To the Hon Com of Patents.

Sir I respectfully ask your attention to the following statement of facts, from which it will appear that I have been made to suffer great hardship and injustice in consequence of certain irregular procedures in the Patent Office, which procedures have been in direct contravention of the rules of practice by which said Office ~~[illegible]~~ professes to be governed. I further ask that you will take such steps in the matter as may seem advisable, in order that my rights may not suffer further prejudice.

Sept 19th 1871. I filed an application in the Office for a patent ~~for~~ for an improvement in Electric Signalling apparatus for Railroads. The leading feature claimed in this invention, was the combination of an audible or visible signal operated ~~with~~ by an electro magnet, with an insulated section of railway track, so arranged that the passage of a train would ~~close~~ form a connection from one rail to the other by means of its wheels and axles, thus closing the electric circuit and operating the signal. In this specification I described in the clearest manner, how the signal might also be operated by a secondary circuit, controlled by a relay placed in the primary or track circuit, and the ~~[illegible]~~ indispensably being so obvious and so readily understood by electricians, I did not deem it necessary to show it in the drawing. The model in the case was dispensed with.

November 3d 1871. I had in practical operation on a railroad my system of signaling, including the device ~~of~~ of the relay and secondary circuit, as described in my application then on file in the office.

Dec 6 1871. William Robinson filed an application for a patent ~~for~~ for alleged improvements in Electric Signaling apparatus for railways, in which he claimed ~~a combination of~~ ~~a~~ a visual signal, operated by an electro magnet, in combination with an insulated section of railroad track, his claim being the reverse of mine, viz. when the connection was formed by the passage of the train, it diverted

the previously existing current through the signal magnet, & thus operated the signal. The magnet which operated the signal, also acted as a relay to a secundary circuit, which in turn operated an alarm, or audible signal.

July 16. 1872. my patent was issued. No claim was specially made on the device of the relay and secundary circuit, the description being deemed sufficient to show that it was a useful modification of the arrangement as patented.

Aug 20. 1872. Robinsons patent was issued. He made no claim on the secundary circuit per se. but his 6th claim covered its combination with the particular arrangement of wires shown and described by him, which as before stated differed ~~from that~~ in some respects from those shown ~~by~~ in my application.

Dec 21. 1872. I filed a second application for further improvements in my system of signaling, in which I again fully described and also illustrated in the drawings, the combination of the secundary circuit with the track circuit as hereinbefore mentioned. ~~Claiming that~~ a claim to the device, if made, in this application would be held to be anticipated by the full description given in my first patent ~~it was~~ such claim was not ~~originally~~ inserted in the appln as originally filed.

May 28. 1873. I filed an application for a reissue of my patent of July 16th 1872, in which I claimed for the

combination of the secondary circuit for operating a visual or audible signal with the primary circuit, formed in part of the insulated section of track.

Subsequently, while both these applications were pending in the office, I had a personal interview with the examiner, at which time it was decided, by him after canvassing the matter very carefully, that the subject matter of the said claim, or claims could not be allowed in the reissue application because the statute of 1870, provided that ~~the~~ any device or combination so claimed, must be shown either in the model or drawings. I therefore erased the two claims covering this device from the reissue application, and inserted them in the other application ~~filed Dec~~ then pending, filed Dec 21. 1872.

Oct 21. 1873. the reissue ~~application~~ of the original patent of July 16 1872 was issued.

March 31. 1874. ~~the~~ my application filed Dec 21. 1872 was patented, in which the arrangement of the secondary circuit ~~was~~ is ~~finally~~ covered by the 11th and 12th claims.

April 24. 1874. Robinson filed an application for a reissue of his patent of Aug 20. 1872.

July 7. 1874. Robinsons said reissue application was granted, which was the first knowledge I had of such application having been filed

As the 4th claim of this reissued patent, Robinson claims ~~that~~ "An additional or secondary circuit in conduction with a primary circuit composed in part of a rail or rails of the track."

I contend that this claim was wrongfully allowed Robinson ~~him~~, I because the subject matter thereof had been fully and clearly described in my patent of July 16. 1872. II because the same had been a second time fully described and illustrated and claimed in my patent of March 31. 1874. The examiner was, or should have been, fully cognizant of both these prior patents.

This procedure was in violation of the third clause of rule 51 of the Rules of Practice which was based for the express purpose of providing for such cases ~~expressly~~

Immediately after ~~upon~~ the issue of his said reissued patent of July 7. 1874, Robinson served a notice upon me forbidding me to make sell or use, my own invention viz - the secondary circuit for operating electric signals, and also served similar ~~upon~~ notices ~~upon~~ all my customers to the great injury of my business

Having no other apparent remedy for this injustice, I filed an application on Dec 6th 1874, for a reissue of my patent of March 31. 1874, in which I inserted a verbatim copy of Robinson's 4th claim, without otherwise ~~altering~~ amending or changing my original ~~the~~ specification or claims, so that the ground for an interference might be at once apparent, and asked that a preliminary interference might be immediately declared ~~at once~~.

This application has been on file in the Office since Dec 6th 1874 and no action whatever has been taken thereon. This is ~~also~~ in violation of Rule 29 of the Rules of practice, which provides that reissue applications shall take precedence of original applications in the same class.

I now ~~ask the~~ respectfully ask that a preliminary interference be declared between my said application filed Dec 6th 1874 and Robinson's said reissued patent of July 7. 1874, and that the said Robinson be required to ~~take~~ confess his direct testimony first and that the burden of proof may rest upon him, so that my case may not ~~be~~ suffer in consequence of the errors or irregular procedures of the Office.

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