

The Patent Office - In the Beginning...

"The patent system adds the fuel of interest to the fire of genius." - Abraham Lincoln

This is motto inscribed in the US Patent and Trademark Office. It speaks to those that dreamed the dream and made it happen. The history of the Patent Office and its inventors is a story as large as America itself, and began when America was born.

The Constitutional Delegation understood the importance of technology and the inventive spirit. They recognized that the only way for this country to grow and thrive would be through the hard work of its citizens. A strong patent system is vital to spur innovation, and the founding fathers borrowed from the British system and founded the US Patent Office in 1790.

The whole intent of the patent system is to reward innovation and creativity by giving inventors a limited "monopoly" in their inventions, provided they disclose their invention to the world in an issued patent. It provides the incentive to inventors and companies to invest resources in research and development.

The original patent board consisted of the Secretary of War, the Secretary of State, and the Attorney General - and the President signed each patent. Thomas Jefferson was the Secretary of War at the time, and personally reviewed each and every patent application - granting only 57 in his three-year term. The federal government was smaller back then.

The original system proved too burdensome, so the Patent Act of 1793 was passed, creating a registration system where patents were recorded without any review, and the courts resolved disputes. This system had many faults and led to serious problems, but lasted until 1836.

One of the most entertaining historical accounts of the Patent Office occurred during the War of 1812. The British had invaded Washington, D.C., and the troops were marching through the streets burning the city. They were headed towards the Patent Office, getting ready to lay waste to the building housing the patent records and invention models stored inside. The Patent Superintendent, William Thornton, stood on the steps outside the Patent Office as the torch-bearing troops approached, and

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appealed to the British General that destroying the Patent Office would be a disservice to all mankind. The building was spared.

Ironically, the building burned down several years later, destroying many of the records and invention models. It was one of several fires that would destroy part of the inventive history of America. It is no wonder that the Office stopped accepting invention models and now records all patents in digital form for easy duplication. There is even a Patent Office underground vault where copies and records of all the patents are permanently archived.

In 1836, Congress overhauled the Patent registration system and re-installed an examination system, laying the framework for what is essentially the patent office today. The Patent Act was substantially amended again in 1952, when much of the previous 100 plus years of case law was codified and became the patent statutes. Subsequent amendments have taken place as needed.

The present Patent and Trademark Office is a non-commercial federal entity within the Department of Commerce, and operates the "business" from the fees collected for the processing of patents and trademarks. The office space occupies a combined total of over 1,400,000 square feet, in numerous buildings in Arlington, Virginia. The office employs over 5,000 full time staff members to support the examination and issuance of patents and the examination and registration of trademarks.

Inventors have taken advantage of the patent system and conjured up inventions that sparked the American rise to wealth and prosperity. Two bicycle mechanics spawned the aviation industry - the Wright brothers. A young man with only an eight-grade education gave us the electric light - Thomas Edison.

Amazingly, most inventions have come not by intellectual think tanks, but by happenstance and necessity. The microwave oven resulted after an engineer melted a candy bar in his pocket while testing a microwave antenna. Rubber was invented by accidentally mixing the wrong chemicals. The instant camera came about from an inquisitive young girl that told her father they should have cameras that gave pictures right away, without waiting to be developed. Even the sticky pads we all use in our offices began because a 3M manager wanted to leave his workers notes.

Fortune 500 companies such as AT&T, IBM, Dow Chemical, Goodyear, and Kodak are testimony to the success of the patent system. Man has occupied the Earth for over 6,000 years - yet the last century has been remarkable. The Patent System will continue to change in this new Millennium, and the inventive spirit will endure and prosper. Presently, more than 600 patent applications are filed daily - and one of these may be the next great pioneer invention to propel mankind into the future. Will it be yours?
