECT-MATTER—(continued)

- proof of issue of, in action of infringement, 460
- proportion, mere variation of, is not, 42
- putting together items of common knowledge may be, 41
- rediscovery of lost art may be, 118
- selection of a member of a class may be, 41

SUBORDINATE CLAIM

- if include what is old are fatal, 241, 264
- unless *appendant* as distinct from *in gross*, 115, 260
- examples, 260

SUBORDINATE INTEGER

- not protected unless specifically claimed, 71, 256

"SUBSTANTIALLY AS DESCRIBED"

- effect of, and similar words in a claiming clause, 282

SUCCESS—See also COMMERCIAL SUCCESS

- a test of invention, 9, 12
- not necessarily evidence of utility, 466
- want of commercial, not necessarily evidence of non-utility, 466

SUFFICIENCY

- See SPECIFICATIONS

SUGGESTION

- mere, is not publication, 147

SUMMARY CONVICTION

- definition of, in Ireland, ii. 242

SUNDAY

- leaving documents, paying fees, &c., at Patent Office, ii. 235

SURRENDER

- of patent, may be made to the Crown, ii. 130
- effect of, ii. 130
- how to be made, ii. 130

TAXATION OF COSTS

- See COSTS

TEMPERATURE

- infringement by use of chemical substances distilling over between defined, 338

TENNANT'S CASE

- authority on law of true and first inventor, 8
- result of, and Dolland's case, 8
- contrasted with Dolland's case and Arkwright's case, 116

TERM

- of patent, 53
- extension of—see EXTENSION OF TERM OF PATENT

TERMS OF ART

- may differ in meaning in different documents, 144
- expert evidence admissible to explain, 458
- interpretation of, 144, 265-268, 284, 458

THANKSGIVING DAY (PUBLIC)

- Patent Office closed on, ii. 316
- Register of Patents not open to inspection on, ii. 318
- leaving documents, paying fees, &c., at Patent Office on, ii. 54

THEORY

- of action no part of consideration for the grant, 58, 202
- discovery of, of what was formerly done empirically is not subject-matter, 58

THREATS OF LEGAL PROCEEDINGS—*See also* SLANDER

- as contempt of Court, 815, 816
- action to restrain, 809
- damages
 - to be recoverable must result from the threat, 827
 - in respect of rumours of legal disputes, 827
 - falling off of plaintiff's general business, 827
 - loss of contract, 828
 - plaintiff failing to enforce a contract, 828
 - plaintiff compelled to reduce price at which he accepts a contract, 828
 - assessment at trial preferable to an inquiry, 828
- law prior to Act of 1883 as to threats, 310
 - bona fides*, 310
 - still governs cases within either of the saving clauses of s. 32 of the Act of 1883.. 310
- plaintiff may rely on old law or on right created by s. 32 of Act of 1883.. 310
 - if on old law his case as to *mala fides* should be disclosed on motion for injunction, 310, 311
- statutory right created by s. 32 of Act of 1883.. 309
 - bona fides* of patentee is immaterial in action founded on, 312
 - burden of proof, 312
 - person aggrieved, who is, 313
 - licensees and persons having only limited interests, 313
 - what is a threat within, 314
 - evil which s. 32 was intended to guard against, 314
 - effect of "or otherwise" as used in s. 32.. 314
 - nature of threats held to be within s. 32.. 315
 - circular, advertisement or otherwise, 315
 - solicitor's letter, 315
 - private letter, 315
 - without prejudice, 315
 - answer to enquiry, 315
 - indirect reference to patent, 315
 - notice by plaintiffs to customers of defendant in an infringement action, 316
 - general warning to infringers, 317
 - to effect that article made abroad is an infringement of British patent ii. 148
 - may become a threat, 318
 - when use in a particular manner is not complained of, 318
 - threat not withdrawn, 318
 - continuance of threats after action for infringement commenced, 315
 - quary* threat relating to something intended to be done is within s. 32.. 317
 - quary* threat made by licensees and persons having only a limited interest are not within the section, 317
 - circulation of threats made by others, 329, 330
- the proviso to s. 32.. 318
 - nature of infringement action which will secure the benefit of, 318
 - action by equitable owner of patent will not do, 318
 - action must be honestly brought and prosecuted, 319, 320
 - action against licensee for royalties, 320
 - action against third party, 320
 - counter claim, 320
 - against whom it must be brought, 318
 - not necessarily against person aggrieved, 319
 - due diligence, 320
 - action commenced before issue of threats, 321
 - delay caused by negotiations, 321
 - delay in taking up order for inspection, 322
 - action discontinued by consent, 322

THREATS OF LEGAL PROCEEDINGS—(continued)

plaintiff may rely on old law or on right created by s. 32 of Act of 1883—(continued)

statutory right created by s. 32 of Act of 1883—(continued)

the proviso to s. 32—(continued)

nature of infringement action which will secure the benefit of—(continued)

due diligence—(continued)

action abandoned, 322

action unsuccessful, 322

action originally in respect of several patents but dropped as to some, 322

action in respect of "passing off" turned into action for infringement, 322

practice, 323

issues, 323

infringement,

of any legal rights of person making the threats, 323

persons not possessing legal rights, 315

patentee who has obtained leave to amend under s. 19 of Act of 1883.. 318

patentee who has applied but not actually obtained an amendment of specification, 318

validity of defendant's patent, 323

how pleaded, 323

certificate as to, 328

query can be given in the action, 328

pleadings, 328

precedent of endorsement of writ, 404

statement of claim, 404

defence, 406

reply, 407

rejoinder, 408

particulars, 324—see also PARTICULARS

of breaches, plaintiff may be entitled to, 324

of objections, defendant may be entitled to, 324

of alleged threats, 324

of patents relied on to support threats, 324

of agents by whom threats are alleged to have been made, 325

certificate as to, 328

query necessary on taxation, 328

injunction,

interlocutory, 325

prima facie case as to non-infringement or invalidity of defendant's patent must be made out on application for, 325

otherwise Court does not consider the balance of convenience to the parties, 325

considerations which influence the Court on applications for, 326

usual course where defendant brings an action for infringement, 325

ex parte applications for, 325

perpetual, 309

scope of, 329

breach of, 329

form of, 330 note (i)

costs,

ordinary jurisdiction of the Court applies to the general, 330

query certificate of particulars is necessary on taxation of, 328

TIME

See ENLARGEMENT OF TIME

TINDAL, O.J.

law as to true and first inventor stated by, 7

- TITLE**
See SPECIFICATIONS
- TRADE**
 covenants by assignor in restraint of, legality of, ii. 109
- TRADE MARKS**
 statute law as to, ii. 262
- TRADE SECRET**
 discovery leading to disclosure of, 444
 inspection leading to disclosure of, 452
 defence that alleged infringement is a, evidence may be taken *in camera*,
 472
- TRANSHIPMENT**
See INFRINGEMENT
- TRANSMISSION**
 of patent by deed, ii. 106
 of patent by act and operation of law, ii. 125
 of certified copies of specifications to various centres, ii. 285
- TRANSPORTATION**
See INFRINGEMENT
- TREASURY**
 in Act of 1883 means the Commissioners of Her Majesty's Treasury, ii. 242
- TRIAL**
 action of infringement, 473
 acceleration of, 478
 at assizes, 478
 by Court alone, usual, 473
 jury rare, 473
 e.g., when there is an allegation of fraud or libel, 474
 aid of an assessor, 474
 reference to a referee, 477
 issues tried separately, 475
 advantages of, 476
 judgment
 motion for, on determination of a separate issue, 479
 on admission of facts, 479
 by default, 479
 by consent, 480
 effect of, against validity of patent, 308
 minutes of, should not include documents and evidence not
 produced, 480
 forms of, ii. 396-402
 certificates which should be asked for at the conclusion of, 480
- TRUE AND FIRST INVENTOR,**
 agent of foreign inventor may be, 19
 applicant within the realm having made an application for a patent abroad,
 18
 applicant is not, if invention was previously used, 6
 or if it was taken from any published source of information, 6
 communicator of invention made in the realm, first is, 16
 communicator of invention made abroad, first is, 16
 corporation, 20
 sole, 20
 declaration as to, on application, 4 : ii. 5
 discovery made by several persons concurrently, 8
 failure of others as evidence on issue of, 12
 importer from abroad if first is, 17
 need not be meritorious importer, 19
 servant as distinct from master as, 14

TRUE AND FIRST INVENTOR—(continued)

- master as distinct from servant as, 12, 14
 - assistants may be employed, 12
 - when master is, and when servant is, 12, 14
- may be disqualified from being a patentee, 20
- meaning of, 6
- must have invented all for which he claims protection, 6
- patent invalid unless, is a grantee, 4, 5: ii. 5
- patents with similarity of object no objection on issue of, 10
- person who first discloses an invention is, 6
- person who first produces a successful result, 9
- person who first communicates what has not been enjoyed before is not necessarily, 7
- application in fraud of, ii. 55
- distinction between issue of, and prior use, 107
 - pleas must be raised separately, 107
- interest of, in an invention for which he intends to apply for a patent, ii. 105
- proof of issue of, in action of infringement, 459

TRUST

- notice of, as such, cannot be entered on Register of Patents, ii. 58
 - but documents affecting proprietorship can, ii. 58
- validity of patent granted in, for alien enemy, 20

TRUSTEE

- right of, to sue in respect of infringements of patents, ii. 113
- may be a patentee, ii. 113
- declaration that patentee holds as, for another, 16

TRUSTEE IN BANKRUPTCY

- actions of infringement by, ii. 125
- patent vests in, ii. 125

TUDOR SOVEREIGNS

- oppressive monopolies under, 1

TWEEDALE'S INVENTION

- as illustrating doctrine of infringement by use of equivalents, 360

UNDERTAKING

- in lieu of injunction by consent, 486

**UNION FOR THE PROTECTION OF INDUSTRIAL PROPERTY—
See INTERNATIONAL CONVENTION FOR THE PROTECTION OF INDUSTRIAL
PROPERTY**

- States constituting the, ii. 19
- provisions of s. 103 of Act of 1883 enabling British Government to join, ii. 19

UNPATENTED INVENTION

- interest of an inventor in, before grant of a patent, ii. 105
- death of person possessed of, 5: ii. 125
- secret use of, by the inventor, 125, 135
- secret use of, by person other than the inventor, 136, 332

USE—See also EXPERIMENTAL USE; PUBLIC USE; SECRET USE

- mere, of a known thing in a more beneficial manner is not subject-matter, 42
- prior, by persons other than the patentee invalidates the patent, 107
 - even though it was secret, 136, 332
- effect on validity of prior secret, by the patentee himself, 125, 135
- when, is an infringement, —see INFRINGEMENT
- patentee cannot restrain the continuation of a prior, secret or otherwise, 332
- as evidence of utility, 466

USER

damages for infringement may be recovered from a, or manufacturer or both until the full measure is obtained, 506
has no redress against unlicensed vendor in the absence of express warranty, 390

UTILITY

requisite to validity at common law, 157
preserved by Statute of Monopolies, 159
failure of, a ground of revocation, 297
different inventions included in one patent must each possess, 167
meaning of, in law, 162
not abstract utility, 162
or improvement from all points of view, 162
i.e., not comparative utility, 162
not necessarily commercial utility, 162
invention is useless unless it does what patentee states it will do, 164
and is useful in the form specified, 165
lack of utility in an essential part is fatal, 166
lack of utility in a non-essential part is no bar to validity, 169
examples, 170
lack of utility for one purpose within a general statement is not necessarily fatal, 169
quantum of utility is immaterial, 164
slight utility sufficient to support validity, 164
all modes or processes claimed need not be equally useful, 165, 237
essential parts may differ in utility, 170
of prior invention does not affect validity of patent for an improvement, 171
not always conclusive evidence of invention, 32, 39, 40
patents used solely for obstructing improvements, 160
patent for an improvement not proof of want of, in original invention, 76
proof of issue of, in action of infringement, 464

VALIDITY

amount of invention does not affect, 31
amount of improvement does not affect, 79, 164
certificate of, 525—*see also* Costs
discretion of Court or a Judge as to, 526
effect of, on costs of subsequent action, 525
meaning of "subsequent action," 528
discretion of the Court or a Judge as to allowing solicitor and client's costs in a subsequent action, 529
illustrations of the exercise of the discretion, 530
when defendant does not dispute validity, 530
effect of, on costs of subsequent petition for revocation, 525
when may be given, 525
after expiry of patent, 525
in absence of evidence on issue of validity, 527
where plaintiff fails on issue of infringement, 528
where defendant admits validity on a certain construction of the specification, 528
jurisdiction of Court of Appeal, 525
Court of County Palatine of Lancaster, 525
House of Lords, 525
quæry can be given in action to restrain threats of legal proceedings, 328, 525
estoppel against licensee from disputing, ii. 148-152
leave to amend specification no guarantee of, ii. 65
novelty essential to, of patent, 105
of patents used solely for obstructing improvements, 160
of prior patent relied on in opposition to grant of subsequent patent is immaterial, ii. 39
proper specification essential to—*see* SPECIFICATIONS
title, effect of defective, on, 175, 176
utility essential to, 157

- VARIANCE**—*See* SPECIFICATIONS—disconformity—IMPROVEMENT
 between complete and provisional specifications, 188
 legitimate developments of the invention, 188
 what are, 188
 improvements in details, 189
 better and different methods, 189
 always a question of fact, 189
 disconformity, 190
 fatal to validity, 190
 between amended complete and a provisional specification, 191
 method of deciding questions of fact as to, 191
 effect of detailing advantages of the invention in the provisional
 specification, 192
 illustrative cases, 193
 applicant's course in case of doubt as to, 198
- VENDEE**—*See also* SALE
 defendant to action of infringement, 377
 rights of, without restrictions, 377 : ii. 184
 of licensee, right to resell, 377 : ii. 185
 damages recovered from, and also vendor, 506
- VESSEL**
 use of patented invention in British, 381
 use of patented inventions in foreign, 381
- WAR**
 Secretary of State for, empowered to acquire patents for certain inventions
 by assignment, ii. 108, 218
 special provisions as to immunity from revocation of patents for improve-
 ments in munitions of, 293
 Secretary of State for, may order specifications of inventions assigned to
 him to be kept secret, ii. 108, 218
 contract by Secretary of State for, binds successors in office, ii. 108
- WARRANTY**
 on assignment of letters patent, ii. 118
 may be express or implied, ii. 118
 in absence of, doctrine of *caveat emptor* applies, ii. 118
 no implied warranty that an assignee will be able to use the invention
 without licence of a third party, ii. 121
 statement that a patent is valuable and valid, ii. 121
 mere act of sale is no, against infringement, 391
- WATER TABBIES**
 accidental discovery of, 32
- WELCH'S TYRE PATENT**
 cases relating to infringement of, 347 (note)
- WITNESS**
See EVIDENCE; LAW OFFICER; LICENSEE; OATH
- WORDS**
 effect of certain, on the construction of specifications, 282-283 (note)
- WORKMAN**—*See also* MASTER AND SERVANT
 employment of, by an inventor, 12
 no necessary confidential relationship between a, and his fellow, 16
 test of sufficiency of specification, 217, 266
- WRIT**
 form of indorsement on, in action of infringement, ii. 386
 in action to restrain threats of legal proceedings, ii. 404
 service of, in action of reduction, ii. 239
 service of, out of the jurisdiction in action of infringement, ii. 392

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