

Section 157

To the Patent Comm.

PART 80

PROCEDURE ON APPLICATIONS FOR DETERMINATION OF REASONABLE ROYALTY FEE OR OTHER COMPENSATION FOR PATENTS, INVENTIONS OR DISCOVERIES

PART 80—GENERAL RULES OF PROCEDURE ON APPLICATIONS FOR THE DETERMINATION OF REASONABLE ROYALTY FEE, JUST COMPENSATION; OR THE GRANT OF AN AWARD FOR PATENTS, INVENTIONS OR DISCOVERIES

GENERAL PROVISIONS	
Sec.	
80.1	Scope of the regulations.
80.2	Definitions.
80.3	Notices.
80.4	Security.
80.5	Amendment.
80.6	Records of Board.
80.7	Motions.
APPLICATIONS	
80.10	Applicants.
80.11	Form and content.
80.12	Filing of applications.
EXAMINATION AND RESPONSE	
80.20	Examination.
80.21	Recommendation for acquisition by purchase.
80.22	Response.
PREHEARING CONFERENCE	
80.30	Designation.
80.31	Conference procedure.
HEARING	
80.40	Notice.
80.41	Order of procedure.
80.42	Submission and receipt of evidence.
80.43	Transcript of the testimony.
80.44	Oral arguments; proposed findings; written arguments.
80.45	Copies of the record of the hearing.
80.50	Formulation.
PROPOSED FINDINGS AND DETERMINATION	
80.51	Exceptions.
ADJUDICATION	
80.60	Final action.

Promulgated 18 June 1948, 13 F. R. 3457, as amended 1 Feb. 1953, 18 F. R. 619.

GENERAL PROVISIONS

§ 80.1 *Scope of the regulations.* The regulations in this part provide the rules of procedure to be followed by any person making application to the Atomic Energy Commission for the determination of a reasonable royalty fee, just compensation, or the grant of an award, and for the consideration of such applications pursuant to subsection (e) of section 11 of the Atomic Energy Act of 1946 (60 Stat. 755, 768; 42 U. S. C. 1811).

§ 80.2 *Definitions.* (a) All terms used in the regulations in this part which are defined in the Atomic Energy Act shall have the defined meaning.

(b) "Board" shall mean the Patent Compensation Board designated by the Commission pursuant to subsection (e) (1) of section 11 of the act.

(c) "Application" shall mean the application provided for in §§ 80.10 to 80.12, inclusive.

(d) "Response" shall mean the document, to be filed by the Office of the General Counsel of the Commission, provided for in § 80.22.

(e) "Party" shall mean the applicant (personally or through his counsel) and the Office of the General Counsel of the Commission, as the text may indicate. Each applicant shall be entitled to be represented by counsel.

§ 80.3 *Notices.* All notices required by this part and the service of all documents will be by registered mail and will be effective as of the time received.

§ 80.4 *Security.* In any proceeding under the regulations in this part, the Commission may issue any general or specific order, directive, or further regulation which it determines to be appropriate pursuant to section 10 of the act to assure the common defense and security.

§ 80.5 *Amendment.* Nothing in this part shall limit the authority of the Commission to issue or amend its regulations in accordance with law.

§ 80.6 *Records of Board.* The records of the Board in cases filed before it, including the application, the response, the transcript and any other portion of the record, shall be open to public inspection unless (a) the Board otherwise directs upon a determination that opening of the records to public inspection would be contrary to the public interest or, (b) opening of the records is not in accord with security regulations and requirements of the Commission.

§ 80.7 *Motions.* Motions may be made before the Board upon reasonable notice to the other parties.

APPLICATIONS

§ 80.10 *Applicants.* (a) Any person claiming just compensation for any patent revoked in whole or in part by paragraph (1) and (2) of subsection (a) or by subsection (b) of section 11 of the act may file an application for just compensation.

(b) Any person claiming just compensation for any invention or discovery, or for any patent or patent application covering such invention or discovery, taken, requisitioned, or condemned by the Commission pursuant to subsection (d) of section 11 of the act may file an application for just compensation.

(c) Any person claiming a reasonable royalty fee for the use of an invention or discovery covered by any patent declared to be affected with a public interest pursuant to paragraph (1) of subsection (c) of section 11 of the act, or any person who has been licensed pursuant to section 11 (c) (2) of the act to utilize the invention or discovery covered by such patent and is unable to reach an agreement with the owner thereof, may file an application for the determination of a reasonable royalty fee.

(d) Any person who has made any invention or discovery covered by paragraph (3) of subsection (a) of section 11 of the act, who is not entitled to compensation therefor under subsection (a) of section 11, and who has complied with the provisions of paragraph (3) of subsection (a), may file an application for an award.

§ 80.11 *Form and content.* (a) Each application shall be signed by the applicant and shall state his name and post office address. Where the applicant elects to be represented by counsel, a request for entry of counsel's appearance shall be filed with or after the application, on a form obtainable from the Clerk of the Board.

(b) Each application shall contain a statement of the applicant's interest in the patent, patent application, invention or discovery, identifying any other claimants of whom the applicant has knowledge.

(c) Each application must contain a concise statement of all of the essential facts upon which it is based. No particular form of statement is required, but it will facilitate consideration of the application if the following specific data accompany the application:

(1) In the case of an issued patent, a copy of the patent;

(2) In the case of a patent application, a copy of the application and of all Patent Office actions and responses thereto;

(3) In the case of an invention or discovery as to which a report has been filed with the Commission pursuant to paragraph (3) of subsection (a) of section 11 of the act, a copy of such report.

(4) The date relied upon as the date of invention.

(5) In all cases, a statement of the extent to which, if any, the invention or discovery was developed through federally financed research; the degree of its utility, novelty, and importance.

(6) In the case of an application for just compensation or an award, a statement of the actual use of such invention or discovery, to the extent known to the applicant.

(7) In all cases, the cost of developing the invention or discovery or acquiring the patent or patent application.

(8) The reasonable royalty fee proposed, or the amount sought as just compensation or award; the basis used in calculating it; and whether lump sum or periodic payments are sought.

(d) Each connected series of statements shall be set forth in separately numbered paragraphs in the application. Any exhibits or documents which accompany the application may be incorporated by reference.

(e) All applications shall be verified by the applicant or by the person having the best knowledge of such facts. In the case of facts stated on information and belief the source of such information and grounds of belief shall be given.

§ 80.12 *Filing of applications.* (a) Five copies of each application shall be filed with the Clerk of the Board. At the applicant's election, only one copy of the accompanying exhibits need be filed.

(b) The Clerk of the Board will acknowledge the receipt of the application in writing and advise the applicant of the docket number assigned to the application.

(c) All communications concerning the application and all documents thereafter filed in the proceeding shall bear the docket number of the application.

EXAMINATION AND RESPONSE

§ 80.20 *Examination.* Upon receipt of the application, a preliminary examination will be made by the Commission staff.

§ 80.21 *Recommendation for acquisition by purchase.* At any time following the filing of an application and prior to final determination, the applicant may be requested in writing to meet with one or more members of the Commission staff to discuss the possibility of acquisition by purchase of the invention or discovery or patent or patent application, as the case may be, pursuant to subsection (d) of section 11 of the act. The time prescribed in § 80.22 for the filing of the response shall be extended by a time equivalent to any period in which negotiations are being conducted (beginning with the initial communication to the applicant and ending either with acceptance or rejection of a proposal or with a written communication by the applicant stating that negotiations are to be terminated).

§ 80.22 *Response.* Within a reasonable time and in no event more than four (4) months after receipt of the application, unless such time shall have been extended by special order of the Board for cause or pursuant to § 80.21, the Office of the General Counsel shall file with the Clerk of the Board a response containing a concise statement of the facts or law constituting a defense or any other relevant matter which it believes should be considered by the Board.

PREHEARING CONFERENCE

§ 80.30 *Designation.* In any proceeding in which the Board in its discretion determines that a prehearing conference would be desirable, the Board may designate one of its members to preside at a prehearing conference to which the parties shall, upon reasonable notice, be invited to appear.

§ 80.31 *Conference procedure.* (a) The prehearing conference shall be conducted in an informal manner and shall be devoted to a consideration of

(1) The simplification of the issues;

(2) The necessity or desirability of amendment or amplification of the application or the response;

(3) The possibility of obtaining agreement as to facts and documents which will avoid unnecessary proof;

(4) Such other matters as may facilitate the consideration by the Board.

(b) The Board member presiding at such conference shall prepare, with the assistance of the parties, a memorandum of matters upon

which agreement has been reached, and such memorandum shall, when signed by the parties, become a part of the record.

HEARING

§ 80.40 *Notice.* The Board shall in each case afford an opportunity for a hearing for the receipt of relevant evidence. At least thirty (30) days notice shall be given of the time and place of such hearing.

§ 80.41 *Order of procedure.* Ordinarily evidence in support of the application shall be received first and thereafter evidence in reply. Thereafter rebuttal and any necessary additional evidence shall be received.

§ 80.42 *Submission and receipt of evidence.* (a) Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) When necessary in order to prevent undue prolongation of the hearing, the Board may limit the amount of corroborative or cumulative evidence, may restrict the repetitious examination or cross-examination of witnesses, and shall otherwise control the conduct of the proceeding.

(c) The Board shall admit only relevant and material evidence.

(d) Opinion evidence shall be admitted when the Board is satisfied that the witness is properly qualified.

(e) Evidence may be received in affidavit form in the discretion of the Board. All affidavits shall be submitted not later than the opening of the hearing unless the Board for cause shown shall receive them at a later time. Each party shall be permitted to examine all affidavits received in evidence, and to file counter affidavits within such period as the Board shall fix. In determining the weight to be attached to testimony contained in affidavits, the Board shall consider the lack of opportunity for cross-examination.

(f) Opportunity shall be afforded for the cross-examination of witnesses. Objections to the admission or rejection of any evidence or to any limitation of the scope of examination or cross-examination shall state briefly the grounds of such objection and the transcript shall not include argument on such objection except as ordered by the Board. No objection may subsequently be relied upon unless timely made, and the ruling on each objection shall be made part of the transcript, together with any offer of proof which may be made.

(g) In the conduct of the hearing the Board shall ensure compliance with the security regulations and requirements of the Commission and take whatever steps it may deem appropriate to assure the common de-

fense and security pursuant to the provisions of the act.

§ 80.43 *Transcript of the testimony.* Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall be marked for identification and, upon a showing satisfactory to the Board of their authenticity, relevance, and materiality, shall be received and marked as exhibits in evidence. Such exhibits (including affidavits) shall, if practicable, be submitted in quintuplicate. Where the required number of copies are not made available, the Board may in its discretion order the exhibit read in evidence or require additional copies to be submitted within a specified time.

§ 80.44 *Oral arguments; proposed findings; written arguments.* (a) In its discretion the Board may authorize oral argument at the close of the hearing.

(b) The Board may, at its discretion, announce at the hearing a reasonable period within which either party may submit to the Board proposed findings and a proposed recommendation. Such proposals shall be in writing, in quintuplicate, and copies shall be served on the opposing party.

(c) At the time fixed for the submission of proposed findings, either party may file written arguments in support based upon the evidence received at the hearing, citing the page or pages of the transcript of the testimony where such evidence may be found.

§ 80.45 *Copies of the record of the hearing.* The Board shall make

provision for a stenographic record of the testimony and for furnishing it to the applicant upon payment of the cost. Suggested corrections to the transcript of the testimony shall be considered only if filed within a period to be fixed by the Board. Upon receipt of such suggested corrections, the Board in its discretion shall correct the transcript.

PROPOSED FINDINGS AND DETERMINATION

§ 80.50 *Formulation.* (a) Within a reasonable time after the close of the hearing the Board shall prepare and serve upon the parties its proposed findings and proposed determination, and a statement of the reasons or basis therefor. The proposed findings and proposed determination shall be based upon the entire record and supported by reliable, probative and substantial evidence. On issues of fact, no finding shall be proposed except when deemed by the Board to be supported by the greater weight of the evidence. The proposed findings and proposed determination, together with the statement of the reasons or basis therefor, shall become part of the record.

(b) The Board shall further make a ruling upon each proposed finding and proposed recommendation presented by either party pursuant to § 80.44 (b). Such rulings shall be served upon each party and shall become part of the record.

§ 80.51 *Exceptions.* Either party may, within twenty (20) days after receipt of a copy of the proposed findings and proposed determination of the Board, unless such time shall

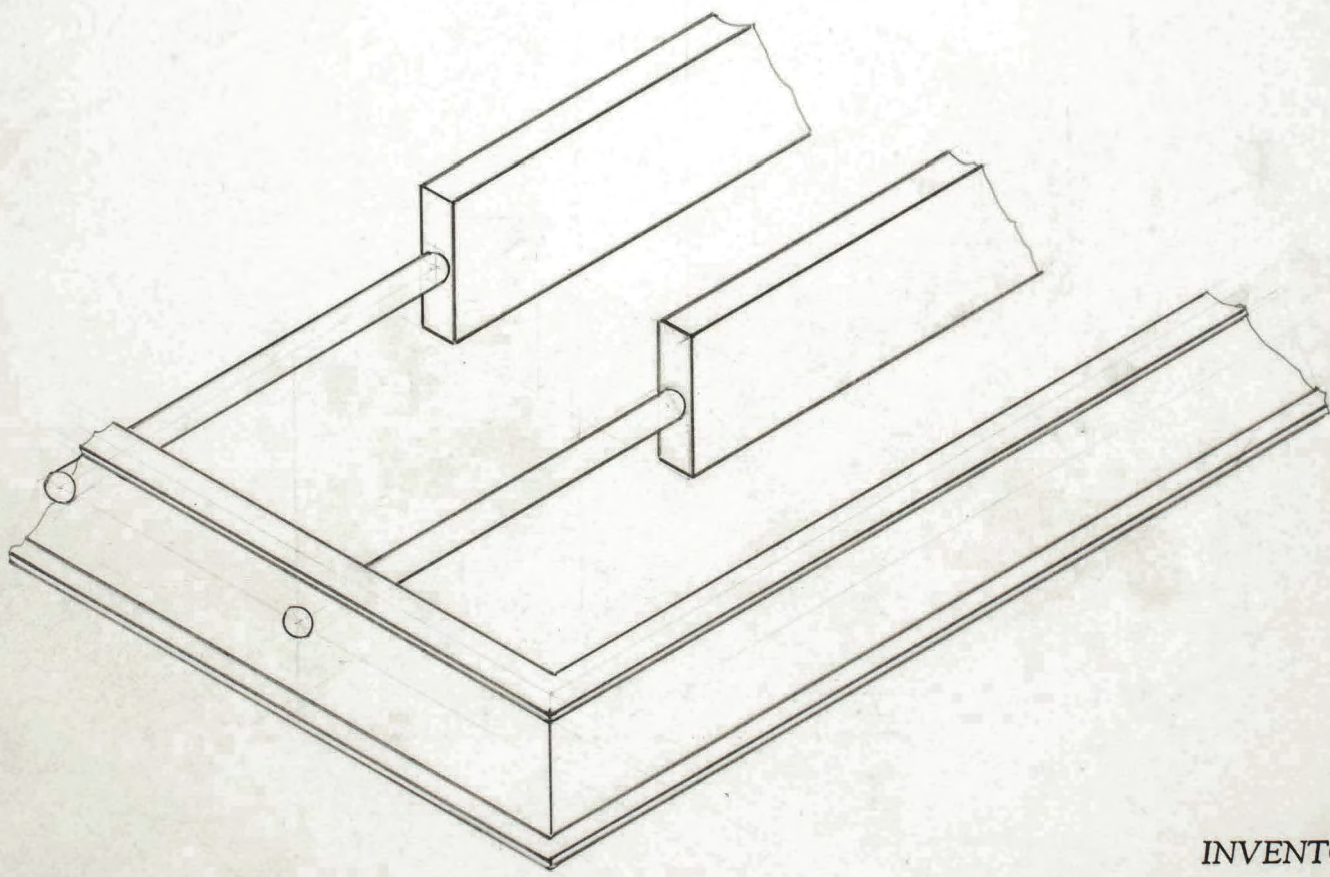
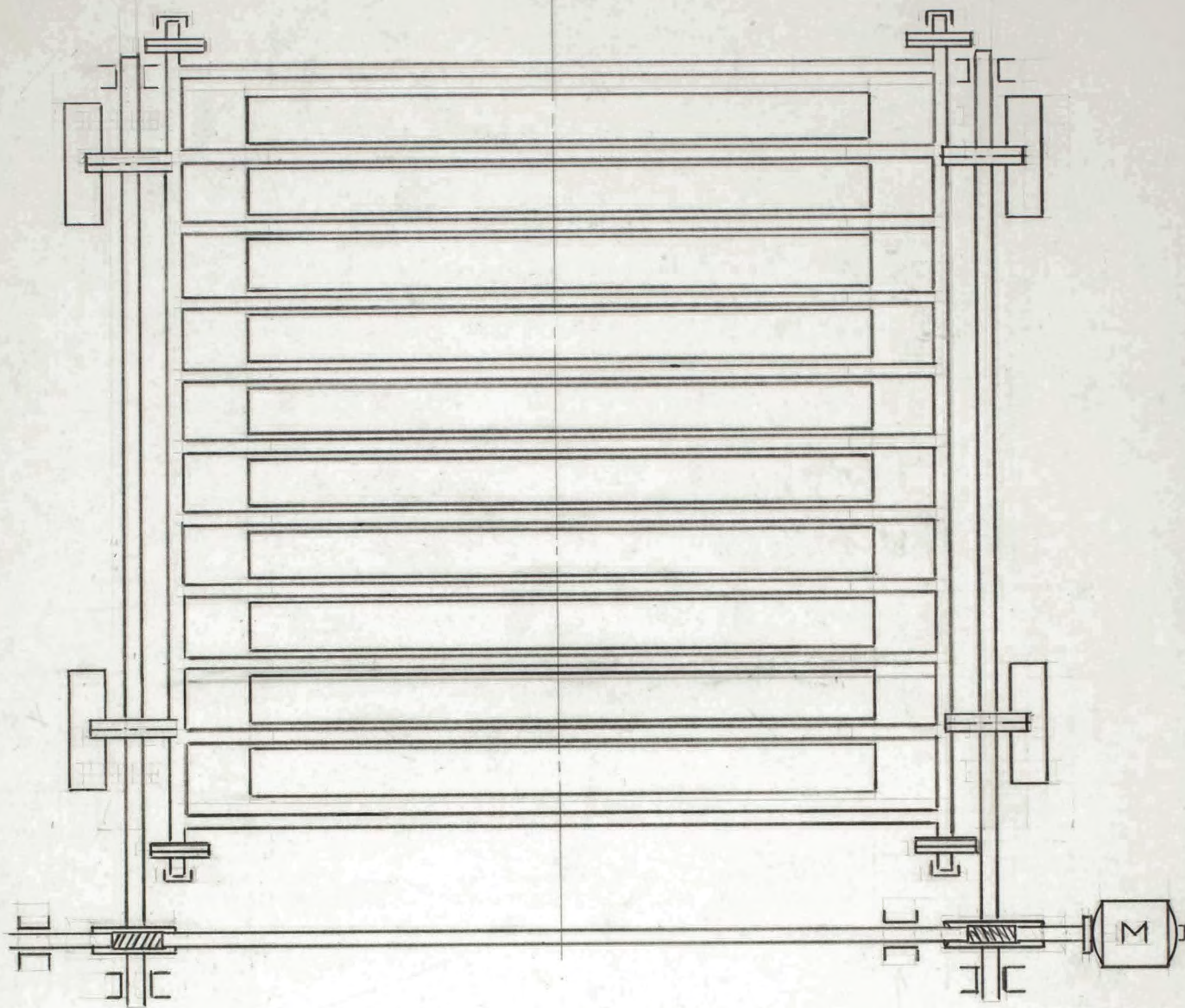
have been extended by special order of the Board for cause, file with the Clerk of the Board exceptions to any part thereof or to the failure of the Board to include proposed findings requested under § 80.44. The exceptions may be accompanied by briefs in support. Five (5) copies of the exceptions and the supporting briefs shall be filed, and a copy served upon the other party. The exceptions but not the supporting briefs shall become part of the record.

ADJUDICATION

§ 80.60 *Final action.* (a) Upon the expiration of the period prescribed in § 80.51, the Board shall proceed to a final consideration of the application on the basis of the entire record, including any exceptions, and the briefs in support filed by either party. The Board shall resolve questions of fact by what it deems to be the greater weight of the evidence and shall make its decision on the entire record. Its findings as to the facts shall be supported by reliable, probative and substantial evidence. The Board shall enter an appropriate order, together with a statement of its reasons or basis, determining as the case may be a reasonable royalty fee, the amount of just compensation, or the amount of an award, or such other disposition as its determination requires.

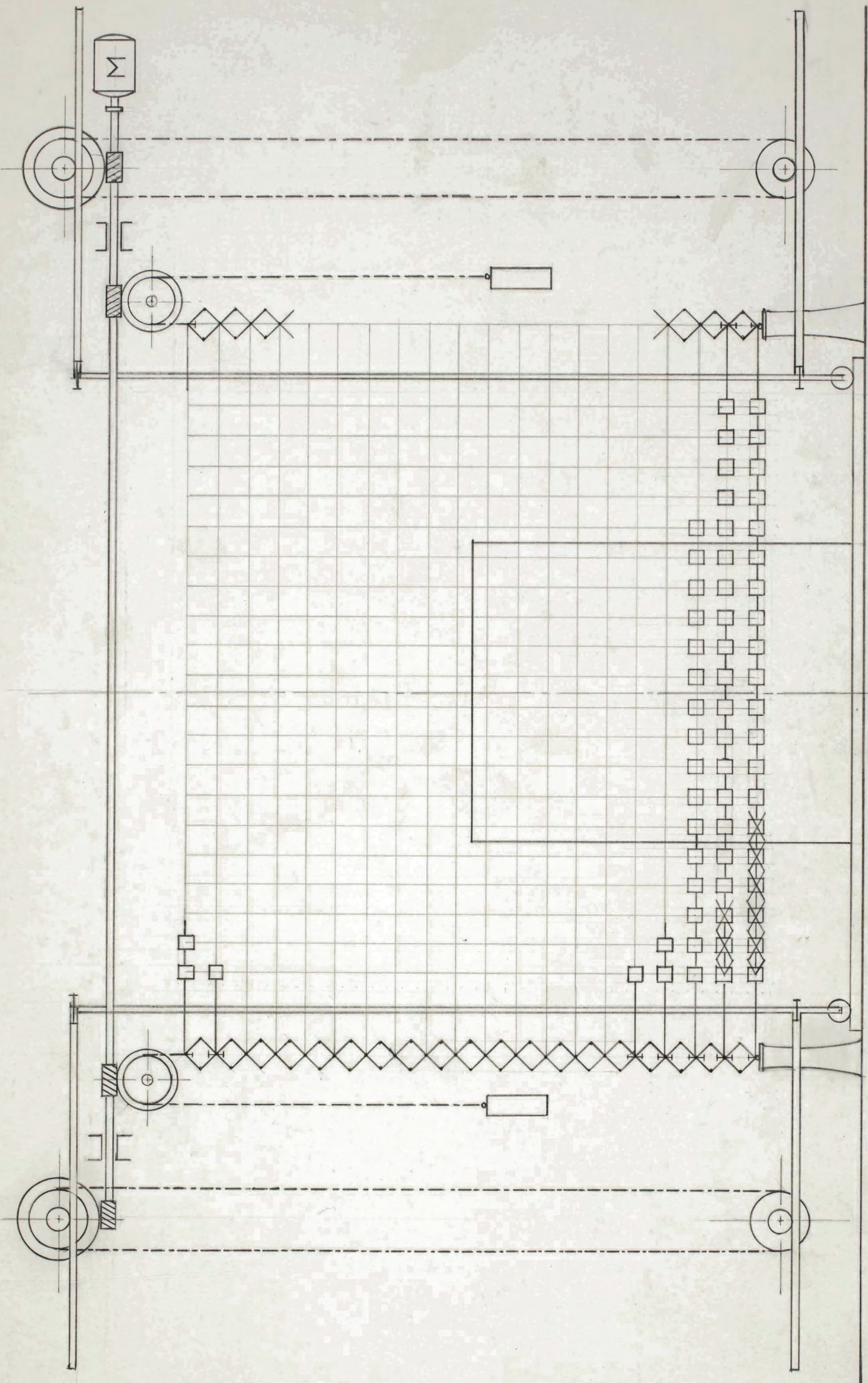
(b) The Board shall further make a ruling upon each exception presented by either party pursuant to § 80.51.

(c) The order of the Board shall constitute the final action of the Commission.



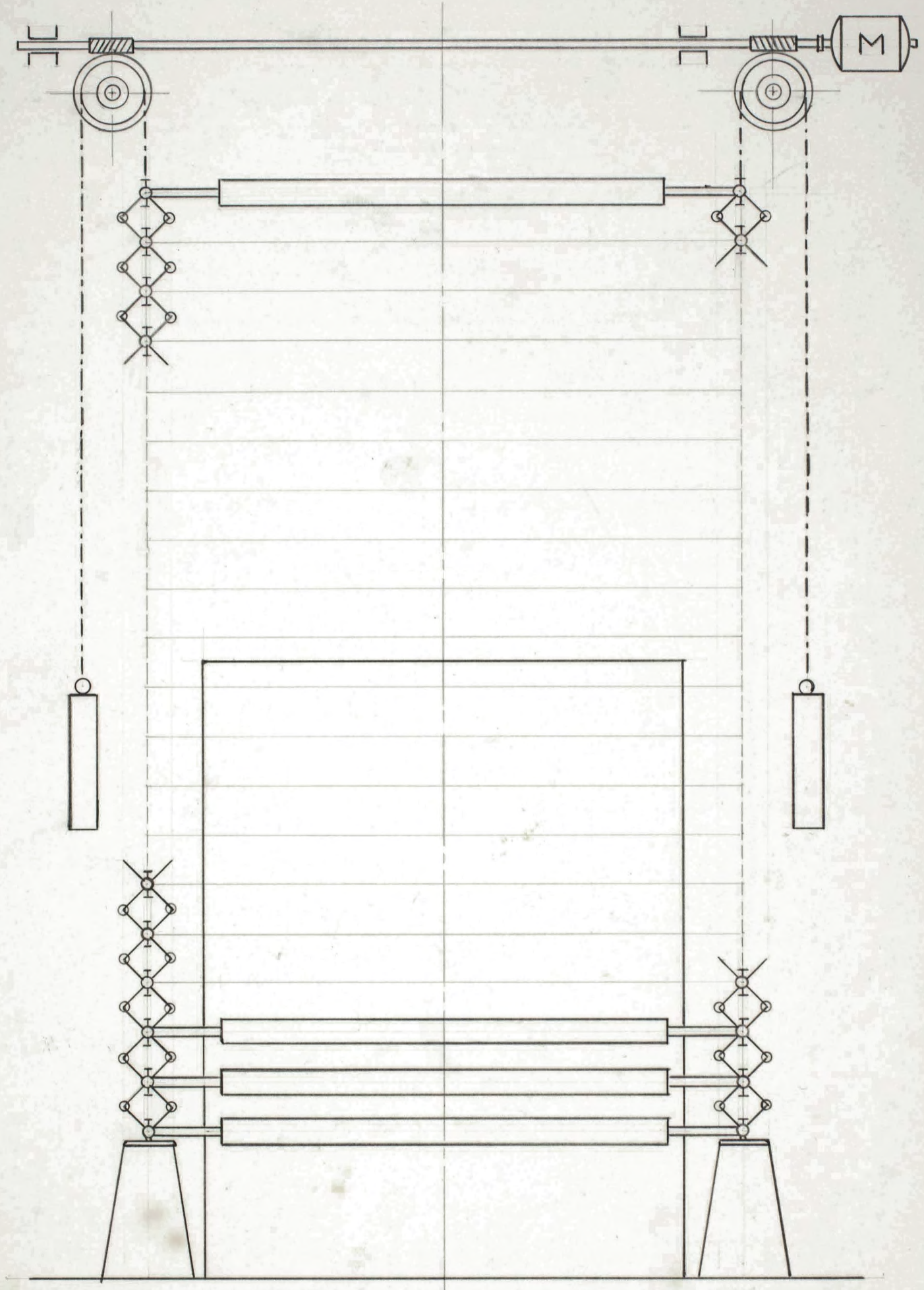
INVENTOR.

BY



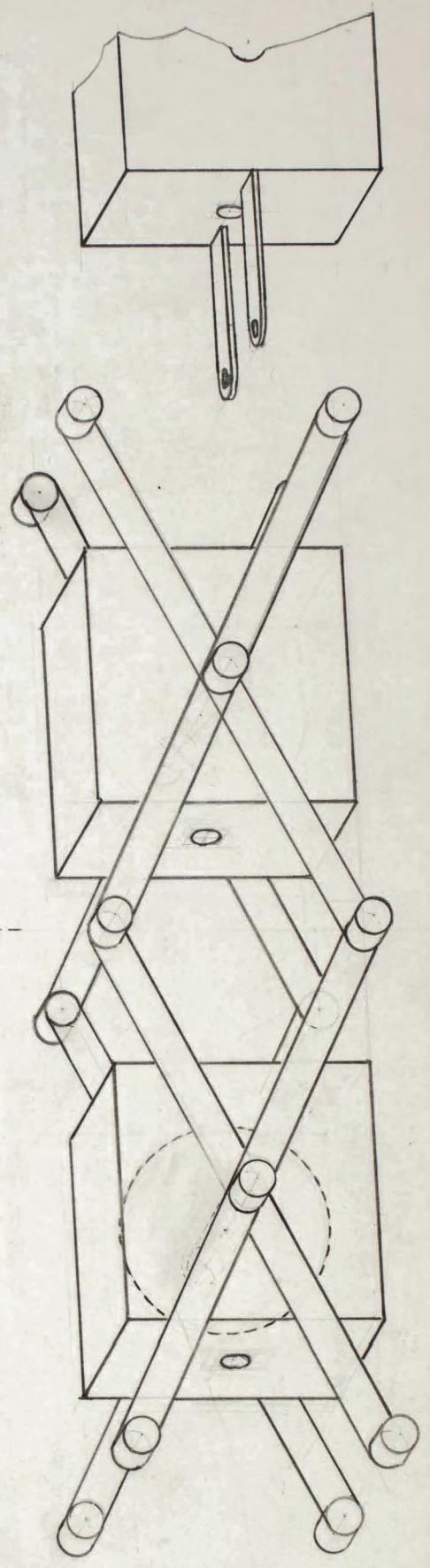
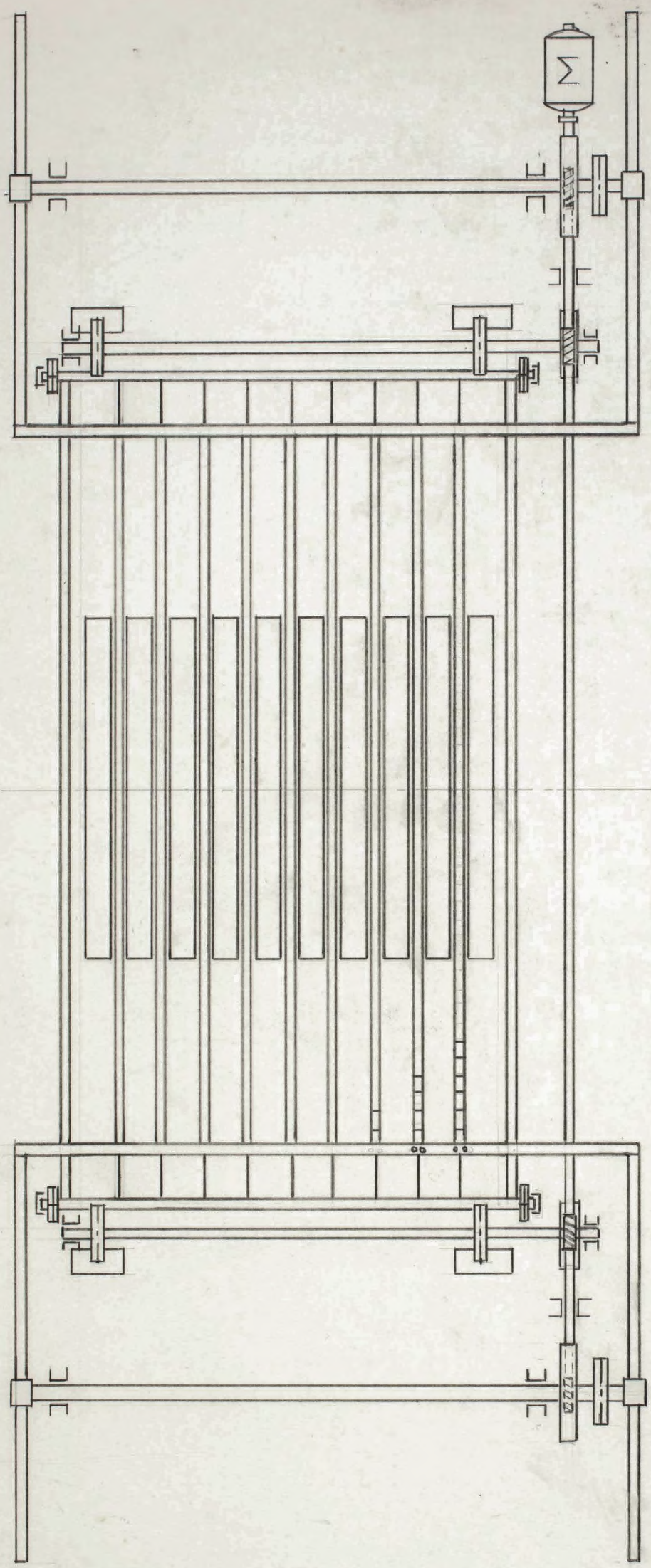
INVENTOR.

BY



INVENTOR.

BY



INVENTOR.

BY

Form APC 2

INTERESTS IN PATENTS

This form is to be used by all persons reporting under Alien Property Custodian General Order Number 2:

Patent No. _____

I.

- 1. Inventor _____
Date of Patent _____
- 2. (a) Assigned to _____
Address _____
(b) On _____
(c) By _____
(d) Consideration _____
(e) Assignment recorded _____ in liber _____ page _____
- 3. Licensed to reporter, including any permission to use the patent, on _____
_____ consideration _____
Nature of license (exclusive or non-exclusive) _____

II.

- 1. Name and address of the reporter _____

- 2. State briefly the nature of the invention covered by the patent _____

- 3. Does any interest in the patent or patent application, legal or equitable, remain in any designated foreign national? If so, state briefly the nature of such interest _____

III.

Furnish a copy of each agreement to which any resident of any foreign country (not merely designated foreign countries) is a party, entered into by the reporter with respect to the patent reported. This includes, but without limitation thereto, any contract of purchase or sale, any contract granting a right to obtain an assignment, any agreement to use or not to use, any license held or granted, any cross license agreement, any royalty agreement, any agreement as to quantity, price, territorial restriction or field of use. Copies of agreements other than assignments or paid-up licenses which, by their terms, had expired before January 1, 1939, may be omitted provided such agreements are listed by date and title.

IV.

Furnish a list of all persons residing in the United States and its territories who have any right derived from the reporter to operate under the patent or patent application reported, giving the date of each agreement and the consideration therefor, and stating the nature thereof (exclusive or non-exclusive license, license for a particular field of use, territory, or quantity,

etc.). If it is impossible to determine what patents or patent applications are involved in any agreement granting such right, the reporter may state the general scope of the agreement.

I, _____, do solemnly swear (or affirm) that the statements made in answer to the foregoing questions are true and complete to the best of my knowledge and belief.

(Title) _____

Subscribed and duly sworn to before me this _____ day of _____ at the city of _____, County of _____ and state of _____.

INSTRUCTIONS

All reports must be filed in duplicate, except that, if two copies of agreements required by Part III are not readily available, only one copy will be required.

All reports should be addressed to the Alien Property Custodian, Washington, D. C.

If several patents are involved regarding which the answers to questions 2(a), 2(c), and 3 of Part I and question 1 of Part II are the same, one form may be used and the patent number and the answers to questions 1, 2(b), 2(d), and 2(e) of Part I and to questions 2 and 3 of Part II, and the list required by Part IV, may be furnished on an attached sheet. Question 2(c) may be answered by the word "inventor" or "inventors" when applicable.

In answering question 2 of Part II enough information should be given to indicate the field to which the invention applies, or in which it is especially useful.

In answering questions 2(b) and 2(e) of Part I, the information required need be furnished only if known to the reporter from his own records. If the patent is not assigned to the reporter questions 2(b), 2(c), 2(d) and 2(e) need be answered only if known to the reporter from his own records.

As to patents covered by paragraph 1(b) of the order and as to patent applications covered by paragraph 2(b) of the order, reports need only be filed if the reporter knows or has reason to believe that any interest exists in a designated foreign national.

If a licensee covered by the "Provided" clause of the order ascertains that the licensor intends to file a report and, after the date on which such report is due, finds that no report has been filed, a reasonable extension of time will be granted to such licensee to permit the filing of the report.

The Custodian may at his discretion require the submission of further information regarding the patents or patent applications reported herein.

Alien Property Custodian General Order Number 3
This form is to be used by all persons reporting under

INSTRUCTIONS IN FULL

FORM VBC 3

(FORM VBC 3 USE ONLY)

FORM NO

PATENT OFFICE.

Instructions as to the Preparation of Specification Drawings.

Extract from the Patents Rules of 1932, and Observations thereon, for the information of Applicants for Patents, and of Draughtsmen engaged in the preparation of Specification Drawings.

Observations.—Specimen drawings, reduced in size, are shown below and on page 3. The specimen below illustrates a complete sheet (13" × 8") drawn to scale, prepared in accordance with the Rules and showing the position of the figure with regard to the top and sides of the sheet. The border line shown in this illustration may be dispensed with, but a clear margin of half an inch must be left.

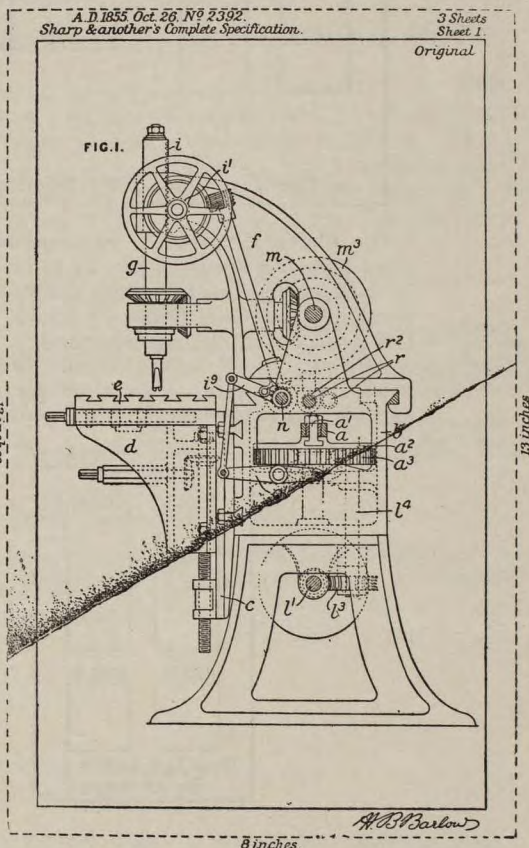
RULE 18.—Drawings, when furnished, must accompany the provisional or General complete specification to which they refer, except in the case provided for by Rule 25. No drawing or sketch such as would require the preparation for the printer of a special illustration for use in the letterpress of the specification when printed may appear in the specification itself.

RULE 19.—Drawings must be made on pure white, hot-pressed, rolled, or calendered strong paper of smooth surface, good quality, and medium thickness without washes or colours in such a way as to admit of being clearly reproduced on a reduced scale by photography. Mounted drawings may not be used.

Observations.—Specifications (including the drawings which accompany them) are required to be printed after having been formally accepted. The photographic process used for reproducing the drawings does not give good results if the paper used for the original drawing is either:—(a) toned or tinted; (b) rough on the surface (in which case the lines are generally broken); or (c) creased.

Cardboard if bent or folded creases and breaks. It thus becomes unsuitable for exposure in a flat position for photographic purposes. The effect of a crease is shown in the transverse line upon the accompanying figure.

A sample of suitable drawing paper will be supplied on application. Similar paper may be obtained from any dealer in artists' materials.



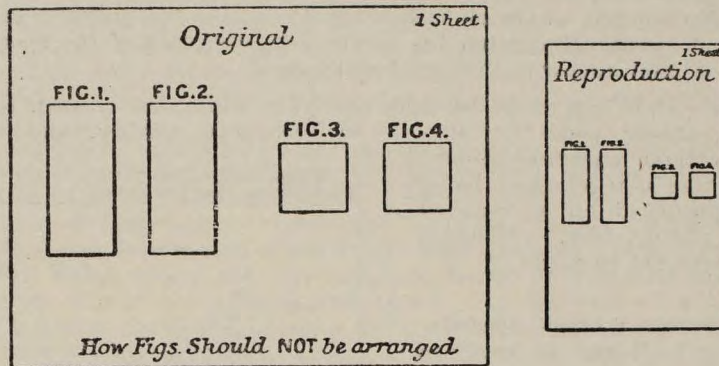
Size of drawings and arrangement of figures.

RULE 20.—Drawings must be on sheets which measure 13 inches from top to bottom and are either from 8 inches to $8\frac{1}{4}$ inches or from 16 inches to $16\frac{1}{2}$ inches wide, *the narrower sheets being preferable*. A clear margin must be left half an inch from the edges of the sheet.

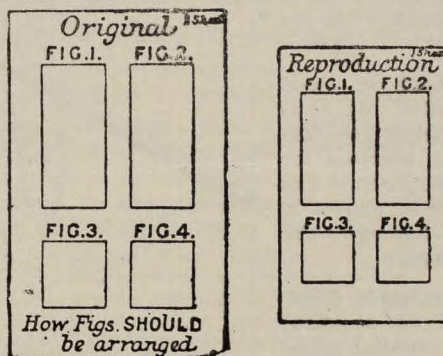
Observations.—See page 3, Rule 21 (g).

RULE 20 (continued).—If there are more figures than can be shown on one of the smaller-sized sheets, *two or more of these sheets should be used in preference to employing the larger size*. When an exceptionally large figure is required, it should be continued on subsequent sheets. There is no limit to the number of sheets that may be sent in, but no more sheets should be employed than are necessary. The figures should be numbered consecutively throughout and without regard to the number of sheets. They should be separated by a sufficient space to keep them distinct.

Observations.—In selecting the size of the sheet of paper, and arranging the figures thereupon, regard should be had to the printed reproduction to be issued with the Specification when published. Whenever the character of the figures will admit of it, this reproduction will be to the smaller printed size, even though the drawing may have been prepared upon a sheet of drawing paper of the larger size (13 ins. by 16 ins.). Where the reproduction is thus made from a sheet of this size, the result will be less satisfactory than it would be if the smaller-sized sheet (13 ins. by 8 ins.) had been used, owing to the greater loss of space in the resulting print.



The above illustration represents a case in which four figures, badly placed upon a sheet 13 ins. by 16 ins., have been reproduced to the smaller printed size. The following illustration represents the same four figures arranged on a sheet 13 ins. by 8 ins. The resulting advantage appears upon the corresponding reproduction. The figures should therefore not be needlessly spread out, but should be drawn as close together as is consistent with clearness, and should, as far as practicable, occupy the area of the sheet to the same extent proportionally in each direction.

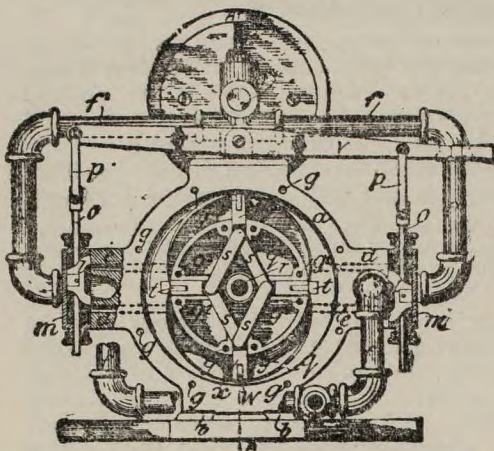


RULE 21.—Drawings must be prepared in accordance with the following requirements :—

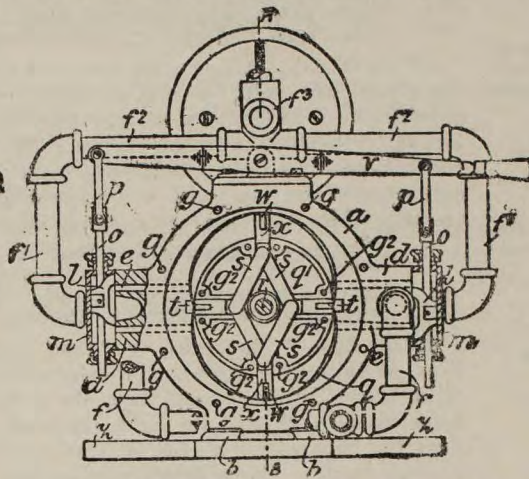
Drawings to be suitable for reproduction.

- (a) They must be executed with absolutely black ink.
- (b) Each line must be firmly and evenly drawn, sharply defined, and of the same strength throughout.
- (c) Section lines, lines for effect, and shading lines should be as few as possible, and must not be closely drawn.
- (d) Shading lines must not contrast too much in thickness with the general lines of the drawing.
- (e) Sections and shading should not be represented by solid black or washes.

Observations.—Drawings should be executed in Indian ink, ordinary writing ink not being sufficiently black to admit of satisfactory reproduction by photography. Very thick and very thin lines should not be used, since the exposure required for photographing thin lines is different from that required for thick lines. The drawings should be free from marks of erasure, pin-holes, pencil lines and the like. "Flatting" and heavy shading lines should be avoided, as they frequently obscure the references and details of the drawing on reproduction. This is shown by the illustrations on this page, which are, respectively, reproductions of a figure unsuitably drawn and lettered and of the same figure drawn and lettered as required.



DRAWING UNSUITABLY PREPARED.



DRAWING PREPARED AS REQUIRED.

(Note.—The references on these figures have been reduced in size in reproduction.)

RULE 21 (continued).—(f) They must be on a scale sufficiently large to show the invention clearly, and only so much of the apparatus, machine, &c., should appear as effects this purpose. If the scale is given, it must be drawn, and not denoted by words. No dimensions may be marked on the drawings.

Observations.—The words "Full Size," or any similar indication, must not be placed on a drawing or used in the Specification, as the figures are usually reduced in size in the process of reproduction for use with the printed Specification. When a drawn scale appears, the numerals upon it should not be less than the size prescribed for reference numerals—viz. $\frac{1}{8}$ inch.

RULE 21 (continued).—(g) The figures must be drawn in an upright position in regard to the top and bottom of the sheet.

Observations.—Applicants and draughtsmen are particularly requested to take care that the "13 inches" measurement is at the sides of the sheet, while the top and bottom measurement is either "8 inches" or "16 inches". That is to say, the figures should appear in their natural position when the sheet is placed with the "13 inches" measurement at the sides, and the "8 inches" or "16 inches" measurement at the top and bottom. The reference letters or numerals must be correspondingly placed.

RULE 21 (continued).—(h) Reference letters and numerals, and index letters and numerals used in conjunction therewith, must be bold, distinct and not less than one-eighth of an inch in height. The same letters or numerals must be used in different views of the same parts. Where the reference letters or numerals are shown outside the figure, they must be connected with the parts referred to by fine lines.

Reference letters and numerals.

Observations.—Except in open parts of the drawing, the reference letters and numerals should be placed outside the figure, as near as possible to the feature indicated, and connected thereto by a leading-line. If placed some distance away, their inclusion may necessitate a greater reduction of the drawing when reproduced than would otherwise be necessary. The right-hand figure on page 3 shows suitably placed reference letters and numerals. They should be uniform in size and strength, and of the following style:—

Index letters and numerals should be not less than the size prescribed for the reference letters, (viz., $\frac{1}{8}$ inch), and should be preferably of the same size as the letters or numerals they accompany, thus—

a *AbB*
~~*a*~~ *A*² *b*⁴

Block letters, as shown above, are preferred to the ordinary characters used in handwriting, as the fine upstrokes in the latter fail to reproduce properly. For the same reason fine, dotted, or stencilled reference letters and numerals should also be avoided. Commas or dashes in the place of index numerals are not permissible. These various objectionable features are shown in the accompanying illustration.

A' *B'* *E'*
D' *E''* *J''*
3 *4* *6*
A *B* *C* *D*

The leading-lines connecting reference letters to the parts they indicate should be fully as black as other parts of the work, but as fine as is consistent with satisfactory reproduction. They should not, however, be drawn faintly, as "hair lines," or they will fail to reproduce.

Drawings to bear name of applicant, &c., but no descriptive matter.

RULE 22.—Drawings must bear the name of the applicant (and, in the case of drawings left with a complete specification after one or more provisional specifications or Convention applications, the numbers and years of the applications) in the left-hand top corner; the number of sheets of drawings sent, and the consecutive number of each sheet, in the right-hand top corner; and the signature of the applicant or his agent in the right-hand bottom corner. Neither the title of the invention nor any descriptive matter shall appear on the drawings.

Observations.—Objection is not taken to such words as "Plan," "Elevation," or similar indications, provided they are sufficiently large and bold to be legibly reproduced. The numbering of the sheets should be in such form as "2 Sheets—Sheet 1," "2 Sheets—Sheet 2."

Copies of drawings.

RULE 23.—A facsimile or "true copy" of the original drawings shall be filed at the same time as the original drawings, prepared strictly in accordance with these Rules, except that the reference letters or numerals and leading-lines thereto should be in black-lead pencil. In the case of a hand-made drawing this copy may be on tracing cloth. Where drawings are filed in connexion with a Convention application, a second "true copy" of the original drawings must be filed.

Marking of originals and true copies.

The words "original" or "true copy" must in each case be marked at the right-hand top corner, under the numbering of the sheet.

Observations.—"True copy" drawings executed on tracing cloth are acceptable only if the tracings are hand-made. Printed "true copy" drawings on tracing cloth cannot be accepted. Copies, whether hand-made or not, executed on tracing paper are also inadmissible. When tracing cloth is used the figures should be drawn on the unglazed surface. It is important that the reference letters or numerals and the leading-lines used therewith should be in black-lead pencil in the "true copy" drawing in order that such as are not required to illustrate the abridgment may be easily erased. This requirement does not apply to the second "true copy" filed with a Convention application.

Condition of drawings on delivery.

RULE 24.—Drawings must be delivered at the Office free from folds, breaks, or creases which would render them unsuitable for reproduction by photography.

Observations.—Drawings sent through the post should be enclosed in a covering of such a nature as to prevent creasing.

Provisional drawings used for complete specifications.

RULE 25.—If an applicant desires to adopt the drawings lodged with his provisional specification as the drawings or part of the drawings for his complete specification, he shall refer to them in the complete specification as those left with the provisional specification.

PUBLISHED AT THE PATENT OFFICE,
25, SOUTHAMPTON BUILDINGS, CHANCERY LANE, LONDON, W.C.2.
Printed by HIS MAJESTY'S STATIONERY OFFICE PRESS,
POCOCK STREET, S.E.1.

1933

[This leaflet should be retained for future reference.]

NOTES AS TO MANNER OF AMENDING DOCUMENTS.

I. No alteration beyond what is required by the terms of official letters should be made in the Specification or other documents.

II. Amendments should be effected in black ink and must not be made by erasure or by pasting slips of paper over portions of the original documents. It is sufficient to strike out the superseded matter and insert, by interlineation or otherwise, the amending matter. All alterations should be initialled in the margin of the page by the Applicant or his authorised Agent but no other writing should appear in the margin.

III. If it is necessary to rewrite any page or an additional page is added, a duplicate of such page should be furnished. Superseded original pages should be marked "cancelled" and initialled and returned to this office. In the case of a Complete Specification, however, the Stamped Form should always be used as the first sheet of the amended Specification. Where any page of a Specification is amended without being cancelled, a covering letter should be sent drawing attention to the amendment made.

IV. The following forms are not allowable in titles:—

- (a) Fancy names or titles, e.g., The Simplex Wheel; The Hercules Braces.
- (b) The use of the Inventor's name, or of the word "Patent."
- (c) The abbreviation "etc." This should be replaced by words expressing whatever is intended to be covered by that term, or by the phrase "and the like."

PURCHASE OR INSPECTION OF SPECIFICATIONS.

Published Specifications are on sale at the Sale Branch of the Patent Office, 25, Southampton Buildings, London, W.C.2, and can be forwarded by post on receipt of an order specifying the numbers (and years when necessary) of those required. The price of each specification is 1s. (*including inland postage*), and a request for a specification to be sent by post must be accompanied by a Postal Order or Money Order for that amount. Specifications may also be consulted daily at the Free Public Library of the Patent Office, and at the following places:—

Belfast—Central Public Library, Royal Avenue.
†Birmingham—The Patents Library, Council House, Great Charles Street.
Bolton—Little Bolton Library.
Bradford, Yorkshire—Commercial Reference Library, 53, Market Street.
Bristol—Central Public Libraries, College Green.
Cardiff—Central Free Library, Reference Department.
Dundee—Public Library, Albert Institute.
Edinburgh—Royal Scottish Museum.
†Glasgow—The Commercial Library, 21, Miller Street.
Halifax—Public Library, Akroyd Branch, Bankfield.
Huddersfield—Public Library and Art Gallery.

Hull—Central Public Library, Albion Street.
Keighley—Public Library.
†Leeds—Public Library.
Leicester—Central Municipal Library, Bishop Street.
Liverpool—Free Public Libraries, William Brown Street.
London—Science Library, South Kensington Museum.
†Manchester—Patents Library, Reference Library, Piccadilly.
*Newcastle-on-Tyne—Public Library, New Bridge Street.
Nottingham—Public Library.
Preston—Harris Free Public Library and Museum.
*Rochdale—Free Public Library, Esplanade.
†Sheffield—Free Public Library, Surrey Street.

* Specifications for last 16 years only.

† Receives also a set of United States Patent Specifications (from 1893).

Abridgments of Specifications may also be inspected, free of charge, at these Libraries and at certain other Public Libraries in London and the provinces. A pamphlet containing a complete list of such Libraries will be supplied free on application.

The Patent Office,
25, Southampton Buildings,
London, W.C.2.

APPLICATION FOR UNITED STATES PATENT

PETITION WITH POWER OF ATTORNEY

To the Commissioner of Patents:

Your petitioner.....

subject {
citizen { of..... and resident
of

whose Post-Office address.....

pray that Letters Patent may be granted to..... for improvements in

..... as set forth in the annexed specification.

And..... hereby appoint..... **Otto Munk**

of **41 Park Row, New York City, New York,**

Register No. **5261**

Attorney with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to sign..... name..... to the drawings, to receive the Letters Patent, and to transact all business in the Office connected therewith.

Signed at.....

this..... day of....., 19

Sign full name here: {
.....
.....

SPECIFICATION.

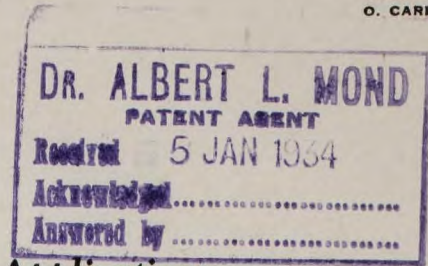
To all whom it may concern:

BE IT KNOWN, That.....

subject {
citizen { of..... residing at

have invented new and useful improvements in.....

of which the following is a specification:



IMPORTANT!

Requirements for Filing United States Applications

UNITED STATES SPECIFICATION

Always send an exact line for line copy of the specification and claims, and black lines on white background prints of the drawings for our files, otherwise a charge for preparing copies will be made. The prints must be taken from the American drawing so as to agree therewith.

In a case involving a new composition of matter, the specification *must* contain at least one practical formula giving the exact ingredients and their exact proportions.

In chemical cases nomenclature adopted by The American Chemical Society and used by Chemical Abstracts should be employed. See Volume 21, Page 4572 (1927) C. A.

Reaction and structural formulas of new products should be given.

DRAWINGS

Patent drawings must be made in India ink with the pen only, on two-ply or three-ply Bristol board, 10"x15" in size, and provided one inch from its edges with a single marginal line, leaving a "sight" precisely 8"x13". Within this margin all work and figures must be included. One shorter side of the sheet is the top, and measuring downwardly from the marginal line a space of at least 1¼ inches must be left blank.

Every line and letter must be absolutely black. The lines must be clear and not too fine or crowded. Sectional shading must be made by oblique parallel lines about 1/20 of an inch apart. *Solid black is not permitted to be used for sectional shading.* The light is always supposed to come from the upper left-hand corner at an angle of 45°, and heavy lines on the shade side of objects should be used. The plane upon which a sectional view is taken should be indicated on the general view by a dotted line designated by numerals corresponding to the number of the sectional view. *No criss-cross section shading is permitted.*

The number of sheets must never be more than is absolutely necessary. Different views must be consecutively numbered and letters and figures of reference must be carefully formed. Letters and figures of reference should measure at least one-eighth of an inch in height and should agree and appear when possible on all of the figures.

All views on the same sheet must stand in the same direction, and if possible so that they can be read with the sheet held in an upright position. *A space for the signature must be left at the lower right-hand corner of each sheet.* If views longer than the width of the sheet are necessary, the sheet may be turned on its side and the space of 1¼ inches from the marginal line must then be reserved at the right and the space for the signature at the left, occupying the same space and position as in the upright views and being horizontal when the sheet is held in an upright position. One figure must not be placed upon another or within the outline of another. A drawing should contain at least one figure showing the completely assembled machine.

Every part described in a specification *must* be shown in the drawings. Every part included as an element in a claim *must* be *clearly* shown in full lines in the drawings.

When the invention consists of an improvement on an old machine the drawing must exhibit, in one or more views, the invention itself, disconnected from the old structure, and also, in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

The foregoing rules relating to drawings will be rigidly enforced. A drawing not executed in conformity thereto may be admitted for purposes of examination if it sufficiently illustrate the invention, but in such case the drawing must be corrected by the Office, upon applicant's request and at his expense.

Whenever it is possible to illustrate an invention a formal drawing must be filed with the application.

Trade-mark drawings must be made upon pure white paper of a thickness corresponding to two-ply Bristol board. The surface of the paper must be calendered and smooth. Every line and letter must be absolutely black. India ink alone must be used to secure perfectly black and solid lines. All drawings must be made with the pen only.

The size of a sheet on which a trade-mark drawing is made must be exactly 8"x13". Three-fourths of an inch from its edges a single marginal line is to be drawn, leaving the "sight" precisely 6½"x11½". Within this margin all work and signatures must be included. One of the shorter sides of the sheet should be regarded as its top.

CORRECTION OF DRAWINGS

Instructions to amend a drawing in the Patent Office must be based upon a carefully executed figure or figures of drawing in permanent ink, on paper, not Bristol board. Such figures must be executed in all details as carefully and exactly as in a regular drawing and should be furnished in duplicate.



In testimony whereof.....affix.....signature.

Sign full name here: {
.....

OATH.

..... } ss.:
.....

the above named petitioner , being duly sworn, depose and say that.....
subject of.....and resident of
citizen

that.....verily believe.....to be the original, first, and.....
inventor of the improvements in.....

described and claimed in the annexed specification; that.....do.....not know and do.....
not believe that the same was ever known or used before.....invention or discovery
thereof, or patented or described in any printed publication in any country before.....
invention or discovery thereof, or more than two years prior to this application, or in public use or
on sale in the United States for more than two years prior to this application; that said invention has
not been patented in any country foreign to the United States, on an application filed by.....
or.....legal representatives or assigns more than twelve months prior to this application; and
that no application for patent on said improvement has been filed by.....or.....
representatives or assigns in any country foreign to the United States, except as follows:.....

Sign full name here: {
.....

Sworn to and subscribed before me, this.....day of....., 19.....



TITLE 10 -- ATOMIC ENERGY

Chapter 1 - Atomic Energy
Commission

Part 80 - General Rules of Procedure on Applications for
Determination of Reasonable Royalty Fee, Just
Compensation, or Grant of Award for Patents,
Inventions or Discoveries

- - - -

Miscellaneous Amendments

Pursuant to the Atomic Energy Act of 1954 (Pub. Law 703, 83d Congress; 68 Stat. 947ff) and to section 4(a) of the Administrative Procedures Act of 1946 (Pub. Law 404, 79th Congress) and in accordance with § 80.5 of Title 10, Chapter I, Part 80, Code of Federal Regulations, entitled "General Rules of Procedure on Applications for Determination of Reasonable Royalty Fee, Just Compensation or Grant of Award for Patents, Inventions or Discoveries," promulgated on June 18, 1948 and published in Volume 13, No. 91, Pages 2487 et seq. of the FEDERAL REGISTER for May 8, 1948, as amended February 1, 1953 (18 F.R. 619), changes in the general rules are set forth hereunder.

- - - -

A. Section 80.1 is revised to read as follows:

§ 80.1 Scope of the part. The regulations in this part provide the rules of procedure to be followed by any person making application to the Atomic Energy Commission for the determination of a reasonable royalty fee, just compensation, or the grant of an award, and for the consideration of such applications pursuant to section 157 of chapter 13 of the Atomic Energy Act of 1954 (68 Stat. 947; 42 U.S.C. 2187) and section 173 of chapter 15 of the Atomic Energy Act of 1954 (68 Stat. 953; 42 U.S.C. 2223).

- - - -

B. Paragraph (b) of § 80.2 is revised to read as follows:

(b) "Board" shall mean the Patent Compensation Board designated by the Commission pursuant to subsection (a) of section 157 of chapter 13 of the act.

- - - -

C. Section 80.4 is revised to read as follows:

§ 80.4 Security. In any proceeding under the regulations in this part, the Commission may issue any general or specific order, directive, or further regulation which it determines to be appropriate pursuant to chapter 12 of the act to assure the common defense and security.

- - - -

D. Section 80.10(a), (b), (c) and (d) are revised to read as follows:

§ 80.10 Applicants. (a) Any person claiming just compensation for any patent revoked in whole or in part by subsections (a) and (b) of section 151 of the act may file an application for just compensation.

(b) Any owner of a patent licensed under section 158 or subsections (b) or (e) of section 153 or any patent licensee thereunder may file an application for the determination of a reasonable royalty fee.

(c) Any person making any invention or discovery useful in the production or utilization of special nuclear material or atomic energy, who is not entitled to compensation or royalty therefor under the act, and who has complied with the provisions of section 151 (c) thereof, may file an application for an award.

- - - -

E. There is added to § 80.10 a new paragraph designated as (d) reading as follows:

(d) Any owner of a patent application that contains restricted data not belonging to the United States which the Commission has communicated to any foreign nation may make application for just compensation pursuant to section 173.

- - - -

F. Section 80.11 (c) (3) is revised to read as follows:

§ 80.11 Form and content. * * *

(c) * * *

(3) In the case of an invention or discovery as to which a report has been filed with the Commission pursuant to subsection (c) of section 151 of chapter 13 of the act, a copy of such report.

- - - -

G. There is added to § 80.11 (c) a new subparagraph designated as (9) reading as follows:

(9) In the case of an application for just compensation pursuant to section 173 the ownership of the invention that is the subject matter of the patent application at the time of the communication shall be set forth as well as the restricted data contained in said application specifically identified.

- - - -

H. Section 80.21 is revised to read as follows:

§ 80.21 Recommendation for acquisition by purchase. At any time following the filing of an application and prior to final determination, the applicant may be requested in writing to meet with one or more members of the Commission staff to discuss the possibility of acquisition by purchase of the invention or discovery or patent or patent application, as the case may be. The time prescribed in § 80.22 for the filing of the response shall be extended by a time equivalent to any period in which negotiations are being conducted (beginning with the initial communication to the applicant and ending either with acceptance or rejection of a proposal or with a written communication by the applicant stating that negotiations are to be terminated).

- - - -

I. There is added a new section designated as § 80.32 reading as follows:

§ 80.32 Interrogatories by the Board. The Board in its discretion may submit to either party interrogatories for the purpose of eliciting and placing upon the record any facts which the Board considers relevant to the consideration and disposition of the application, and may require answers to these interrogatories to be made under oath. The interrogatories and answers thereto shall become part of the record.

- - - -

J. There is added to § 80.50 a new paragraph designated as (c) reading as follows:

(c) In the event that the application and any response filed by the Office of the General Counsel, and any answers to interrogatories which may be submitted to the applicant by the Board under § 80.32 disclose that the application does not present a basis for the payment of just compensation, the determination of a reasonable royalty fee, or the grant of an award, the Board may prepare and serve upon the parties its proposed findings and proposed determination with a statement of the reasons or basis therefor, with a notice that the proposed findings and proposed deter-

mination will be entered unless the applicant or Office of the General Counsel, within thirty (30) days after receipt of the notice, requests a hearing upon the application. If a hearing is requested under this section, the hearing prescribed in § 80.40 shall be ordered by the Board. If no hearing is requested in response to the notice of the proposal to enter the proposed findings and proposed determination, the order of the Board shall be entered.

- - - -

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 157, 173, 68 Stat. 947, 953; 42 U.S.C. 2187, 2223)

The foregoing revisions and additions to the rules shall be effective June 1, 1955.

NOTE: The additions and revisions to the rules were published in proposed format in 20 F.R. 2193, April 7, 1955.

RULES AND REGULATIONS

Dated at Washington, D. C., this 27th day of May 1955.

K. E. Fields,
General Manager

(F. R. Doc. 55-4481; Filed June 6, 1955; 8:45 a.m.)


PETITION

To the Commissioner of Patents:

Your petitioner....(1)
..... citizen...
of
residing at.....
in the county of..... and State of.....
and whose post-office address.....

pray...that Letters Patent may be granted to..... for the improvement... in.....
.....
set forth in the annexed Specification.

And..... hereby appoint...(2).....
.....
of
Register No..... Attorney...with full power of substitution and revocation to
prosecute this application, to make alterations and amendments therein, to sign..... name...
to the drawings, to receive the Letters Patent, and to transact all business in the United States Patent
Office connected therewith.

 (Sign here
First Name in Full).....

- (1) In case of assignment of the invention, application and oath must be made by actual inventor, even if patent issue to assignee.
- (2) If the power of attorney be given to a firm, the full name of each member of firm must be given, or it will be ignored.

SPECIFICATION.

To the Commissioner of Patents:

BE IT KNOWN, That.....
.....
citizen...of
residing at.....
in the County of..... and State of
ha..... invented certain new and useful improvements in
.....
..... of which the following is a specification:

(Sign here, First name in full.)

OATH

ss.:

the above-named petitioner..., being duly sworn, depose and say that
citizen of (1)
and resident of

that verily believe to be the original, first, and (2)
inventor of the improvement in

described and claimed in the annexed specification; that do not know and do
not believe that the same was ever known or used before invention or discovery
thereof, or patented or described in any printed publication in any country before invention
or discovery thereof, or more than two years prior to this application, or in public use or on sale in the
United States for more than two years prior to this application; that said invention has not been patented
in any country foreign to the United States on an application filed by or
legal representatives or assigns more than twelve months prior to this application; and that no application
for patent on said improvement has been filed by or representatives or
assigns in any country foreign to the United States, except as follows: (3)

(Sign here
First Name in Full.)

Sworn to and subscribed before me this day of 19

(Official Signature.)

[Seal here, to be impressed
in paper.]

(Official Character.)

NOTE.—Acknowledgement should be made before a Notary Public, who must affix his seal. If executed before an officer not provided with a seal, the Certificate of the Judge or Clerk of County Court must be affixed, showing official character of such officer.

(1) If the applicant be an alien, the oath must show of what foreign or sovereign State he is a citizen or subject.
(2) "Joint" or "Sole."

(3) If any application for foreign patent has been filed twelve months prior to this application, applicant will be required before issuance of patent to show that no patent has been granted on application so filed.