

Patently Amazing: Finding Your Family in Patent Records

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Objectives

- Identify what a patent case file is.
- Describe the history of the Patent and Trademark Office.
- Describe genealogical benefits.
- Learn how to locate a patent number.
- Understand how to search for and order a file.

What is the National Archives?

- Mission is to protect, preserve, and provide access to historically significant Federal documents created by Federal agencies: www.archives.gov

Helpful Acronyms and Definitions

- NARA – National Archives and Records Administration
- USPTO – United States Patent and Trademark Office
- Patent – A right granted by a governmental authority
- Utility Patents – Most common type of patent, concerns the invention or improvement to a function
- Design Patents – Concerns visual and ornamental inventions or improvements.

What is a Patent?

- A patent is the granting of rights or titles by a government authority.
- Patent Office defines a patent as:
 - A patent is a property right granted by the Government of the United States of America to an inventor “to exclude others from making, using, offering for sale, or selling the invention throughout the United States or importing the invention into the United States” for a limited time in exchange for public disclosure of the invention when the patent is granted.”
 - <http://www.uspto.gov/inventors/patents.jsp>

When is a Patent not a Patent?

- Not Land Patents
 - Beware! Department of Interior also used the term for assignments of land
- Not Trademarks TM
 - Beware! The Patent Office used the term “patented” for trademark numbers. You will need to use contextual information to determine if it is a trademark or patent number.

- Trademarks began being issued in 1881.
- Not Copyrights ©
 - Copyrights protect authorship of a work and are issued through the Library of Congress.

History of the Patent and Trademark Office

- Federal Right to issue patents granted in Article I, Section 8 of the Constitution.
- First Patent Act passed by Congress in 1790
 - “An Act to promote the Progress of Useful Arts”
 - Part of the Secretary of State’s Office
- Patent Act of 1836
 - Established a distinct Patent Office under Department of State
 - Began modern numbering system (Patent #1)
 - Granted rights for 14 years with possible extension of 7 years
 - Removed US nationality and residency requirements
- Fire on December 15, 1836
 - All restored patents have an “X” with their number
 - No comprehensive list of what was lost
- In 1849, Patent Office moved under the Department of the Interior.
- Patent Act of 1864 amended the law so that new information could not be added to an application once a patent was applied for
- Throughout the 1850’s and 1860’s, the Patent Building was an epicenter of tourism in Washington, DC.
- Fire on September 24, 1877
 - More costly and damaging to the building
 - No complete loss of a patent file
- In 1925, Patent Office moved under the Department of Commerce.
- Patent Act of 1952
 - Amended the law so patents must be non-obvious and inventors must detail the bases for infringement.
- In 1975, the Patent and Trademark Offices merged into one single entity.
- In 2011, Congress passed the America Invents Act.
 - Switched patent law from "first to invent" to "first inventor to file”

What is in a Case File?

- Contains the Federal records relating the application and issuance of a patent.
 - Initial petition, application, and oath
 - Correspondence between inventor, legal representation, and the Patent Office
 - Letters Patent (published descriptions and drawings)
 - Notice of Federal lawsuits

What is not in a Case File?

- Patent Models
- Records created before the application was submitted
- Records created after the application was granted

Genealogical Benefit

- Contains signatures
- Learn about your ancestor's professional and intellectual work
- May contain geographical information
- Socioeconomic information

What NARA Holds

- Series part of Record Group 241, Records of the Patent and Trademark Office
 - Two main types of case files, Utility and Design
- Patent Case Files 1836-1993, National Archives Identifier 302050: Consist of records related to the granting of rights regarding the function or improvement to a process, machine, article of manufacture, or composition of matter. These are also referred to as Utility Patent Case Files.
 - NARA Online Public Access Description:
<http://research.archives.gov/description/302050>
 - USPTO Frequently Asked Questions about Patents:
<http://www.uspto.gov/inventors/patents.jsp>
- Design Patent Case Files, 1836-1973, National Archives Identifier 562243 – Consist of records related to the granting of rights regarding the visual ornamental characteristics embodied in, or applied to, an article of manufacture
 - NARA Online Public Access Description:
<http://research.archives.gov/description/562243>
 - USPTO Design Patent Application Guide:
<http://www.uspto.gov/patents/resources/types/designapp.jsp>
- Abandoned Patent Applications Cited in Patented Case Files, 1919-1975, National Archives Identifier 833712 – Consists of applications for utility patents that were abandoned but cited in a different patent application that was eventually granted.
 - NARA Online Public Access Description:
<http://research.archives.gov/description/833712>

What NARA Holds – Lawsuits

- Reference to lawsuits are included in case filings
 - Interference Proceedings filed at Patent Office
 - Federal Circuit, District, and Appellate Courts
 - Court of Customs and Patent Appeals
 - Locating records is dependent on what type of record you are seeking.

Online Public Access

- From our main page: www.archives.gov
 - Click research our “Research our records”
 - Under Heading: “Search Online”
 - Click: “Online Catalog”
- Or go directly to: <http://www.archives.gov/research/search/>
- Use the Advanced Search feature: <http://www.archives.gov/research/search/>
 - Select “Series” in “Level of Description”
 - Enter “241” in “Record Group Number”

- NOTE: Not a name or case number index, provides general records series information

Patent Numbers

- Assigned a serial number upon application
- Assigned a unique patent number upon granting
- Filed sequentially by granting number
 - USPTO Serial Numbers Assigned by Year: <http://www.uspto.gov/web/offices/ac/ido/oeip/taf/filingyr.htm>
 - Number of Patent applied for and granted by and year, 1790-2012: http://www.uspto.gov/web/offices/ac/ido/oeip/taf/h_counts.htm

How to Find the Patent Number

- Online Resources
 - Google Patents: <https://www.google.com/?tbm=pts>
 - Free Patents Online: <http://www.freepatentsonline.com/>
- Patent Gazettes
 - Can be found online, often through Google books
 - Copies available at certain Federal Depository Libraries:
 - <http://www.gpo.gov/libraries/>

Troubleshooting

- Make sure you actually are looking for a granted patent and not a rejected application or trademark. Use contextual information to help confirm.
- If online searches are not yielding positive results, try searching other known terms like home city of the inventor or name of company inventor worked for.
- Beware of transcription errors.
- Make sure you are looking for a U.S. patent.

If Not at NARA, Where?

- Modern Patents in custody of the USPTO
 - To obtain access, contact the File Information Unit (FIU) at USPTO:
 - 2800 South Randolph St, Shirlington, Virginia, 22206
 - Phone: (703) 756-1800
 - <http://www.uspto.gov/patents/process/search/access.jsp>
 - Order online, pre-payment is required:
 - <http://ebiz1.uspto.gov/oems25p/index.html>
 - For questions contact the USPTO Public Records Division Customer Service Line by phone at (571) 272-3150 or (800) 972-6382
 - Trademark Electronic Search System: <http://tess2.uspto.gov/>
- Modern Federal lawsuits will be at court of filing

How to Order for Kansas City Records

- Provide patent number
- Inventor's name
- Approximate date of filing
- Require two business days advance notice for public viewing

- Contact:
Phone: 816-286-8000 or Email: kansascity.archives@nara.gov

Sample Request:

To Whom it May Concern:

I am writing to obtain the Patent Assignment Digest for Patent 452,846, granted to William Magee on May 26, 1891. I found the reference here:

<http://www.google.com/patents/US452846>

Thank you,
Ima Researcher
i.researcher@gmail.com
913-123-4567

How to Order for College Park Records

- Identify if you need to contact the Civilian or Cartographic division
- Note that these records are not held in Kansas City
- Contact:
 - Textual Reference (Civilian) (RD-DC-2-CIV), National Archives at College Park
8601 Adelphi Road , College Park, MD 20740-6001
Phone: 301-837-3510 or Email: Archives2reference@nara.gov
 - Cartographic (RD-DC-C), National Archives at College Park
8601 Adelphi Road, College Park, MD 20740-6001
Phone: 301-837-3200 or Email: carto@nara.gov

Sample Request:

To Whom It May Concern:

I am writing to obtain the Patent Assignment Digest for Patent 452,846, granted to William Magee on May 26, 1891. These are in the series Patent Assignment Digest, National Archived ID 593129:
<http://research.archives.gov/description/593129>

These records are held in College Park and are a different series the patent records held in Kansas City.

Thank you,
Ima Researcher
i.researcher@gmail.com
913-123-4567

Further Research

- Relevant Series Held in College Park, Civilian Division:
 - Patent Assignment Digests, 1837-1957, National Archives Identifier 593129: Consists of digests which record the assignment of rights to patents.
 - NARA Online Public Access Description:
<http://research.archives.gov/description/593129>
 - Registers of Patent Applications Received, 1845–1893, National Archives Identifier 593335: Consists of registers of patent applications received by the Patent Office.
 - NARA Online Public Access Description:
<http://research.archives.gov/description/593335>
 - Serial Registers of Patent Applications Received, 1881–1972, National Archives Identifier 593306: Consists of registers of patent applications received by the Patent Office and also the ultimate disposition of the patent (granted or abandoned).
 - NARA Online Public Access Description:
<http://research.archives.gov/description/593306>
 - Patent Interference Case Files, 1838-1956, National Archives Identifier 563063: Relate to patent interference proceedings held in order to establish primacy in instances of conflicting invention patent registrations
 - NARA Online Public Access Description:
<http://research.archives.gov/description/563063>
- Relevant Series Held in College Park, Cartographic Division: Utility Patent Drawings, 1837-1911, National Archives Identifier 305888: Consists of patent drawings illustrating proposed inventions of various utility patents.
 - NARA Online Public Access Description:
<http://research.archives.gov/description/305888>
- Design Patent Drawings, 1842-1877, National Archives Identifier 305883: Consists of patent drawings illustrating proposed inventions of various design patents.
 - NARA Online Public Access Description:
<http://research.archives.gov/description/305883>
- International Archives and Patent Offices
- Personal papers of Notary Public or Patent Attorney
- Linda Hall Library serves as a Patent and Trademark Resource Center (PTRC). PTRC Libraries:
 - Disseminate granted Patent and Trademark information for at least the past 20 years.
<http://www.uspto.gov/products/library/ptdl/background/index.jsp>

Additional Resources

- USPTO, Main Website: www.uspto.gov
- NARA, Online Public Access: <http://www.archives.gov/research/search/>
- Guide to the Records of the U.S. Senate at the National Archives (Record Group 46), Records of the Committee on Patents):
<http://www.archives.gov/legislative/guide/senate/chapter-13-patents.html>
- David S. Ferriero, Archivist of the United States Patent of the Month:
<http://blogs.archives.gov/aotus/?p=5215>
- List of Series:
<http://www.archives.gov/research/guide-fed-records/groups/241.html>

- Wanted: Colored Inventors: <http://blogs.archives.gov/blackhistoryblog/2013/11/05/wanted-colored-inventors/>
- In Celebration of Black History: http://www.uspto.gov/blog/director/entry/in_celebration_of_black_history
- Back to the Future, by Adam Goodheart: <http://www.smithsonianmag.com/history-archaeology/patent.html?c=y&story=fullstory>
- *The Patent Office Pony: A History of the Early Patent Office*, by Kenneth W. Dobyns: <http://www.myoutbox.net/popstart.htm>
- *Brief History of the United States Patent Office From Its Foundation – 1790 to 1886 – with an outline of laws, growth, publications, office routine, etc.*, published by R. Beresford, Printer: http://www.ipmall.info/hosted_resources/patenthistory/pobere.htm
- Rothchild Petersen Patent Model Museum website: <http://www.patentmodel.org/>

Connect with the National Archives at Kansas City via Social Media

- <http://www.facebook.com/nationalarchiveskansascity>
- <https://twitter.com/KCArchives>

Connect with the National Archives at Kansas City in Person

- Email: kansascity.archives@nara.gov
- Phone: 816.268.8000
- Visit: Tuesday – Saturday 8AM to 4PM
- 400 West Pershing Road, Kansas City, MO 64108

1890.

CONTENTS:

- 1/2 Application 1 papers. *OK*
- 1. *Sep 13, 1890 Letter*
- 2. *Dec 12, 1890 Amndt.*
- 3. *Dec 27, 1890. Lettr*
- 4. *Amndt to Jan 3 1891*
- 5. *Jan 8, 1891. Rpt*
- 6. *Amndt B & Cath Mar. 19/91*
- 7. *March 25, 1891. Lettr.*
- 8. *Amndt to April 9/91*
- 9. *April 11, 1891. Allowed*
- 10. _____
- 11. _____
- 12. _____
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- 21. _____
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- 23. _____

TITLE:

Improvement in *Ohum Power*