

sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches, shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

Maintenance as a free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

Sec. 6. The H. A. Carpenter Bridge Company, its successors and assigns, shall within ninety days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same and for such purpose the said H. A. Carpenter Bridge Company, its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

Sworn statement of construction costs, etc., to be filed after completion.

Investigation by the Secretary of War.

Findings of Secretary, conclusive.

Sec. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act, is hereby granted to the H. A. Carpenter Bridge Company, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

Right to sell, etc., conferred.

Sec. 8. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, March 2, 1927.

CHAP. 273.—An Act Amending the statutes of the United States as to procedure in the Patent Office and in the courts with regard to the granting of letters patent for inventions and with regard to interfering patents.

March 2, 1927.
[S. 4812.]
[Public, No. 690.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4894 of the Revised Statutes of the United States be amended by striking out the words "one year" wherever they appear and substituting therefor the words "six months."

Patents. Completing applications. R. S., sec. 4894, p. 947. Vol. 39, p. 348, amended.

Sec. 2. That section 4897 of the Revised Statutes of the United States be amended by striking out the words "two years" wherever they appear and substituting therefor the words "one year," and by striking out the words "And upon the hearing of renewed applications preferred under this section, abandonment shall be considered as a question of fact."

Renewals. R. S., sec. 4897, p. 947, amended. Applications in one year. Words stricken out.

Sec. 3. That section 482 of the Revised Statutes of the United States be amended to read as follows:

R. S., sec. 482, p. 81, amended.

"SEC. 482. The examiners in chief shall be persons of competent legal knowledge and scientific ability. The Commissioner of Patents,

Examiners in chief.

To constitute, with Commissioner, etc., a board of appeals from adverse decisions of examiners.

Rehearings.

Interferences.
R. S., sec. 4904, p. 949, amended.
Words stricken out.

Appeals.
R. S., sec. 4909, p. 950, amended.

Appeals to Commissioner.
R. S., sec. 4910, p. 950, repealed.
Court of Appeals, D. C.

Patent appeals.
Vol. 27, p. 436, repealed.

R. S., sec. 4911, p. 950, amended.

Appeals from board of appeals to Court of Appeals, D. C.

Interference cases.

Dismissal if electing equity proceedings.

Infra.

Patent withheld pending final determination.

Notice of appeals.
R. S., sec. 4912, p. 950, amended.
Court of Appeals, D. C., substituted.

Appeal proceedings.
R. S., sec. 4913, p. 950, amended.

Sworn explanations by Commissioner, etc., omitted.

R. S., sec. 4915, p. 950, amended.

Bill in equity, if application refused by Commissioner, to be filed within six months.

Unless case pending in Court of Appeals, D. C.

the first assistant commissioner, the assistant commissioner, and the examiners in chief shall constitute a board of appeals, whose duty it shall be, on written petition of the appellant, to review and determine upon the validity of the adverse decisions of examiners upon applications for patents and for reissues of patents and in interference cases. Each appeal shall be heard by at least three members of the board of appeals, the members hearing such appeal to be designated by the commissioner. The board of appeals shall have sole power to grant rehearings."

SEC. 4. That section 4904 of the Revised Statutes of the United States be amended by striking out from the last sentence thereof the words "or of the board of examiners in chief, as the case may be."

SEC. 5. That section 4909 of the Revised Statutes of the United States be amended by striking out the words "board of examiners in chief" and substituting therefor the words "board of appeals."

SEC. 6. That section 4910 of the Revised Statutes of the United States be, and the same is hereby, repealed.

SEC. 7. That section 9 of the Act of February 9, 1893, entitled "An Act to establish a court of appeals for the District of Columbia, and for other purposes" (Twenty-seventh Statutes at Large, page 434), be, and the same is hereby, repealed.

SEC. 8. That section 4911 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 4911. If any applicant is dissatisfied with the decision of the board of appeals, he may appeal to the Court of Appeals of the District of Columbia, in which case he waives his right to proceed under section 4915 of the Revised Statutes. If any party to an interference is dissatisfied with the decision of the board of appeals, he may appeal to the Court of Appeals of the District of Columbia, provided that such appeal shall be dismissed if any adverse party to such interference shall, within twenty days after the appellant shall have filed notice of appeal according to section 4912 of the Revised Statutes, file notice with the Commissioner of Patents that he elects to have all further proceedings conducted as provided in section 4915 of the Revised Statutes. Thereupon the appellant shall have thirty days thereafter within which to file a bill in equity under said section 4915, in default of which the decisions appealed from shall govern the further proceedings in the case. If the appellant shall file such bill within said thirty days and shall file due proof thereof with the Commissioner of Patents, the issue of a patent to the party awarded priority by said board of appeals shall be withheld pending the final determination of said proceeding under said section 4915."

SEC. 9. That section 4912 of the Revised Statutes of the United States be amended by striking out the words "Supreme Court of the District of Columbia" and substituting therefor the words "Court of Appeals of the District of Columbia."

SEC. 10. That section 4913 of the Revised Statutes of the United States be amended by striking out the words "And at the request of any party interested, or of the court, the commissioner and the examiners may be examined under oath in explanation of the principles of the thing for which a patent is demanded."

SEC. 11. That section 4915 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 4915. Whenever a patent on application is refused by the Commissioner of Patents, the applicant, unless appeal has been taken from the decision of the board of appeals to the Court of Appeals of the District of Columbia, 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; 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. And such adjudication, if it be in favor of the right of the applicant, shall authorize the commissioner to issue such patent on the applicant filing in the Patent Office a copy of the adjudication and otherwise complying with the requirements of law. In all cases where there is no opposing party a copy of the bill shall be served on the commissioner; and all the expenses of the proceedings shall be paid by the applicant, whether the final decision is in his favor or not. In all suits brought hereunder where there are adverse parties the record in the Patent Office shall be admitted in whole or in part, on motion of either party, subject to such terms and conditions as to costs, expenses, and the further cross-examination of the witnesses as the court may impose, without prejudice, however, to the right of the parties to take further testimony. The testimony and exhibits, or parts thereof, of the record in the Patent Office when admitted shall have the same force and effect as if originally taken and produced in the suit.

SEC. 12. That section 4918 of the Revised Statutes of the United States be amended to change the phrase "may adjudge and declare either of the patents void in whole or in part" to read as follows: "may adjudge and declare either or both of the patents void in whole or in part, upon any ground."

SEC. 13. That section 4934 of the Revised Statutes of the United States be amended by striking out the following words: "On an appeal for the first time from the primary examiners to the examiners in chief, \$10. On every appeal from the examiners in chief to the commissioner, \$20," and substituting therefor the words "on an appeal for the first time from the primary examiners to the board of appeals, \$15. On every appeal from the examiner of interferences to the board of appeals, \$25."

SEC. 14. That where the day, or the last day, fixed by statute for taking any action or paying any fee in the United States Patent Office falls on Sunday, or on a holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding secular or business day.

SEC. 15. That this Act shall take effect two months after its approval; but it shall not affect appeals then pending and heard before the examiners in chief or pending before the Commissioner of Patents or in the Court of Appeals of the District of Columbia, and that in all cases in which the time for appeal from a decision of the examiners in chief or of the Commissioner of Patents or for amendment or renewal of application had not expired at the time this Act takes effect, appeals and other proceedings may be taken under the statutes in force at the time of approval of this Act as if such statutes had not been amended or repealed.

Approved, March 2, 1927.

CHAP. 274.—An Act Granting the consent of Congress to the State of Indiana, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, and permitting the State of Kentucky to act jointly with the State of Indiana in the construction, maintenance, and operation of said bridge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Indiana, acting by and through its State highway commission, its successors and assigns,

Authority of court.

Issue of patent if adjudication in favor of applicant.

Admission of records, etc.

Force of records as testimony, etc.

Interference suits. Effect of decisions. R. S., c. 4918, p. 951, amended.

Fees. R. S., sec. 4934, p. 954. Ante, p. 1099, amended. On appeal, increased.

Payment of fees, if date falls on Sunday or holiday in the District.

Act effective in two months. Pending appeals, etc. not affected.

March 2, 1927.
[H. R. 17129.]
[Public, No. 661.]

Ohio River. Indiana may bridge, at Evansville.