

[CHAPTER 450]

AN ACT

August 5, 1939
[H. R. 6872]
[Public, No. 286]

To amend sections 4886, 4887, 4920, and 4929 of the Revised Statutes (U. S. C., title 35, secs. 31, 32, 69, and 73).

Patents.
R. S. §§ 4886, 4887,
4920, 4929.
35 U. S. C. §§ 31, 32,
69, 73; Supp. IV, § 32.
Reduction of time
for public use, etc.,
before filing applica-
tions.
Time of taking ef-
fect.

Provisions.
Application of pro-
visions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 4886, 4887, 4920, and 4929 of the Revised Statutes (U. S. C., title 35, secs. 31, 32, 69, and 73) be amended by striking out the words "two years" wherever they appear in said sections and substituting therefor the words "one year".

SEC. 2. This Act shall take effect one year after its approval and shall apply to all applications for patent filed after it takes effect and to all patents granted on such applications: *Provided, however,* That all applications for patents filed prior to the time this Act takes effect and all patents granted on such applications are to be governed by the statutes in force at the time of approval of this Act as if such statutes had not been amended.

Approved, August 5, 1939.

[CHAPTER 451]

AN ACT

August 5, 1939
[H. R. 6873]
[Public, No. 287]

To amend sections 4904, 4909, 4911, and 4915 of the Revised Statutes (U. S. C., title 35, secs. 52, 57, 59a, and 63).

Patents.
R. S. § 4904.
35 U. S. C. § 52.

Interferences; de-
termination of pri-
ority.

Issue of patent.

R. S. § 4909.
35 U. S. C. § 57.

Appeals.

R. S. § 4911.
35 U. S. C. § 59a.
Textual changes.

R. S. § 4915.
35 U. S. C. § 63.

Bill in equity, time
limitation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4904 of the Revised Statutes (U. S. C., title 35, sec. 52) be amended to read as follows:

"Whenever an application is made for a patent which, in the opinion of the Commissioner, would interfere with any pending application, or with any unexpired patent, he shall give notice thereof to the applicants, or applicant and patentee, as the case may be, and shall direct a board of three examiners of interferences to proceed to determine the question of priority of invention. And the Commissioner may issue a patent to the party who is adjudged the prior inventor."

SEC. 2. That section 4909 of the Revised Statutes (U. S. C., title 35, sec. 57) be amended to read as follows:

"Every applicant for a patent or for the reissue of a patent, any of the claims of which have been twice rejected, may appeal from the decision of the primary examiner to the Board of Appeals, having once paid the fee for such appeal."

SEC. 3. That section 4911 of the Revised Statutes (U. S. C., title 35, sec. 59a) be amended by changing the words "Board of Appeals" in the second sentence to read "board of interference examiners", and by canceling the last sentence of said section.

SEC. 4. That section 4915 of the Revised Statutes (U. S. C., title 35, sec. 63) be amended by changing the first sentence thereof to read:

"Whenever a patent on application is refused by the Board of Appeals or whenever any applicant is dissatisfied with the decision of the board of interference examiners, the applicant, unless appeal has been taken to the United States Court of Customs and Patent Appeals, and such appeal is pending or has been decided, in which case no action may be brought under this section, may have remedy by bill in equity, if filed within six months after such refusal or decision; and the court having cognizance thereof, on notice to adverse parties and other due proceedings had, may adjudge that

such applicant is entitled, according to law, to receive a patent for his invention, as specified in his claim or for any part thereof, as the facts in the case may appear."

SEC. 5. That this Act shall take effect two months after its approval; but it shall not affect interferences then pending, which may be heard and decided and appeals and other proceedings taken under the statutes in force at the time of approval of this Act as if such statutes had not been amended.

Approved, August 5, 1939.

[CHAPTER 452]

AN ACT

To amend section 4903 of the Revised Statutes (U. S. C., title 35, sec. 51).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4903 of the Revised Statutes (U. S. C., title 35, sec. 51) be amended by adding at the end thereof the following:

"No amendment for the first time presenting or asserting a claim which is the same as, or for substantially the same subject matter as, a claim of an issued patent may be made in any application unless such amendment is filed within one year from the date on which said patent was granted."

SEC. 2. This Act shall take effect one year after its approval.

Approved, August 5, 1939.

[CHAPTER 453]

AN ACT

To waive the age limit for appointment as second lieutenant, Regular Army, of certain persons now on active duty with the Air Corps.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of law which prohibits the appointment as a second lieutenant in the Air Corps, Regular Army, of a person above the age of thirty years, any Reserve officer of the Air Corps now on extended active duty with the Air Corps who on the date of enactment of this Act has served not less than a total of two years on such extended active duty or on duty as an enlisted pilot or both, and who on the date of enactment of this Act is over thirty years of age by a period not in excess of the total such active duty performed by him, and any warrant officer and enlisted man now in the active service in the Regular Army who is a qualified pilot, shall be eligible, if otherwise qualified, to be appointed in the fiscal year 1940 as a second lieutenant, Air Corps, of the Regular Army: *Provided*, That vacancies in the Air Corps, Regular Army, which are to be filled in the fiscal year 1940 upon the basis of competitive examinations held in the fiscal year 1940, shall be apportioned to applicants under this Act in the ratio that the number of such applicants bears to the total number of applicants for appointment in the Air Corps, Regular Army, under other provisions of law: *And provided further*, That applicants for appointment under this Act shall be given qualifying examinations separate and distinct from those given to other applicants for commission.

Approved, August 5, 1939.

Effective date.

August 5, 1939
[H. R. 6876]
[Public, No. 288]

Patents.
R. S. § 4903.
35 U. S. C. § 51.

Time within which
an interference may
be permitted.

Effective date.

August 5, 1939
[H. R. 6925]
[Public, No. 289]

Regular Army.
Age limit for ap-
pointment as second
lieutenant, of certain
persons on active
duty, Air Corps,
waived.

Service and age re-
quirements.

Warrant officers,
etc., Regular Army,
who are qualified
pilots.

Appointments for
fiscal year 1940.
Provided.
Filling vacancies,
1940, ratio of appor-
tionments.

Examinations.