

How to Find Assignment Records For 19th-Century American Patents*

1. To ascertain the names of inventors for patented inventions before 1874, consult M.D. Leggett, compiler, *Subject Matter Index of Patents for Inventions, 1790-1873*, United States Government Printing Office, 1874, 3 volumes, under various subject headings. Leggett shows, for example, no listings for Thomas Blanchard under "irregular turning" or "lathe," but a listing for "Gunstocks, etc., machine for turning" (Vol. I, p. 647). Alternatively, or for patents after 1873, consult the annual reports by the Commissioner of the Patent Office. Leggett and the Patent Office Reports should be available at any library that is a U.S. Government Depository Library.
2. At the National Archives in Washington, D.C., with assistance from the archivist in the Scientific, Economic, and Natural Resources Branch, look up the name of the patentee in the alphabetical index to *Digests of Assignments* for the period of the patent plus any extensions. For instance, Thomas Blanchard's bending and turning patents together extended from 1820 to 1870, so the 65 digests of their assignments are scattered through four of the "B" volumes of the *Digests* . . . , and the references to these digests are contained in more than one of the chronological volumes of the index. The index will give you volume and page numbers in the *Digests* . . . , which are housed in the same Branch of the Archives.
3. Find assignment digests in *Digests of Assignments*. For instance, Volume B-3, p. 92 lists **Patentee** Thomas Blanchard; **Assignor** A.V. Blanchard & Co.; **Assignee** T.D. Roberts & Co.; **Date of Assignment** Jan. 4, 1864; **Date of Record** Nov. 25, 1865; **Name of invention patented** Bending wood, Dec. 18, 1849; **Territory of assignment unspecified** (implicitly, all of the U.S.), "for bending saw frames."; **Liber** D-8; **Page** 212; **When Sent** Dec. 19, 1865; **Address** Munn and Co., N.Y. In this instance, since the original assignment document was returned not to the assignees but to their patent agent in New York City, we are not told the location of the assignee.
4. For further details, take the Liber and page number indicated in the digest and go to the *Transfers of Patent Rights*. For instance, Liber D-8, p. 212 gives the full text of the assignment mentioned above, confirming that it was for an exclusive right for any town in the U.S., for bending saw frames only, and tells us the names of the partners in the firm, their location (Middletown, Orange County, New York), and that they paid \$1,200 within 30 days. Assignments were recorded in *Transfers of Patent Rights* as they were received at the Patent Office, so it is helpful, in locating the correct Liber, to note the date of record, which was sometimes long after the assignment date. The *Transfers* . . . Libers for 1836-1929 are housed in the Federal Records Center at Suitland, Maryland. Access to these volumes has continued to be through the Assignments Division of the Patent and Trademark Office, but they are being accessioned by the National Archives. Consult the Scientific, Economic, . . . Branch archivist at the National Archives as to procedure.

* Many thanks to Sharon Gibbs Thibodeau and to Marjorie Ciarlante for guiding me to patent assignment and extension records at the National Archives.

How to Find Litigation Records For 19th-Century American Patents*

1. To find the names of patentees, follow the same step number one as in finding patent assignment records. Make note of the date of patent if before July 1836, and the patent number if afterward.
2. Consult *Shepard's United States Patents and Trademarks Citations*. A lawyers' reference work, this tells, in highly condensed notation, where to find published accounts of patent law suits. Citations are listed chronologically by date of patent to mid-1836, and by patent number thereafter. Reissued patents are also listed. For instance, *Shepard's* . . . lists 18 citations under "1820 . . . Jan 12 (sic) T. Blanchard (stock, gun, turning)." One such is "14LE538," which means the 14th volume of the Lawyers Edition, *United States Supreme Court Reports*, page 538.

Alternatively, look up some published cases directly in *Federal Cases* (1789-1880) or the *Federal Reporter* (after 1880). For instance, ten of the 18 Blanchard citations in *Shepard's* . . . are in the third volume of *Federal Cases*. Reports in *Federal Cases* are arranged alphabetically by the name of the case (the plaintiff's name *versus* the defendant's name). Since assignees rather than patentees were the plaintiffs in many cases, it is useful to know the assignees' names before commencing a search for litigation records. N.B. The numbers assigned to cases listed in *Federal Cases* have no relevance to the Archives filing systems. Published reports for 19th-century patent cases can also be found directly in two other multivolume series: *Brodix's American and English Patent Cases* and James B. Robb, *A Collection of Patent Cases Decided in the Supreme and Circuit Courts of the United States*.† If your usual library does not hold these or the other various reference works cited by *Shepard's* . . . , use the library of a law school or of a local bar association.

3. From the published reports, ascertain in which court districts the cases were tried. Patent cases are tried in federal circuit courts, not state courts. Also note the dates of the cases and whether they were "law" or "equity" cases. Case reports tend to be published if they are of interest to lawyers regarding points of law. The unpublished information in the original case files may be much richer in material interesting to technological historians and industrial archeologists.
4. Write or telephone the archivist of the regional Archives branch for the district where the case was tried, requesting access to the desired case files or photocopies of them. For instance, the Blanchard cases that were tried in Connecticut, Massachusetts, or other New England states are held in the Archives branch at Waltham, Mass.; those tried in Pennsylvania are in the Philadelphia branch; those tried in New York are in the Bayonne, N.J. branch; those tried in Ohio are in the Chicago branch. Tell the archivist the names and approximate dates of the cases you are seeking, and whether they were law or equity cases, but add that you would like to find additional cases of either sort. Many additional Blanchard cases that had not been published showed up in the files of the Archives branches. In Philadelphia law and equity cases are filed separately; in Waltham they are filed together. Since cases were frequently continued over a number of years, the latest file for a given case is likely to be the fattest, having accumulated documents from the earlier sessions. Some court records have been microfilmed by the National Archives and can be borrowed through interlibrary loan.

* Thanks to Edwin Layton and Eda Kranakis for setting me on the proper path in this "paper chase."

† I am indebted to Gregory Clancey for these references.

How to Find Extension Records For 19th-Century American Patents

1. To find the names of patentees, follow the same step number one as in finding patent assignment records.
2. To ascertain whether specific patents were extended (or "renewed"), consult the list, alphabetized by subject matter, at the end of Leggett, Vol. III. For instance, Blanchard's 1863 renewal is found under "bending . . .," not under "wood" Or, consult the list of renewals in the annual *Patent Office Report* for the year in which the patent was to expire. Caution: extensions or renewals of patents were not the same as reissues of patents, which are also listed in Leggett and the annual reports.
3. With the assistance of the archivist in the Scientific, Economic, and Natural Resources Branch of the National Archives in Washington, D.C., use the finding aid there to see whether the patent extension files contain the records of the patent in question. The extension files are shelved in that Branch.
4. For (rare) extensions by act of Congress, consult the files of the House and Senate Committee on the Patent Office, in the Legislative Records Branch of the National Archives in Washington, D.C.