

Appendix II List of Decisions Cited

| | Sec. No. | | Sec. No. |
|---|-------------------------|--|-----------------|
| Abbot v. Coe, 1940 C.D. 13; 512 O.G. 3 | 716 | Carlson et al., In re, 1936 C.D. 95; 462 O.G. 479 | 715.04 |
| Adams, Ex parte, Pat. No. 1,789,921 | 608.04(b) | Casey, In re, 76 U.S.P.Q. 463 | 716 |
| Andrews v. Wickenden, 1952 C.D. 176, 659 O.G. 305 | 1101.02(f) | Chevenard, In re, 1944 C.D. 141; 560 O.G. 196 | 706.02(a) |
| Application Filed Nov. 16, 1945, In re, 1951 C.D. 1; 646 O.G. 5 | 904.01(a) | Chilowsky, In re, 1956 C.D. 155; 704 O.G. 213 | 716 |
| Application Papers Filed Jan. 20, 1956, In re, 706 O.G. 4 | 714.07 | Christie v. Seybold, 1893 C.D. 515; 64 O.G. 1650 | 715.07(a) |
| Application Papers Filed Sept. 10, 1954, In re, 703 O.G. 434 | 409.03 | Clifford, Ex parte, 49 U.S.P.Q. 152 | 901.02 |
| Arbeit et al., In re, 1953 C.D. 409; 677 O.G. 843 | 706.03(c) | Comstock, Ex parte, 1923 C.D. 82; 317 O.G. 4 | 1214.01 |
| Archbold, In re, 1946 C.D. 63; 582 O.G. 178 | 706.03(y) | Crecelius, In re, 1937 C.D. 112; 474 O.G. 465 | 716 |
| Arkless, Ex parte, 1958 C.D. 19; 726 O.G. 635 | 201.14, 1401 | Crosby, In re, 1947 C.D. 35; 595 O.G. 5 | 716 |
| Armstrong, In re, 1960 C.D. 759 O.G. 4 | 716 | Crossley, In re, 1947 C.D. 152; 598 O.G. 323 | 716 |
| Arzberger, In re, 1940 C.D. 653; 521 O.G. 272 | 1601 | Crowell, In re, 1930 C.D. 360; 397 O.G. 3 | 1214.01 |
| Attwood, In re, 1958 C.D. 204; 730 O.G. 790 | 716 | Cutter Co. v. Metropolitan Electric Mfg. Co., 275 Fed. 158 | 603.01 |
| Automatic Weighing Mach. Co. v. Pneumatic Scale Corp., Limited, 1909 C.D. 498; 139 O.G. 991 | 715.07 | Delavoie, Ex parte, 1906 C.D. 320; 124 O.G. 626 | 604.02 |
| Ayers et al., Ex parte, 108 U.S.P.Q. 444 | 608.04(a) | Den Beste v. Martin, 1958 C.D. 178, 729 O.G. 724 | 1105.04 |
| Badger, Ex parte, 1901 C.D. 195; 97 O.G. 1596 | 608.02(f) | Detrola Corp. v. Hazeltine, 1941 C.D. 811; 523 O.G. 245 | 706.02 |
| Ball et al., Ex parte, 1953 C.D. 4; 675 O.G. 5 | 706.03(c) | Donnell, Ex parte, 1923, C.D. 54; 315 O.G. 398 | 806.05(b) |
| Barber, In re, 1936 C.D. 184; 465 O.G. 724 | 1504 | Donovan, Ex parte, 1890 C.D. 109; 52 O.G. 309 | 715.07 |
| Beck et al., In re, 1946 C.D. 398; 590 O.G. 357 | 715.01(b) | Dow v. Converse, 1903 C.D. 404; 106 O.G. 2291 | 716 |
| Benke, Ex parte, 1904 C.D. 63; 108 O.G. 1588 | 811.02 | Dreyfus and Whitehead, In re, 1935 C.D. 386; 457 O.G. 479 | 706.03(e) |
| Benson, In re, 1959 C.D. 5; 744 O.G. 353 | 608.01, 714.07, 714.19 | Earl v. Love, 1909 C.D. 56; 140 O.G. 1209 | 1102.01(b) |
| Berry, In re, 137 U.S.P.Q. 353 | 716 | Eggan, Ex parte, 1911 C.D. 213; 172 O.G. 1091 | 403.01, 403.02 |
| Blanchard v. Ooms, 1946 C.D. 22; 585 O.G. 175 | 716 | Elliott, Ex parte, 1904 C.D. 103; 109 O.G. 1337 | 608.02(g) |
| Bonine, v. Bliss, 1919 C.D. 75; 265 O.G. 306 | 1101.02 | Emerson v. Beach, 103 U.S.P.Q. 45; 691 O.G. 170 | 1101.02(f) |
| Bonnie-B Co. Inc., Ex parte, 1923 C.D. 42; 313 O.G. 453 | 104 | Ferris v. Tuttle, 1940 C.D. 5; 521 O.G. 523 | 715.06, 1101.03 |
| Bowditch v. Todd, 1902 C.D. 27; 980 O.G. 792 | 1105.02 | Finley, In re, 1949 C.D. 284; 624 O.G. 262 | 716 |
| Bowyer, Ex parte, 1939 C.D. 5; 505 O.G. 759 | 715.07(b), 715.09, 1212 | Fischer, In re, 1942 C.D. 295; 538 O.G. 503 | 706.02(a) |
| Brice et al, Ex parte, 110 U.S.P.Q. 560 | 707.07(j) | Forsyth v. Richards, 1905 C.D. 115; 115 O.G. 1327 | 1105.02 |
| Brown, Ex parte, 1902 C.D. 51; 98 O.G. 1705 | 1205 | Foster, Ex parte, 1903 C.D. 213; 105 O.G. 261 | 715.04 |
| Buc et al., Ex parte, 1957 C.D. 40; 722 O.G. 433 | 201.11 | Fox, Ex parte, 1960 C.D. 28; 761 O.G. 906 | 608.04(a) |
| Buchli v. Rasmussen, 1925 C.D. 75; 339 O.G. 223 | 1105.02 | Frey, In re, 1950 C.D. 362; 639 O.G. 5 | 1101.02(f) |
| Buchenberg, Ex parte, 1924 C.D. 55; 327 O.G. 216 | 1214.06 | Fried et al. v. Murray et al., 1959 C.D. 311; 746 O.G. 563 | 1105.04 |
| Buck v. Ooms, 1947 C.D. 33; 602 O.G. 177 | 716 | Fuller, In re, 1929 C.D. 172; 388 O.G. 279 | 706.03(c) |
| Bullard & Co. v. Coe, 1945 C.D. 13; 573 O.G. 547 | 716 | Garrett, In re, 1906 C.D. 645; 122 O.G. 1047 | 716 |
| Bullock, Ex parte, 1907 C.D. 93; 127 O.G. 1580 | 706.03(c) | Gelder v. Henry, 77 U.S.P.Q. 223 | 1105.02 |
| Burke, Ex parte, 1934 C.D. 5; 441 O.G. 509 | 706.03(y) | Gilbert et al., Ex parte, 715 O.G. 233 | 201.11 |
| Burrowes, Ex parte, 1904 C.D. 155; 110 O.G. 599 | 1214.01 | Good, Ex parte, 1911 C.D. 43; 164 O.G. 739 | 608.02(d) |
| Campbell, In re, 1954 C.D. 191; 685 O.G. 470 | 201.06 | Gourtoff, Ex parte, 1924 C.D. 153; 329 O.G. 536 | 707.13, 710.06 |
| Card and Card, Ex parte, 1904 C.D. 383; 112 O.G. 499 | 1101.02 | Grayson, Ex parte, 51 U.S.P.Q. 413 | 706.03(a) |

MANUAL OF PATENT EXAMINING PROCEDURE

| | Sec. No. | | Sec. No. |
|---|-------------|--|---------------------|
| Greenawalt v. Mark, 1904 C.D. 352; 111 O.G. | 1105.04 | Lasscell, Ex parte, 1884 C.D. 66; 29 O.G. 861 | 711.01 |
| 2224 | 1105.04 | LeBlanc, Ex parte, 1902 C.D. 1; 98 O.G. 225 | 1213.01 |
| Greenfield, In re, 1930 C.D. 531; 400 O.G. 226 | 1214.01 | Leishman, Ex parte, 137 Ms 366, Pat. No. | |
| Gregg, In re, 1957 C.D. 284; 720 O.G. 227 | 706.02 | 1,581,937 | 608.04(b) |
| Grier, Ex parte, 1923 C.D. 27; 309 O.G. | | Lemieux, Ex parte, 1957 C.D. 47; 725 | |
| 223 | 706.04, 820 | O.G. 4 | 715.01(c) |
| Gruschwitz et al., Ex parte 138 U.S.P.Q. 505 | 706.03(s), | Ljungstrom, Ex parte, 1905 C.D. 541; 119 O.G. | |
| | 901.05(b) | 2335 | 814 |
| Gunther, In re, 1942 C.D. 332; 538 O.G. 744 | 706.02(a) | Lohman, Ex parte, 1912 C.D. 336; 184 O.G. | |
| Hale, Ex parte, 49 U.S.P.Q. 209 | 715.09 | 287 | 1503.02 |
| Harpignies, 167 Ms. D. 329, in Patent File of | | Loewenbach, Ex parte, 1904 C.D. 170; 110 O.G. | |
| Des. Pat. D 136,599 Oct. 26, 1943 | 1504 | 857 | 819 |
| Harris et al., Ex parte, 79 U.S.P.Q. 439 | 707.05(f) | Ludwick, In re, 1925 C.D. 306; 339 O.G. 393 | 706.03(g) |
| Hay, Ex parte, 1909 C.D. 18; 139 O.G. 197 | 706.04 | Lurette Guild, In re, 1953 C.D. 310; 677 O.G. 5 | 716 |
| Healy, Ex parte, 1898 C.D. 157; 84 O.G. | | Malcolm, In re, 1942 C.D. 589; 543 O.G. | |
| 1281 | 806.04(b) | 440 | 706.02(a) |
| Heinz, In re, 1910 C.D. 292; 151 O.G. 1014 | 1214.01 | Mansfield and Hayes, Ex parte, 1902 C.D. 94; | |
| Heinze, Ex parte, 1919 C.D. 67; 265 O.G. 145 | 602.05 | 98 O.G. 2363 | 809.01 |
| Heritage, In re, 1950 C.D. 419; 639 O.G. 638 | 901.02 | Markush, Ex parte, 1925 C.D. 126; 340 O.G. | |
| Heritage Pat. No. 2,375,414; Ex parte, decided | | 839 | 706.03(y) |
| Jan. 26, 1944 | 819.01 | Martin, In re, 1946 C.D. 180; 586 O.G. 347 | 1212 |
| Herrick et al., In re, 1958 C.D. 1; 727 | | Mason, In re, 1946 C.D. 268; 558 O.G. 522 | 716 |
| O.G. 4 | 706.03(k) | Matullath, In re, 1912 C.D. 490; 179 O.G. 853 | 409.01 |
| Herrmann et al., In re, 1959 C.D. 159; 729 | | McBurney v. Jones, 104 U.S.P.Q. 115 | 1105.04 |
| O.G. 549 | 707.07(f) | McKenna et al., In re, 1953 C.D. 251; 674 O.G. 9 | 716 |
| Hirschler, Ex parte, 110 U.S.P.Q. 384 | 715.01(c) | Meden v. Curtis, 1905 C.D. 272; 117 O.G. 1795 | 819.01 |
| Hollingsworth, In re, 1958 C.D. 210; 730 O.G. | | Mergenthaler v. Scudder, 1897 C.D. 724; 81 O.G. | |
| 282 | 716 | 1417 | 715.07 |
| Hoogendam, Ex parte, 1939 C.D. 3; 499 O.G. 3 | 706.07 | Messick, Ex parte, 1930 C.D. 6; 400 O.G. 3 | 710.01(a) |
| Hoover Co., etc., In re, 1943 C.D. 338; 552 O.G. | | Metropolitan Eng. Co. v. Coe, 1935 C.D. 54; | |
| 365 | 1109.01 | 455 O.G. | 716 |
| Hotel Security Checking Co. v. Lorraine Co., | | Michalek, In re, 1947 C.D. 458; 604 O.G. 223 | 716 |
| 160 Fed. 467 | 706.03(a) | Milburn Co. v. Davis-Bournonville Co., 1926 | |
| Hough et al., In re, 703 O.G. 200 | 409.03 | C.D. 303; 344 O.G. 817 | 706.02 |
| Hunt Co. v. Mallinckrodt, 83 U.S.P.Q. 277 | 201.11 | Miller, Ex parte, 1922 C.D. 36; 305 O.G. 419 | 714.15 |
| Hunter, Ex parte, 1889 C.D. 218; 49 O.G. | | Milton, Ex parte, 164 Ms 1; 63 U.S.P.Q. 132 | 710.04(a) |
| 733 | 715.07(a) | Minn. Mining & Mfg. Co. v. Coe (CADC) 1938 | |
| Huppke, Ex parte, 110 U.S.P.Q. 560 | 707.07(j) | C.D. 100; 497 O.G. 766 | 706.02 |
| Iagan, Ex parte, 1911 C.D. 10; 162 O.G. 538 | 706.03(g) | Moeller, In re, 1941 C.D. 316; 527 O.G. 559 | 706.03(e) |
| Incomplete Application, In re, 659, O.G. 917 | 608.01 | Moore, Ex parte, 1923 C.D. 13; 307 O.G. 4 | 1211 |
| Irwin, Ex parte, 1928 C.D. 13; 367 O.G. 701 | 604.02 | Myers, In re, 1959 C.D. 2; 738 O.G. 947 | 608.02 |
| Jewett et al., In re, 1957 C.D. 420; 724 O.G. | | Nelson, Ex parte, 164 Ms. D. 361; 26 J.P. O.S. | |
| 225 | 716 | 564 | 710.04(a) |
| Johnson, Ex parte, 1958, C.D. 22; 731 O.G. 6 | 1401 | Norlund, Ex parte, 1913 C.D. 161; 192 O.G. | |
| Jones, Ex parte, 1924 C.D. 59; 327 O.G. 681 | 709.01 | 989 | 1213.01 |
| Joyce, In re, 1958 C.D. 2; 727 O.G. 4 | 706.03(k) | Noxon v. Halpert, 128 U.S.P.Q. 481 | 1101.02(f), 1105.05 |
| Kaiser, Ex parte, 1952 C.D. 3; 661 O.G. 10 | 1111.12 | Oppenauer, In re, 1944 C.D. 587; 568 O.G. 393 | 716 |
| Klein, In re, 1930 C.D. 2; 393 O.G. 519 | 201.08 | O'Reilly v. Morse, 15 Howard 62 | 706.03(a) |
| Kluis et al., Ex parte, Board of Appeals decision | | Osborne, Ex parte, 1900 C.D. 137; 92 O.G. | |
| in Plant Patent File 707 | 1604 | 1797 | 706.03(d) |
| Kokatnur, In re, 1943 C.D. 436; 554 O.G. 6 | 716 | Peck, Ex parte, 1901 C.D. 136; 96 O.G. 2409 | 608.02(f) |
| Komenak, Ex parte, 1940 C.D. 1; 512 O.G. 739 | 201.09 | Perrige, In re, 1931 C.D. 510; 411 O.G. 544 | 716 |
| Kopf et al., In re Application Papers of, 779 | | Peterson, Ex parte, 63 U.S.P.Q. 99 | 901.02 |
| O.G. 290 | 201.05 | Peterson, Ex parte, 1941 C.D. 8; 525 O.G. 3 | 710.02(b), |
| Kotler, Ex parte, 1901 C.D. 62; 95 O.G. | | 1109, 1109.01 | |
| 2684 | 608.01(o) | Pickles, Ex parte, 1904 C.D. 126; 109 O.G. | |
| Kulieke, In re, 1960 C.D. 281; 756 O.G. 288 | 716 | 1888 | 810.02 |
| Lantzke, Ex parte, 1910 C.D. 100; 156 O.G. | | Pierce V. Tripp v. Powers, 1923 C.D. 69; 316 | |
| 257 | 810.01 | O.G. 3 | 1105.02 |
| | | Pierce v. Watson, 124 U.S.P.Q. 356 | 715.01(b) |

LIST OF DECISIONS CITED

| | Sec. No. | | Sec. No. |
|--|------------------------------|---|------------|
| Powell et al., Ex parte, 1938 C.D. 15; 489 | 715.01(c) | Stempel, In re, 1957 C.D. 200; 717 O.G. 886 | 715.03 |
| O.G. 231 | | Strain, In re, 1951 C.D. 252; 648 O.G. 5 | 715.01(a) |
| Quayle, Ex parte, 1935 C.D. 11; 453 O.G. | | Swanberg, In re, — C.D. —; — O.G. —; | |
| 213 | 707.07(j), 710.02(b), | 129 U.S.P.Q. 364 | 608.01 |
| | 713.04, 714.14, 174.15, 1108 | Sweet, In re, 1943 C.D. 535; 556 O.G. 726 | 1211 |
| Redeclaration of Interferences, In re, Nos. | | Switzer et al., In re, 612 O.G. 11 | 901.02 |
| 49,635; 49,636; 49,866; 1936 C.D. 75; 350 | | Taggart et al., In re, 1957 C.D. 2; 738 O.G. | |
| O.G. 3 | 1102.01, 1105.04 | 947 | 608.02 |
| Renstrom, In re, 1949 C.D. 306; 624 O.G. 5 | 716 | Tanke et al., In re, 102 U.S.P.Q. 83; 687 O.G. | |
| Riegger v. Beierl, 1910 C.D. 12; 150 O.G. 826 | 604.06 | 677 | 1101.02(f) |
| Rieser v. Williams, 118 U.S.P.Q. 96 | 1101.02(f) | Tatincloux, In re, 1956 C.D. 102; 702 O.G. 964 | 716 |
| Robinson, Ex parte, Pat. No. 2,329,086 | 809.03 | Taub, In re, 1942 C.D. 337; 538 O.G. 29 | 716 |
| Robinson, Ex parte, 1905 C.D. 123; 115 O.G. | | Tilden v. Snodgrass, 1923 C.D. 30; 309 O.G. | |
| 1584 | 716 | 477 | 1105.02 |
| Romunder, Ex parte, 1910 C.D. 121; 157 O.G. | | Thompson v. Hamilton, 1946 C.D. 70; 585 O.G. | |
| 209 | 715.09, 716 | 177 | 1101.02(f) |
| Rosenberg, Ex parte, 46 U.S.P.Q. 393 | 1610 | Trevette, Ex parte, 1901 C.D. 170; 97 O.G. | |
| Rossi, In re, 1947 C.D. 130; 717 O.G. 214 | 716 | 1173 | 820 |
| Rothermel et al., In re, 1960 C.D. 204; 755 O.G. | | Troutman, In re, 1960 C.D. 308; 757 O.G. 556 | 716 |
| 621 | 716 | United States Industrial Chemicals Inc. v. Car- | |
| Rubinfield, In re, 1959 C.D. 412; 749 O.G. | | bide and Carbon Chemicals Corp., 1942 C.D. | |
| 274 | 1503.01, 1504 | 751; 538 O.G. 741 | 1401.07 |
| Sanford, Ex parte, 1914 C.D. 69; 204 O.G. | | Vander Wal et al., Ex parte, 1956 C.D. 11; 705 | |
| 1346 | 1504.01 | O.G. 5 | 608.04(a) |
| Saunders, Ex parte, 1883 C.D. 23; 23 O.G. | | Van Otteren v. Hafner et al., 757 O.G. 1026; | |
| 1224 | 715.07 | 126 U.S.P.Q. 151 | 201.03 |
| Schmidt, In re, 1961 C.D. —; — O.G. —; | | Vivani v. Taylor v. Herzog, 72 U.S.P.Q. 448 | 715.01 |
| 48 C.C.P.A. 1140 | 201.11 | Votey v. Wuest v. Doman, 1904 C.D. 323; 111 | |
| Seebach, In re, 1937 C.D. 495; 484 O.G. 503 | 709.01 | O.G. 1627 | 1101.01(b) |
| Selmi, In re, 1946 C.D. 525; 591 O.G. 160 | 706.02(a) | Wagner, In re, 1939 C.D. 581; 507 O.G. 1041 | 716 |
| Sharp et al., Ex parte, Pat. No. 2,232,739 | 820 | Waugh, In re, 1943 C.D. 411; 553 O.G. 3 | |
| Shea, In re, 1944 C.D. 535; 568 O.G. 201 | 1211 | (CCPA) | 819 |
| Shoran, Ex parte, 1941 C.D. 1; 522 O.G. | | Weston, Ex parte, 1911 C.D. 218; 173 O.G. | |
| 501 | 1101.02(g) | 285 | 810.02 |
| Simons v. Dunlop, 103 U.S.P.Q. 237 | 1105.02 | Wheary, Ex parte, 1913 C.D. 253; 197 O.G. | |
| Siu, In re, 1953 C.D. 176; 696 O.G. 421 | 804.01 | 534 | 714.08 |
| Smith, Ex parte, 1888 C.D. 131; 44 O.G. | | Whitelaw, Ex parte, 1915 C.D. 18; 219 O.G. | |
| 1183 | 806.04(c) | 1237 | 706.03(k) |
| Smith, In re, 1947 C.D. 341; 603 O.G. 184 | 716 | Williams, Ex parte, 1917 C.D. 73; 245 O.G. | |
| Smyth, In re, 1951 C.D. 449; 651 O.G. 5 | 716 | 277 | 804.01 |
| Snyder, Ex parte, 1904 C.D. 242; 110 O.G. | | Willen, et al., In re, 1935 C.D. 229; 454 O.G. | |
| 2636 | 810.02 | 535 | 715 |
| Stalego et al. v. Haymes et al., 120 U.S.P.Q. | | Wirt, Ex parte, 1905 C.D. 247; 117 O.G. 599 | 714.13 |
| 473 | 1101.02(f) | Youker, In re, 1935 C.D. 658; 461 O.G. 10 | 706.02 |
| Stanley, Ex parte, 121 U.S.P.Q. 621 | 706.03(c) | Young, Ex parte, 18 Gour. 24:31 | 1213.01 |
| Steenbock, In re, 1936 C.D. 594; 473 O.G. 495 | 715.03 | | |