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Robert A. Sturges

proach the cases which follow with an understanding of what is involved and exactly what to look for in the decision. This method follows that used by the writer in his teaching procedure.

While the book is entitled "Property" it is almost entirely upon the subject of real as distinguished from personal property.

The subject is considered by the authors in the light of "practicality"—what knowledge of the subject is needed by the student to prepare him for the practical problems he will meet after graduation. Because of this emphasis, the work differs from the majority of legal case books which apparently have as their aim instilling in the student all knowledge of a subject. This oftentimes leads to an acquaintance with fine points and a total misconception of fundamentals.

This result does not, and should not, occur by use of the instant work. It is an excellent work on real property; well adapted to today's "speeded up" law school curricula and admirably suited to preparing the law school student for the real property problems he will encounter in his practice.

The work also differs from the ordinary case book, which is sold (as soon as the subject has been completed) to an incoming law student, in that it is one that should be kept as a reference word for the young lawyer's library.

Check points for the preparation of contracts for the sale of real property, leases and deeds appear as well as sample forms thereof. These check points and forms together with the textual material appearing at the beginning of each subject indicate that it is a work that the student will keep and not dispose of at the finish of the course.

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*Reviewed by Robert A. Sturges**

DYNAMICS OF THE PATENT SYSTEM, edited by William B. Paul. Published by Central Book Company, Inc., New York; 449 pp. (1960).

In the fall of 1957 a seminar was held at Villanova University attended by about 170 patent lawyers. Discussions covering ten "critical" areas of patent law were held over a period

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of ten weeks, the objective being the taking apart of these selected areas. The book is a transcript of these proceedings.

The principal speakers presented papers directed to the selected topics to define areas of consideration. Consideration thereof took the form of questions, answers and comments prompted by the keynote paper.

Edwin L. Reynolds, Chief Technical Advisor, United States Court of Customs and Patent Appeals, introduced the question of invention standard as applied by the Patent Office. Mr. Reynolds concluded that in his opinion the Patent Office applied a much less stringent standard of invention prerequisite to the grant of a patent than that imposed by the courts.

Thomas Cooch of Wilmington, Delaware, spoke on the standard of invention as applied in the courts, pointing out that a primary cause of a holding of lack of invention, and hence invalidity of the patent is the failure of counsel to introduce evidence in behalf of the patent owner that invention was present.

Patent claims as handled before the Patent Office, discussed by Joseph G. Jackson of Philadelphia, points up the various formal matters involved in drafting claims in the various classes of invention, and decries the preoccupation of the Patent Office with claim form rather than claim substance.

Patent claims and their infringement are discussed from the aspect of whether infringement is a question of law, fact, or a mixture of the two. The importance of the problem arises in the event of appeal from an adverse decision. Mr. Floyd Crews of New York urges again that the matter of invention be proved to permit the judge to find or decide that a client's invention has been appropriated by another.

The patent laws grant the reward to the *original* and *first* inventor. Mr. Zachary T. Wobensmith, II of Philadelphia discusses special topics within this broad field. The effect of suppression and concealment by an inventor may result in a patent being awarded to a later inventor who had not abandoned, suppressed or concealed the invention. Lack of corroboration likewise can result in depriving an original, first inventor of a patent on his invention. The importance of the availability of a witness who can substantiate the events leading up to invention, and the inability of a completely credible inventor to establish by his own unsupported testimony his right to his invention is well and properly emphasized. Estoppels of various kinds may also result in a later inventor being awarded a patent, or the original, first inventor being denied one.

Howard I. Forman developed for consideration the relationships of inventors with others. The hired inventor and his employer each have rights in the subject invention, and various contractual relationships, express and implied, may result therefrom. The independent inventor by communicating his invention to another creates rights and obligations thereby. License agreements and assignments are the usual mechanisms by which rights to an invention are transferred at part or in whole. In addition to the tangible evidences of invention, there are the property rights in such intellectual properties as "know-how".

A somewhat different type of patent protection, afforded by the design patent law was discussed by Henry N. Paul, Jr. of Philadelphia. Mr. Paul traces the origin and registrative development of the Design Patent Act and differentiates the present law from the law relating to utility patents. A design to be patentable must be new, original, and ornamental, and cases touching on these requirements discussed.

Virgil Woodcock of Philadelphia poses the question of "What is prior art?" *Prior art* as developed by Mr. Woodcock includes the prior inventions of another, the prior knowledge and use by others in this country, the prior patenting anywhere in the world before the invention by the applicant, the prior description in a printed publication, the prior filing of an application for patent by another, prior publication, public use and sale, and various activities of the inventor himself including abandonment, early filing in a foreign country and the making of a change in the prior art which would have been obvious to one skilled in the art at the time the invention was made.

Judge Giles S. Rich, Associate Judge, United States Court of Customs and Patent Appeals, discusses the very controversial subject of contributory infringement.

John Hoxie of New York ably discusses the question of misuse of patents and points out that while a patent is in a sense a monopoly, it cannot be used in a manner which violates the anti-trust laws.

Each of the foregoing general papers was followed by discussion which sought to bring out points made in the paper somewhat more clearly, and to expand upon the discussion by the introduction of new points. Continuity is necessarily lacking in this book, and some of the subjects are not as thoroughly "taken apart" as the seminar had as its objective. The book is a *rechauffe* of subjects often individually treated by patent prac-

titioners, and of academic interest to patent lawyers only. To the inventor and general practitioner this book would be meaningless. Admittedly, it cannot be relied upon as a thorough treatment of any one of the specific subjects touched upon. While there is much good advice contained in the various discussions that bears repeating to patent practitioners, this book will not supplant standard sources on the subject of patents.

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*Reviewed by Theodore Samore**

THE COMPLEXITY OF LEGAL AND ETHICAL EXPERIENCE; STUDIES IN THE METHOD OF NORMATIVE SUBJECTS, by F. S. C. Northrop. Published by Little, Brown & Co., Boston, Mass.; xvi and 331 pp. (1959).

Professor Northrop of the Yale Law School has written extensively in the fields of scientific methodology, legal theory and international relations. His latest book is a collection of articles and book reviews that have appeared in various journals and compilations within the past ten years. The first and final two chapters contain entirely new material. He plans future volumes that will round out in greater detail his theoretical principles and furnish concrete instances of these principles in action.

Although the book is full of unnecessary repetitions and too many non-stop sentences, at least two themes are clearly evident. One is expository, the other is hortatory. The special pleading needs no comment, but the exposition requires discussion in some detail.

Now any study worth its salt has its philosophy, that is to say, those propositions so general and necessary to it that from these propositions (or postulates) certain other propositions follow. It is usually agreed that these propositions should be coherent, consistent and capable of validity or proof. Northrop writes: "The place of philosophy in law will depend upon two things: (1) the legal needs of contemporary society, and (2) the capacity of traditional methods and theories of jurisprudence to meet these needs" (p. 8). Furthermore, he continues, there are three facts that make contemporary society unique and these

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