

why an order should not be made directing it to cease and desist from monopolization or restraint of trade. An association so complained of may at the time and place so fixed show cause why such order should not be entered. The evidence given on such a hearing shall be taken under such rules and regulations as the Secretary of Agriculture may prescribe, reduced to writing, and made a part of the record therein. If upon such hearing the Secretary of Agriculture shall be of the opinion that such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced thereby, he shall issue and cause to be served upon the association an order reciting the facts found by him, directing such association to cease and desist from monopolization or restraint of trade. On the request of such association or if such association fails or neglects for thirty days to obey such order, the Secretary of Agriculture shall file in the district court in the judicial district in which such association has its principal place of business a certified copy of the order and of all the records in the proceeding, together with a petition asking that the order be enforced, and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction to enter a decree affirming, modifying, or setting aside said order, or enter such other decree as the court may deem equitable, and may make rules as to pleadings and proceedings to be had in considering such order. The place of trial may, for cause or by consent of parties, be changed as in other causes.

The facts found by the Secretary of Agriculture and recited or set forth in said order shall be prima facie evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the order is so filed in such district court and while pending for review therein the court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court may, upon conclusion of its hearing, enforce its decree by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association by service upon any officer or agent thereof engaged in carrying on its business, or on any attorney authorized to appear in such proceeding for such association, and such service shall be binding upon such association, the officers, and members thereof.

Approved, February 18, 1922.

Procedure.

Order to desist from monopolization, etc., to be issued.

Enforcement by district court on petition.

Jurisdiction conferred.

Finding of facts prima facie evidence.

Action of court.

Service of notices on officers, etc.

CHAP. 58.—An Act To increase the force and salaries in the Patent Office, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 477 of the Revised Statutes be, and the same is hereby, amended to read as follows:

“SEC. 477. The salaries of the officers mentioned in the preceding section shall be as follows:

“The Commissioner of Patents, \$6,000 a year.

“The First Assistant Commissioner of Patents, \$5,000 a year.

“The Assistant Commissioner of Patents, \$5,000 a year.

“Five examiners in chief, \$5,000 a year each.”

SEC. 2. That so much of section 440 of the Revised Statutes as follows the words “in the Patent Office” and refers to said office only be, and the same is hereby, amended to read as follows:

“Chief clerk, who shall be qualified to act as a principal examiner, \$4,000; one solicitor, \$5,000; five law examiners, at \$4,000 each;

February 18, 1922.
[H. R. 7077.]
[Public, No. 147.]

Patent Office.
R. S., sec. 477, p. 80,
amended.

Salaries of Commissioner, Assistants, and chief examiners increased.
Vol. 39, p. 9, amended.

Office personnel.
Salaries and force increased.
R. S., sec. 440, p. 75,
amended.
Vol. 39, p. 9, amended.

examiner of classification, \$4,200; two examiners of interference, at \$5,000 each; examiner of trade-marks, \$3,900; first assistant examiner of trade-marks and designs, \$3,000; one second assistant examiner of trade-marks and designs, at \$2,700, and one at \$2,500; one third assistant examiner of trade-marks and designs, at \$2,200, and one at \$2,050; six fourth assistant examiners of trade-marks and designs—two at \$1,800 each, two at \$1,650 each, and two at \$1,500 each; examiners—forty-eight principals, at \$3,900 each; one hundred first assistants—forty at \$3,300 each, thirty at \$3,100 each, and thirty at \$2,900 each; one hundred second assistants—forty at \$2,800 each, thirty at \$2,500 each, and thirty at \$2,350 each; one hundred third assistants—forty at \$2,200 each, thirty at \$2,050 each, and thirty at \$1,925 each; one hundred fourth assistants—forty at \$1,800 each, thirty at \$1,650 each, and thirty at \$1,500 each; financial clerk, who shall give bond in such amount as the Commissioner of Patents may determine, \$2,500; librarian, \$2,700; eight chiefs of nonexamining divisions, at \$2,500 each; eight assistant chiefs of nonexamining divisions, at \$2,100 each; private secretary, to be selected and appointed by the commissioner, \$2,000; translator of languages, \$2,400; assistant translator of languages, \$2,000; clerks—twenty-two of class four, at \$1,800 each; thirty-three of class three, at \$1,600 each; one hundred of class two, at \$1,400 each; one hundred and twenty-five of class one, at \$1,200 each; one hundred, at \$1,100 each; skilled draftsmen, one at \$1,800 and three at \$1,600 each; three draftsmen, at \$1,400 each; forty copyists, at \$1,100 each; thirty-six messengers, at \$1,080 each; thirteen laborers, at \$1,080 each; forty-seven examiners' aids and thirty-nine copy pullers, who shall be selected without regard to apportionment, \$720 each.

Special and temporary typewriters.
Amount authorized for.

"For special and temporary services of typewriters certified by the Civil Service Commission, who may be employed in such numbers, at \$3 per diem, as may, in the judgment of the Commissioner of Patents, be necessary to keep current the work of furnishing manuscript copies of records, \$7,500.

Professional books, etc.
Amount authorized for.

"For purchase of law, professional, and other reference books and publications and scientific books, and expense of transporting publications of patents issued by the Patent Office to foreign Governments, \$10,000.

Investigating prior use of inventions, etc.
Amount authorized for.

"For investigating the question of public use or sale of inventions for two years or more prior to filing applications for patents, and such other questions arising in connection with applications for patents as may be deemed necessary by the Commissioner of Patents, and expense attending defense of suits instituted against the Commissioner of Patents, \$2,500.

International Bureau.
Amount authorized for.

"For the share of the United States in the expense of conducting the International Bureau at Berne, Switzerland, \$750."

R. S., sec. 487, p. 81, amended.

SEC. 3. That section 487 of the Revised Statutes be, and the same is hereby, amended to read as follows:

Admission to practice.
Regulations for, to be prescribed by Commissioner.

"SEC. 487. The Commissioner of Patents, subject to the approval of the Secretary of the Interior, may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing applicants or other parties before his office, and may require of such persons, agents, or attorneys, before being recognized as representatives of applicants or other persons, that they shall show that they are of good moral character and in good repute, are possessed of the necessary qualifications to enable them to render to applicants or other persons valuable service, and are likewise competent to advise and assist applicants or other persons in the presentation or prosecution of their applications or other business before the office. And the Commissioner of Patents may, after notice and opportunity for a hearing, suspend or exclude, either generally or in any particular case, from further practice

Qualifications.

Suspension or exclusion for specified causes.

before his office any person, agent, or attorney shown to be incompetent or disreputable, or guilty of gross misconduct, or who refuses to comply with the said rules and regulations, or who shall, with intent to defraud in any manner, deceive, mislead, or threaten any applicant or prospective applicant, or other person having immediate or prospective business before the office, by word, circular, letter, or by advertising. The reasons for any such suspension or exclusion shall be duly recorded. And the action of the commissioner may be reviewed upon the petition of the person so refused recognition or so suspended or excluded by the Supreme Court of the District of Columbia under such conditions and upon such proceedings as the said court may by its rules determine."

Review by District of Columbia Supreme Court on appeal.

SEC. 4. That the third paragraph of the Act of January 12, 1895 (chapter 23, section 73, Twenty-eighth Statutes at Large, page 619), as amended, be, and the same is hereby, amended to read as follows:

Official Gazette. Vol. 28, p. 619, amended.

"Third. The Official Gazette of the United States Patent Office in numbers sufficient to supply all who shall subscribe therefor at \$5 per annum; also for exchange for other scientific publications desirable for the use of the Patent Office; also to supply one copy to each Senator, Representative, and Delegate in Congress; also to supply one copy to eight such public libraries having over one thousand volumes, exclusive of Government publications, as shall be designated by each Senator, Representative, and Delegate in Congress, with one hundred additional copies, together with weekly, monthly, and annual indexes for all the same; of the Official Gazette the 'usual number' shall not be printed."

Publication and distribution authorized.

SEC. 5. That section 4883 of the Revised Statutes be, and the same is hereby, amended to read as follows:

R. S., sec. 4483, p. 945, amended.

"SEC. 4883. All patents shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall either be signed by the Commissioner of Patents or have his name printed thereon and attested by an Assistant Commissioner of Patents or by one of the law examiners duly designated by the commissioner, and shall be recorded, together with the specifications, in the Patent Office in books to be kept for that purpose."

Letters patent to be issued by Commissioner, etc. Vol. 32, p. 95, amended.

SEC. 6. That section 4898 of the Revised Statutes be, and the same is hereby, amended to read as follows:

R. S., sec. 4898, p. 948, amended.

"SEC. 4898. Every patent or any interest therein shall be assignable in law by an instrument in writing, and the patentee or his assigns or legal representatives may in like manner grant and convey an exclusive right under his patent to the whole or any specified part of the United States. An assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from the date thereof or prior to such subsequent purchase or mortgage.

Assignments.

Recording, etc., required. Vol. 29, p. 693, amended.

Time limit.

"If any such assignment, grant, or conveyance of any patent shall be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any commissioner of any court of the United States for any District or Territory, or before any secretary of legation or consular officer authorized to administer oaths or perform notarial acts under section 1750 of the Revised Statutes, the certificate of such acknowledgment, under the hand and official seal of such notary or other officer, shall be prima facie evidence of the execution of such assignment, grant, or conveyance."

Acknowledgments prima facie evidence of assignments.

R. S., sec. 1750, p. 311.

SEC. 7. That section 4906 of the Revised Statutes be, and the same is hereby, amended to read as follows:

R. S., sec. 4906, p. 949, amended.

"SEC. 4906. The clerk of any court of the United States, for any District or Territory wherein testimony is to be taken for use in any

Testimony.

Courts to issue subpoenas to secure, in contested cases.

Provisions governing.

-R. S., sec. 869, p. 165.

R. S., sec. 4921, p. 952, amended.

Actions for infringements.
Injunctions.
Vol. 29, p. 694, amended.

Recovery of damages.

Expert testimony to determine amount, etc.

Proviso.
Pending cases not affected.

Time limit for action, etc.

Notice to Commissioner of Patents.

Details.

Notice of decision to be indorsed on file wrapper, etc.

Fee to be taxed.

contested case pending in the Patent Office, shall, upon the application of any party thereto, or of his agent or attorney, issue a subpoena for any witness residing or being within such District or Territory, commanding him to appear and testify before any officer in such District or Territory authorized to take depositions and affidavits at any time and place in the subpoena stated. But no witness shall be required to attend at any place more than forty miles from the place where the subpoena is served upon him; and the provisions of section 869 of the Revised Statutes relating to the issuance of subpoenas duces tecum shall apply to contested cases in the Patent Office."

SEC. 8. That section 4921 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4921. The several courts vested with jurisdiction of cases arising under the patent laws shall have power to grant injunctions according to the course and principles of courts of equity, to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable; and upon a decree being rendered in any such case for an infringement the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby, and the court shall assess the same or cause the same to be assessed under its direction. If on the proofs it shall appear that the complainant has suffered damage from the infringement or that the defendant has realized profits therefrom to which the complainant is justly entitled, but that such damages or profits are not susceptible of calculation and determination with reasonable certainty, the court may, on evidence tending to establish the same, in its discretion, receive opinion or expert testimony, which is hereby declared to be competent and admissible, subject to the general rules of evidence applicable to this character of testimony; and upon such evidence and all other evidence in the record the court may adjudge and decree the payment by the defendant to the complainant of a reasonable sum as profits or general damages for the infringement: *Provided*, That this provision shall not affect pending litigation. And the court shall have the same power to increase such damages, in its discretion, as is given to increase the damages found by verdicts in actions in the nature of actions of trespass upon the case; but in any suit or action brought for the infringement of any patent there shall be no recovery of profits or damages for any infringement committed more than six years before the filing of the bill of complaint or the issuing of the writ in such suit or action, and this provision shall apply to existing causes of action. And it shall be the duty of the clerks of such courts within one month after the filing of any action, suit, or proceeding arising under the patent laws to give notice thereof in writing to the Commissioner of Patents, setting forth in order so far as known the names and addresses of the litigants, names of the inventors, and the designating number or numbers of the patent or patents upon which the action, suit, or proceeding has been brought, and in the event any other patent or patents be subsequently included in the action, suit, or proceeding by amendment, answer, cross bill, or other pleading, the clerk shall give like notice thereof to the Commissioner of Patents, and within one month after the decision is rendered or a decree issued the clerk of the court shall give notice thereof to the Commissioner of Patents, and it shall be the duty of the Commissioner of Patents on receipt of such notice forthwith to indorse the same upon the file wrapper of the said patent or patents and to incorporate the same as a part of the contents of said file or file wrapper; and for each notice required to be furnished to the Commissioner of Patents in compliance herewith a fee of 50 cents shall be taxed by the clerk as costs of suit."

SEC. 9. That section 4934 of the Revised Statutes be, and the same is hereby, amended to read as follows:

R. S., sec. 4934, p. 954, amended.

"SEC. 4934. The following shall be the rates for patent fees:

Rates for fees.

"On filing each original application for a patent, except in design cases, \$20.

"On issuing each original patent, except in design cases, \$20.

"In design cases: For three years and six months, \$10; for seven years, \$15; for fourteen years, \$30.

"On every application for the reissue of a patent, \$30.

"On filing each disclaimer, \$10.

"On an appeal for the first time from the primary examiners to the examiners in chief, \$10.

"On every appeal from the examiners in chief to the commissioner, \$20.

"For uncertified printed copies of specifications and drawings of patents, 10 cents per copy: *Provided*, That the Commissioner of Patents may supply public libraries of the United States with such copies as published, for \$50 per annum: *Provided further*, That the Commissioner of Patents may exchange copies of United States patents for those of foreign countries.

Uncertified copies.
Provided.
To public libraries.
Exchange for foreign patents.

"For copies of records made by the Patent Office, excluding printed copies, 10 cents per hundred words.

"For each certificate, 25 cents.

"For recording every assignment, agreement, power of attorney, or other paper of three hundred words or under, \$1; of over three hundred and under one thousand words, \$2; and for each additional thousand words or fraction thereof, \$1; for each additional patent or application included or involved in one writing, where more than one is so included or involved, 25 cents additional.

Recording assignments.

"For copies of drawings, the reasonable cost of making them."

SEC. 10. That the provisions of section 4934 as herein amended shall take effect sixty days after the approval of this Act.

Fees effective in 60 days.

Approved, February 18, 1922.

CHAP. 63.—An Act To extend the time for completing the construction of a bridge across the Delaware River.

February 21, 1922.
[H. R. 9351.]
[Public, No. 148.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for completing the construction of the bridge authorized by Act of Congress approved August 24, 1912, to be built by the Pennsylvania Railroad Company and the Pennsylvania and Newark Railroad Company across the Delaware River near the city of Trenton, New Jersey, which has heretofore been extended by Congress to August 24, 1922, is hereby extended for a further period of three years from the last-named date.

Delaware River.
Time extended for bridging, at Trenton, N. J., by Pennsylvania Railroad, etc.

Vol. 37, p. 492; Vol. 38, p. 807; Vol. 39, p. 861; Vol. 40, p. 1155.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, February 21, 1922.

CHAP. 70.—An Act To amend subdivisions (a) and (c) of section 206 of the Transportation Act, 1920.

February 24, 1922.
[S. 621.]
[Public, No. 149.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision (a) of section 206 of the Transportation Act, 1920, be, and the same hereby is,

Federal Railroad Control.
Vol. 41, p. 461, amended.