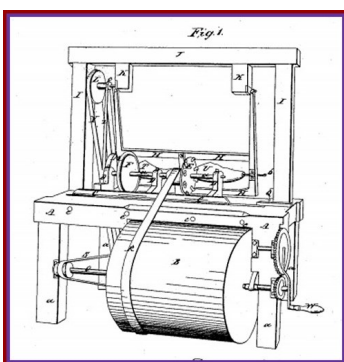


Innovations

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The X Patents: Patents Issued under the Patent Acts of 1790 & 1793



**Drawings from Patent
3131 X,
January 20, 1820.
Thomas Blanchard,
Lathe for Turning
Irregular Forms**

The earliest United States patents—sometimes called “name and date patents” because they were not numbered—are distinctive in many respects. Patent specifications were not required to include claims until the Patent Act of 1870. Moreover, while the 1790 Act required a substantive examination by a Patent Board, that requirement ended with the 1793 Act, when it was deemed too burdensome. Thereafter the evaluation of the sufficiency of patent specifications was left to the courts.

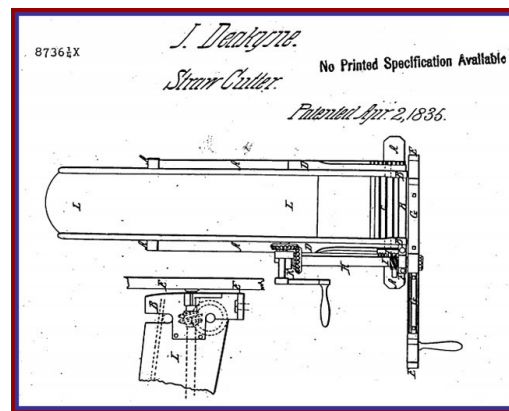
The 1836 Patent Office Fire and the Restoration of Patent Documents

An early morning fire on December 15, 1836 destroyed the patent documents and models. An Act of March 3, 1837 provided for the restoration of lost patent documents and models. The restored patents were retrospectively assigned numbers starting with X1 and are known as the “X-Patents.” Many X-Patent records are incomplete, frequently lacking either specifications or drawings. Moreover, under the early practice, the letters patent issued to the inventor did not always restate the entire specification. Thus, where patent letters are the basis for a restored record, there may not be a complete specification. Also

in some cases patent holders added new or corrected material to restore their patents. For instance, in 1841 John B. Emerson filed documents to restore his March 8, 1834 patent for an improvement in the steam engine (8053X) and, in March of 1844, submitted a new corrected drawing of a propeller. *See Hogg v. Emerson*, 52 U.S. 587, 599, 606 (1850). The fact that the X-Patents are a restored collection—with only approximately 2,600 or 26% being recovered or partially recovered—accounts for inconsistencies in the records, as where there are letters in a drawing that are not referenced in the specification or letters patent. Beginning in July of 1836, with US Patent No. 1, new patents were numbered when issued.

...(see next page)

**Drawings from Patent 8736 1/4 X,
April 2, 1835.
John Deakye, Straw Cutter**



Patents records lost in the 1836 Patent Office Fire were retrospectively renumbered as the X Patents

The X Patents (continued from front page)

Fractional numbering in the X-Patents

X-Patents all have the letter X associated with the patent number in the PatFT database and as it appears on the document. Retrospective renumbering created some “fractional patents” where the patent number ends in a fraction. In the PatFT database a letter represents the fraction. The letter is derived from a system of 1/16ths where A is 1/16; B is 2/16 (or 1/8) up to O, 15/16. Most fractional X patents end in H or ½, but you can find others ending in D (¼), L (¾), and N (⅞), such as those below, issued immediately after 8,736X:

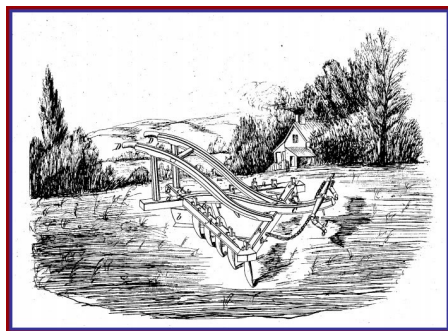
X87,36N or 8,736 ⅞ X (A. Hale, Wheel, April 2, 1835)

X87,36L or 8,736 ¾ X (L. Carman, Horse Power [Thrashing Machine], April 2, 1835)

X87,36H or 8,736 ½ X (O. Mack, Bee Hive, April 2, 1835)

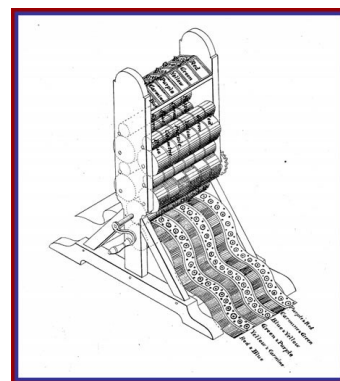
X87,36D or 8,736 ¼ X (J. Deakyne, Straw Cutter, April 2, 1835)

X8,736 or 8736X (D. Harrington, Galvanic Apparatus, March 31, 1835)



**Left: Drawing from Patent 7866X,
December 16, 1833.
John Reichard, Cultivator**

**Right: Drawing from Patent
3573X,
August 22, 1822
Peter Force, Method for Color
Printing**



Information on Early Patents

While the X-Patent records are incomplete, additional information can be found in the *Register of Name and Date Patents 1790-1836* (distributed by the PTDLP to PTDLs in 1999), as well as in Patent Office annual reports and patent lists such as Commissioner Edmund Burke’s *List of Patents for Inventions & designs 1790-1847* [Washington, J. & G. S. Gideon, 1847.] and Commissioner M.D. Leggett’s *Subject-Matter Index of Patents for Inventions issued by the United States Patent Office from 1790 to 1873, inclusive* [Washington, GPO, 1874.]. Moreover, judicial decisions that resolved patent disputes often included language from the specifications. The specification for 3131X, for example, is set forth in the decision *Blanchard’s Gun-Stock Turning Factory v. Warner*, 3 F. Cas. 653, 659 (C.C.D.Conn. 1846)[in *Federal Cases*, vol. 3]. The case was found by searching a legal database for federal cases having the terms “Blanchard” and “irregular forms”.

The *Journal of the Franklin Institute* reported extensively on patents. For example, Volume XVI (New Series) of the *Journal*, at pages 306-33, provides commentary for American Patents which issued in April of 1835. In addition to three of the four April 2, 1835 patents mentioned above, the *Journal* also lists patents issued on that date for a Pump to regulate water height in boilers, a Fire Alarm, a Tread Pump, a Grist Mill, a Cooking Stove, a Papillary Shield, a Spindle, and a Truss. (Contributed by Rob Berry.) ♦