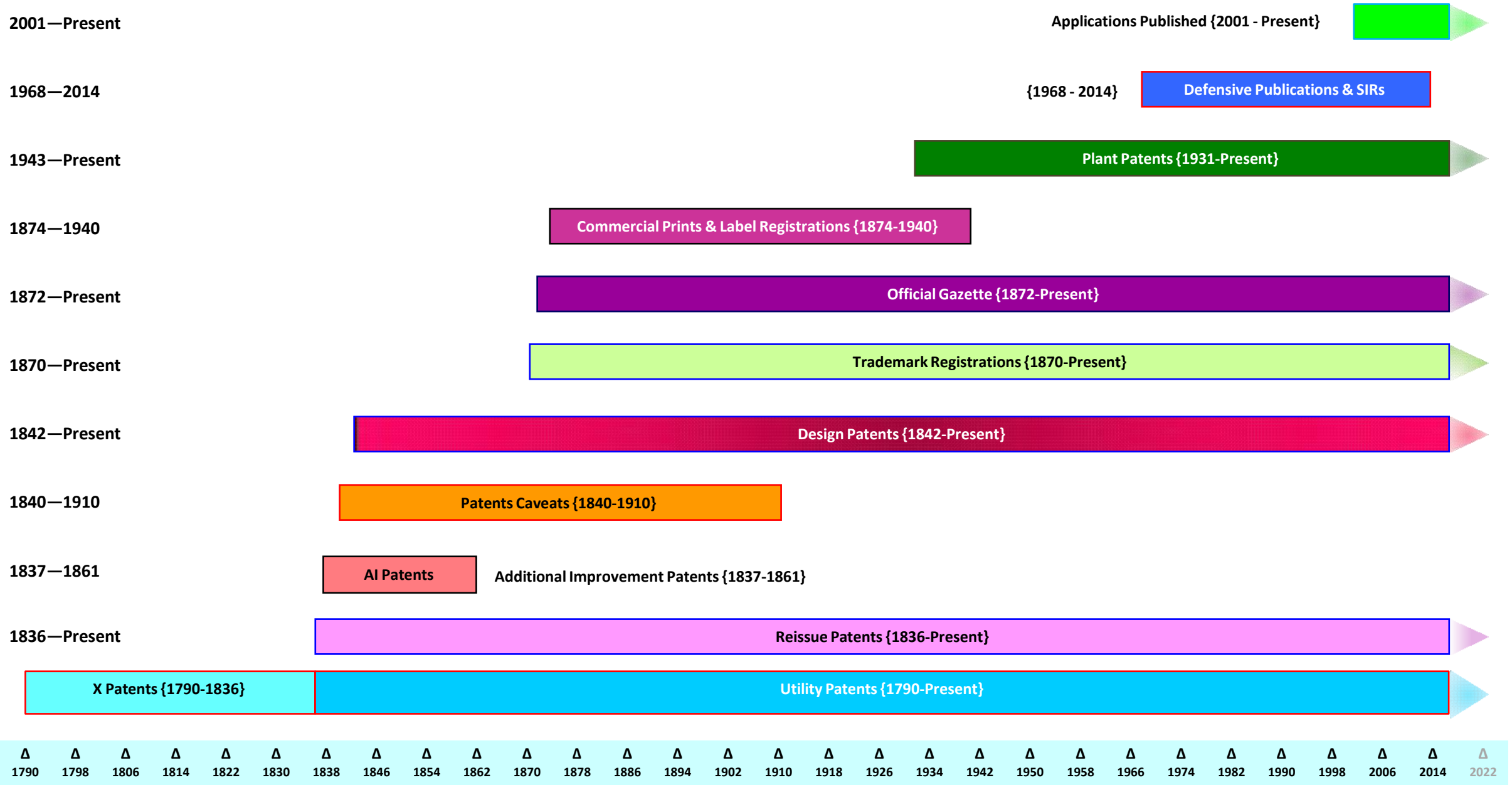


Patent and Trademark Documents Timeline:

A Visual History of Major United States Patent and Trademark Office Documents



Patent Office Fire {December 15, 1836}

Selected Document Descriptions

- **Additional Improvement (AI) Patents (1837-1861)** — Under Section 13 of the 1836 Patent Act, 12 Stat. 246, a patent owner who further developed an invention could apply for an additional improvement patent describing the improvements made. Additional improvement patents did not extend the term of the original patent, but provided protection for the improvements for the balance of that term. The first additional improvement AI1, a sediment receiver for steam boilers, issued on October 6, 1837. The last was AI318 (electrical gas lighting) issued on March 12, 1861. *James A. Paulauskas, Special List No. 39, Additional Improvement Patents, 1837-1861 (National Archives and Records Service, 1977)*. AI318 was issued shortly after the repeal of the additional improvements provision in the 1861 Patent Act § 9 (“[I]n all cases where additional improvements would now be admissible, independent patents must be applied for.”).
- **Alien Property Custodian (A.P.C.) Publications (1943)** — [Not depicted on timeline]. Pursuant to the Trading with the Enemy Act of 1917, § 5(b), and Executive Order 9095 (March 11, 1942) (F.D. Roosevelt), the United States Office of Alien Property Custodian was authorized to vest, or seize, property belonging to nationals of enemy and enemy-occupied countries. Between March 11, 1942 and June 30, 1945 that office “vested 46,442 United States patents, patent applications and unpatented inventions.” (*Annual Report Office of Alien Property Custodian for the Fiscal Year ending June 30, 1945*, p. 97). Patent applications vested in the Alien Property Custodian during this period were published in 1943. See MPEP 901.06(c) Alien Property Custodian Publications.
- **Commercial Prints & Labels (1874-1940)** — By an Act of June 18, 1874 the Patent Office assumed responsibility for copyright registrations for commercial prints and labels. Prints and labels are distinct in that labels are affixed to goods or articles, whereas prints are not. (*See, e.g., Ex Parte United States Playing Card Company*, 82 O.G. 1209, 1210 (1898)). The *Annual Report of the Commissioner of Patents for the Year 1909* states, at p. vi, that the registration of labels was suspended from the registration of Label No. 6,545 (June 14, 1892) until the registration of 6,546 (June 9, 1896) under *Higgins v. Keuffel*, 140 U.S. 428 (1891) and the first print was registered on March 7, 1893. An act of July 31, 1939, 53 Stat. 1142 (1939) (effective June 30, 1940) repealed the Prints and Labels Act and transferred responsibility for registration to the Register of Copyrights.
- **Daily Published Certificates** — [Not depicted on timeline]. The USPTO publishes certificates connected with the supplemental examination and reexaminations of patents, as well as in with Patent Trial and Appeal Board trial proceedings authorized by the America Invents Act of 2011 (post grant review, inter partes review, and derivation proceedings). For information on these proceedings see *Office Patent Trial Practice Guide, Federal Register* vol. 77, No. 157, pp. 48756-73 (Aug. 14, 2012).
- **Design Patents** — Designs were made patentable by an Act of August 29, 1842, with the first Design Patent, D1, issuing on November 9, 1842.
- **Official Gazette of the United States Patent Office (O.G.) (1872-Present)** — The Official Gazette commenced on January 3, 1872 to publish materials authorized by the Section 20 of 1870 Patent Act, 16 Stat. 198, 200 (July 8, 1870), such as announcements, commissioner’s and court decisions, trademarks registered, inventions patented, extensions granted, and indexes of inventions and patentees. Specifications and drawings continued to be published separately. 1 O.G. 1 (Jan. 3, 1872).
- **Patent Caveats (1840-1910)** — An inventor who needed additional time to develop an invention could, in accordance with the 1836 Patent Act, § 12, file “a caveat setting forth the design and purpose thereof, and its principal and distinguishing characteristics, and praying protection of his right till he shall have matured his invention.” The caveats were not published. However, if a potentially interfering patent application were received notice, the caveat owner would be notified and provided an opportunity to “file his description, specifications, drawings, and model” and have a right to an interference proceeding. Although authorized by the 1836 Act, no caveats were filed until 1840. The last caveats were filed in 1910, *Annual Report of the Commissioner of Patents for the Year 1911*, pp. iv-v, after the provision authorizing caveats was repealed by an Act of June 10, 1910, 36 Stat. 843 (effective July 1, 1910).
- **Plant Patents** — New and distinct varieties of asexually reproduced plants were made patentable by an Act of May 23, 1930, 46 Stat. 376, with the first Plant Patent, PP1, issuing on August 18, 1931.
- **Reissue Patents (1836-Present)** — The 1836 Patent Act, § 13, gave the Commissioner the authority to reissue a patent that, due to inadvertence, mistake, or error was “inoperative, or invalid, by reason of a defective or insufficient description or specification, or by reason of the patentee claiming in his specification as his own invention, more than he had or shall have a right to claim as new.” Reissue patents were not separately numbered until RX1 in 1838. *Information Products Division, Technology Assessment and Forecast (TAF) Branch, TAF Report: Issue Dates and Patent Numbers since 1836* (2002). Reissued X-Patents are distinguished with an “RX” number, later reissue patents have an “RE” number.
- **SIRs (1985-2014)** — Statutory Invention Registration documents have the same components as a patent document, but were published for defensive purposes and are distinguished by an “H”. The defensive purpose of SIRs was to prevent a competitor from patenting the claims contained in a SIR. The first SIR was H1 published on December 3, 1985. The authorization for SIRs was repealed on March 16, 2013 (effective for filings on or after that date) pursuant to the Section 3 of the Leahy-Smith America Invents Act of 2011 (125 Stat. 284, 287-88). SIRs replaced the earlier “Defensive Publications” which are distinguished by “T” numbers. The Defensive Publication Program was available between April 1968 and May 8, 1985, with the last of some 1968 Defensive Publications, T109, 201 issuing on July 5, 1988.
- **Trademark Registrations (1870-Present)** — Trademarks registrations were authorized by Sections 77-84 of the 1870 Patent Act, 16 Stat. 198, 210-12 (July 8, 1870). Trademark Registration No. 1, for Averill Chemical Paint Company of New York, was issued on October 25, 1870.
- **X-Patents (1790-1836)** — Also called “Name and Date Patents,” the X-Patents were those issued under the Patent Acts of 1790 and 1793 with names and dates, but without numbers. Following the destruction of these documents in a December 15, 1836 fire, the X-Patents were retrospectively assigned X-numbers, the earliest being X1 issued on July 31, 1790. The X-Patents were partially restored pursuant to the 1837 Patent Act. Patents following the X-Patents were numbered, beginning with US Patent No. 1 issued on July 13, 1836.