

"If, then, the Watt & Burgess patent for a product is sustainable it must be because the product claimed, namely: "a pulp suitable for the manufacture of paper, made from wood or other vegetable substances," was unknown prior to their alleged invention. But we think it is shown satisfactorily that it had been produced and used in the manufacture of paper long before 1833, the year in which the original patent of Watt & Burgess was dated."

U.S.S.C.Rep.Vol.90,p.39.

Also in the alizarin case the Court said "It was an old article". There was nothing to distinguish it from the alizarin of madder'.

Applicant's article claims, on the contrary, set forth a new article: they are not anticipated by a naturally existing article as was Latimer's claim. The active principle of the glands does not exist in nature as a white, solid, crystalline substance, nor is it shown to exist as a salt. Under the plain language of the Commissioner in ex parte Latimer, applicant's article claims are allowable. There is a much greater distinction between a mere curling of a natural fibre, which the Commissioner intimated would have made Latimer's claim patentable, and the complete transformation which applicant has accomplished and defined in his claims. The article set forth is not anticipated and has never before been produced. It is therefore new. It is a useful product. Having invented and produced a new and useful article applicant is entitled to a patent.

It is thought that, having had his attention directed to the above points in the cited decisions the Examiner will have no hesitation in allowing the article claims.

Respectfully submitted,

Knigh Bros ,

Attys for applicant

N. Y. Sept. 25, 1902.

Div. Room 258
All communications should be addressed to
"The Commissioner of Patents,
Washington, D. C."

8-360. Serial No. 35,546 Paper No.

Class. No. 5

All communications respecting this
application should give the serial number,
date of filing, and title of invention.

DEPARTMENT OF THE INTERIOR. Dated 1902
UNITED STATES PATENT OFFICE.

WASHINGTON, D. C. October 17th, 1902

Mailed

Jokichi Takami,
care Knight Bros.,
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Please find below a communication from the EXAMINER in charge of your application.
Serial #35,546, filed Nov. 5th, 1900, for Glandular Extractive
Products and Process of Producing the Same.

F. J. Allen
Commissioner of Patents.

This application has been taken up for examination as amended Sept. 26th. The argument of the applicant has been carefully read but is fatally defective for the reason that the product he obtains is soluble in water at the outset and to all appearances is simply separated from impurities.

The examiner does not assert that the active principle exists, freed from impurities in nature; neither did Latimer's fibre; but it did exist and therefore is not patentable. Claim 9, is rejected. Claim 10 is not the product of the process claims and can not be entertained in this application. It is also drawn to a different species from claim 9.

Claims 1 to 8 inclusive say, as at present advised, be allowed

A.E.M.

Littlewood

Examiner.