

The Patent Office Pony
 by Kenneth W. Dobyns
 ISBN 1-887901-13-2
 Sergeant Kirkland's Press 1973

G. Hyland

Dobyns, K., The Patent Office Pony – a History of the Early Patent Office. Sergeant Kirkland's Press – Fredericksburg, Virginia 1997, 249 pages.

Mr. Dobyns' two other books are family histories (the Dobyns and Masons). From this piece's contents it seems he worked for the USPTO but there is no confirmation beyond it has clearly been extensively researched and vetted.

Thirty-one chapters referenced by detailed appendix, excellent bibliography and primary/secondary sources, e.g. Thomas Jefferson to General Knox 7/22/1791 in the Journal of the Patent Office Society 19:363, "Letters of Samuel Taggart Representative in Congress 1803-14" Proceedings of the American Antiquarian Society Worcester Vol33 Parts 1 & 2 (1924), Patent Office Annual Report 1823 in vol for 1790-1836, Scientific American 8/1/1891 pp71-2.

An engaging first 100yrs USPTO history peppered by vivid tales – the first patent was Greek (Sybaris, 500BC) for cooking recipes (1yr); the first American (Massachusetts, 1641) for salt manufacture, and in 1646 for water-mill engine invention. The first US patent statute became law April 10 1790 (before the 13th State joined the Union) under which the Secretaries of State, of War, and the Attorney General were to determine in each case whether one should be granted. Mr. Mitchell's new method of making pot & pearl-ash was the first. A pony was kept so the signatures could be collected. No examination replaced rigid examination under the 1793 Patent Law – State Dept. was to register patents, courts to determine validity. Whitney's cotton gin (\$90k royalties) was first given. A patent could not be refused for lack of novelty, but was so documented. If two were close enough court based interference action followed – *McDonough v Gray v Bell v Edison* 1887 (telephone) the most famous. Salaries were 30-50% less than other government jobs and employment exams preceded general Civil Service exams by 15yrs. Only a quarter of the fees gathered were needed to run the office. Patent numbering began 1836 with #1 being John Ruggles' cog railways. No provision was made for the transfer of Texan patents (1839) when joining the Union 1845. From early 1848, until now, patents could only be issued at noon every Tuesday. March 2 1861 the patent term was changed from 14yrs with possible 7yr extension to a fixed 17yrs. Models were no longer required. All 266 known CSA (Confederated States of America) patents are listed in the appendix, including text for John Brooke's "CSS Virginia" (ironclad). Issued patent specifications were printed 1866 onwards, the Official Gazette of the US Patent Office published from 1872, and regulations issued 1897 for those who could practice before the Office (Patent Bar).

The Patent Board moved with the government from New York to Philadelphia 1790, then 1800 to Washington DC. Renamed June 1802, the Patent Office also registered copyright, and later in 1870 trademarks. It was saved from British destruction during the 1812 War but devastating fires struck 1836 and 1877. The Model Room reached its zenith 1877, becoming the Museum of the Arts, then the National Gallery known today as the Smithsonian. Originally with the State Dept. it moved 1849 to the new Dept. of Interior, and 1925 to the Dept. of Commerce. The Office created a seed depositary 1837, collected national agricultural statistics and by 1840 distributed 30,000 seed packages which increased countrywide crop output one-third. Ultimately the section became in 1862 the Dept. of Agriculture. Munn & Co., of "the Scientific American" (Patent Agency; journal) fame, contributed to the system's rapid growth – by 1860 one-third of all patents issued by the Office were prosecuted by them, by 1924 one-seventh. 1843 Commissioner Ellsworth made the statement misquoted ever since as "everything that can be invented has been invented". 1848 future President Lincoln wrote US patent #6,469 for "Buoying Vessels over Shoals". 1883 Herman Hollerith, an asst. patent examiner, worked on a method tabulating census results with punched cards, later founded IBM. Patent attorney Chester Carlson invented xerography 1938, impoverished himself developing it, but later Haloid Corp adopted it and became Xerox Corp. 1867 13,015 patents issued, the first time >10,000 (46wks), more than the 10,000 issued in its first 46yrs, and lost in the fire of 1836. Now 10,000 patents issue in <46days.

Suggested improvements include updating to the present day, explicit tabulation of the various evolving IP laws, graphical trends analysis, economic impact analysis, policy during/after the World Wars, international comparisons, key legal cases summaries, and patentee strategies used e.g. blocking (Selden) and submarine (Lemelson).

Overall – recommended: a personalized framework to understand the evolution of the USPTO in its first century.