

# Giles S. Rich Papers

## A Finding Aid to the Collection in the Library of Congress



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Revised and expanded by Nicholas Newlin and Pang H. Xiong

Finding aid encoded by Library of Congress Manuscript Division, 2012  
Revised 2019 January

## Collection Summary

**Title:** Giles S. Rich Papers

**Span Dates:** 1790-1999

**Bulk Dates:** (bulk 1956-1999)

**ID No.:** MSS84755

**Creator:** Rich, Giles S.

**Extent:** 134,500 items

**Extent:** 673 containers plus 1 oversize

**Extent:** 267 linear feet

**Extent:** 522 digital files (430.79 MB)

**Language:** Collection material in English

**Location:** Manuscript Division, Library of Congress, Washington, D.C.

**LC Catalog record:** <https://lccn.loc.gov/mm00084755>

**Summary:** Federal judge and patent attorney. Legal case files, correspondence, administrative files, subject file, speeches, and writings documenting the career of Giles S. Rich as a judge on the United States Court of Customs and Patent Appeals and the United States Court of Appeals for the Federal Circuit.

## Selected Search Terms

The following terms have been used to index the description of this collection in the LC Catalog. They are grouped by name of person or organization, by subject or location, and by occupation and listed alphabetically.

### People

Arnold, Tom--Correspondence.

Frost, George E., 1918- --Correspondence.

Gladney, Frank Y. (Frank Young), 1877- --Correspondence.

Hand, Learned, 1872-1961--Correspondence.

Latman, Alan--Correspondence.

Rao, Paul P., Sr., 1899-1988--Correspondence.

Rich, Giles S.

Schneider, Homer J.--Correspondence.

Smith, Arthur M. (Arthur Mumford), 1903-1968--Correspondence.

Watson, Robert C.--Correspondence.

### Organizations

National Council of Patent Law Associations (U.S.). Coordinating Committee on Revision and Amendment of the Patent Laws.

United States. Court of Appeals (Federal Circuit)

United States. Court of Customs and Patent Appeals.

United States. Patent Act of 1952.

### Subjects

Biotechnology industries.

Biotechnology--Patents.

Computer software industry.

Computer software--Patents.

Design protection.

Drugs--Patents.

Intellectual property.

Patent laws and legislation--United States.

Patents--Standards.

Patents.

Pharmaceutical industry.

## **Occupations**

Judges.  
Lawyers.

## **Provenance**

The papers of Giles S. Rich, federal judge and patent attorney, were bequeathed by Rich to the Library of Congress and received in 2000 and 2001. Additional items were transferred from the United States Court of Appeals for the Federal Circuit in 2017.

## **Processing History**

The papers of Giles S. Rich were arranged and described in 2002. The finding aid was revised and expanded in 2007 to include material not described in the original version, and this is reflected in Addition I. A further revision was made in 2014 to include the description of digital files. Material transferred in 2017 were processed and described as Addition II in 2019.

## **Transfers**

Items have been transferred from the Manuscript Division to other custodial divisions of the Library. Sound and video recordings have been transferred to the Motion Picture, Broadcasting, and Recorded Sound Division. A book has been transferred to the Anglo-American Acquisitions Division. All transfers are identified in these divisions as part of the Giles S. Rich Papers in the Manuscript Division.

## **Copyright Status**

Copyright in the unpublished writings of Giles S. Rich in these papers and in other collections in the custody of the Library of Congress is reserved. Consult a reference librarian in the Manuscript Division for further information.

## **Access and Restrictions**

Restrictions apply governing the use, photoduplication, or publication of items in this collection. Consult a reference librarian in the Manuscript Division for information concerning these restrictions.

## **Digital Format**

Digital files were received as part of the papers of Giles S. Rich. Reference copies were created from the original digital media. Consult reference staff in the Manuscript Division for more information.

## **Preferred Citation**

Researchers wishing to cite this collection should include the following information: Container or digital ID number, Giles S. Rich Papers, Manuscript Division, Library of Congress, Washington, D.C.

## **Biographical Note**

<b>Date</b>	<b>Event</b>
1904, May 30	Born, Rochester, N.Y.

1926	Bachelor of science, Harvard College, Cambridge, Mass.
1929	Bachelor of law, Columbia University School of Law, New York, N.Y.
1929-1952	Private practice in patent and trademark law, Williams, Rich and Morse, New York, N.Y.
1931	Married Gertrude Verity Braun (died 1953)
1942-1956	Lecturer on patent law, Columbia University School of General Studies, New York, N.Y.
1950-1951	President, New York Patent Law Association
1950-1952	Member, Drafting Committee, Coordinating Committee of the National Council of Patent Law Associations, which drafted the Patent Act of 1952
1952-1956	Private practice in patent and trademark law, Churchill, Rich, Weymouth and Engel, New York, N.Y.
1953	Married Helen Gill Field
1956-1982	Associate judge, United States Court of Customs and Patent Appeals
1963	Received Charles F. Kettering Award from the Patent, Trademark, and Copyright Research Institute, George Washington University, Washington, D.C.
1963-1969	Adjunct professor of patent law, Georgetown University Law Center, Washington, D.C.
1979	Wrote the opinion for <i>In re Bergy</i> recognizing the patentability of genetically engineered life forms
1980	<i>In re Bergy</i> affirmed by the Supreme Court in <i>Diamond v. Chakrabarty</i>
1982-1999	Circuit judge, United States Court of Appeals for the Federal Circuit, created by the merger of the Court of Customs and Patent Appeals and the Court of Claims
1999, June 9	Died, Washington, D.C.

## Scope and Content Note

The papers of Giles Sutherland Rich (1904-1999) span the years 1790-1999, with the bulk of the material concentrated in the period 1956-1999. The collection chiefly documents Rich's long and influential career in patent and intellectual property law as a judge on the United States Court of Customs and Patent Appeals and its successor the United States Court of Appeals for the Federal Circuit. In 1997 at the age of 92, Rich achieved recognition as the oldest serving active federal judge, a status he reinforced by continuing to serve until his death two years later. He is especially well-known for his opinions recognizing patents in the biotechnology and computer software industries and for his contributions to the Patent Act of 1952. Rich's extensive case files constitute the main body of his papers, which are organized in the following series: [Pre-Judicial File](#); [Correspondence File](#); [United States Court of Customs and Patent Appeals](#); [United States Court of Appeals for the Federal Circuit](#); [Subject File](#); [Legal Reference File](#); [Speeches, Writings, and Events File](#); [Miscellany](#); [Addition I](#); [Addition II](#); [Oversize](#); and [Digital File](#).

The [Pre-Judicial File](#) represents Rich's activities as a patent attorney prior to his appointment to the federal judiciary in 1956. Although he practiced patent law for more than twenty-five years, his papers contain only a few of his legal files and a teaching file relating to courses he taught at Columbia University. Rich considered his contributions to the Patent Act of 1952 a major achievement, and this is primarily covered in [Addition II](#).

The [Correspondence File](#) largely reflects Rich's period of service on the bench and contains letters exchanged with attorneys, judges, government officials, and professional organizations. Topics of discussion include points of law, legislation, and the effects of decisions by various United States courts. Much of the correspondence is general in nature including scheduling, invitations, and personal notes. Prominent correspondents include Tom Arnold, George E. Frost, Frank Y. Gladney, Learned Hand, Alan Latman, Paul P. Rao, Homer J. Schneider, Arthur M. Smith, and Robert C. Watson.

The [United States Court of Customs and Patent Appeals](#) series is composed of an [administrative file](#) and an extensive [case file](#). The series contains some of Rich's most important opinions in patent law and, together with the case file in the United States Court of Appeals for the Federal Circuit series, documents the development of patent and intellectual property law as well as growth in science and technology in the United States during the last half of the twentieth century. The [administrative file](#) contains correspondence exchanged with various federal judges and material relating to Rich's appointment to the court, his service as acting chief judge, and the merger of the Court of Customs and Patent Appeals with the United States Court of Claims.

The [case file](#) documents the legal debates and consensus-building process of the court's five-judge panels and includes final and draft copies of opinions, notes from oral arguments, correspondence and law clerks' memoranda, vote tallies, circulated opinions, briefs, transcripts, and background material. Grouped chronologically by annual terms, the case file contains patent and customs cases in which Rich wrote majority, concurring, or dissenting opinions. Annual terms begin in October and generally run through June of the following year, and cases are arranged by docket number mostly within the term in which they were first argued or submitted. A new docket number system introduced in the annual term for 1974-1975 includes a prefix identifying the federal fiscal year in which a case was docketed.

A file for *In re Bergy* relates to the patentability of genetically engineered life-forms under the existing patent laws. The *Bergy* decision, which was subsequently affirmed by the Supreme Court in the *Diamond v. Chakrabarty* case, is credited with contributing to the rapid expansion of the biotechnology industry. Sound recordings of oral arguments for *In re Bergy* and *In re Chakrabarty* have been transferred to the Library's Motion Picture, Broadcasting, and Recorded Sound Division. Other prominent cases include *In re Benson* and *In re Diehr* in which Rich argued for the extension of patent protection to computer software programs. His opinion in *Diehr* was ultimately upheld by the Supreme Court. The file also contains customs and trademark cases.

The [United States Court of Appeals for the Federal Circuit](#) series reflects Rich's work as a member of the circuit court formed by the combined Court of Customs and Patent Appeals and the Court of Claims. Created in 1982, the new court was given greatly expanded nationwide jurisdiction in patent appeal cases in order to provide more uniformity in patent law. The court's jurisdiction also included appeals in the fields of international trade, government contracts, claims against the government, and federal personnel. Material related to the court include an [administrative file](#), a [case file](#), and an [en banc](#) case file. Opinions by Rich include *State Street Bank & Trust Co. v. Signature Financial Group* recognizing patents for business and financial methods and *In re Alappat*, another computer software program case decided *en banc*. Files include final and draft copies of opinions, notes from oral arguments, administrative sheets, correspondence and law clerks' memoranda, vote tallies, circulated opinions, briefs, transcripts, and background material. Grouped by annual terms as the file was originally organized in Rich's offices, the [case files](#) primarily relate to cases in which Rich authored opinions. Annual terms run from October through September, and cases are mostly filed in the term in which they were first argued or submitted. Files for the 1990s are incomplete and many include only Rich's notes and law clerks' memoranda. The [administrative file](#) includes correspondence of the court, minutes and reports from judges' conferences, a personal file, and material related to cases before the court concerning the air traffic controllers' strike in 1981.

The [Subject File](#) contains material documenting Rich's participation in drafting legislation affecting design protection and the pharmaceutical industry. Other prominent files include material relating to patent cases appealed to the Supreme Court. In *Graham v. John Deere Co.* the Court affirmed the concept of "nonobviousness," a standard for granting patents cowritten by Rich into the Patent Act of 1952. Other key files treat biotechnology, software protection, trademarks, and the history of the Court of Customs and Patent Appeals. The [Legal Reference File](#) covers a broad range of issues related to patents, including files pertaining to the legislative history of patent law.

The [Speeches, Writings, and Events File](#) contains items related to Rich's books, judicial seminars, speeches, articles, notes, and background material. Book files include material pertaining to Rich's *A Brief History of the United States Court of Customs and Patent Appeals* and his *Collected Papers on Patent Law*. A chronological file of articles, speeches, and events attended by Rich spans the breadth of his career. Prominent in the file is correspondence and other material relating to his Charles F. Kettering Award address in 1964 expounding the merits of the "nonobviousness" standard for patents.

The [Miscellany](#) series includes biographical and genealogical material, memorials, photographs, and printed matter.

[Addition I](#) includes case files from the 1982-1983 annual term of the United States Court of Appeals for the Federal Circuit. [Addition II](#) primarily covers Rich's pre-judicial career. Prominent in this addition are papers documenting Rich's contributions to the Patent Act of 1952. Rich served on the Drafting Committee of the Coordinating Committee on Revision and Amendment of the Patent Laws of the National Council of Patent Law Association. Correspondence, drafts of proposed bills with Rich's edits and handwritten suggestions, notes, research material, clippings, printed matter, and other supporting material chronicle the two-year effort by Rich and other coordinating committee members to assist the Judiciary Committee of the House of Representatives in drafting the Patent Act of 1952. Also included are notecards containing section-by-section comments from various organizations or individuals and a copy of P. J. Federico's *Commentary on the New Patent Act*.

Addition II also includes subject file, speeches, and writings. Rich's interest in patent law reform from 1967 to 1976 is reflected in the subject file. He particularly collected material related to the proposed bill S. 1042. This bill was based on recommendations of the President's Commission on the Patent System and would have changed to a first-to-file patent system. Speeches consist of notes, drafts of speeches, and published versions of Rich's speeches along with supporting material. Topics include designs, section 271 of the Patent Act of 1952, and principles of patentability. Writings include an unpublished paper by Rich regarding his opinion of *In re Nelson*. Also included in writings are Rich's thoughts on the philosophy of patents, the Patent Office, and different sections of Title 35.

## Arrangement of the Papers

This collection is arranged in twelve series:

- Pre-Judicial File, 1904-1962
- Correspondence File, 1932-1999
- United States Court of Customs and Patent Appeals, 1945-1989
- United States Court of Appeals for the Federal Circuit, 1958-1999
- Subject File, 1790-1999
- Legal Reference File, 1849-1999
- Speeches, Writings, and Events File, 1909-1999
- Miscellany, 1825-1999
- Addition I, 1982-1983
- Addition II, 1895-1995
- Oversize, undated
- Digital File, 1997

## Description of Series

<b>Container</b>	<b>Series</b>
BOX 1-7	<p><b><u>Pre-Judicial File, 1904-1962</u></b></p> <p>Correspondence, legal files, teaching files, clippings, notes, and printed matter. Arranged alphabetically by type of material or topic and chronologically therein.</p>
BOX 7-16	<p><b><u>Correspondence File, 1932-1999</u></b></p> <p>Letters with attachments received and copies of letters sent. Arranged alphabetically by name of person, organization, or topic and chronologically therein.</p>
BOX 16-339	<p><b><u>United States Court of Customs and Patent Appeals, 1945-1989</u></b></p>
BOX 16-29	<p><b><u>Administrative File, 1945-1989</u></b></p> <p>Correspondence, memoranda, notes, copies of opinions, reports, printed matter, and clippings. Arranged alphabetically by name of person, organization, or topic and chronologically therein.</p>
BOX 27-339	<p><b><u>Case File, 1956-1982</u></b></p> <p>Opinions in various stages of preparation, circulated opinions, memoranda, correspondence, administrative sheets, notes on argued cases, case assignments, vote tallies, motions, briefs, transcripts, reports, printed matter, clippings, and background material. Organized chronologically by annual court term and alphabetically thereunder by type of material. Opinion files are grouped by type of appeal and filed numerically thereunder by docket number. Material in individual opinion files is mostly filed as received with final and draft opinions followed in order by correspondence, notes, background material, and printed copies of briefs and transcripts of record.</p>
BOX 340-581	<p><b><u>United States Court of Appeals for the Federal Circuit, 1958-1999</u></b></p>
BOX 340-358	<p><b><u>Administrative File, 1958-1999</u></b></p> <p>Correspondence, memoranda, notes, copies of opinions, reports, printed matter, and clippings. Arranged alphabetically by topic, name of person or organization, or type of material and chronologically therein.</p>
BOX 359-536	<p><b><u>Case File, 1982-1999</u></b></p> <p>Opinions in various stages of preparation, circulated opinions, memoranda, correspondence, administrative sheets, notes, case assignments, vote tallies, motions, briefs, transcripts, reports, printed matter, clippings, and background material. Organized chronologically by annual court term and alphabetically thereunder by type of material. Opinion files are arranged numerically by docket number. Material in individual opinion files is mostly arranged as received with final and draft opinions followed in order by administrative sheets, correspondence, notes, background material, and printed copies of briefs and transcripts of record.</p>

- BOX 537-581**                    **En Banc Case File, 1982-1999**  
Opinion files with opinions in various stages of preparation, circulated opinions, memoranda, correspondence, administrative sheets, notes, vote tallies, motions, briefs, transcripts, reports, printed matter, clippings, and background material.  
Organized chronologically by annual court term and filed numerically thereunder by docket number. Material in individual opinion files is mostly arranged as received with final and draft opinions followed in order by administrative sheets, correspondence, notes, background material, and printed copies of briefs and transcripts of record.
- BOX 582-610**                    **Subject File, 1790-1999**  
Correspondence, notes, reports, opinions, printed matter, transcripts, clippings, and background material.  
Arranged alphabetically by topic, name of organization, or type of material and chronologically thereunder.
- BOX 610-617**                    **Legal Reference File, 1849-1999**  
Correspondence, notes, reports, printed matter, clippings, and background material.  
Arranged alphabetically by topic and chronologically thereunder.
- BOX 617-652**                    **Speeches, Writings, and Events File, 1909-1999**  
Handwritten, typed, and printed copies of articles, speeches, and books with related notes, printed matter, and research material.  
Grouped alphabetically and arranged chronologically or alphabetically therein.
- BOX 653-657**                    **Miscellany, 1825-1999**  
Awards, biographical and genealogical material, clippings, memorials, photographs, and printed matter.  
Arranged alphabetically by type of material and chronologically thereunder.
- BOX 658-660**                    **Addition I, 1982-1983**  
Opinions, memoranda, correspondence, notes, briefs, transcripts, and reports from the United States Court of Appeals for the Federal Circuit.  
Organized chronologically by annual court term and thereunder by type of material. Opinion files are arranged according to docket number.
- BOX 661-680**                    **Addition II, 1895-1995**  
Correspondence, drafts and copies of bills, speeches, writings, subject file, appointment books, notes, and research material.  
Arranged alphabetically by topic or type of material.
- BOX OV 1**                        **Oversize, undated**  
Index cards.  
Arranged and described according to the series, containers, and folders from which the items were removed.
- DF**                                **Digital File, 1997**  
Arranged and described according to the series, containers, and folders from which the items were removed. The series contains 522 files (430.79 MB) and contains text documents, executable files, web pages, and image files.



# Container List

<b>Container</b>	<b>Contents</b>
<b>BOX 1-7</b>	<b>Pre-Judicial File, 1904-1962</b> Correspondence, legal files, teaching files, clippings, notes, and printed matter. Arranged alphabetically by type of material or topic and chronologically therein.
<b>BOX 1</b>	Admission to practice before the U.S. Supreme Court, 1949 Copyright for artists, 1934-1938 Clippings, 1934-1955, undated Law school notes, 1928, undated Legal file Active inducement, cases and notes, undated Dr. Salsbury's Laboratories v. I. D. Russell Co. Laboratories Briefs Drafts and notes, 1938-1953, undated (2 folders) Printed, 1954, undated Correspondence Client's attorneys, 1952-1956 (3 folders) Others, 1937, 1953-1955 (3 folders) Miscellany, 1952-1954, undated (2 folders) Oral argument notes, 1952-1954, undated Petition for rehearing, 1951-1954, undated Petition for writ of certiorari, 1953-1954, undated (3 folders) Sulfa report, 1955
<b>BOX 2</b>	Transcript of proceedings, 1950
<b>BOX 3</b>	George Franke Sons Co. v. Wiebke Mach. Co., 1933-1934, undated Hall Laboratories v. Springs Cotton Mills, 1948-1953, undated Johnson v. Champion DeArment Tool Co. Case chronology, 1941-1944 Correspondence, 1935-1944, undated (3 folders) Digest of patent issued to Joseph N. Johnson, 1929-1932 Defense exhibits Set I, 1904, 1927-1932, undated
<b>BOX 4</b>	Set II, 1943 Set III, undated Miscellany, 1941-1943, undated Notes, 1943, undated

## Pre-Judicial File, 1904-1962

### Container

### Contents

---

	Printed matter, 1943-1944, undated (2 folders) Request for admissions, 1941-1943 Stipulations, 1942 Legislation Patent Act of 1952, 1953 <i>See also Container 662, same heading</i> Patent Priorities Bill, 1945-1946 Miscellany, 1937-1951, undated
BOX 5	Printed matter, 1932-1952, undated (3 folders) Teaching file Columbia University, New York, N.Y. Correspondence, 1940-1956 (2 folders) Important cases 1935-1945 1946-1952
BOX 6	Miscellany, 1931-1956, undated (2 folders) Notebooks Vol. I, litigation, 1930-1952 (2 folders) Vol. II Licenses, 1933-1955 Patent appeals, 1942-1961, undated
BOX 7	Trademark examples, 1913, 1931-1962, undated New York Law School, New York, N.Y., 1955
BOX 7-16	<b>Correspondence File, 1932-1999</b> Letters with attachments received and copies of letters sent. Arranged alphabetically by name of person, organization, or topic and chronologically therein.
BOX 7	Adler, Reid G., 1983-1985 American Intellectual Property Law Association, 1976-1992 (2 folders) <i>APLA Quarterly Journal</i> , 1974-1977, undated Arnold, Tom, 1965-1996 “A” miscellaneous, 1944-1996 (2 folders) Bar Association of the District of Columbia, 1959-1996 <i>Biotechnology Law Report</i> , 1981-1985, undated Burch, Lyndon W., 1970 “Ba-Be” miscellaneous, 1970-1998
BOX 8	“Bj-Bu” miscellaneous, 1970-1997 (2 folders) Catholic University of America, Washington, D.C., 1969-1992, undated Churchill, Rich, Weymouth and Engel, New York, N.Y., 1948-1952

## Correspondence File, 1932-1999

### Container

### Contents

---

	Columbia Law School Association, 1981-1994, undated
	“C” miscellaneous, 1961-1999
	(3 folders)
	Deller, Anthony W., 1963-1964, 1973
	Detroit College of Law, Detroit, Mich., 1977
	“Da-Duf” miscellaneous, 1957-1996
	(4 folders)
BOX 9	“Dul-Duv” miscellaneous, 1965-1994
	Eubanks, Luther B., 1970
	“E” miscellaneous, 1964-1995
	Forman, Howard I., 1965-1972, undated
	Foundation for Creative America, 1991-1994
	Frost, George E., 1957-1981
	“F” miscellaneous, 1942-1994
	(2 folders)
	George Mason University School of Law, Arlington, Va., 1989-1992
	Georgetown University, Washington, D.C., 1964-1975
	Gladney, Frank Y., 1942-1995
	“G” miscellaneous, 1961-1991
	(3 folders)
	Hand, Learned, 1960
BOX 10	“H” miscellaneous, 1953-1998
	(4 folders)
	“I” miscellaneous, 1962-1997
	John Marshall Law School, Chicago, Ill., 1980-1992, undated
	<i>Journal of the Patent Office Society</i> , 1932-1953, undated
	(4 folders)
	“J” miscellaneous, 1961-1994
	(3 folders)
BOX 11	“K” miscellaneous, 1958-1998
	(5 folders)
	Latman, Alan, 1965-1982
	“L” miscellaneous, 1956-1995
	(4 folders)
	“M” miscellaneous, 1963-1998
	(2 folders)
	New Jersey Intellectual Property Law Association, 1953-1995
	New Jersey Patent Law Association <i>See same container, New Jersey Intellectual Property Law Association</i>
BOX 12	New York Intellectual Property Law Association, 1949-1998
	(2 folders)
	New York Patent Law Association <i>See same container, New York Intellectual Property Law Association</i>
	“N” miscellaneous, 1963-1993
	Owen, Donham A., 1964-1966
	“O” miscellaneous, 1959-1986

## Correspondence File, 1932-1999

### Container

### Contents

---

	Patent reform bill, 1967-1968 <i>See also Container 599, President's Commission on the Patent System</i> (2 folders)
	Philadelphia Patent Law Association, 1973-1993
	Pizza, Josephine (secretary), 1962-1982
	“P” miscellaneous, 1959-1998 (2 folders)
	“Q” miscellaneous, 1987
	Rao, Paul P. (1899-1988) and Paul P. (1931- ), 1957-1976
	“Ra-Re” miscellaneous, 1956-1998, undated (2 folders)
<b>BOX 13</b>	“Ri-Ru” miscellaneous, 1958-1997 (2 folders)
	Schneider, Homer J., 1967-1988, undated
	Smith, Arthur M., 1959-1968
	Speaking invitations declined, 1961-1997, undated (4 folders)
	“Sa-Sp” miscellaneous, 1944-1999 (7 folders)
<b>BOX 14</b>	“St-Sy” miscellaneous, 1959-1997 (2 folders)
	TeGrotenhuis, T. Alcott, 1975, undated
	Thank you letters received Miscellany, 1958-1998, undated (7 folders)
	Regarding photographs by Rich, 1964-1992, undated
<b>BOX 15</b>	Twenty-fifth anniversary of appointment to Court of Customs and Patent Appeals, 1980-1981, undated (6 folders)
	“T” miscellaneous, 1959-1994 (4 folders)
	U.S. Trademark Association, 1970-1981
	“U” miscellaneous, 1973-1985
	Van Vleck Appellate Case Club, George Washington University, Washington, D.C., 1971-1973, undated
	Voyce, Brian, 1978-1979, undated
	“V” miscellaneous , 1959-1993 (2 folders)
	Watson, Robert C., 1953-1959
<b>BOX 16</b>	West Publishing Co., 1957-1993
	“W” miscellaneous, 1957-1996 (3 folders)
	“Z” miscellaneous, 1993-1999
	Unidentified, 1957-1997, undated
<b>BOX 16-339</b>	<b>United States Court of Customs and Patent Appeals, 1945-1989</b>

## United States Court of Customs and Patent Appeals, 1945-1989

### Container

### Contents

---

<b>BOX 16-29</b>	<b>Administrative File, 1945-1989</b> Correspondence, memoranda, notes, copies of opinions, reports, printed matter, and clippings. Arranged alphabetically by name of person, organization, or topic and chronologically therein.
<b>BOX 16</b>	Acting chief judge Correspondence, 1945-1972, undated (3 folders) Notes, 1970-1972, undated Administrative Office of the United States Courts, Washington, D.C., 1970, 1980-1981, undated Appointment to the court Congratulatory, 1956-1958 A-N, 1956-1958 (2 folders) O-Z, 1956-1957 (2 folders) Unidentified, 1956-1957 Miscellany, 1955-1958, undated Nomination and confirmation, 1951-1956, 1982, undated (5 folders) Telephone calls, notes, 1956 Bell Laboratories, Murray Hill, N.J., 1977 Case backlog reduction, 1971 Clippings, 1958-1982, undated
<b>BOX 17</b>	Court staff, 1959, 1969-1972, undated (3 folders) Curry, William N., article about derelict judge, 1970-1971 Customs legislation, 1968-1970, undated Equal employment opportunity data, 1980-1981 Exercise rooms, 1970-1972 Federal Judicial Center, Washington, D.C., 1967-1973 (3 folders) Financial disclosure reports, 1970-1980 Intercircuit assignments, 1959-1981, undated Judges Activities, annual reports, 1979-1982 Baldwin, Phillip B., 1952-1989, undated Jackson, Joseph R., 1969-1970, undated Lane, Donald E., 1968-1979, undated Markey, Howard T., 1972-1982 Miller, Jack R., 1972-1980, undated Miscellaneous correspondence, 1961-1982, undated (5 folders) Nies, Helen W., 1979-1980, undated Smith, Arthur M. Appointment to the court, 1958-1959, undated
<b>BOX 18</b>	
<b>BOX 19</b>	

## United States Court of Customs and Patent Appeals, 1945-1989

### Container

### Contents

---

	Memorial
	1968, Nov.-1969, Sept.
<b>BOX 20</b>	1969, Oct.-1970, Aug. (2 folders)
	Judicial Conference of the United States, Washington, D.C.
	Committee on Revision of the Laws, 1968 (2 folders)
	Subcommittee on Supporting Personnel, 1969-1971, undated (3 folders)
	Judicial vacancies
	Created by death
	Cole, William P., 1957-1965, undated (5 folders)
<b>BOX 21</b>	Martin, I. Jack, 1964-1968, undated (3 folders)
	Smith, Arthur M., 1967-1971, undated (5 folders)
	Created by retirement
	Almond, J. Lindsay, Jr., 1971-1973
	Worley, Eugene, 1972, undated (4 folders)
<b>BOX 22</b>	Law clerks and technical advisors
	Directories, 1964-1981 (3 folders)
	Gholz, Charles, 1967-1973, undated (4 folders)
	Havelka, Ron D., 1967-1978, undated
	Miscellany
	1958-1982 (2 folders)
<b>BOX 23</b>	Undated
	Smith, Neil A., 1970-1974, undated
	Leave system, 1972-1974
	Library, 1961-1982, undated
	Merger of the Court of Customs and Patent Appeals and the Court of Claims
	Legislation, 1980-1982, undated (7 folders)
<b>BOX 24</b>	Meador, Daniel J., proposal by, 1978-1979 (6 folders)
	Miscellany, 1955-1980, undated (2 folders)
	Motions, judges' actions, 1973-1981
	Opinions by Rich
	Dissents, list of, 1958-1976
	For other United States courts
	Court of Appeals for the Ninth Circuit, 1974-1978 (2 folders)

# United States Court of Customs and Patent Appeals, 1945-1989

## Container

## Contents

---

<b>BOX 25</b>	District Court for the District of Columbia Bolyard v. Watson, 1959 Cook v. Watson, 1960 Harpman v. Watson, 1959 Switzer v. Watson, 1960-1962, undated Miscellany, 1957-1967 Patent Office, Office of Legislative Planning, undated Printing and photocopying financial dispute, 1970-1972, undated (4 folders) Rules, 1953
<b>BOX 26</b>	Salaries and annuities, 1956-1981, undated (3 folders) Summaries of court sessions, participating judges, 1954-1971 Taylor, George S., assistant to the reporter, 1964, 1970, undated Temporary judicial assignments, 1967-1971, undated (2 folders) Tenth anniversary on the court, 1966 Three-judge panels, observations, 1965 Travel file, 1956, 1965-1981, undated (2 folders) Vote sheet, origin of, 1965
<b>BOX 27-339</b>	<b>Case File, 1956-1982</b> Opinions in various stages of preparation, circulated opinions, memoranda, correspondence, administrative sheets, notes on argued cases, case assignments, vote tallies, motions, briefs, transcripts, reports, printed matter, clippings, and background material. Organized chronologically by annual court term and alphabetically thereunder by type of material. Opinion files are grouped by type of appeal and filed numerically thereunder by docket number. Material in individual opinion files is mostly filed as received with final and draft opinions followed in order by correspondence, notes, background material, and printed copies of briefs and transcripts of record.
<b>BOX 27</b>	1956-1957 term Cases assigned to Rich Conference calendars Opinions Customs docket 4863 National Carloading Corp. v. United States 4867 T. M. Duche & Sons v. United States (2 folders) 4868 D. N. & E. Walter Co. v. United States 4872 Burstrom v. United States 4875 United States v. Cody Mfg. Co. 4876 C. J. Towers & Sons v. United States 4883 F. L. Kraemer & Co. v. United States
<b>BOX 28</b>	4884 F. W. Myers & Co. v. United States

United States Court of Customs and Patent Appeals, 1945-1989

Container	Contents
	4891 United States v. Pittsburgh Plate Glass Co. (2 folders)
	4899 United States v. American Bitumuls & Asphalt Co.
	4901 Richter Bros., Inc. v. United States
	4903 United States v. Alltransport, Inc.
	Patent docket
	6219 <i>In re</i> Fine
	6226 Henry a la Pensee, Inc. v. Societe a Responsabilitee Limitee Henry a la Pensee
	6229 <i>In re</i> Azorlosa
BOX 29	6232 Vandenberg v. Reynolds <i>See also Container 42, 6440</i> (3 folders)
	6233 Hagar v. Haines (2 folders)
BOX 30	6236 <i>In re</i> Jaeger
	6237 <i>In re</i> Hummer
	6242 West Disinfecting Co. v. Onorato
	6243 <i>In re</i> Dietert
	6245 <i>In re</i> Stempel
	6246 <i>In re</i> Schutte
	6256 <i>In re</i> Schulze
	6257 <i>In re</i> Ockert
	6258 <i>In re</i> Ockert <i>See same container, 6257</i>
	6259 <i>In re</i> Ockert <i>See same container, 6257</i>
	6260 <i>In re</i> Ockert <i>See same container, 6257</i>
	6261 <i>In re</i> Ockert <i>See same container, 6257</i>
	6266 Armour & Co. v. Organon, Inc.
	6270 Wirkler v. Perkins
BOX 31	6286 Howard v. Snyder
	6287 Howard v. Snyder <i>See same container, 6286</i>
	6298 Glass v. De Roo
	6302 Roger & Gallet v. Janmarie, Inc. <i>See also Containers 33, same heading, and 41, 6419</i> (3 folders)
	1957-1958 term
	Cases assigned to Rich
	Conference calendars
	Opinions
	Customs docket
	4916 R. J. Saunders & Co. v. United States (2 folders)
	4919 Marshall Field & Co. v. United States
	4920 Seattle Marine & Fishing Co. v. United States
BOX 32	4922 J. Eisenberg, Inc. v. United States (2 folders)



# United States Court of Customs and Patent Appeals, 1945-1989

Container	Contents
	4923 United States v. Mercantil Distribuidora, S.A. (2 folders)
	4925 United States v. J. H. Brown, Brown, Alcantar & Brown, Inc. (2 folders)
BOX 33	4939 Dodge & Olcott, Inc. v. United States Patent docket
	6276 <i>In re</i> Citron
	6289 Haultain v. DeWindt (2 folders)
	6294 <i>In re</i> Gray
	6302 Roger & Gallet v. Janmarie, Inc. <i>See also Containers 31, same heading, and 41, 6419</i>
	6303 General Shoe Corp. v. Lerner Bros. Mfg. Co.
BOX 34	6306 <i>In re</i> Teague (2 folders)
	6308 <i>In re</i> Agger
	6316 Whitehall Pharmacal Co. v. Denney
	6317 <i>In re</i> Doran
	6318 <i>In re</i> Bourns
	6321 <i>In re</i> Wright (2 folders)
	6327 <i>In re</i> Tenney
	6329 <i>In re</i> Cooper
BOX 35	6333 <i>In re</i> Wolfe
	6338 <i>In re</i> Nelson
	6340 Neufeld v. Marte (2 folders)
	6346 <i>In re</i> Hall
	6347 S. C. Johnson & Son, Inc. v. Consumers Coop. Ass'n
	6357 <i>In re</i> Ruff (2 folders)
BOX 36	6362 <i>In re</i> Glaberson
	6363 Medicated Prods. Co. v. Alice Jewelry Co.
	6364 <i>In re</i> Van Ormer
	6368 <i>In re</i> Wynne
	6377 <i>In re</i> Ruscetta
	6415 Meyer Chem. Co. v. Anahist Co.
	1958-1959 term
	Cases assigned to Rich
	Conference calendars and reports
	Opinions
	Customs docket
	4930 Anderson Org. v. United States (2 folders)

# United States Court of Customs and Patent Appeals, 1945-1989

## Container

## Contents

---

	4936	Aris Gloves v. United States
	(2 folders)	
BOX 37	4945	United States v. Quon Quon Co.
	4947	United States v. Loffredo Bros.
	4950	A. Millner Co. v. United States
	4953	Moller v. United States
	(2 folders)	
	4954	United States v. Electrolux Corp.
	4956	United States v. Baltimore & Ohio R.R.
	(2 folders)	
BOX 38	4957	United States v. Rosenthal Bercow Co.
	(2 folders)	
	4958	United States v. Baker Perkins, Inc.
	4959	Koeller-Struss Co. v. United States
	4964	Concord Watch Co. v. United States
	(2 folders)	
	4971	United States v. Humble Oil & Ref. Co.
	(2 folders)	
	Patent docket	
	6297	Meehanite Metal Corp. v. International Nickel Co.
	(2 folders)	
BOX 39	6334	Shoe Corp. of Am. v. Juvenile Shoe Corp. of Am.
	(2 folders)	
	6343	National Motor Bearing Co. v. James-Pond-Clark
	(2 folders)	
	6381	<i>In re</i> Herrmann
	(2 folders)	
BOX 40	6387	<i>In re</i> Spence
	6393	<i>In re</i> Devine
	(2 folders)	
	6395	<i>In re</i> DuBois
	6399	Keizer v. Bradley
	(2 folders)	
BOX 41	6403	Lever Bros. Co. v. Trift-D-Lux Cleaners
	6404	Loukowsky v. Gerlich
	6415	Meyer Chem. Co. v. Anahist Co.
	6419	Roger & Gallet v. Janmarie, Inc. <i>See also Containers 31, 6302, and 33, 6302</i>
	6422	<i>In re</i> Murray
	6423	Wayne Knitting Mills v. Pilot Full Fashion Mills
	6424	<i>In re</i> Campagnie Nationale Air France
	6427	Los Angeles Soap Co. v. Lester Laboratories
	6428	<i>In re</i> Lind
BOX 42	6430	Swift & Co. v. Southwest Fertilizer & Chem. Co.
	(2 folders)	

## United States Court of Customs and Patent Appeals, 1945-1989

Container	Contents
	6434 <i>In re</i> Rock
	6440 Vanderberg v. Reynolds <i>See also Container 29, 6232</i>
	6445 <i>In re</i> Calderwood
	6446 <i>In re</i> Morrell
BOX 43	6448 <i>In re</i> Wright
	6450 Fitzgerald v. Arbib
	(2 folders)
	6452 <i>In re</i> Ratti
	(2 folders)
	1959-1960 term
	Argument notes for cases assigned to other judges
	Customs docket
	Patent docket
	(1 folder)
BOX 44	(1 folder)
	Cases assigned to Rich
	Opinions
	Customs docket
	4972 Aris Gloves, Inc. v. United States
	4991 United States v. Gulf Oil Corp.
	(2 folders)
	4992 United States v. Kaufman & Vinson Co.
	5004 Manca, Inc. v. United States
	5005 United States v. Buck's, Inc.
	5019 Spiers v. United States
	(2 folders)
BOX 45	5023 H. George Caspari, Inc. v. United States
	Patent docket
	6338 <i>In re</i> Nelson
	(6 folders)
BOX 46	<i>In re</i> Nelson
	(3 folders)
	6392 <i>In re</i> International Nickel Co.
	(4 folders)
BOX 47	<i>In re</i> International Nickel Co.
	(1 folder)
	6396 <i>In re</i> Antonson
	(2 folders)
	6418 <i>In re</i> Beaunit Mills
	6421 Rex Shoe Co. v. Juvenile Shoe Corp. of Am.
	(2 folders)
BOX 48	6455 <i>In re</i> Mills
	(6 folders)
	6462 <i>In re</i> Szwarc <i>See also Container 77, same heading</i>
	6465 <i>In re</i> Peterson
BOX 49	6469 General Shoe Corp. v. Hollywood-Maxwell Co.

**United States Court of Customs and Patent Appeals, 1945-1989**

**Container**

**Contents**

	6473	Tropic-Aire, Inc. v. Approved Prods., Inc.
	(2 folders)	
	6476	<i>In re</i> Folkenroth
	6478	<i>In re</i> Crockett
	(2 folders)	
	6482	<i>In re</i> Lorand
	6489	<i>In re</i> Yettito
	6496	Hegy v. Albers-Schoenberg
	(1 folder)	
<b>BOX 50</b>	(2 folders)	
	6503	J. Kohnstam, Ltd. v. Louis Marx & Co.
	6510	<i>In re</i> Charlton
	6514	<i>In re</i> Joliot
	(1 folder)	
<b>BOX 51</b>	(2 folders)	
	6518	<i>In re</i> Kotzin
	6524	<i>In re</i> Braun
	6525	Daggett & Ramsdell, Inc. v. I. Posner, Inc.
	6530	Squirt Co. v. Evans
	(2 folders)	
<b>BOX 52</b>	6540	Columbian Steel Tank Co. v. Union Tank & Supply Co.
	6542	<i>In re</i> Panagrossi
	6551	Singer Mfg. Co. v. Brueggeman
	6554	<i>In re</i> Leshin
	6556	<i>In re</i> McIlhenny Co.
	6566	Jacobs v. Sohl
	(1 folder)	
<b>BOX 53</b>	(1 folder)	
	6569	<i>In re</i> Sherrill
	6570	<i>In re</i> Hungerford Smith Co.
	6571	<i>In re</i> Lundberg
	(2 folders)	
<b>BOX 54</b>	6575	<i>In re</i> Silberstein
	6580	<i>In re</i> Huntington
	1960-1961 term	
	Argument notes for cases assigned to other judges	
	Customs docket	
	Patent docket	
	(3 folders)	
	Cases assigned to Rich	
	Opinions	
	Customs docket	
	5013	John V. Carr & Son, Inc. v. United States
	5027	Ross Products v. United States
	(2 folders)	

## United States Court of Customs and Patent Appeals, 1945-1989

Container	Contents
BOX 55	5036 Lador, Inc. v. United States
	5037 United States v. IDL Mfg. & Sales Corp.
	5041 Butti v. United States
	(2 folders)
	5051 United States v. North Am. Asbestos Corp.
	(2 folders)
	5054 C. J. Van Houten & Zoon, Inc. v. United States
	(2 folders)
	5055 Firth Sterling, Inc. v. United States
	(1 folder)
BOX 56	(1 folder)
	5056 United States v. Charles Garcia & Co.
	(2 folders)
	Patent docket
BOX 57	6603 <i>In re</i> Castagnola
	(2 folders)
	6606 <i>In re</i> Fong
	6608 <i>In re</i> Deister Concentrator Co.
	(2 folders)
	(1 folder)
	6610 House of Worsted-Tex v. Superba Cravets
	6611 House of Worsted-Tex v. Superba Cravets <i>See same container,</i> <u>6610</u>
	6618 <i>In re</i> Taylor
	6629 <i>In re</i> Shakespeare Co.
BOX 58	6632 <i>In re</i> Hunter
	6634 General Aniline & Film Corp. v. Hukill Chem. Corp.
	6638 DeWalt, Inc. v. Magna Power Tool Corp.
	(4 folders)
	6640 <i>In re</i> Tobey
	6659 Waldes Kohinoor, Inc. v. Illinois Tool Works
	6662 <i>In re</i> Walter
	(1 folder)
BOX 59	(2 folders)
	6665 <i>In re</i> Moreton
	6667 <i>In re</i> Moreton
	6669 <i>In re</i> Todd Co.
	(2 folders)
	6670 L. & C. Hardtmuth, Inc. v. Fabrique Suisse De Crayons Caran D'Ache S. A.
BOX 60	6677 Guardian Light Co. v. Guardian Elec. Mfg. Co.
	(2 folders)
	6680 <i>In re</i> Romito
	6684 <i>In re</i> McCullough
	6685 Weiss Noodle Co. v. Golden Cracknel & Specialty Co.
(2 folders)	

## United States Court of Customs and Patent Appeals, 1945-1989

Container	Contents
	6686 <i>In re</i> Larson
BOX 61	6687 Daley v. Wiltshire
	(4 folders)
BOX 62	(1 folder)
	6695 <i>In re</i> Hirsch
	6697 Alfred Dunhill of London v. Dunhill Tailored Clothes
	(3 folders)
BOX 63	6698 Eastern Indus. v. Waterous Co.
	(2 folders)
	6706 <i>In re</i> National Distillers & Chem. Corp.
	(2 folders)
	6707 <i>In re</i> Dean
	(2 folders)
	6711 <i>In re</i> Girtanner
	Special patent docket
	91 Untitled
	95 Adams v. Wolinski
BOX 64	1961-1962 term
	Argument notes for cases assigned to other judges
	Customs docket
	Patent docket
	(3 folders)
	Cases assigned to Rich
	Opinions
	Customs docket
	5066 Henley & Co. v. United States
	5067 Diamond Match Co. v. United States
	(2 folders)
	5069 United States v. Westfield Mfg. Co.
	(1 folder)
BOX 65	(1 folder)
	5072 United States v. Westfield Mfg. Co. <i>See Container 64, 5069</i>
	5080 United States v. A. W. Fenton Co.
	5085 United States v. G. L. Elecs.
	5086 Abercrombie & Fitch Co. v. United States
	(2 folders)
	5089 Lanston Indus. v. United States
	5092 R. J. Saunders & Co. v. United States
BOX 66	Patent docket
	6589 <i>In re</i> Hessian
	(8 folders)
BOX 67	6712 <i>In re</i> Lambooy
	6713 <i>In re</i> Bush
	6715 Roselux Chem. Co. v. Parsons Ammonia Co.
	(2 folders)

# United States Court of Customs and Patent Appeals, 1945-1989

## Container

## Contents

---

	6718	<i>In re</i> Moreton
	(2 folders)	
BOX 68	6719	<i>In re</i> Steel
	(2 folders)	
	6720	<i>In re</i> Smitley
	(2 folders)	
	6722	<i>In re</i> Talbert
	(2 folders)	
	6723	<i>In re</i> Wilkinson
BOX 69	6735	Air Prods. v. Marquette Mfg. Co.
	6736	<i>In re</i> Burndy Corp.
	6739	<i>In re</i> Kiekhaefer
	6740	<i>In re</i> Kiekhaefer
	6741	<i>In re</i> Hartop
	(3 folders)	
BOX 70	(1 folder)	
	6746	<i>In re</i> Wynne
	6757	<i>In re</i> Alford
	6758	Mortsell v. Laurila
	6763	<i>In re</i> Simon
	6764	<i>In re</i> Eller
BOX 71	6771	<i>In re</i> Esso Standard Oil Co.
	(2 folders)	
	6775	<i>In re</i> Price
	6780	<i>In re</i> Hurlburt
	(2 folders)	
	6783	<i>In re</i> Fisher
	(3 folders)	
BOX 72	6790	<i>In re</i> Wolfensperger
	(2 folders)	
	6791	<i>In re</i> Bartlett
	6794	<i>In re</i> Kirchner
	(2 folders)	
	6795	<i>In re</i> Helene Curtis Indus.
	6804	<i>In re</i> Rainer
	6805	Tas-T-Nut Co. v. Variety Nut & Date Co.
	(1 folder)	
BOX 73	(1 folder)	
	6810	<i>In re</i> Gordon
	6812	Planters Nut & Chocolate Co. v. Crown Nut Co.
	(2 folders)	
	6815	<i>In re</i> Thornhill
BOX 74	6817	<i>In re</i> Chilowsky
	(2 folders)	

## United States Court of Customs and Patent Appeals, 1945-1989

### Container

### Contents

---

	6818	Finkelstein v. Reiches
	(2 folders)	
BOX 75	(1 folder)	
	6829	<i>In re</i> General Elec. Co.
	6831	Hy-Cross Hatchery v. Osborne
BOX 76	1962-1963 term	
	Argument notes for cases assigned to other judges	
	Customs docket	
	Patent docket	
	(4 folders)	
	Cases assigned to Rich	
	Opinions	
	Customs docket	
	5097	Ellis K. Orlowitz Co. v. United States
	(2 folders)	
	5110	C. J. Tower & Sons v. United States
	(2 folders)	
BOX 77	5112	Durst Mfg. Co. v. United States
	(2 folders)	
	Patent docket	
	6462	<i>In re</i> Szwarc <i>See also</i> <a href="#"><i>Container 48, same heading</i></a>
	(3 folders)	
	6836	<i>In re</i> Gay
	(2 folders)	
	6838	<i>In re</i> Jacoby
	(1 folder)	
BOX 78	(1 folder)	
	6840	Merker Counter Co. v. Central Counter Co.
	6850	Elizabeth Kent Cosmetics v. G. B. Kent & Sons
	6851	<i>In re</i> Norman
	6855	<i>In re</i> LePage's, Inc.
	(2 folders)	
	6858	<i>In re</i> Wilson
	(2 folders)	
BOX 79	6862	<i>In re</i> Wilson
	(2 folders)	
	6868	<i>In re</i> Dirzius
	6872	<i>In re</i> Simmons
	6873	<i>In re</i> Zickendraht
	(2 folders)	
	6874	Brailsford v. Lavet
	(2 folders)	
BOX 80	(1 folder)	
	6876	<i>In re</i> Shuffman
	6882	<i>In re</i> Papesch
	(2 folders)	



## United States Court of Customs and Patent Appeals, 1945-1989

Container	Contents
	6885 <i>In re</i> Gruschwitz (3 folders)
BOX 81	6887 <i>In re</i> Fortney 6890 Globe-Union, Inc. v. Clark 6892 Browns Hosiery Mills v. Russell Hosiery Mills 6893 Harding v. Steingiser (3 folders)
BOX 82	6895 <i>In re</i> Druey 6897 <i>In re</i> Fuetterer (3 folders) 6898 <i>In re</i> Timmerbeil (3 folders) 6902 <i>In re</i> Handel (2 folders)
BOX 83	6913 <i>In re</i> Heyl 6914 <i>In re</i> Thompson (5 folders) 6915 Smith v. Wehn (2 folders)
BOX 84	6916 <i>In re</i> Kalter (2 folders) 6918 <i>In re</i> McCullough 6922 <i>In re</i> Kander 6928 General Aerosols v. American Home Prods. Corp. (2 folders) 6937 <i>In re</i> Pollak Steel Co. 6944 <i>In re</i> Gemassmer 6945 <i>In re</i> Gemassmer (1 folder)
BOX 85	(1 folder) 6948 Singer Mfg. Co. v. Birginal-Bigsby Corp. (2 folders) 6949 <i>In re</i> Simmons 6950 <i>In re</i> Palmquist <i>See also Container 106, 7106</i> (2 folders)
BOX 86	6954 <i>In re</i> Surrey 6964 <i>In re</i> Phillips 6969 Motorola v. Griffiths Elecs. (2 folders) 6976 <i>In re</i> Caldwell (2 folders) 6977 Guyer v. Cramer (2 folders)
BOX 87	6992 Standard Packaging Corp. v. Air Reduction Co. 6995 <i>In re</i> Seward (2 folders)

## United States Court of Customs and Patent Appeals, 1945-1989

### Container

### Contents

Container	Contents
	6997 <i>In re</i> Janakirama-Rao
	6999 <i>In re</i> Soli
	(2 folders)
	7000 <i>In re</i> Szwarc <i>See Container 77, 6462</i>
BOX 88	1963-1964 term
	Argument notes for cases assigned to other judges
	Customs docket
	Patent docket
	(4 folders)
	Cases assigned to Rich
	Opinions
	Customs docket
	5128 <i>Bird Mach. Co. v. United States</i> <i>See also Container 89, 5129</i>
	(2 folders)
BOX 89	5129 <i>Bird Mach. Co. v. United States</i> <i>See also Container 88, 5128</i>
	(2 folders)
	5131 <i>Laco Trading Co. v. United States</i>
	5138 <i>United States v. Spiegel Bros. Corp.</i>
	5144 <i>Albert F. Maurer Co. v. United States</i>
	(2 folders)
	5156 <i>Aceto Chem. Co. v. United States</i>
	(2 folders)
	Patent docket
	7004 <i>In re</i> Menough
	(1 folder)
BOX 90	(1 folder)
	7005 <i>In re</i> Morris
	(2 folders)
	7011 <i>Contour Chair-Lounge Co. v. Englander Co.</i>
	(2 folders)
	7018 <i>In re</i> Scott
BOX 91	7019 <i>Gianladis v. Kaas</i>
	(2 folders)
	7022 <i>In re</i> Huellmantel
	(2 folders)
	7030 <i>In re</i> Citron
	7039 <i>In re</i> Carletti
BOX 92	7042 <i>In re</i> Citron
	7043 <i>In re</i> Citron
	7051 <i>In re</i> Sarett
	(2 folders)
	7053 <i>Walkup v. Greig</i>
	(2 folders)
BOX 93	(1 folder)
	7056 <i>In re</i> Pavlecka
	(2 folders)

# United States Court of Customs and Patent Appeals, 1945-1989

## Container

## Contents

---

	7060	<i>In re</i> Seaborg
	(1 folder)	
BOX 94	(1 folder)	
	7061	<i>In re</i> Seaborg
	(2 folders)	
	7064	<i>In re</i> Gonser
	7066	<i>In re</i> Markham
	7078	Hudson v. Giuffrida
	(1 folder)	
BOX 95	(4 folders)	
	7085	<i>In re</i> Mogen David Wine Corp.
	(2 folders)	
BOX 96	7095	Applegate v. Scherer
	7096	<i>In re</i> Miller
	7097	<i>In re</i> Neugebauer
	(2 folders)	
	7111	<i>In re</i> Boice
	7113	<i>In re</i> Flint
	(2 folders)	
	7114	<i>In re</i> Burr
BOX 97	7115	<i>In re</i> Zelinski
	7117	<i>In re</i> Marra
	7124	<i>In re</i> Smith
	7125	Lorenz v. Finkel
	(2 folders)	
	7128	Switzer v. Sockman
	(2 folders)	
BOX 98	(2 folders)	
	7129	White v. Lemmerman
	(2 folders)	
BOX 99	7133	<i>In re</i> Polly
	7134	Bendix Aviation Corp. v. Ardor Mfg. Co.
	7138	<i>In re</i> Burke
	7140	<i>In re</i> Manson
	7158	Hall v. Taylor
	(2 folders)	
BOX 100	7159	<i>In re</i> Lo Presti
	(2 folders)	
	7161	Englander Co. v. Aireloom Bedding Co.
	7167	Golden Gate Salami Co. v. Gulf States Paper Corp.
	(2 folders)	
	7168	<i>In re</i> Harry
	7174	<i>In re</i> Minnesota Mining & Mfg. Co.
BOX 101	7177	<i>In re</i> Coupette
	7190	<i>In re</i> Melott

## United States Court of Customs and Patent Appeals, 1945-1989

### Container

### Contents

Container	Contents
	7192 Alfred Elecs. v. Alford Mfg. Co. (2 folders)
	7196 <i>In re</i> Blount
	7197 <i>In re</i> Boller <u><i>See also same container, 7198</i></u>
	7198 <i>In re</i> Boller <u><i>See also same container, 7197</i></u>
BOX 102	7199 <i>In re</i> Stewart
	7204 <i>In re</i> Gustafson
	7209 <i>In re</i> Falls
	7212 Heard v. Burton (2 folders)
BOX 103	(1 vol.)
BOX 104	1964-1965 term Argument notes for cases assigned to other judges Customs docket Patent docket (6 folders) Cases assigned to Rich
BOX 105	Miscellany Opinions Customs docket
	5157 United States v. Fred Frankel & Sons
	5166 Kurt Orban Co. v. United States
	5169 John V. Carr & Son v. United States
	5172 Gorton's of Gloucester v. United States
	5178 U. S. Wolfson Bros. Corp. v. United States (2 folders)
BOX 106	5182 Edward Hyman Co. v. United States
	5183 Wilmington Shipping Co. v. United States
	5186 United States v. Clayton Chem. & Packaging Co. (2 folders)
	Patent docket
	7106 <i>In re</i> Foster <u><i>See also Container 85, 6950</i></u> (3 folders)
BOX 107	(4 folders)
	7181 Hammermill Paper Co. v. Gulf States Paper Co. (2 folders)
BOX 108	7218 <i>In re</i> Wright (2 folders)
	7228 <i>In re</i> Luvisi (2 folders)
	7230 <i>In re</i> Civitello
	7233 <i>In re</i> Heinle (2 folders)
BOX 109	7235 <i>In re</i> Hammell
	7241 <i>In re</i> Broxten

# United States Court of Customs and Patent Appeals, 1945-1989

## Container

## Contents

---

	7246	Clarkson v. Vibber
	(2 folders)	
	7247	<i>In re</i> Moureu
	7254	<i>In re</i> Ruschig
	(1 folder)	
BOX 110	(1 folder)	
	7256	<i>In re</i> Van Mater
	(2 folders)	
	7258	<i>In re</i> Grier
	7260	<i>In re</i> Garnero
	7261	Astra Pharmaceutical Prods. v. Pharmaton, S. A.
BOX 111	7262	Patterson v. Hauck
	(2 folders)	
	7265	<i>In re</i> Dunn
	(2 folders)	
	7266	<i>In re</i> Carabateas
	7271	General Elec. Co. v. Jenaer Glaswerk Schott & Gen.
	(1 folder)	
BOX 112	(1 folder)	
	7280	Polaroid Corp. v. Anken Chem. & Film Corp.
	7283	<i>In re</i> Kranzinski
	(2 folders)	
	7286	<i>In re</i> Ehringer
	(2 folders)	
BOX 113	7290	Schwartzkopf v. John H. Breck, Inc.
	7292	<i>In re</i> Boldt
	7296	<i>In re</i> Ornitz
	7299	<i>In re</i> Sutherland
	(3 folders)	
	7304	<i>In re</i> Folkers
BOX 114	7305	D'Amico v. Koike
	7311	<i>In re</i> Farish
	7316	<i>In re</i> Borst
	7324	<i>In re</i> Nygard
	7327	Pet Milk Co. v. Knudson Creamery of Calif.
	7334	<i>In re</i> Rosselet
	(2 folders)	
BOX 115	7351	<i>In re</i> Allen
	(2 folders)	
	7356	<i>In re</i> Wiechers
	7367	<i>In re</i> Attwood
	7370	Biel v. Chessin
	(2 folders)	
BOX 116	(1 folder)	

**United States Court of Customs and Patent Appeals, 1945-1989**

<b>Container</b>	<b>Contents</b>
	7375      Chaussures Bally Societe Anonyme de Fabrication v. Dial Shoe Co.
	7378 <i>In re Menzi</i>
	7380 <i>In re Tanczyn</i>
	7383 <i>In re E. Kahn's Sons Co.</i>
<b>BOX 117</b>	7384 <i>In re Tobias</i>
	7385 <i>In re Dinwiddie</i>
	7386 <i>In re Hume</i>
	7391 <i>In re Palmer</i>
	7393 <i>In re Folkers</i>
	7397      Castle & Cooke, Inc. v. Joseph E. Seagrams & Sons
	(2 folders)
<b>BOX 118</b>	7427 <i>In re Summerson</i>
	7445 <i>In re Baird</i>
	(3 folders)
	7514 <i>In re Tanner</i>
<b>BOX 119</b>	1965-1966 term
	Argument notes for cases assigned to other judges
	Customs docket
	Patent docket
	(4 folders)
	Cases assigned to Rich
	Court calendar
	Motions disposed
<b>BOX 120</b>	Opinions
	Customs docket
	5187      United States v. C. S. Emory Co.
	(2 folders)
	5196      Fairchild Camera & Instrument Corp. v. United States
	5201      Scientific Packaging Corp. v. United States
	5210      John A. Steer Co. v. United States
	5212      Jorelle Bags, Inc. v. United States
	5243      Nichols & Co. v. United States
	Patent docket
	7412 <i>In re Chapman</i>
	(2 folders)
<b>BOX 121</b>	7415      Krantz v. Olin
	(3 folders)
	7425      McCutchen v. Oliver
	(3 folders)
<b>BOX 122</b>	7435 <i>In re Attwood</i>
	(3 folders)
	7450 <i>In re Borah</i>
	(2 folders)
	7458 <i>In re Erickson</i>

## United States Court of Customs and Patent Appeals, 1945-1989

Container	Contents
BOX 123	7460 <i>In re</i> Trbojevich
	7461 <i>In re</i> Legator
	7472 <i>In re</i> Joly
	(3 folders)
BOX 124	7474 <i>In re</i> Widmer
	7476 <i>In re</i> Carabateas
	7478 <i>In re</i> Lunsford
	7482 <i>In re</i> Hilmer <u><i>See also</i> Container 188, 8191</u>
	7483 Phillips v. Lynch
	(3 folders)
BOX 125	7486 <i>In re</i> Hutton
	(2 folders)
	7488 <i>In re</i> Land
	(3 folders)
BOX 126	7489 <i>In re</i> Clarke
	(2 folders)
	7490 Schwarzenbek v. Evering
	(1 folder)
BOX 127	(3 folders)
	7500 <i>In re</i> Tomlinson
	7504 Tri-Valley Growers v. Maple Island, Inc.
	7507 Cortes v. Schenley Distillers
BOX 128	7511 Gould v. Schawlow
	(3 folders)
	7519 <i>In re</i> Gilchrist
	(2 folders)
	7521 Texas Instruments v. Techni-Rite Elecs.
	7522 <i>In re</i> Kirk <u><i>See also</i> Container 138, same heading</u>
BOX 129	(3 folders)
	(2 folders)
	7523 Clayton Mark & Co. v. Westinghouse Elec. Corp.
	(2 folders)
BOX 130	7527 <i>In re</i> Winslow
	7528 Williamson-Dickie Mfg. Co. v. Mann Overall Co.
	(2 folders)
	7529 <i>In re</i> Hofstetter
	7530 <i>In re</i> Schickh
	7533 <i>In re</i> Gebelius
	7544 American Cyanamid Co. v. United States Rubber Co.
	(2 folders)
BOX 131	7546 <i>In re</i> Laverne
	7549 <i>In re</i> Rosenfeld
	7562 <i>In re</i> Boyer
	(2 folders)
	7580 <i>In re</i> Lemin

**United States Court of Customs and Patent Appeals, 1945-1989**

Container	Contents
	7584 <i>In re</i> Bowers (2 folders)
	7586 <i>In re</i> Reiland
	7589 Rimbach v. Wanmaker
	7590 <i>In re</i> Molnar
BOX 132	7591 <i>In re</i> Adams (2 folders)
	7592 <i>In re</i> Vogel
	7596 <i>In re</i> Reese (2 folders)
	7599 <i>In re</i> Spormann
	7604 <i>In re</i> G. D. Searles & Co. (1 folder)
BOX 133	(1 folder)
	7606 <i>In re</i> Khelghatian (2 folders)
	7609 <i>In re</i> Lyons (2 folders)
	7611 <i>In re</i> Adams
	7613 <i>In re</i> Ziegler
	7618 <i>In re</i> Edge
BOX 134	7626 <i>In re</i> Johnson
	7627 El-Tronics, Inc. v. Robert Bosch Elektronik, GmbH
	7634 Petisi v. Rennhard (2 folders)
	7638 M. K. M. Knitting Mills v. Damon Creations
	7644 <i>In re</i> Griswold (2 folders)
BOX 135	(1 folder)
	7645 <i>In re</i> Griswold <i>See Container 134, 7644</i>
	7861 <i>In re</i> Fisher (2 folders)
	7898 Loshbough v. Allen <i>See same container, 7861, and Container 147, same heading</i>
BOX 136	1966-1967 term Argument notes for cases assigned to other judges Customs docket Patent docket (4 folders) Cases assigned to Rich Motions disposed Opinions Customs docket 5191 United States v. Border Brokerage Co. (2 folders)



## United States Court of Customs and Patent Appeals, 1945-1989

Container	Contents	
BOX 137	5195 (2 folders) Gonzalez v. United States	
	5225 David E. Schwab Co. v. United States	
	5226 United States v. Chadwick-Miller Importers	
	5233 R. J. Saunders & Co. v. United States	
	5242 R. J. Saunders & Co. v. United States	
	5260 Trans Atl. Co. v. United States	
BOX 138	5272 United States v. Altray Co.	
	Patent docket	
	6804 (2 folders) <i>In re</i> Rainer	
	7472 <i>In re</i> Joly	
	7522 <i>In re</i> Kirk <i>See also Container 128, same heading</i>	
	7574 (2 folders) <i>In re</i> Risse	
	7632 (2 folders) <i>In re</i> LeBlanc	
	BOX 139	7636 (5 folders) <i>In re</i> Wiechert
		7648 (2 folders) <i>In re</i> Higgins
	BOX 140	7652 (2 folders) <i>In re</i> Hruby
7653 <i>In re</i> Hruby <i>See same container, 7652</i>		
7654 <i>In re</i> Hruby <i>See same container, 7652</i>		
7655 <i>In re</i> Hruby <i>See same container, 7652</i>		
7659 <i>In re</i> Apparel, Inc.		
7668 (2 folders) <i>In re</i> Rainer		
7671 (2 folders) Hradel v. Griffith		
BOX 141		(1 folder)
	7676 Griffith v. Hradel <i>See Container 140, 7671</i>	
	7677 <i>In re</i> Horlein <i>See Container 138, 7574</i>	
	7678 (2 folders) <i>In re</i> Sureau	
	7685 <i>In re</i> Engler	
BOX 142	7686 (2 folders) <i>In re</i> Dien	
	7687 <i>In re</i> Perkic	
	7695 (2 folders) <i>In re</i> Albrecht	
	7702 (2 folders) <i>In re</i> Schnell	
	7705 <i>In re</i> Mogen David Wine Corp.	

**United States Court of Customs and Patent Appeals, 1945-1989**

**Container**

**Contents**

---

	7708	<i>In re</i> Siebentritt
	7719	<i>In re</i> Bailey
	7720	Ralston Purina Co. v. Midwest Cordage Co.
	(1 folder)	
BOX 143	(1 folder)	
	7732	<i>In re</i> Jones
	(2 folders)	
	7751	<i>In re</i> Herr
	(3 folders)	
	7752	Kamp v. Houghtaling
	(2 folders)	
BOX 144	7755	<i>In re</i> Beale
	(2 folders)	
	7758	<i>In re</i> Schmidt
	(2 folders)	
	7766	<i>In re</i> Blum
	7783	<i>In re</i> Jager
	7786	<i>In re</i> Fong
BOX 145	7790	<i>In re</i> Pottier
	7796	<i>In re</i> Sockman v. Switzer
	(2 folders)	
	7797	Fort Howard Paper Co. v. Gulf States Paper Co.
	(2 folders)	
	7800	<i>In re</i> Braithwaite <i>See also same container, 7801</i>
	(2 folders)	
	7801	<i>In re</i> Braithwaite <i>See also same container, 7800</i>
BOX 146	7829	<i>In re</i> McLamore
	(2 folders)	
	7881	<i>In re</i> Heyl
	(2 folders)	
	7886	Chase v. Gartner
	(2 folders)	
BOX 147	(2 folders)	
	7887	Wolke v. Gartner <i>See Container 146, 7886</i>
	7898	Loshbough v. Allen <i>For additional material see Container 135, 7861</i>
	8068	Loshbough v. Allen <i>See same container, 7898</i>
	8071	<i>In re</i> Ruschig
	(2 folders)	
BOX 148	1967-1968 term	
	Argument notes for cases assigned to other judges	
	Customs docket	
	Patent docket	
	(3 folders)	
	Cases assigned to Rich	
	Motions	

# United States Court of Customs and Patent Appeals, 1945-1989

## Container

## Contents

---

Container	Contents
	Opinions
	Customs docket
	5263 United States v. Cajo Trading, Inc.
	(2 folders)
	5270 United States v. Bud Berman Sportswear
	(1 folder)
BOX 149	(1 folder)
	5278 F. B. Vardegrift & Co. v. United States
	5287 John V. Carr & Son, Inc. v. United States
	5289 Altieri v. United States
	5291 United States v. Chas. Kurz Co.
	5313 A. W. Fenton Co. v. United States
	Patent docket
	7396 <i>In re</i> Herrick
	(2 folders)
BOX 150	7666 <i>In re</i> Spatz
	(3 folders)
	7734 <i>In re</i> Smatko
	7778 <i>In re</i> Hoeksema
	(3 folders)
	7780 <i>In re</i> Caveney
	(1 folder)
BOX 151	(1 folder)
	7803 Paivinen v. Sands
	(3 folders)
	7807 American Mfg. Co. of Tex. v. Heald Mach. Co.
BOX 152	7812 <i>In re</i> Bartholome
	7815 Dyer v. Field
	7819 Baker v. Codrington
	(3 folders)
	7820 <i>In re</i> Eckel
	(2 folders)
BOX 153	7825 <i>In re</i> Rainer
	(2 folders)
	7834 <i>In re</i> Avedis Zildjian Co.
	7839 Libbey-Owens-Ford Glass Co. v. Thermoproof Glass Co.
	(2 folders)
	7847 <i>In re</i> Lindell
	(2 folders)
BOX 154	7853 <i>In re</i> Wright
	(2 folders)
	7854 <i>In re</i> Ziegler
	(2 folders)
	7862 Kraving v. Henderson
	(3 folders)
BOX 155	(2 folders)

# United States Court of Customs and Patent Appeals, 1945-1989

## Container

## Contents

---

	7863	<i>In re</i> Continental Baking Co.
	7865	Swingline, Inc. v. I. B. Kleinert Rubber Co.
	7878	Vornado, Inc. v. Breuer Elec. Mfg. Co.
BOX 156	7883	<i>In re</i> Schneller
	(2 folders)	
	7884	<i>In re</i> Wynkoop
	7888	<i>In re</i> Lawrence
	7891	American Biltrite Rubber Co. v. Barash Co.
	(2 folders)	
BOX 157	7892	<i>In re</i> Bryant
	7895	<i>In re</i> Garvin
	(2 folders)	
	7896	Walter v. Ryan
	(2 folders)	
BOX 158	(2 folders)	
	7903	Dan River Mills v. Yorke Shirt Corp.
BOX 159	7905	<i>In re</i> Jentoft
	(2 folders)	
	7909	<i>In re</i> Rogers
	7910	<i>In re</i> Tarczy-Hornoch
	(4 folders)	
	7915	Fort Howard Paper Co. v. Kimberly-Clark Corp.
	(1 folder)	
BOX 160	(1 folder)	
	7916	<i>In re</i> Sweet
	7920	<i>In re</i> Marzocchi
	(2 folders)	
	7926	Shawnee Milling Co. v. Sidney Wanzer & Sons, Inc.
	7932	<i>In re</i> Klesper
	(2 folders)	
	7935	<i>In re</i> Aldrich
	(1 folder)	
BOX 161	(1 folder)	
	7937	United States Steel Corp. v. Vasco Metals Corp.
	7941	<i>In re</i> Dike
	7946	<i>In re</i> Myrtetus
	7948	Gillette Co. v. "42" Prods. Ltd.
	(2 folders)	
BOX 162	(1 folder)	
	7954	<i>In re</i> Bekey
	7958	<i>In re</i> Cademartori
	(2 folders)	
	7963	<i>In re</i> Naquin
BOX 163	7969	<i>In re</i> Hayatian
	(2 folders)	
	7973	<i>In re</i> Collier

**United States Court of Customs and Patent Appeals, 1945-1989**

**Container**

**Contents**

---

	7974	<i>In re</i> Plank
	(2 folders)	
	7976	SCM Corp. v. Royal McBee Corp.
	7978	<i>In re</i> Kanter
<b>BOX 164</b>	7980	<i>In re</i> Lemelson
	7984	<i>In re</i> Fee
	7998	<i>In re</i> Denny
	8107	<i>In re</i> Henrikson
	(2 folders)	
	8138	<i>In re</i> Harrington
	8160	<i>In re</i> Winkelmann <u><i>See same container, 8138</i></u>
<b>BOX 165</b>	1968-1969 term	
	Argument notes for cases assigned to other judges	
	Customs docket	
	Patent docket	
	(3 folders)	
	Cases assigned to Rich	
	Opinions	
	Commerce docket	
	2	Varian Assocs. v. United States
	Customs docket	
	5288	Maui Varieties Ltd. v. United States
<b>BOX 166</b>	5292	United States v. Oakville Co.
	5295	United States v. Moore Int'l
	5297	Samuel Shapiro & Co. v. United States
	5298	A. P. Baldechi & Son v. United States
	(2 folders)	
	5307	Antonio Roig Sucrs S. En C. v. United States
	5312	United States v. Soderhamn Machine Mfg. Co.
	(1 folder)	
<b>BOX 167</b>	(1 folder)	
	5320	Baylis Bros., Inc. v. United States
	5324	Maher-App & Co. v. United States
	(2 folders)	
	5327	F. B. Vandegrift & Co. v. United States
	Patent docket	
	7987	<i>In re</i> Prater
	(1 folder)	
<b>BOX 168</b>	(6 folders)	
<b>BOX 169</b>	(7 folders)	
<b>BOX 170</b>	(1 folder)	
	7994	<i>In re</i> Automatic Radio Mfg. Co.
	7995	<i>In re</i> Automatic Radio Mfg. Co. <u><i>See same container, 7994</i></u>
	8004	<i>In re</i> Myers

United States Court of Customs and Patent Appeals, 1945-1989

Container

Contents

---

	8008	<i>In re Mathews</i>
	(2 folders)	
BOX 171	8011	<i>In re Miegel</i>
	8016	<i>In re Preda</i>
	8018	<i>In re Booth</i>
	8020	<i>In re Woolery</i>
	(2 folders)	
	8022	<i>In re Casey</i>
	8028	Bakers Franchise Corp. v. Royal Crown Cola Co.
BOX 172	8034	<i>In re Ellms</i>
	8035	<i>In re Myers</i>
	(2 folders)	
	8038	Wolter v. Belicka
	(3 folders)	
BOX 173	8047	Morehouse Mfg. Corp. v. J. Strickland & Co.
	(3 folders)	
	8055	Mine Safety Appliance Co. v. Electric Storage Battery Co.
	(2 folders)	
BOX 174	(1 folder)	
	8056	Stevens v. Schmid
	(3 folders)	
	8061	<i>In re Moore</i>
	8063	American Can Co. v. Dixie Wax Paper Co.
	(1 folder)	
BOX 175	(2 folders)	
	8067	<i>In re Steinhauer</i>
	8072	<i>In re Hoffman</i>
BOX 176	8081	Meitzner v. Corte
	(3 folders)	
	8083	<i>In re Jureit</i>
	8084	<i>In re Thunderbird Prods. Corp.</i>
	8085	<i>In re Thunderbird Prods. Corp. <u>See same container, 8084</u></i>
	8096	Methuen Int'l Mills v. Rajinder Fabrics
	8097	<i>In re Wheeling</i>
	(1 folder)	
BOX 177	(1 folder)	
	8100	<i>In re Jacobson</i>
	8101	<i>In re Dorsky</i>
	8102	Sal Iannelli, Inc. v. Wasser
	8110	Food Specialty Co. v. Standard Prods. Co.
	8114	Bulova Watch Co. v. Waltham Watch Co.
BOX 178	8126	<i>In re Hafner</i>
	(2 folders)	
	8130	<i>In re Van Venrooy</i>
	(2 folders)	

**United States Court of Customs and Patent Appeals, 1945-1989**

Container	Contents
	8133 <i>In re</i> Handrick (2 folders)
	8137 <i>In re</i> Richman (2 folders)
BOX 179	8142 <i>In re</i> Craig 8144 <i>In re</i> Helena Rubenstein, Inc. 8145 <i>In re</i> Helena Rubenstein, Inc. <u>See same container, 8144</u> 8146 <i>In re</i> Hotten 8151 Storchheim v. Daugherty (2 folders)
BOX 180	8154 Best Lock Corp. v. Schlage Lock Co. (3 folders) 8156 Sletzinger v. Lincoln (2 folders)
BOX 181	8157 <i>In re</i> Frilette <u>See also Container 195, 8267</u> 8158 <i>In re</i> Metcalfe 8160 <i>In re</i> Winkelmann 8161 <i>In re</i> Zierden 8164 <i>In re</i> Carlson 8165 <i>In re</i> Land 8166 <i>In re</i> Anthony (1 folder)
BOX 182	(2 folders) 8167 <i>In re</i> Newton (2 folders) 8169 Kistler v. Weber (3 folders)
BOX 183	8174 Neutrogena Corp. v. Bristol-Myers Co. 8238 <i>In re</i> Facius (2 folders) 8243 Loshbough v. Allen (2 folders) 8282 <i>In re</i> Sandmeyer 8349 Feed Serv. Corp. v. FS Servs. 8354 <i>In re</i> Marriott-Hot Shoppes, Inc. 8375 Wilson v. Schafer 8388 Stephan v. Sedgwick 8481 <i>In re</i> Lindberg 8553 <i>In re</i> Arkley
BOX 184	1969-1970 term Argument notes for cases assigned to other judges Customs docket Patent docket (4 folders) Cases assigned to Rich

United States Court of Customs and Patent Appeals, 1945-1989

Container

Contents

	Miscellany	
	Opinions	
	Customs docket	
	5324	Maher-App & Co. v. United States
BOX 185	5330	Sandoz, Inc. v. United States
	5333	Servo-Tek Prods. Co. v. United States
	5337	Millmaster Int'l v. United States
	(2 folders)	
	5338	United States v. Pan American Import Corp.
	5347	Velan Steam Spec. v. United States
	5351	United States v. Andrew Fisher Cycle Co.
	5355	Friedman v. United States
BOX 186	5352	United States v. Hub Floral Mfg Co. <i>See Container 185, 5338</i>
	5373	United States v. Studner
	Patent docket	
	8116	Archer v. Gordon
	(4 folders)	
	8117	Gordon v. Archer <i>See same container, 8116</i>
BOX 187	8124	<i>In re</i> Cummings
	8177	<i>In re</i> Ferens
	8180	<i>In re</i> Snoddy
	(2 folders)	
	8186	<i>In re</i> Muller
	(2 folders)	
	8187	<i>In re</i> Bernhart
	(1 folder)	
BOX 188	(1 folder)	
	8188	<i>In re</i> Thorington
	(2 folders)	
	8189	<i>In re</i> McGuire
	(2 folders)	
	8191	<i>In re</i> Hilmer <i>See also Container 124,7482</i>
	(2 folders)	
BOX 189	(7 folders)	
	8192	<i>In re</i> Wakefield
	(1 folder)	
BOX 190	(2 folders)	
	8202	<i>In re</i> Doak
	8207	Witco Chem. Co. v. Whitfield Chem. Co.
	(2 folders)	
	8208	<i>In re</i> Fisher
	(2 folders)	
BOX 191	8210	<i>In re</i> Buting
	(2 folders)	
	8211	<i>In re</i> Searles



## United States Court of Customs and Patent Appeals, 1945-1989

Container	Contents
	8212 <i>In re</i> Miller
	8214 <i>In re</i> Borkowski
	(2 folders)
	8216 <i>In re</i> Mahony
	(1 folder)
BOX 192	(1 folder)
	8220 <i>In re</i> Majestic Distilling Co.
	8221 B. T. Babbitt, Inc. v. Phillips-Van Heusen Corp.
	8222 <i>In re</i> Kuderna
	(3 folders)
	8223 <i>In re</i> Doll
	8225 Martin v. Crown Zellerbach Corp.
	(1 folder)
BOX 193	(1 folder)
	8226 <i>In re</i> Bezombes <i>See also same container; 8244</i>
	(2 folders)
	8244 <i>In re</i> Bezombes <i>See also same container; 8226</i>
	8246 <i>In re</i> Petrzilka
	(2 folders)
BOX 194	8248 Roux Laboratories v. Clairol, Inc.
	(2 folders)
	8250 <i>In re</i> Schilling
	8253 Duffy-Mott Co. v. Cumberland Packing Co.
	(2 folders)
	8254 <i>In re</i> Stroszynski
	(2 folders)
BOX 195	8256 <i>In re</i> Bergstrom
	(2 folders)
	8260 Bethell v. Koch
	(3 folders)
	8267 <i>In re</i> Frilette <i>See also Container 180, 8157</i>
BOX 196	8268 <i>In re</i> James
	(2 folders)
	8272 <i>In re</i> Walsh
	(2 folders)
	8274 American Novawood Corp. v. U.S. Plywood-Champion Papers
	(2 folders)
	8275 Brokaw v. Vogel
	(2 folders)
BOX 197	8277 <i>In re</i> Seyb
	8279 Jaquet-Girard, S.A. v. Girard Perregaux & Cie., S.A.
	8280 <i>In re</i> Halleck
	8281 <i>In re</i> Richman
	(2 folders)
BOX 198	(2 folders)

## United States Court of Customs and Patent Appeals, 1945-1989

Container	Contents
	8288 <i>Manifatture Lane Pettinate Angelo Borghi S. p. A. v. Patons &amp; Baldwins, Ltd.</i>
	8289 <i>In re Bindshedler</i>
	(3 folders)
	8292 <i>In re Musgrave</i>
	(1 folder)
BOX 199	(4 folders)
	8294 <i>In re Beatrice Food Co.</i>
	(2 folders)
	8295 <i>In re Fairway Foods</i> <u><i>See same container, 8294</i></u>
BOX 200	8298 <i>In re Irani</i>
	8301 <i>In re Ruegg</i>
	8311 <i>In re Gardner</i>
	(2 folders)
	8313 <i>In re Robins</i>
	(2 folders)
	8314 <i>In re Milligan</i>
	(1 folder)
BOX 201	(1 folder)
	8320 <i>In re Sun Oil Co.</i>
	8323 <i>In re Hoch</i>
	(2 folders)
	8332 <i>Norton v. Curtiss</i>
	(3 folders)
	8712 <i>Williams v. Administrator of the National Aeronautics &amp; Space Admin.</i>
	Special patent docket
	154 <i>Langer v. Kaufman</i>
BOX 202	1970-1971 term
	Argument notes for cases assigned to other judges
	Customs docket
	Patent docket
	(4 folders)
	Cases assigned to Rich
	Opinions
	Customs docket
	5348 <i>A. Zerkowitz &amp; Co. v. United States</i>
	(2 folders)
BOX 203	(2 folders)
	5361 <i>National Polychemicals v. United States</i>
	(3 folders)
	5362 <i>Amity Fabrics v. United States</i>
	(2 folders)
BOX 204	5380 <i>Tanross Supply Co. v. United States</i>
	(2 folders)
	5381 <i>Reliance Trading Corp. v. United States</i>

**United States Court of Customs and Patent Appeals, 1945-1989**

Container	Contents
	5386 Consolidated Cork Corp. v. United States
	5388 B & W Wholesale Co. v. United States
	5392 United States v. Hammond Lead Prods.
	(3 folders)
	5393 United States v. Hammond Lead Prods. <i>See same container: 5392</i>
	5396 United States v. Shalom Baby-Wear
BOX 205	5401 John C. Rogers & Co. v. United States
	(2 folders)
	Patent docket
	8286 Colgate-Palmolive Co. v. Carter-Wallace, Inc.
	8312 <i>In re Heldt</i>
	8347 <i>In re Argoudelis</i>
	(4 folders)
BOX 206	8348 Hemstreet v. Rohland
	(2 folders)
	8351 MacMillan v. Moffett
	(2 folders)
	8352 Food Specialty Co. v. Catz American Co.
	(2 folders)
	8367 <i>In re Gibbs</i>
	(2 folders)
BOX 207	8373 <i>In re Shearman</i>
	(2 folders)
	8376 <i>In re Benson</i>
	(2 folders)
	8378 <i>In re Adams</i>
	(2 folders)
	8381 <i>In re Kennedy</i>
	(1 folder)
BOX 208	(1 folder)
	8386 <i>In re Andrews See also same container, 8387, and Container 209, 8399</i>
	(2 folders)
	8387 <i>In re Andrews See also same container, 8386, and Container 209, 8399</i>
	(2 folders)
	8391 TAC Technical Instrument Corp. v. Fischer & Porter Co.
BOX 209	8392 <i>In re Susi</i>
	(2 folders)
	8399 <i>In re Andrews See also Container 208, 8386 and 8387</i>
	(3 folders)
	8405 <i>In re Ziegler</i>
	8414 <i>In re Cavanagh</i>
	(2 folders)
	8424 <i>In re American Cyanamid Co.</i>

United States Court of Customs and Patent Appeals, 1945-1989

Container	Contents	
BOX 210	8429 (4 folders)	<i>In re</i> Barr
	8438	<i>In re</i> Sellman
BOX 211	8441 (2 folders)	Geigy Chem. Corp. v. Atlas Chem. Indus.
	8444 (2 folders)	<i>In re</i> Miller
	8446 (2 folders)	<i>In re</i> Cook
	8454 (2 folders)	<i>In re</i> Fisher
BOX 212	(1 folder)	
	8460 (3 folders)	<i>In re</i> D'Ancicco
BOX 213	8463 (2 folders)	Goodrich v. Harmsen
	(1 folder)	
	8464	Lokey v. Harmson <i>See Container 212, 8463</i>
	8466 (2 folders)	<i>In re</i> Oda
BOX 214	8473 (3 folders)	Foremost-McKesson, Inc. v. Foremost Sales Promotions
	8488	Watkins v. Wakefield
	8495 (2 folders)	<i>In re</i> Barrett
BOX 215	8497 (2 folders)	Palisades Pageants v. Miss America Pageant
	8500 (1 folder)	<i>In re</i> Saunders
	(2 folders)	
	8502 (3 folders)	<i>In re</i> Tiffin
BOX 216	8505	<i>In re</i> Facer
	8506	<i>In re</i> Facer <i>See same container, 8505</i>
	8507	<i>In re</i> Facer <i>See same container, 8505</i>
	8511	<i>In re</i> Fisher Radio Corp.
	8516 (2 folders)	Fields v. Conover
BOX 217	8524	Luzier, Inc. v. Martyn Chem. Co.
	8527 (2 folders)	Matsushita Elec. Indus. Co. v. National Steel Constr. Co.
	8538 (2 folders)	<i>In re</i> Antle
BOX 218	8540	Marriott-Hot Shoppes v. McKee Baking Co.
	1971-1972 term	Argument notes for cases assigned to other judges

# United States Court of Customs and Patent Appeals, 1945-1989

## Container

## Contents

---

	Customs docket	
	Patent docket	
	(5 folders)	
	Cases assigned to Rich	
	Motions	
	(1 folder)	
BOX 219	(1 folder)	
	Opinions	
	Customs docket	
	5410	Salentine & Co. v. United States
	5411	City Lumber Co. v. United States
	(3 folders)	
	5421	United States v. Precise Imports Corp.
	(2 folders)	
BOX 220	5424	United States v. Josef Mfg.
	5426	Nichols & Co. v. United States
	5436	Tuscany Fabrics v. United States
	(2 folders)	
	5438	United States v. F. B. Vandegrift & Co.
	5445	D. C. Andrews Int'l v. United States
	5459	Union Carbide Int'l Co. v. United States
BOX 221	5467	United States v. Pharmacia Fine Chems.
	(2 folders)	
	5468	General Instrument Corp. v. United States
	(2 folders)	
	5492	National Silver v. United States
	5505	United States v. Novelty Imports
	Patent docket	
	8454	<i>In re</i> Fisher
	8502	<i>In re</i> Tiffin
	8546	<i>In re</i> Fenton
	8553	<i>In re</i> Arkley
	(1 folder)	
BOX 222	(1 folder)	
	8561	<i>In re</i> Lurie
	8563	Myers v. Feigelman
	(3 folders)	
BOX 223	8567	Minnesota Mining & Mfg. Co. v. Johnson & Johnson
	(2 folders)	
	8586	<i>In re</i> Lapworth
	8591	Rion v. Ault <i>See also</i> <i>Container 237, same heading</i>
	8592	<i>In re</i> Dala Packing Corp.
	8607	<i>In re</i> Hellsund
	(2 folders)	
BOX 224	(1 folder)	

United States Court of Customs and Patent Appeals, 1945-1989

Container

Contents

---

	8611 (3 folders)	Colgate-Palmolive Co. v. Purex Corp.
	8612 (2 folders)	Glenwood Laboratories v. American Home Prods. Corp.
	8617 (2 folders)	<i>In re</i> Hyson
BOX 225	8619	<i>In re</i> Waldbaum <i>See also Container 238, same heading</i>
	8622	<i>In re</i> Welstead
	8632	<i>In re</i> Mixon
	8635	<i>In re</i> Stark
	8638	<i>In re</i> Locher
	8642	<i>In re</i> Mraz
BOX 226	8644 (2 folders)	Tiffany & Co. v. National Gypsum Co.
	8647 (2 folders)	Parker v. Frilette
BOX 227	(1 vol.)	
BOX 228	(1 vol.)	
	8651 (3 folders)	Knickerbocker Toy Co. v. Faultless Starch Co.
BOX 229	8652 (2 folders)	American Lara Corp. v. Multronics, Inc.
	8660 (4 folders)	<i>In re</i> Bass
BOX 230	(1 folder)	
	8664 (2 folders)	<i>In re</i> Herbert
	8675 (2 folders)	Maremont Corp. v. Air Lift Co. <i>See also same container, 8676</i>
	8676	Air Lift Co. v. Maremont Corp. <i>See also same container, 8675</i>
BOX 231	8679	Ultra-White Co. v. Johnson Chem. Indus.
	8689 (2 folders)	<i>In re</i> Simon
	8697 (3 folders)	Sze v. Bloch
BOX 232	8700	<i>In re</i> Swett
	8713 (2 folders)	<i>In re</i> Collins
	8723 (4 folders)	<i>In re</i> Mattox
	8725 (1 folder)	<i>In re</i> Barger
BOX 233	(3 folders)	
BOX 234	8744 (2 folders)	<i>In re</i> Miles
	8754	T. W. Samuels Distillery v. Schenley Distillers

**United States Court of Customs and Patent Appeals, 1945-1989**

**Container**

**Contents**

	8759	Kayser-Roth Corp. v. Morris & Co.
	9009	<i>In re</i> Varga
	9066	<i>Ex parte</i> Reynolds Metal Co.
	9068	Parfums Jean Desprez, S.A. v. Daggett & Ramsdell Int'l Corp.
	9098	<i>Ex parte</i> Yardley
	9119	Shashona v. Backers
<b>BOX 235</b>	1972-1973 term	
		Argument notes for cases assigned to other judges, customs docket (3 folders)
		Cases assigned to Rich
		Opinions
		Customs docket
	5413	United States v. Baylis Bros. Co.
	5439	United States v. C. J. Tower & Sons of Buffalo, Inc.
	5455	Northam Warren Corp. v. United States
	5461	United Purveyors v. United States
	5470	Bud Berman Sportswear v. United States
	5481	United States v. F. W. Myers & Co.
<b>BOX 236</b>	5487	E. Dillingham, Inc. v. United States
	5496	Matsushita Elec. Indus. Co. v. United States Treasury Dep't (2 folders)
	5505	United States v. Novelty Imports (2 folders)
	5509	United States v. Servco Co.
		Patent docket
	8558	<i>In re</i> Christensen (2 folders)
<b>BOX 237</b>		(1 folder)
	8591	Rion v. Ault <i>See also Container 223, same heading</i> (6 folders)
<b>BOX 238</b>	8619	<i>In re</i> Waldbaum <i>See also Container 225, same heading</i>
	8769	<i>In re</i> West Point-Pepperell, Inc.
	8775	<i>In re</i> Cormany (2 folders)
	8779	<i>In re</i> Mageli (2 folders)
	8788	<i>In re</i> Fielder (2 folders)
	8793	<i>In re</i> Nelson (1 folder)
<b>BOX 239</b>		(1 folder)
	8801	Claremont Polychemical Corp. v. Atlantic Powdered Metals (2 folders)
	8805	Campbell v. Wettstein (3 folders)

# United States Court of Customs and Patent Appeals, 1945-1989

## Container

## Contents

---

	8815	<i>In re Kuehl</i>
	(1 folder)	
BOX 240	(1 folder)	
	8816	<i>In re de Serversky</i>
	(2 folders)	
	8823	<i>In re Corth</i>
	8830	Nationwide Advertising Serv. v. Nation-Wide Employment Agencies
	8832	<i>In re Seigneurin</i>
	8837	<i>In re Anderson</i>
	(2 folders)	
BOX 241	8855	<i>In re Smythe</i>
	(3 folders)	
	8858	Industrial Nucleonics Corp. v. Hinde
	8862	<i>In re Fox</i>
	8863	Income Tax Serv. Co. v. Fountain
BOX 242	8870	<i>In re Kline</i>
	(2 folders)	
	8874	Palmer v. Dudzik
	(2 folders)	
	8880	<i>In re MacArthur</i>
	8892	<i>In re Brandstadter</i>
	(1 folder)	
BOX 243	(2 folders)	
	8897	<i>In re White</i>
	(3 folders)	
	8900	<i>In re Ludovici</i>
	(2 folders)	
BOX 244	8902	Stansbury v. Bond
	(2 folders)	
	8906	<i>In re Universal Oil Prods. Co.</i>
	(2 folders)	
	8917	Jiffy, Inc. v. Jordan Indus.
	8931	<i>In re Litman</i>
	(2 folders)	
	8933	<i>In re Universal Oil Prods. Co. <u>See same container, 8906</u></i>
	8934	<i>In re Eynde</i>
	8944	Torr X-Ray Corp. v. Sierra Eng'g Co.
BOX 245	8947	Smith Bros. Mfg. v. Stone Mfg. Co.
	8955	Carlson v. Nagata
	8961	<i>In re Rice</i>
	8963	<i>In re Ferrero</i>
	(2 folders)	
	8967	Toro Mfg. Corp. v. Kearney-National
	8971	<i>In re Fish</i>
	(1 folder)	



## United States Court of Customs and Patent Appeals, 1945-1989

Container	Contents	
BOX 246	(1 folder)	
	8975 <i>In re</i> Nievelt	
	8976 <i>In re</i> Remer	
	(2 folders)	
	8983 <i>In re</i> Computer Communications	
	9029 <i>In re</i> Cooper	
BOX 247	9058 Claremont Polychemical Corp. v. Atlantic Powdered Metals	
	1973-1974 term	
	Cases assigned to Rich	
	Opinions	
	Customs docket	
	5512 United States v. C. J. Towers & Sons of Buffalo	
	5514 United States v. Altieri	
	5515 United States v. Volkswagen of Am.	
	(2 folders)	
	5517 Volkswagen of Am. v. United States <i>See same container, 5515</i>	
	5520 D. C. Andrews Int'l v. United States	
	5523 International Seaway Trading Corp. v. United States	
	(2 folders)	
	74-7 Montgomery Ward & Co. v. United States	
	(1 folder)	
	BOX 248	(1 folder)
		8978 Silvestri v. Grant
BOX 249	(3 folders)	
	(1 folder)	
	8979 <i>In re</i> Leonard	
	8983 <i>In re</i> Computer Communications	
	8986 <i>In re</i> Irani	
	8994 <i>In re</i> Honeywell, Inc.	
BOX 250	(3 folders)	
	8997 <i>In re</i> Wadlinger	
	(2 folders)	
	9003 Pfluger v. Hamilton	
	9004 Young v. Dworkin	
	(3 folders)	
	9016 Buck v. Desvignes	
BOX 251	9020 <i>In re</i> Wickwire	
	9024 Horlander v. Boucher	
	(3 folders)	
	9026 Aloe Creme Laboratories v. Aloe 99	
	9033 Food Specialty Co. v. Kal Kan Foods	
	(2 folders)	
BOX 252	9035 Precipitair Pollution Control v. Westinghouse Elec. Co.	
	(2 folders)	

United States Court of Customs and Patent Appeals, 1945-1989

Container

Contents

---

	9045	Gelbert v. Wanberg
	(2 folders)	
	9067	<i>In re</i> Pneumatiques, Caoutchouc Manufacture et Plastiques Kleber-Colombes
	9071	Piper v. Atomic Energy Comm'n
	(2 folders)	
BOX 253	(3 folders)	
	9077	<i>In re</i> Glass
	(2 folders)	
	9084	<i>In re</i> Kirsch
	(2 folders)	
BOX 254	9085	<i>In re</i> Saether
	(2 folders)	
	9088	<i>In re</i> Johnston
	(2 folders)	
	9092	<i>In re</i> Royka
	9101	<i>In re</i> Conley
	9109	Wakefield v. Watkins
	(1 folder)	
BOX 255	(1 folder)	
	9113	<i>In re</i> Castner
	9135	<i>In re</i> Bowen
	9136	<i>In re</i> Haas
	(2 folders)	
	9137	<i>In re</i> Hughes
	9144	ITT Canteen Corp. v. Haven Homes
BOX 256	9145	Stanadyne, Inc. v. Albert
	9150	<i>In re</i> Blondel
	(2 folders)	
	9163	Bloch v. Sze
	(2 folders)	
	9172	<i>In re</i> Rothert
	9174	<i>In re</i> Spiller
	(1 folder)	
BOX 257	(1 folder)	
	9182	Hummer v. National Air & Space Admin.
	9185	Burger Chef Sys. v. Burger Man, Inc.
	9190	Falk Corp. v. Toro Mfg. Corp.
	(2 folders)	
	9195	Ormsbee v. Eikvar
	(2 folders)	
BOX 258	(1 folder)	
	9200	<i>In re</i> Boles
	9202	Rogers Corp. v. Fields Plastics & Chems.
	9204	<i>In re</i> Malagari
	9207	<i>In re</i> Basler

## United States Court of Customs and Patent Appeals, 1945-1989

Container	Contents
	9210 <i>In re Pennebaker</i>
	9223 Associated Spring Corp. v. Cleveland Twist Drill Co.
BOX 259	9228 Stewart v. Badger (3 folders)
	9243 <i>In re Spiller</i>
BOX 260	9252 <i>In re Kopy Kat, Inc.</i>
	74-503 <i>In re Baker Drapery Corp.</i>
	74-507 <i>In re Mancy</i>
	Special patent docket
	182 Duffy v. Tegtmeier (2 folders)
	184 Weil v. Dann (3 folders)
BOX 261	1974-1975 term
	Cases assigned to Rich
	Opinions
	Customs docket
	5537 Rachele Laboratories v. United States (2 folders)
	74-20 Standard Brands Paint Co. v. United States
	74-22 Knowles Elecs. v. Unites States (2 folders)
	74-25 United States v. Wedemann & Godknecht, Inc.
	75-1 United States v. Oxford Int'l Corp.
BOX 262	Patent docket
	74-514 <i>In re Nomiya</i> (2 folders)
	74-517 <i>In re Varga</i> (2 folders)
	74-520 <i>In re Evans</i>
	74-534 Westphal v. Fawzi (1 folder)
BOX 263	(2 folders)
	74-538 Purex Corp. v. Bio-Lab, Inc.
	74-539 <i>In re Ogiue</i> (1 folder)
BOX 264	(1 folder)
	74-548 Hollowform, Inc. v. Delma AEH (2 folders)
	74-551 <i>In re Clendenning</i> (2 folders)
	74-557 Giant Food v. Malone & Hyde, Inc. (2 folders)
BOX 265	(2 folders)
	74-559 Hydra Mac, Inc. v. Mack Trucks
	74-566 National Distillers & Chem. Corp. v. William Grant & Sons, Inc.

**United States Court of Customs and Patent Appeals, 1945-1989**

<b>Container</b>	<b>Contents</b>
	74-570 Hunt v. Treppschuh (2 folders)
<b>BOX 266</b>	(2 folders)
	74-581 <i>In re</i> Ideal Idus.
	74-588 <i>In re</i> Merat (3 folders)
<b>BOX 267</b>	74-592 <i>In re</i> Glass 74-595 <i>In re</i> Loon 74-613 <i>In re</i> Buehler (3 folders)
	74-618 <i>In re</i> Way 74-619 <i>In re</i> Frey
<b>BOX 268</b>	74-622 <i>In re</i> Blenglsi 74-623 Pingree v. Hull (3 folders)
	74-624 Sterling Drug v. Sebring (2 folders)
<b>BOX 269</b>	74-627 <i>In re</i> Deters 75-505 <i>In re</i> Clark (4 folders)
	75-511 <i>In re</i> Meyer
<b>BOX 270</b>	75-519 <i>In re</i> Furlong 75-526 Continental Scale Corp. v. Weight Watchers Int'l (2 folders)
	75-529 <i>In re</i> Combustion Eng'g 75-530 <i>In re</i> Kyser (2 folders)
	75-542 <i>In re</i> Bohrn
<b>BOX 271</b>	1975-1976 term Cases assigned to Rich Opinions Customs docket
	75-6 United States v. Yoshida Int'l (3 folders)
	75-11 United States v. C. J. Tower & Sons of Buffalo (2 folders)
	75-13 A. N. Deringer, Inc. v. United States 75-27 ESCD Mfg. Co. v. United States (1 folder)
<b>BOX 272</b>	(1 folder)
	75-29 United States v. Twin Wintons (3 folders)
	75-31 United States v. Sumitomo Shoji, N.Y., Inc. 76-3 Import Motors v. United States Int'l Trade Comm'n (2 folders)
<b>BOX 273</b>	76-9 Alcan Sales v. United States

# United States Court of Customs and Patent Appeals, 1945-1989

## Container

## Contents

---

	Patent docket	
	74-608	<i>In re</i> Mayhew
	(3 folders)	
	75-536	<i>In re</i> Wertheim
	(3 folders)	
BOX 274	75-539	<i>In re</i> McKellin
	(4 folders)	
	75-543	Glaros v. Howell
	(2 folders)	
BOX 275	(1 folder)	
	75-548	Jockey Int'l v. Mikelos Shoe Corp.
	75-549	<i>In re</i> Rowand
	75-552	<i>In re</i> Hayashibara
	(2 folders)	
BOX 276	75-553	<i>In re</i> Lusi
	75-560	<i>In re</i> Angstadt
	(3 folders)	
	75-561	Snitzer v. Etzel
	(3 folders)	
BOX 277	75-567	ILCO Corp. v. Ideal Sec. Hardware Corp.
	(2 folders)	
	75-568	<i>In re</i> Simulations Publications
	75-583	<i>In re</i> Rozmus
	75-590	W. R. Grace & Co. v. Multiform Desiccant Prods.
	(3 folders)	
	75-592	<i>In re</i> Jacoff
	(1 folder)	
BOX 278	(1 folder)	
	75-598	Raychem Corp. v. General Elec. Corp.
	75-611	<i>In re</i> Winkhaus
	75-615	Beck v. Teague
	(3 folders)	
BOX 279	(1 folder)	
	75-628	Curtice-Burns, Inc. v. Northwest Sanitation Prods.
	(3 folders)	
	75-631	<i>In re</i> Higbee
	76-503	Peeler v. Miller
	(1 folder)	
BOX 280	(1 folder)	
	76-507	<i>In re</i> Outtrup
	(2 folders)	
	76-529	<i>In re</i> Nield
	76-535	Litchfield v. Eigen
	(1 folder)	
BOX 281	(3 folders)	

United States Court of Customs and Patent Appeals, 1945-1989

Container

Contents

Container	Contents
	76-546 Holiday Inn v. Holiday Inns, Inc. (1 folder)
BOX 282	(1 folder) 76-547 Holiday Inns, Inc. v. Holiday Inn <i>See Container 281, 76-546</i> 76-548 <i>In re</i> Wells 76-550 <i>In re</i> Ogle 76-558 <i>In re</i> Hay 76-559 <i>In re</i> Hay <i>See same container, 76-558</i> 76-568 <i>In re</i> Mott (2 folders)
BOX 283	(1 folder) 76-593 <i>In re</i> Schaub (2 folders) 76-595 Reddy v. Dann (2 folders)
BOX 284	76-599 SCOA Indus. v. Kennedy & Cohen, Inc. 1976-1977 term Cases assigned to Rich Opinions Customs docket 76-8Spanexico, Inc. v. United States 76-14 Rhodia, Inc. v. United States 76-24 Englishtown Corp. v. United States (2 folders) 76-29 United States v. A. Johnson & Co. (2 folders) 77-19 United States v. Zenith Radio Corp. (1 folder)
BOX 285	(3 folders) Patent docket 9198 Krenzer v. Stoffel (2 folders)
BOX 286	74-541 <i>In re</i> Noll (3 folders) 76-551 <i>In re</i> Chatfield 76-580 <i>In re</i> Kellum 76-586 <i>In re</i> Dwyer
BOX 287	76-597 <i>In re</i> Dean 76-598 <i>In re</i> Dean <i>See same container, 76-597</i> 76-602 Smithkline Corp. v. Miles Laboratories 76-608 <i>In re</i> Leslie 76-619 Sellstedt v. Ishimaru (2 folders)
	76-624 Federated Foods v. Fort Howard Paper Co. (2 folders)
BOX 288	76-628 <i>In re</i> Glass

United States Court of Customs and Patent Appeals, 1945-1989

Container

Contents

	76-629	<i>In re</i> Tanaka
	(2 folders)	
	76-630	<i>In re</i> Bryant
	76-638	<i>In re</i> Aprahamian
	(2 folders)	
	76-641	<i>In re</i> Hogan
	(1 folder)	
BOX 289	(2 folders)	
	76-642	<i>In re</i> Glasser
	76-643	<i>In re</i> Johnson
	(3 folders)	
	76-645	<i>In re</i> Brainerd
BOX 290	76-653	<i>In re</i> Sugaya
	(2 folders)	
	76-656	<i>In re</i> Hughes
	76-659	<i>In re</i> Barker
	(2 folders)	
	76-660	Singer Co. v. Stretch & Sew
	76-662	<i>In re</i> Farrow
BOX 291	76-664	<i>In re</i> Cofer
	(2 folders)	
	76-682	Tabuchi v. Nubel
	(2 folders)	
	76-685	<i>In re</i> California Growers Winery
	76-689	<i>In re</i> Frostig
BOX 292	76-690	<i>In re</i> Waldbaum
	76-693	Squires v. Corbett
	(3 folders)	
	76-697	<i>In re</i> DeLoach
	76-712	<i>In re</i> Bergy <i>See also</i> Containers 306, same heading, and 308, <u>77-535</u>
	(1 folder)	
BOX 293	(2 folders)	
	76-720	<i>In re</i> Germain
	76-724	<i>In re</i> Hoffman
	76-735	<i>In re</i> Colianni
	(2 folders)	
	76-740	Philip Morris, Inc. v. K2 Corp.
	(1 folder)	
BOX 294	(1 folder)	
	77-504	Hilborn v. Dann
	(2 folders)	
	77-507	<i>In re</i> Land
	77-510	<i>In re</i> Mott
	77-512	<i>In re</i> Flook
BOX 295	1977-1978 term	

# United States Court of Customs and Patent Appeals, 1945-1989

## Container

## Contents

---

	Cases assigned to Rich	
	Opinions	
	Customs docket	
	77-7	United States v. Tilton Textile Corp.
	(2 folders)	
	77-8	Pasco Terminals v. United States
	(2 folders)	
	77-9	United States v. Imperial Prods.
	(1 folder)	
BOX 296	(2 folders)	
	77-18	Miles v. United States
	(3 folders)	
	77-21	Coleco Indus. v. United States Int'l Trade Comm'n
	(1 folder)	
BOX 297	(4 folders)	
	78-1	Ciba-Geigy Corp. v. United States
	(2 folders)	
BOX 298	(1 folder)	
	Patent docket	
	77-515	<i>In re Shetty</i>
	(2 folders)	
	77-517	American Sec. Bank v. American Sec. & Trust Co.
	(2 folders)	
	77-518	<i>In re Segre</i>
	77-526	Corbett v. Chisholm
	(1 folder)	
BOX 299	(1 folder)	
	77-527	<i>In re Pavlecka</i>
	(2 folders)	
	77-535	<i>In re Chakrabarty</i> <i>See also Containers 308 same heading, and</i> <i><u>306,76-712</u></i>
	(2 folders)	
	77-536	Pitzer v. Dickey
	(2 folders)	
BOX 300	(1 folder)	
	77-547	Seabrook Foods v. Bar-Well Foods
	(2 folders)	
	77-551	<i>In re Wilson</i>
	77-576	San Fernando Elec. Mfg. Co. v. JFD Elecs. Components
	77-577	<i>In re Steidinger</i>
	(1 folder)	
BOX 301	(1 folder)	
	77-580	<i>In re Herrick</i>
	(2 folders)	
	77-591	<i>In re Williams</i>
	77-596	<i>In re Goodwin</i>
	(2 folders)	



**United States Court of Customs and Patent Appeals, 1945-1989**

<b>Container</b>	<b>Contents</b>
BOX 302	77-607 <i>In re</i> Neto
	77-609 Selfway, Inc. v. Travelers Petroleum (3 folders)
	77-617 McMillen v. Tennis (2 folders)
	(1 folder)
BOX 303	77-622 <i>In re</i> Weber (3 folders)
	77-623 <i>In re</i> Owen
	77-629 Exxon Corp. v. National Foodline Corp. (2 folders)
	77-631 <i>In re</i> Jensen
BOX 304	78-502 <i>In re</i> Oelrich (2 folders)
	78-509 <i>In re</i> Albrecht
	78-513 <i>In re</i> Boser
	78-525 Stevenson v. Yamaha Int'l Corp.
BOX 305	1978-1979 term
	Cases assigned to Rich
	Opinions
	Customs docket
	78-6 Amico, Inc. v. United States
	78-11 United States v. A. Johnson & Co.
	78-16 United States v. Hugo Stinnes Steel & Metals Co. (3 folders)
	79-3 Hambro Automotive Corp. v. United States (2 folders)
	79-5 Daisy-Heddon, Div. Victor Comptometer Corp. (2 folders)
	Patent docket
76-712 <i>In re</i> Bergy, <u>See also Containers 292, same heading, and 308, 77-535</u> (1 folder)	
BOX 307 (6 folders)	
BOX 308	(8 folders)
	77-535 <i>In re</i> Chakrabarty <u>See also Containers 299, same heading, and 306, 76-712</u> (1 folder)
BOX 309	(2 folders)
	78-538 <i>In re</i> Allen (2 folders)
	78-541 Interbank Card Ass'n v. United States Nat'l Bank of Oregon (2 folders)
	78-542 Mead v. McKirnan (1 folder)
BOX 310	(1 folder)

**United States Court of Customs and Patent Appeals, 1945-1989**

<b>Container</b>	<b>Contents</b>
	78-559 Chatterji v. Crooks (3 folders)
<b>BOX 311</b>	78-561 <i>In re</i> Ehrreich (2 folders)
	78-562 <i>In re</i> ABCOR Dev. Corp.
	78-564 <i>In re</i> Pappas
	78-570 <i>In re</i> Law
	78-582 Golomb v. Wadsworth (3 folders)
<b>BOX 312</b>	78-594 <i>In re</i> Santoni
	78-597 <i>In re</i> Moore
	78-606 <i>In re</i> Cullen
	78-607 <i>In re</i> Greenquist
	78-616 <i>In re</i> Burckel
	78-619 BASF Wyandotte Corp. v. Polychrome Corp.
	79-508 <i>In re</i> Wiseman
<b>BOX 313</b>	79-509 <i>In re</i> Umezawa
	79-510 <i>In re</i> Zangenfeind
	79-518 <i>In re</i> Dill (2 folders)
	79-526 Formica Corp. v. Lefkowitz (3 folders)
<b>BOX 314</b>	(1 folder)
	79-527 <i>In re</i> Diehr (3 folders)
<b>BOX 315</b>	79-533 <i>In re</i> Bradley (2 folders)
	79-555 Goodbar v. Banner (2 folders)
<b>BOX 316</b>	1979-1980 term Case assignments Opinions Patent docket
	79-552 <i>In re</i> Jansson
	79-557 Bankers Trust N.Y. Corp. v. Ann Arbor Trust Co.
	79-558 Chesebrough-Pond's, Inc. v. Faberge, Inc. (2 folders)
	79-560 <i>In re</i> Zahn (3 folders)
<b>BOX 317</b>	79-569 <i>In re</i> Stevenson
	79-572 <i>In re</i> Grunwell
	79-574 <i>In re</i> Theis (2 folders)
	79-575 Weiner King, Inc. v. Weiner King Corp. (1 folder)

United States Court of Customs and Patent Appeals, 1945-1989

Container	Contents	
BOX 318	(1 folder)	
	79-587	<i>In re</i> Eastin
	(2 folders)	
	79-588	<i>In re</i> Lew
	79-599	<i>In re</i> Walter
BOX 319	(2 folders)	
	79-602	<i>In re</i> Breslow
	(2 folders)	
	79-614	<i>In re</i> Harnisch
	(2 folders)	
BOX 320	79-618	Berges v. Gottstein
	(2 folders)	
	79-628	<i>In re</i> Huling
	(2 folders)	
	79-629	<i>In re</i> Anderson
BOX 321	79-630	Nelson v. Bowler
	(3 folders)	
	80-502	<i>In re</i> Hyatt
	(1 folder)	
	(2 folders)	
BOX 322	80-503	<i>In re</i> Sasse
	(2 folders)	
	80-504	<i>In re</i> Coleman
	(2 folders)	
	80-506	Davis v. Reddy
BOX 323	(1 folder)	
	(1 folder)	
	80-522	Shindelar v. Holdeman
	(2 folders)	
BOX 324	80-529	<i>In re</i> Capes
	(2 folders)	
	1980-1981 term	
	Case assignments	
	Opinions	
	Customs docket	
	80-17	Border Brokerage Co. v. United States
	(2 folders)	
	Patent docket	
	80-524	White v. United States Dep't of Energy <i>See same container, 80-525</i>
80-525	United States Dep't of Energy v. White	
(4 folders)		
BOX 324	80-546	<i>In re</i> Colby
	80-548	<i>In re</i> Dickman
	80-550	<i>In re</i> Morrison Milling Co.
	80-562	<i>In re</i> Ziemann

**United States Court of Customs and Patent Appeals, 1945-1989**

**Container**

**Contents**

---

	80-563	Otto Roth & Co. v. Universal Foods Corp.
	(2 folders)	
<b>BOX 325</b>	80-566	<i>In re</i> Coghlan
	80-572	<i>In re</i> Roberts
	80-578	<i>In re</i> Corcoran
	(2 folders)	
	80-580	<i>In re</i> Baker
	80-585	<i>In re</i> Morimoto
	(2 folders)	
<b>BOX 326</b>	80-588	<i>In re</i> Clayton
	80-592	Katz v. Von Herten
	80-594	<i>In re</i> Hahnle
	80-603	<i>In re</i> Wertheim
	(4 folders)	
<b>BOX 327</b>	80-613	<i>In re</i> Gentiluomo
	80-614	<i>In re</i> Lyons
	80-615	<i>In re</i> Nalbandian
	(3 folders)	
	80-616	Morris v. Diamond
	81-502	<i>In re</i> McGinley
	(2 folders)	
	81-506	<i>In re</i> Cheema
	(2 folders)	
<b>BOX 328</b>	81-509	<i>In re</i> Silverstein
	81-513	<i>In re</i> Drake
	81-521	<i>In re</i> Spreter
	(2 folders)	
	81-528	<i>In re</i> Wyer
	(2 folders)	
	81-552	<i>In re</i> Morgan
	(1 folder)	
<b>BOX 329</b>	(2 folders)	
<b>BOX 330</b>	1981-1982 term	
	Cases assigned to Rich	
	Opinions	
	Patent docket	
	79-616	<i>In re</i> Hiller
	81-529	Engstrom v. Klehm
	(4 folders)	
<b>BOX 331</b>	81-540	<i>In re</i> Morton-Norwich Prods.
	(2 folders)	
	81-542	<i>In re</i> Self
	(2 folders)	
<b>BOX 332</b>	(1 folder)	
	81-555	<i>In re</i> Zeilder
	(4 folders)	

## United States Court of Customs and Patent Appeals, 1945-1989

### Container

### Contents

---

	81-564	<i>In re</i> Oelrich
BOX 333	81-567 (3 folders)	<i>In re</i> Nantucket, Inc.
	81-574	Kraft, Inc. v. Balin
	81-580 (2 folders)	Jacobs v. International Multifoods Corp.
BOX 334	81-584 81-586 (3 folders)	<i>In re</i> Campbell Morris v. Tegtmeyer
	81-587	<i>In re</i> Phillips
	81-596	<i>In re</i> Krol
	81-599	Haskell v. Colebourne
	81-610 (1 folder)	United States Dep't of Energy v. Daugherty
BOX 335	(3 folders)	
	81-614 (3 folders)	<i>In re</i> Dien
BOX 336	(2 folders)	
	81-615 (3 folders)	<i>In re</i> Gould
	82-502	<i>In re</i> Geer
	82-503	<i>In re</i> Tucker
BOX 337	82-505 (3 folders)	<i>In re</i> Ornum
	82-506 (2 folders)	<i>In re</i> Koerte
	82-513	<i>In re</i> Izrael
	82-522 (2 folders)	<i>In re</i> Piltz
BOX 338	82-524 (4 folders)	<i>In re</i> Spiegel
	82-526	<i>In re</i> Orentreich
BOX 339	82-528 (3 folders)	<i>In re</i> DC Comics
	82-540 (4 folders)	Kalman v. Kimberly-Clark Corp.

BOX 340-581

### United States Court of Appeals for the Federal Circuit, 1958-1999

BOX 340-358

#### Administrative File, 1958-1999

Correspondence, memoranda, notes, copies of opinions, reports, printed matter, and clippings.

Arranged alphabetically by topic, name of person or organization, or type of material and chronologically therein.

BOX 340

Administrative Office of the United States Courts, Washington, D.C.  
Committee on Security, Space and Facilities, 1993-1994

## United States Court of Appeals for the Federal Circuit, 1958-1999

### Container

### Contents

---

	Miscellany, 1983-1995, undated (3 folders)
	Administrative procedures manual (fragment), 1991
	Air traffic controllers' strike cases
	Miscellany, 1986
	Panels
	C
	Miscellany, 1986 (2 folders)
	Part I, 1986
BOX 341	Parts II-V, 1986 (4 folders)
	C+, 1983-1986, undated (2 folders)
	D, 1986 (3 folders)
BOX 342	Annual summaries of judicial activities, 1982-1994
	Articles about the court, 1982-1986, undated (3 folders)
	Caseload analyses, 1988-1998, undated (2 folders)
	Christmas party, undated
	Computer selection of cases, 1992
BOX 343	Commission on Structural Alternatives for the Federal Courts of Appeal
	Correspondence and reports, 1998 (6 folders)
	Testimony, 1998 (3 folders)
BOX 344	Correspondence
	1982, Oct.-1992, Jan. (8 folders)
BOX 345	1992, Feb.-1996, Dec. (8 folders)
BOX 346	1997, Jan.-1999, July, undated (3 folders)
	Cosmos Club, Washington, D.C.
	Banner, Donald W., 1985-1988, undated
	Bissell, Jean G., 1989
	Lourie, Alan D., 1993, undated
	Miscellany, 1992-1998
	Court of Veterans Appeals, Washington, D.C., 1991-1993
	Disposition sheets, 1996
	<i>En banc</i> cases
	Pending
	Docket number
	91-1393, Pall Corp. v. Micron Separations, 1991-1994, undated
	92-1049, Markman v. Westview Instruments, 1992-1994, undated

## United States Court of Appeals for the Federal Circuit, 1958-1999

### Container

### Contents

---

	92-1206, Rite Hite Corp. v. Kelley Co., 1994, undated
	93-1088, Hilton Davis Chem. Co. v. Warner-Jenkinson Co., 1994-1995, undated
	93-1373, Reflectone, Inc. v. Dalton, 1994
	Miscellany, 1993-1995, undated
	Requests for hearings, 1983-1991, 1999 (3 folders)
BOX 347	Equal employment opportunity data, 1985-1994, undated
	Finance Committee, 1994
	<i>The First Two Thousand Days: Report of the U.S. Court of Appeals for the Federal Circuit, 1982-1988</i> , by Chief Judge Howard T. Markey, 1989
	Frivolous appeals, 1992
	History of the court
	Chronological file, 1982-1986 (4 folders)
BOX 348	Unger, Sherman E., nomination of
	Judges
	Baldwin, Phillip B., 1986-1991
	Markey, Howard T., 1983-1992, undated
	Miscellany, 1983, undated
	Judges' conferences
	1983, Apr.-1994, Dec. (8 folders)
BOX 349	1995, Jan.-1996, July (8 folders)
BOX 350	1996, Aug.-1997, May (8 folders)
BOX 351	1997, June-1998, May (10 folders)
BOX 352	1998, June-1999, Apr. (6 folders)
BOX 353	1999, May
	Judges' panels, 1982-1983, 1996-1997
	Judicial conferences for the Federal Circuit, 1983, 1993
	Judicial misconduct, 1987, 1999
	Judicial vacancies, 1995-1998, undated (2 folders)
	Juries
	Instructions, 1980-1993, undated
	Patent jury trial packet, 1984 (1 folder)
BOX 354	(2 folders)
	Problems, 1983 (2 folders)
	Jurisdiction of the court, 1982
	Law clerks and technical assistants
	Applicants hired, 1982-1990

## United States Court of Appeals for the Federal Circuit, 1958-1999

### Container

### Contents

---

	Directory, 1982-1992 (2 folders)
	Handbook, 1982
BOX 355	Miscellany, 1984-1996, undated “Legislative History of Patent and Trademark Office Review Statutes,” undated Length of service on the court, 1977-1998, undated Mandates issued, 1998-1999 Medical benefits, 1981-1991 Merit Systems Protection Board, Washington, D.C., 1982-1983, undated Miscellaneous docket, 1995-1997 Miscellany, 1983-1998, undated Motions panel, 1983-1985, undated Opinions Errors, 1982-1993 (2 folders)
BOX 356	In conflict, 1983 Miscellany, 1986-1999 (6 folders) Standards for publication, 1973-1985, undated Personal file 1981-1987 (2 folders)
BOX 357	1988-1999, undated (4 folders) <i>Pfaff v. Wells Elecs.</i> , 1958, 1997-1999 (3 folders) Portrait presented to the court, 1989-1990, undated <i>Pro se</i> petitioners, 1987 Recusals, 1991-1992 Rules Committee, 1989-1997 (2 folders)
BOX 358	Rules of practice, 1992-1993 Salaries, 1988-1998 Senior judges, 1985-1994 Temporary Emergency Court of Appeals, 1993 Travel file, 1986-1991, undated <i>United States Surgical Corp. v. Ethicon, Inc.</i> , 1996
BOX 359-536	<b>Case File, 1982-1999</b> Opinions in various stages of preparation, circulated opinions, memoranda, correspondence, administrative sheets, notes, case assignments, vote tallies, motions, briefs, transcripts, reports, printed matter, clippings, and background material. Organized chronologically by annual court term and alphabetically thereunder by type of material. Opinion files are arranged numerically by docket number. Material in individual opinion files is mostly arranged as received with final and draft opinions followed in order by administrative sheets, correspondence, notes, background material, and printed copies of briefs and transcripts of record.



# United States Court of Appeals for the Federal Circuit, 1958-1999

## Container

## Contents

---

BOX 359	1982-1983 term Case assignments Opinions 49-81 58-81 62-82 (2 folders) 64-81 82-12 (2 folders) 82-21 (1 folder)	Padilla v. Veterans Admin. Wilkes v. Veterans Admin. Rough & Ready Timber Co. v. United States F & T Constr. Co. v. United States Siemens Am. v. United States Aktiebolaget Karlstads Mekaniska Werkstad & KMW-Johnson, Inc. v. United States Int'l Trade Comm'n
BOX 360	(3 folders) 82-558 (2 folders) 82-559	<i>In re Heck</i> <i>In re Kaufman</i>
BOX 361	82-564 82-574 (2 folders) 82-575 82-582 82-586 (3 folders)	<i>In re Glen</i> <i>Chan v. Akiba</i> <i>Chan v. Akiba</i> <i>See same container, 82-574</i> <i>Robert Bosch GMBH v. Tune King Int'l</i> <i>Selva &amp; Sons v. Nina Footwear</i>
BOX 362	82-600 83-531 83-532 (2 folders) 83-533 83-534 83-535 83-538 (2 folders) 83-545 (2 folders)	<i>In re Shea</i> <i>In re Reunamaki</i> <i>In re Chatani</i> <i>In re Chatani</i> <i>See same container, 83-532</i> <i>In re Chatani</i> <i>See same container, 83-532</i> <i>In re Chatani</i> <i>See same container, 83-532</i> <i>Bandag, Inc. v. General Tire Co.</i> <i>In re Stanly</i>
BOX 363	83-551 (2 folders) 83-555 (6 folders)	<i>In re Hyatt</i> <i>American Hoist &amp; Derrick Co. v. Sowa &amp; Sons</i>
BOX 364	83-591 83-599 (7 folders)	<i>Studiengesellschaft Kohle, m.b.H. v. Dart Indus.</i> <i>Rohm &amp; Haas Co. v. Crystal Chem. Co.</i>
BOX 365	(2 folders) 83-611 (2 folders) 83-615	<i>Richdel, Inc. v. Sunspool Corp.</i> <i>In re Steeg</i>

## United States Court of Appeals for the Federal Circuit, 1958-1999

Container	Contents
	83-647 <i>In re</i> Mulder (1 folder)
BOX 366	(1 folder)
	83-673 <i>In re</i> Kollman (2 folders)
	83-683 Carman Indus. v. Wahl (2 folders)
	83-685 Bellamy v. Department of the Navy
	83-695 Camhi v. Department of Energy
BOX 367	1983-1984 term Case assignments Opinions
	83-720 Albert v. Kevex Corp. (7 folders)
BOX 368	83-781 Albert v. Kevex Corp. <i>See Container 367, 83-720</i>
	83-812 Rosso & Mastracco, Inc. v. Giant Food (3 folders)
	83-909 Morgan v. Hirsch (2 folders)
BOX 369	(1 folder)
	83-910 Morgan v. Hirsch <i>See Container 368, 83-909</i>
	83-978 Central Soya Co. v. George A. Hormel & Co. (4 folders)
BOX 370	(1 folder)
	83-981 Thompson-Hayward Chem. Co. v. Rohm & Haas Co. (6 folders)
BOX 371	(2 folders)
	83-1017 Thompson-Hayward Chem. Co. v. Rohm & Haas Co. <i>See Container 370, 83-981</i>
	83-1066 Kimberly-Clark Corp. v. Johnson & Johnson (7 folders)
BOX 372	83-1397 Pittinger v. Oberg (4 folders)
	83-1409 Devine v. National Treasury Employees Union (3 folders)
	83-1428 Childcraft Educ. Corp. v. United States
	84-518 Tillotson v. Oberg <i>See same container, 83-1397</i>
BOX 373	84-527 Reading & Bates Constr. Co. v. Baker Energy Resources Corp. (4 folders)
	84-556 <i>In re</i> R. M. Smith, Inc. (2 folders)
BOX 374	84-558 International Measurement & Control Co. v. Productronix, Inc. (5 folders)
	84-564 Webster v. Boguslaski (2 folders)
BOX 375	84-571 Brown v. Merit Sys. Protection Bd.

**United States Court of Appeals for the Federal Circuit, 1958-1999**

<b>Container</b>	<b>Contents</b>
	84-590 State Industries v. A. O. Smith Corp. (4 folders)
	84-653 Crane Co. v. Goodyear Tire & Rubber Co. (2 folders)
<b>BOX 376</b>	(1 folder)
	84-684 Prodyne Enters. v. Julie Pomerantz, Inc. (2 folders)
	84-705 Mays v. Department of the Air Force
	84-711 EWP Corp. v. Reliance Universal (2 folders)
<b>BOX 377</b>	(2 folders)
	84-751 Tomisawa v. Sakashita
	84-764 Gilman v. Office of Personnel Management
	84-835 <i>In re</i> Mars, Inc.
	84-870 Kessler v. United States
	84-897 Roper v. Department of the Treasury, Internal Revenue Serv.
	84-991 Nuss v. Office of Personnel Management
	84-1117 Strudell v. Department of the Army
<b>BOX 378</b>	1984-1985 term
	Case assignments
	Opinions
	84-699 Patlex Corp. v. Mossinghof
	84-866 CPG Prods. Corp. v. Pagasus Luggage (5 folders)
	84-880 CPG Prods. Corp. v. Pagasus Luggage <i>See same container, 84-866</i>
<b>BOX 379</b>	84-887 Kufel v. United States Postal Serv.
	84-972 CPG Prods. Corp. v. Pagasus Luggage <i>See Container 378, 84-866</i>
	84-1143 Kori Corp. v. Wilco Marsh Buggies & Draglines (6 folders)
<b>BOX 380</b>	84-1184 Twardzik v. Office of Personnel Management
	84-1201 Alexander v. United States
	84-1215 <i>In re</i> N. A. D., Inc. (2 folders)
	84-1268 Mitchum v. Tennessee Valley Auth.
	84-1346 Atwell v. General Servs. Admin.
	84-1383 <i>In re</i> Vamco Mach. & Tool (3 folders)
<b>BOX 381</b>	84-1403 Schwender v. Department of Labor
	84-1405 Meservy v. Department of Labor
	84-1416 <i>In re</i> Owens-Corning Fiberglas Corp.
	84-1438 State Indus. v. Rheem Mfg Co. (3 folders)
<b>BOX 382</b>	(1 folder)
	84-1457 Johnson v. Merit Sys. Protection Bd.

## United States Court of Appeals for the Federal Circuit, 1958-1999

### Container

### Contents

---

	84-1466	Laughlin v. Parker
	(3 folders)	
	84-1472	Marsden v. Veterans Admin.
	(2 folders)	
	84-1500	Standard Oil Co. v. Nippon Shokubai Kagaku Kogyo Co.
	(1 folder)	
BOX 383	(5 folders)	
	84-1515	Garner v. Tennessee Valley Auth.
	84-1519	Standard Oil Co. v. American Cyanamid Co.
	(1 folder)	
BOX 384	(2 folders)	
	84-1520	Kline v. Merit Sys. Protection Bd.
	84-1549	<i>In re</i> Kirkbride
	(2 folders)	
	84-1552	Standard Oil Co. v. American Cyanamid Co. <i>See Container 383, 84-1519</i>
	84-1554	Marika's Cosmetics v. Countess Mara, Inc.
	84-1557	Rhone-Poulenc Specialties Chimiques v. SCM Corp.
	(3 folders)	
BOX 385	(2 folders)	
	84-1589	Tschernjowski v. Department of Justice
	84-1611	Ingraham v. Merit Sys. Protection Bd.
	84-1638	Vivitar v. United States
	84-1641	<i>In re</i> Feuer
	(2 folders)	
	84-1642	<i>In re</i> Wagner
	84-1644	Speck v. Merit Sys. Protection Bd.
	84-1690	Interpart Corp. v. Imos Italia
	(1 folder)	
BOX 386	(4 folders)	
	84-1693	Lacotte v. Thomas
	(2 folders)	
	84-1721	Saunders v. Merit Sys. Protection Bd.
BOX 387	84-1755	Markin v. Department of the Navy
	84-1756	Moore v. General Servs. Admin.
	84-1757	Vaughn v. United States Postal Serv.
	84-1766	Massachusetts Inst. of Technology v. AB Fortia
	(4 folders)	
	85-509	<i>In re</i> Suzuki
	(2 folders)	
	85-574	Gonzales v. Department of Health & Human Servs.
	85-592	Woody v. Department of the Army
BOX 388	85-601	<i>In re</i> Durden
	(2 folders)	
	85-611	Thompson v. Department of Defense
	85-616	Isom v. Defense Logistics Agency

United States Court of Appeals for the Federal Circuit, 1958-1999

Container	Contents
	85-621 <i>In re</i> Grammas
	85-626 Sarich v. Department of the Interior
	85-643 DiDomenico v. Department of Transp.
	85-646 <i>In re</i> Cavalli
	85-661 Newby v. Department of Labor
	85-662 Sisson v. Merit Sys. Protection Bd.
	85-677 Newby v. Department of Labor <i>See same container, 85-661</i>
BOX 389	85-767 <i>In re</i> Perrine
	85-768 <i>In re</i> Wassilieff
	85-777 Power Lift v. Lange Tools
	(2 folders)
	85-781 <i>In re</i> Sovish
	(2 folders)
	85-784 Pavao v. Merit Sys. Protection Bd.
	85-878 Interpart Corp. v. Imos Italia <i>See Container 385, 84-1690</i>
	85-882 <i>In re</i> Benno
	(2 folders)
BOX 390	85-905 Foseco, Inc. v. Fireline, Inc.
	(2 folders)
	85-954 Nyberg v. Department of Transp.
	85-978 Zimmerman v. Department of Transp.
	85-983 Foseco, Inc. v. Fireline, Inc. <i>See same container, 85-905</i>
	85-1057 Malott v. Department of Transp.
	85-1071 Hammer v. Department of Transp.
	85-1072 Parker v. Department of Transp.
	85-1139 Hale v. Department of Transp.
	85-1144 Panduit Corp. v. Dennison Mfg. Co.
	85-1260 7-11 Sales v. Perma S. A.
BOX 391	85-1311 Price v. Department of Transp.
	85-1315 Banta v. Department of Transp.
	85-1452 Titanium Metals Corp. of Am. v. Banner
	(2 folders)
	85-1854 <i>In re</i> Chelminski
	(2 folders)
	85-2032 Avakoff v. Southern Pac. Co.
BOX 392	85-2034 Atlas Powder Co. v. Ireco Chems.
	(5 folders)
	85-2145 Herring v. Veterans Admin.
	85-2207 Atlas Powder Co. v. Ireco Chems. <i>See same container, 85-2034</i>
BOX 393	1985-1986 term
	Case assignments
	Opinions
	84-747 Garcia v. Department of the Army
	85-968 Miller v. Merit Sys. Protection Bd.

## United States Court of Appeals for the Federal Circuit, 1958-1999

### Container

### Contents

---

	85-1578	Darnell v. Department of Transp.
	(5 folders)	
BOX 394	(2 folders)	
	85-1763	McCormack v. Department of Transp.
	(3 folders)	
	85-1879	Fleming v. Department of Agric.
	85-2011	Reid v. Department of Commerce
	85-2029	Concrete Unlimited v. Cementcraft
	(2 folders)	
	85-2036	Brown v. United States Postal Serv.
	85-2116	Visconti v. United States Postal Serv.
	85-2143	Lustman v. General Servs. Admin.
	85-2150	Law Mathematics & Technology, Inc. v. United States
BOX 395	85-2161	A. C. Aukerman Co. v. Jasper Constr. Co.
	(3 folders)	
	85-2177	Indium Corp. of Am. v. Semi-Alloys, Inc.
	(2 folders)	
	85-2179	Cisneros v. Merit Sys. Protection Bd.
	85-2185	Digicourse, Inc. v. AMA Distribs., Inc.
	(2 folders)	
BOX 396	(3 folders)	
	85-2189	Patten v. Department of the Army
	85-2284	Cardinal Indus. v. Cardinal IG Co.
	(2 folders)	
	85-2292	Becker v. Department of the Treasury
	85-2293	Scovill, Inc. v. Dynamics Corp. of Am.
	(1 folder)	
BOX 397	(2 folders)	
	85-2300	Burum v. Office of Personnel Management
	85-2336	Graham v. Merit Sys. Protection Bd.
	85-2383	Taylor v. Department of Health & Human Servs.
	85-2386	Sangamo Capacitor Div. v. United States
	(2 folders)	
	85-2420	Alco Standard Corp. v. Tennessee Valley Auth.
	(2 folders)	
BOX 398	(5 folders)	
	85-2471	Hughes Tool Co. v. Dresser Indus.
	(1 folder)	
BOX 399	(8 folders)	
BOX 400	85-2485	Great N. Corp. v. Davis Core & Pad Corp.
	(4 folders)	
	85-2495	August v. Merit Sys. Protection Bd.
	85-2513	H. Marvin Ginn Corp. v. International Ass'n of Fire Chiefs
	(3 folders)	
	85-2522	<i>In re Kaplan</i>
	(1 folder)	

## United States Court of Appeals for the Federal Circuit, 1958-1999

### Container

### Contents

---

BOX 401	(1 folder)	
	85-2523	<i>In re</i> Plueddeman
	85-2545	Waller v. Merit Sys. Protection Bd.
	85-2566	Ching v. Department of the Navy
	85-2607	Hodosh v. Block Drug. Co.
	85-2622	Rowland v. United States
	85-2637	Arcadia Mach. & Tool v. Sturm, Ruger, & Co.
	(2 folders)	
BOX 402	(1 folder)	
	85-2653	Rillon v. Office of Personnel Management
	85-2660	Palmer v. Merit Sys. Protection Bd.
	85-2695	Anderson v. United States Postal Serv.
	85-2706	Sacilor v. United States
	85-2711	Friction Div. Prods. v. E. I. du Pont de Nemours & Co.
	(4 folders)	
	85-2718	Boles v. Department of Transp.
BOX 403	85-2745	Even v. Merit Sys. Protection Bd.
	85-2749	Dow Chem. Co. v. American Cyanamid Co.
	(5 folders)	
BOX 404	(2 folders)	
	85-2774	Jackson v. Merit Sys. Protection Bd.
	85-2785	Tanaka v. Department of the Navy
	85-2786	Friction Div. Prods. v. E. I. du Pont de Nemours & Co. <i>See</i> <i>Container 402, 85-2711</i>
	85-2787	Morgan v. Merit Sys. Protection Bd.
	85-2794	Fisher v. Orr
	86-525	Gruszka v. Merit Sys. Protection Bd.
	86-531	Hybritech, Inc. v. Monoclonal Antibodies, Inc.
	(4 folders)	
BOX 405	(7 folders)	
BOX 406	(1 folder)	
	86-533	Zdeb v. Merit Sys. Protection Bd.
	86-554	Wyden v. Commissioner of Patents & Trademarks
	(5 folders)	
BOX 407	(8 folders)	
BOX 408	(1 folder)	
	86-575	Gilbreth Int'l Corp. v. Lionel Leisure, Inc.
	(2 folders)	
	86-587	Parrish v. Merit Sys. Protection Bd.
	86-627	Cole v. Veterans Admin.
	86-639	Davis v. Department of Agric.
	86-640	Pyles v. Department of Justice
	86-656	Kao v. Department of the Army
	86-661	Frazier v. United States Postal Serv.
	86-663	Slotnick v. United States

## United States Court of Appeals for the Federal Circuit, 1958-1999

Container	Contents
	86-668 Alexander v. Office of Personnel Management
	86-720 <i>In re</i> Pearson
BOX 409	86-726 Brownscombe v. Veterans Admin.
	86-727 Brownscombe v. Veterans Admin. <i>See same container, 86-726</i>
	86-760 Solon v. United States
	86-771 <i>In re</i> Schurman <i>See also same container, 86-779</i>
	(3 folders)
	86-779 <i>In re</i> Schurman <i>See also same container, 86-771</i>
	(4 folders)
BOX 410	86-849 Robnett v. United States
	(2 folders)
	86-857 Benvenuti v. Department of Defense
	86-915 <i>In re</i> King
	(3 folders)
	86-948 Bundy v. Office of Personnel Management
BOX 411	86-962 Samson v. Merit Sys. Protection Bd.
	86-996 Dlugosz v. Office of Personnel Management
	(2 folders)
BOX 412	1986-1987 term
	Case assignments
	Opinions
	85-1018 Young v. Department of Transp.
	85-2240 Landry v. Defense Logistics Agency
	86-770 Kaufman Co. v. Lantech, Inc.
	(3 folders)
	86-998 Irvin v. Office of Personnel Management
	86-1005 Fonar Corp. v. Johnson & Johnson
	(2 folders)
BOX 413	(2 folders)
	86-1019 Fonar Corp. v. Johnson & Johnson <i>See Container 412, 86-1005</i>
	86-1139 Smith Int'l v. Hughes Tool Co.
	(4 folders)
	86-1181 Mathis v. Hydro Air Indus.
	(1 folder)
BOX 414	(1 folder)
	86-1182 Mathis v. Chalberg <i>See Container 413, 86-1181</i>
	86-1224 Mathis v. Spears <i>See Container 413, 86-1181</i>
	86-1601 Fraser v. Office of Personnel Management
	86-1620 Burleson v. Merit Sys. Protection Bd.
	86-1626 Slansky v. Office of Personnel Management
	86-1647 <i>In re</i> Pohl
	86-1695 Wallace Business Forms v. Uarco, Inc.
	(2 folders)
	86-1700 Yuba Natural Resources v. United States
	(2 folders)



## United States Court of Appeals for the Federal Circuit, 1958-1999

Container	Contents	
BOX 415	(3 folders)	
	86-1716	Listerman v. United States Dep't of Justice
	(2 folders)	
BOX 416	87-1023	Bova v. Waterworth, a Calif. Corp.
	(4 folders)	
	(1 folder)	
	87-1045	<i>In re Lew</i> <a href="#"><u>See also same container, 87-1053</u></a>
	(2 folders)	
	87-1053	<i>In re Lew</i> <a href="#"><u>See also same container, 87-1045</u></a>
	(2 folders)	
BOX 417	87-1055	Argust v. Formwork Eng'g Corp.
	(3 folders)	
	87-1072	Argust v. Formwork Eng'g Corp. <a href="#"><u>See same container, 87-1055</u></a>
	87-1098	Sekine v. Seely
	(4 folders)	
	87-1126	Sekine v. Seely <a href="#"><u>See same container, 87-1098</u></a>
BOX 418	87-1127	<i>In re Société Générale des Euax Minérales de Vittel, S. A.</i>
	(2 folders)	
	87-1146	Cooper Indus. v. Juno Lighting
BOX 419	(6 folders)	
	87-1158	Cooper Indus. v. Juno Lighting <a href="#"><u>See same container, 87-1146</u></a>
BOX 420	87-1187	Vesper Corp. v. Lukens, Inc.
	(3 folders)	
	87-3008	Gordon v. United States Postal Serv.
	87-3025	Coleman v. Department of Educ.
	87-3028	Tulin v. Office of Personnel Management
	87-3037	Connett v. Department of the Navy
	87-3045	Harrington v. Office of Personnel Management
	87-3055	Algeo v. United States Postal Serv.
	87-3061	Longmire v. United States Postal Serv.
	87-3072	Hamilton v. United States Postal Serv.
	87-3077	Granger v. Merit Sys. Protection Bd.
	87-3084	Richards v. United States Postal Serv.
	87-3086	Fernando v. General Servs. Admin.
	87-3128	Brownscombe v. Veterans Admin.
	87-3150	Calire v. Office of Personnel Management
87-3160	Burnett v. Office of Personnel Management	
BOX 421	87-3163	Geronimo v. Office of Personnel Management
	87-3164	Becker v. Department of the Army
	87-3196	Casem v. Office of Personnel Management
	1987-1988 term	
	Case assignments	
Opinions		
	87-1189	Propper Mfg. Co. v. Surgicot, Inc.
	87-1227	Nicholas v. United States

## United States Court of Appeals for the Federal Circuit, 1958-1999

Container	Contents
	87-1273 <i>In re</i> Harita (5 folders)
BOX 422	87-1295 Randomex, Inc. v. Scopus Corp. (4 folders)
	87-1296 W. L. Gore & Assocs. v. Garlock, Inc. (3 folders)
BOX 423	(3 folders)
	87-1317 <i>In re</i> Glen (2 folders)
	87-1341 W. L. Gore & Assocs. v. Garlock, Inc. <i>See Container 422, 87-1296</i>
	87-1345 Randomex, Inc. v. Scopus Corp. <i>See Container 422, 87-1295</i>
	87-1354 J. Stephen Scherer, Inc. v. Revelations Antoine Ltee (2 folders)
BOX 424	(2 folders)
	87-1362 Amity Leather Prods. Co. v. Alter (2 folders)
	87-1363 <i>In re</i> Bailey
	87-1408 <i>In re</i> Stark (2 folders)
BOX 425	87-1410 <i>In re</i> Hyper Shoppes
	87-1428 Ross v. United States
	87-1451 Galarowicz v. Commissioner of Patents & Trademarks
	87-1479 <i>In re</i> Watanabe (3 folders)
BOX 426	87-1483 Buildex, Inc. v. Kason Indus. (3 folders)
	87-1486 <i>In re</i> O'Farrell (3 folders)
BOX 427	(1 folder)
	87-1490 Ryco, Inc. v. Ag-Rag Corp. (5 folders)
BOX 428	87-1496 Sjolund v. Musland (6 folders)
BOX 429	(1 folder)
	87-1545 <i>In re</i> Schifferly (3 folders)
	87-1550 Ryco, Inc. v. Ag-Rag Corp. <i>See Container 427, 87-1490</i>
	87-1595 Fortel Corp. v. Phone-Mate, Inc. <i>See also same container, 87-1596</i> (2 folders)
	87-1596 Fortel Corp. v. Phone-Mate, Inc. <i>See also same container, 87-1595</i>
BOX 430	87-1646 B.V.D. Licensing Corp. v. Body Action Design (2 folders)
	87-1648 <i>In re</i> Hester (3 folders)
	87-3283 Hoffman v. Veterans Admin.
	87-3294 Grant v. Department of Transp.

## United States Court of Appeals for the Federal Circuit, 1958-1999

Container	Contents		
BOX 431	87-3383 (2 folders)	Marshall v. United States Postal Serv.	
	87-3401	Lake v. Department of Transp.	
	87-3405	Von Deneen v. Department of Transp.	
	87-3422	McCall v. United States Postal Serv.	
	87-3450	De Lessio v. United States Postal Serv.	
	87-3459	Carlino v. Department of the Navy	
	87-3502	Kelley v. Office of Personnel Management	
	87-3529	Carlisle v. Department of the Air Force	
	87-3531	Brown v. Department of Justice	
	88-1034	McKeague v. United States	
	88-1052 (1 folder)	Studiengesellschaft Kohle m.b.H. v. Dart Indus.	
	BOX 432	(4 folders)	
		88-1078	Sun-Tek Indus. v. Kennedy Sky-Lites
88-1081		Cedar Lumber v. United States	
88-1087		Studiengesellschaft Kohle m.b.H. v. Dart Indus. <i>See Container 431, 88-1052</i>	
88-1088		Studiengesellschaft Kohle m.b.H. v. Dart Indus. <i>See Container 431, 88-1052</i>	
BOX 433	88-1095 (1 folder)	F. R. Lepage Bakery v. Roush Bakery Prods. Co.	
	(3 folders)		
	88-1096	Lewis v. United States	
	88-1098	Shank-Artukovich v. United States	
	88-1114	American Parking Meter Advertising v. Visual Media <i>See also Container 434, 88-1248</i>	
BOX 434	(2 folders)		
	88-1143	Alliance Oil & Refining Co. v. United States	
	88-1248	American Parking Meter Advertising v. Visual Media <i>See also Container 433, 88-1114</i>	
	(2 folders)		
	88-3005	Jankowski v. Department of the Treasury	
	88-3009	Rebolledo v. Office of Personnel Management	
	88-3014	Shuler v. Office of Personnel Management	
	88-3042	Dozier v. Department of Educ.	
	88-3044	Burns v. Social Sec. Admin.	
	88-3055	Knight v. Department of the Navy	
	88-3083	Johnson v. Office of Personnel Management	
	88-3121	Tobin v. Office of Personnel Management	
	88-3124	Posey v. Department of the Air Force	
88-3155	Cirocco v. United States Postal Serv.		
BOX 435	1988-1989 term Case assignments Opinions		

## United States Court of Appeals for the Federal Circuit, 1958-1999

Container	Contents
	87-1115 Julien v. Zeringue
	87-1139 Julien v. Zeringue <i>See same container, 87-1115</i>
	88-1367 Havelock Process Publishing Co. v. United States
	88-1371 Nestle Foods Corp. v. Kellogg Co.
	88-1386 Pipeline Dehydrators v. Southeast Pipeline Contractors (3 folders)
	88-1387 Pipeline Dehydrators v. Southeast Pipeline Contractors <i>See same container, 88-1386</i>
BOX 436	88-1394 Specialized Electronics Corp. v. Aviation Supplies & Academics (4 folders)
	88-1395 Specialized Electronics Corp. v. Aviation Supplies & Academics <i>See same container, 88-1394</i>
	88-1400 Cementos Guadalajara, S.A. v. United States <i>See also Container 439, 88-1502</i> (2 folders)
	88-1415 <i>In re Clark Surgical Corp.</i> (1 folder)
BOX 437	(1 folder)
	88-1423 <i>In re Mann</i>
	88-1437 <i>In re Roberts</i>
	88-1446 Action Temporary Services v. Labor Force, Inc.
	88-1449 T. J. Smith & Nephew, Inc. v. Parke, Davis & Co. (2 folders)
BOX 438	(1 folder)
	88-1475 Environmental Instruments v. Sutron Corp. (4 folders)
BOX 439	(1 folder)
	88-1476 Cementos Guadalajara, S.A. v. United States <i>See Container 436, 88-1400</i>
	88-1477 Environmental Instruments v. Sutron Corp. <i>See Container 438, 88-1475</i>
	88-1499 T. J. Smith & Nephew, Inc. v. Parke, Davis & Co. <i>See Container 437, 88-1449</i>
	88-1500 T. J. Smith & Nephew, Inc. v. Parke, Davis & Co. <i>See Container 437, 88-1449</i>
	88-1502 Cementos Anahuac del Golfo, S.A. v. United States <i>See also Container 436, 88-1400</i>
	88-1521 <i>In re Wright</i> (2 folders)
	88-1582 Beckman Instruments v. LKB Produkter AB (3 folders)
	88-1583 Beckman Instruments v. LKB Produkter AB <i>See same container, 88-1582</i>
BOX 440	88-1618 <i>In re Johnson</i>
	88-1644 Gallagher v. Quigg (3 folders)
	88-3096 Hyman v. United States Postal Serv.

United States Court of Appeals for the Federal Circuit, 1958-1999

Container

Contents

---

	88-3105	Ganavan v. Office of Personnel Management
	88-3161	Greenwood v. Veterans Admin. Medical Center
	88-3191	Southers v. Veterans Admin.
	88-3228	Colter v. Department of the Navy
	88-3235	Mejia v. Office of Personnel Management
	88-3236	De Gonzales v. Office of Personnel Management
	88-3269	Jones v. National Gallery of Art
	88-3298	Lopez v. Department of the Interior
	88-3305	Alvord v. Department of the Navy
	88-3311	Crispulo v. Office of Personnel Management
	88-3363	Wallace v. Office of Personnel Management
	88-3379	Rohrer v. Office of Personnel Mangement
BOX 441	88-3387	Harris v. Department of the Navy
	88-3393	Kuntz v. United States Postal Serv.
	88-3396	Brownscombe v. Office of Personnel Management
	88-3405	Worthington v. Department of Agric.
	88-3423	Summons v. Office of Personnel Management
	89-1019	<i>In re</i> Iwahashi
	(4 folders)	
	89-1036	Intervet America v. Kee-Vet Laboratories
	(1 folder)	
BOX 442	(3 folders)	
	89-1044	Wallace Computer Servs. v. Uarco, Inc.
	(3 folders)	
BOX 443	89-1069	<i>In re</i> Hamilton
	(3 folders)	
	89-1074	Creative Mfg. v. Unik, Inc.
	(3 folders)	
	89-1083	L'Nard Assocs. v. Interstate Medical Mktg.
	(1 folder)	
BOX 444	(1 folder)	
	89-1086	Wallace Computer Servs. v. Uarco, Inc. <i>See Container 442, 89-1044</i>
	89-1089	Creative Mfg. v. Unik, Inc. <i>See Container 443, 89-1074</i>
	89-1091	Senmed, Inc. v. Richard Allan Medical Indus.
	89-1115	<i>In re</i> Benn
	89-1126	Fujiie v. Verhagen
	(2 folders)	
	89-1164	Cardinal Homes v. Cardinal Indus.
	89-1173	Neiss v. A.L.C. Co.
	(1 folder)	
BOX 445	(6 folders)	
BOX 446	(1 folder)	
	89-1189	Wallace Computer Servs. v. Uarco, Inc. <i>See Container 442, 89-1044</i>

## United States Court of Appeals for the Federal Circuit, 1958-1999

### Container

### Contents

---

	89-1196	First Mich. Bank Corp. v. First Nat'l Bank
	(2 folders)	
	89-1288	Howes v. Great Lakes Press Corp.
	(2 folders)	
BOX 447	(1 folder)	
	89-1289	Howes v. Great Lakes Press Corp. <i>See Container 446, 89-1288</i>
	89-1300	E. I. du Pont de Nemours & Co. v. Polaroid Graphics Imaging
	89-1301	Genninger v. United States
	89-3007	Salonga v. Department of the Army
	89-3010	Moore v. Department of the Navy
	89-3074	Wright v. Tennessee Valley Auth.
	89-3058	Leffler v. Office of Personnel Management
	89-3085	Etelson v. Office of Personnel Management
	89-3091	Durham v. Department of the Air Force
BOX 448	1989-1990 term	
	Case assignments	
	Opinions	
	89-1371	Kalman v. Berlyn Corp.
	(7 folders)	
	89-1378	Kalman v. Berlyn Corp. <i>See same container, 89-1371</i>
	89-1382	Atmel Corp. v. United States Int'l Trade Comm'n
	(1 folder)	
BOX 449	(3 folders)	
	89-1386	<i>In re Deckert</i>
	(2 folders)	
	89-1395	Rhone Poulenc, Inc. v. United States
	(4 folders)	
BOX 450	(1 folder)	
	89-1402	Rhone Poulenc, Inc. v. United States <i>See Container 449, 89-1395</i>
	89-1442	<i>In re Sciarretta</i>
	(2 folders)	
	89-1450	<i>In re Hauserman, Inc.</i>
	89-1489	Timken Co. v. United States <i>See also Container 451, 89-1490</i>
	(2 folders)	
BOX 451	(1 folder)	
	89-1490	Timken Co. v. United States <i>See also Containers 450-451, 89-1489</i>
	(3 folders)	
	89-1510	<i>In re Pleuddemann</i>
	(3 folders)	
	89-1511	Remington Prods. v. North Am. Philips Corp.
	(1 folder)	
BOX 452	(3 folders)	
	89-1512	Remington Prods. v. North Am. Philips Corp. <i>See Container 451, 89-1511</i>

## United States Court of Appeals for the Federal Circuit, 1958-1999

Container	Contents
	89-1523 Amgen, Inc. v. United States Int'l Trade Comm'n (3 folders)
BOX 453	89-1549 Minnesota Mining & Mfg. Co. v. Egly (3 folders)
	89-1554 Wilson Sporting Goods Co. v. David Geoffrey & Assocs. (5 folders)
BOX 454	89-1558 Arnco v. Synair Corp. (4 folders)
	89-1559 Arnco v. Synair Corp. <i>See same container, 89-1558</i>
	89-1572 California Cosmetics v. Ogilvie Prods.
	89-1599 Teledyne Continental Motors v. United States
	89-1640 Signtech, Inc. v. Minnesota Mining & Mfg. Co.
	89-1645 Jurgens v. McKasy (3 folders)
BOX 455	(5 folders)
	89-1658 Jurgens v. McKasy <i>See Container 454, 89-1645</i>
	89-1688 Johansen v. Pay Less Drug Stores N.W. (3 folders)
	89-1689 Johansen v. Pay Less Drug Stores N.W. <i>See same container, 89-1688</i>
	89-1693 Richards Medical Co. v. United States (1 folder)
BOX 456	(1 folder)
	89-1746 <i>In re Chavez</i>
	89-3180 Novinsky v. Department of Defense (2 folders)
	89-3238 Lowe v. Department of the Navy
	89-3250 Guinto v. Office of Personnel Management
	89-3256 Scott v. Department of the Army
	89-3312 Barnes v. Department of Justice
	89-3324 Stiltner v. Office of Personnel Management
BOX 457	89-3331 McCullough v. United States Postal Serv. (2 folders)
	89-3336 Hapgood v. Office of Personnel Management
	89-3340 Porter v. Office of Personnel Management
	89-3348 Antolin v. Department of Justice (4 folders)
	89-3351 Lucas v. Veterans Admin.
	89-3366 Williams v. Department of the Air Force
	89-3415 Brown v. Office of Personnel Management
	89-3420 Brandenburg v. Department of the Air Force
	89-3429 Pineda v. Office of Personnel Management
	89-3437 Cummings v. United States Postal Serv.
BOX 458	89-3438 Necker v. Office of Personnel Management
	89-3444 Holmes v. United States Postal Serv.

## United States Court of Appeals for the Federal Circuit, 1958-1999

### Container

### Contents

---

	89-3456	Boushie v. Department of Justice
	90-1003 (3 folders)	Winner Int'l Corp. v. Wolo Mfg. Co.
	90-1010 (2 folders)	Drexelbrook Controls v. Magnetrol Int'l
	90-1016 (1 folder)	Hewlett-Packard Co. v. Bausch & Lomb, Inc.
BOX 459	(2 folders)	
	90-1017	Hewlett-Packard Co. v. Bausch & Lomb, Inc. <a href="#">See Container 458, 90-1016</a>
	90-1029	Winner Int'l Corp. v. Wolo Mfg. Co. <a href="#">See Container 458, 90-1003</a>
	90-1036 (3 folders)	EMS-American Grilon v. DMS Resins
	90-1053 (2 folders)	Cicena, Ltd. v. Columbia Telecommunications Group
BOX 460	(2 folders)	
	90-1082	Sandvik AB v. United States
	90-1090 (2 folders)	<i>In re Avery</i>
	90-1095 (2 folders)	<i>In re Woodruff</i>
BOX 461	(1 folder)	
	90-1105	Jurgens v. McKasy <a href="#">See Container 454, 89-1645</a>
	90-1107	Steppe v. United States
	90-1111 (2 folders)	Schaeffer v. Verheyden
	90-1112	Schaeffer v. Verheyden <a href="#">See same container, 90-1111</a>
	90-1114 (4 folders)	Nucleonics Dev. Co. v. Seymour
BOX 462	(3 folders)	
	90-1273 (2 folders)	Amgen, Inc. v. Chugai Pharmaceutical Co.
	90-1275	Amgen, Inc. v. Chugai Pharmaceutical Co. <a href="#">See same container, 90-1273</a>
	90-3086	Mowinski v. Department of the Army
	90-3124	Walker v. Department of the Air Force
	90-3171	Castro v. Office of Personnel Management
	90-3208	Moran v. Department of Justice
	90-5001	Fausto v. United States
BOX 463	90-5003 (2 folders)	City of El Centro v. United States
	90-5024	Bienville v. United States
	90-5095 (2 folders)	Gold v. United States
BOX 464	1990-1991 term	
	Case assignments	



# United States Court of Appeals for the Federal Circuit, 1958-1999

## Container

## Contents

---

Container	Contents
	Opinions
	90-1229 Langston v. Southwestern Bell Tel. Co.
	90-1250 Malta v. Schulmerich Carillons
	(5 folders)
BOX 465	(6 folders)
BOX 466	90-1303 <i>In re</i> Thomason
	90-1306 Partout v. United States
	90-1320 Gillette Co. v. S. C. Johnson & Son, Inc.
	(3 folders)
	90-1326 <i>In re</i> Brainerd
	90-1338 Clipper Belt Lacer Co. v. United States
	(1 folder)
BOX 467	(1 folder)
	90-1362 <i>In re</i> Gorman
	(2 folders)
	90-1369 <i>In re</i> Kramer
	(2 folders)
	90-1374 <i>In re</i> Thorner
	(2 folders)
BOX 468	90-1376 <i>In re</i> Bartfield
	(4 folders)
	90-1378 Unique Concepts v. Brown
	(4 folders)
BOX 469	(2 folders)
	90-1381 Andrew Corp. v. Gabriel Elecs.
	(3 folders)
	90-1382 Nutrition 21 v. United States
	(3 folders)
BOX 470	(2 folders)
	90-1395 DSL Dynamic Sciences v. Union Switch & Signal
	(4 folders)
	90-1416 Slimfold Mfg. Co. v. Kinkead Indus.
	(1 folder)
BOX 471	(3 folders)
	90-1419 <i>In re</i> Ball Corp.
	(2 folders)
	90-1429 Slimfold Mfg. Co. v. Kinkead Indus. <i>See Container 470, 90-1416</i>
	90-1435 American Sterilizer Co. v. Surgikos, Inc.
	90-1443 Dana Corp. v. IPC Ltd. Partnership
	90-1444 C. R. Bard, Inc. v. Kendall Co.
	(1 folder)
BOX 472	(2 folders)
	90-1456 Arachnid, Inc. v. Merit Indus.
	(5 folders)
	90-1461 Arachnid, Inc. v. Merit Indus. <i>See same container, 90-1456</i>

## United States Court of Appeals for the Federal Circuit, 1958-1999

Container	Contents
BOX 473	90-1470 (2 folders) <i>In re Braat</i>
	90-1509 (2 folders) Continental Am. Corp. v. Barton
	90-1510 (2 folders) <i>In re Gorniak</i>
	90-1519 (1 folder) Zip Dee, Inc. v. A & E Sys.
	(1 folder)
BOX 474	90-1528 (5 folders) Vas-Cath, Inc. v. Mahurkar
	90-1529 (2 folders) Beckman Instruments v. LKB Produkter AB
	(1 folder)
BOX 475	90-3007 Camemo v. Office of Personnel Management
	90-3129 Siegert v. Department of the Army
	90-3229 Coffey v. Department of the Navy
	90-3280 Cartwright v. Office of Personnel Management
	90-3301 Ensomo v. Office of Personnel Management
	90-3303 Marshall v. Department of the Navy
	90-3313 Mikovits v. United States Postal Serv.
	90-3325 National Treasury Employees Union v. Internal Revenue Serv.
	90-3352 Medina v. Office of Personnel Management
	90-3356 Cain v. Department of the Navy
	90-3357 Nelson v. United States Postal Serv.
	(3 folders)
	90-3369 Funesti v. Department of Justice
	90-3370 Garcia v. Department of Labor
	90-3373 Muhammad v. Merit Sys. Protection Bd.
90-3386 Cayme v. Office of Personnel Management	
90-3411 Salarzon v. Office of Personnel Management	
90-3419 Erickson v. Department of Transp.	
90-3440 Massey v. Office of Personnel Management	
90-3465 Jose v. Office of Personnel Management	
90-3485 Mirador v. Office of Personnel Management	
90-3493 Lopez v. Office of Personnel Management	
90-3504 Swenberg v. Department of Health & Human Servs.	
(4 folders)	
90-3532 Soberano v. Office of Personnel Management	
BOX 477	90-3533 Owens v. Office of Personnel Management
	(2 folders)
	90-5078 Massing v. Secretary of the Department of Health & Human Servs.
(2 folders)	

## United States Court of Appeals for the Federal Circuit, 1958-1999

### Container

### Contents

---

	90-5116 (2 folders)	Tollman v. United States
	90-7016	Hill v. Derwinski
	91-1010	Zip Dee, Inc. v. A & E Sys. <i>See Containers 473-474, 90-1519</i>
	91-1031	Beckman Instruments v. LKB Produkter AB <i>See Container 474, 90-1529</i>
	91-1032	Vas-Cath, Inc. v. Mahurkar <i>See Container 474, 90-1528</i>
<b>BOX 478</b>	1991-1992 term Case assignments	
	1992-1993 term Case assignments	
	Opinions	
	92-1343	Cemex, SA v. United States Int'l Trade Comm'n
	92-1372 (3 folders)	C. R. Bard, Inc. v. Advanced Cardiovascular Sys.
	92-1381	<i>In re Alappat See also Containers 553-555, same heading</i>
	92-1402	C. R. Bard, Inc. v. Advanced Cardiovascular Sys. <i>See same container, 92-1372</i>
	93-1367	Sanders Assocs. v. Summagraphics Corp.
	93-3020	Petroske v. National Aeronautics & Space Admin.
<b>BOX 479</b>	1993-1994 term Case assignments	
	Opinions	
	92-1206	Rite-Hite Corp. v. Kelley Co.
	93-1088	Hilton-Davis Chem. Co. v. Warner-Jenkinson Co.
	93-1270 (3 folders)	Haworth, Inc. v. Steelcase, Inc.
	93-1551	Haworth, Inc. v. Herman Miller, Inc.
	94-1026 (4 folders)	Glaxo, Inc. v. Novopharm, Ltd.
	94-1029	Lifescan, Inc. v. Can-Am Care Corp.
<b>BOX 480</b>	1994-1995 term Case assignments	
	Opinions	
	94-1217 (3 folders)	<i>In re Fraenkel</i>
	94-1334 (3 folders)	ABB Robotics v. GMFanuc Robotics Corp.
	94-1380	Advanced Display Mfg. v. United States <i>See also same container, 94-1490</i>
	94-1450	Imazio Nursery v. Coastal Nursery
	94-1490	Advanced Display Mfg. v. United States <i>See also same container, 94-1380</i>
	94-5084	Cal-Almond, Inc. v. United States
	94-5112	Alonge v. United States
	94-5116	Fairchild Indus. v. United States

## United States Court of Appeals for the Federal Circuit, 1958-1999

### Container

### Contents

---

	94-7050	Lefevre v. Secretary of Veterans Affairs
	94-7073	Cook v. Department of Veterans Affairs
	94-7101	Zevalkink v. Brown
	95-1066	Festo Corp. v. SMC Corp.
	95-3363	Dermott v. Department of the Treasury
	95-3817	Hasan v. United States Postal Serv.
	95-5013	Autek Sys. Corp. v. United States
	95-5014	Fort Mojave Indian Tribe v. United States
	95-5031	Kunkes v. United States
BOX 481	1995-1996 term	
	Case assignments	
	Opinions	
	92-5083	Whitecotton v. Department of Health and Human Servs.
	93-5101	Whitecotton v. Department of Health and Human Servs. <i>See same container, 92-5083</i>
	94-1066	Intermax, Ltd. v. Department of the Navy
	94-1358	Stewart Sys. v. Baking Technology Sys.
	94-1406	Merino v. Marchon, Inc.
	94-3548	Alver v. Office of Personnel Management
	94-3670	King v. Frazier
	94-7035	Ephraim v. Department of Veterans Affairs
	95-1118	Southwest Constr. Corp. v. Secretary of the Army
	95-1178	Nordale, Inc. v. Samsco, Inc.
	95-1182	Engel Indus. v. Lockformer Co.
	95-1191	Alpex Computer Corp. v. Nintendo Co.
	95-1214	Grumman Data Sys. v. Department of the Navy
	95-1217	Roton Barrier v. Stanley Works
	95-1223	Altmayer v. General Servs. Admin.
	95-1235	<i>In re</i> Smith
	95-1256	Swede Indus. v. Zebco Corp.
	95-1258	Amhil Enters. v. Wawa, Inc.
	95-1285	Swede Indus. v. Zebco Corp. <i>See same container, 95-1256</i>
	95-1301	Valmet Paper v. Beloit Corp.
	95-1315	Manildra Milling Corp. v. OMI Holdings
	95-1322	Critikon, Inc. v. Becton Dickinson Vascular Access
	95-1335	Jim Arnold Corp. v. Hydrotech
	95-1337	<i>In re</i> Recreative Technologies Corp.
	95-1374	Dorf & Stanton Communications v. Molson Breweries
	95-1382	Hydramatic Packing Co. v. Sea Gull Lighting
	95-1400	<i>In re</i> Eccs, Inc.
	(2 folders)	
	95-1404	Nadel Indus. v. United States
	95-1424	Novo Nordisk v. Genentech, Inc.
	95-1428	Invacare v. Ortho-Kinetics

## United States Court of Appeals for the Federal Circuit, 1958-1999

Container	Contents
	95-1451 Phillips Petroleum Co. v. Rexene Corp.
	95-1461 Colvin v. National Auto Parts Ass'n
	95-1471 Bio-Tech Gen v. Genentech, Inc.
	95-1499 Kahn v. General Motors Corp.
	95-1505 Cole v. Kimberly-Clark Corp.
BOX 482	95-1508 Genentech, Inc. v. Chiron Corp. (4 folders)
	95-1521 Lantech, Inc. v. Keip Mach. Co.
	95-1524 Item Co. v. United States
	95-1526 International Communication Materials v. Ricoh Co.
	95-1538 Atlanta Corp. v. Sea Eng'g Assocs.
	95-3042 Knox v. Department of Justice
	95-3304 Dellera v. Department of Housing & Urban Dev.
	95-3357 Premachandra v. Department of Veterans Affairs
	95-3410 Vargo v. Merit Sys. Protection Bd.
	95-3423 Hurley v. United States Postal Serv.
	95-3439 Roche v. United States Postal Serv.
	95-3521 Martin v. Merit Sys. Protection Bd.
	95-3593 Barrett v. Department of the Interior
	95-3605 Tompkins v. Office of Personnel Management
	95-3616 Segura v. Department of the Air Force
	95-3626 O'Neill v. Office of Personnel Management
	95-3627 Schlecker v. Department of the Navy
	95-3700 Davis v. Department of Defense
	95-3709 Langa v. United States Postal Serv.
	95-3721 Moorman v. Merit Sys. Protection Bd.
	95-3745 King v. Erickson
	95-3765 Houston v. Department of the Treasury
	95-3794 Holley v. United States Postal Serv.
	95-3795 Burgess v. United States Postal Serv. <i>See same container, 95-3794</i>
	95-3799 Johnson v. United States Postal Serv. <i>See same container, 95-3794</i>
	95-3804 Dickens v. United States Postal Serv. <i>See same container, 95-3794</i>
	95-3805 Torain v. United States Postal Serv.
	95-3816 Manley v. Department of the Air Force
	95-5057 Wade v. United States
	95-5061 Lake Pleasant Group v. United States
	95-5065 Glenwood Coop. v. United States
	95-5078 Salceda v. Secretary of Health & Human Servs.
BOX 483	95-5091 San Carlos Irrigation & Drainage Dist. v. United States <i>See same container, 95-5105</i>
	95-5105 San Carlos Irrigation & Drainage Dist. v. United States (4 folders)
	95-5106 Florida v. United States
	95-5112 Wrona v. United States

## United States Court of Appeals for the Federal Circuit, 1958-1999

### Container

### Contents

---

	95-5136	Krygoski Constr. v. United States
	95-5147	Dillingham v. United States
	95-5149	Avenal v. United States
	95-7062	Owings v. Brown
	96-1003	Texas Instruments v. Cypress Semiconductor Corp.
	96-1011	Lumenyte Int'l Corp. v. Cable Lite Corp.
	96-1029	LaClede Steel Co. v. United States
	96-1069	Nordale, Inc. v. Samsco, Inc. <i>See Container 481, 95-1178</i>
	96-1074	FAG Kugelfischer v. United States
	96-1098	Guinn v. Kopf
	(1 folder)	
BOX 484	(2 folders)	
	96-1108	Murphy Exploration v. Oryx Energy Co.
	96-1156	Minnesota Mining & Mfg. Co. v. United States Int'l Trade Comm'n
	96-1230	<i>In re Garden</i>
	96-3028	King v. McManus
	96-3054	Chilcutt v. Office of Personnel Management
	96-3061	Sekerak v. Railroad Retirement Bd.
	96-3090	Mopsick v. Office of Personnel Management
	96-3103	MacAbee v. Merit Sys. Protection Bd.
	96-3183	Franceschini v. Department of the Army
	96-3192	De Rivera v. Merit Sys. Protection Bd.
	96-5003	Avon Prods. v. United States
	96-5008	Searcy v. United States
	96-5011	Moore v. United States
	96-5016	Washington Energy Co. v. United States
	96-5062	Weddel v. Secretary of Health & Human Servs.
	96-5066	Thomas v. United States
	96-7008	Woodson v. Secretary of Veterans Affairs
BOX 485	1996-1997 term	
	Case assignments	
	95-1299	Abbot Labs v. Novopharm
	95-1311	Abbot Labs v. Geneva <i>See same container, 95-1299</i>
	95-1476	Daido Corp. v. United States
	(2 folders)	
	95-1493	Daido Corp. v. United States <i>See same container, 95-1476</i>
	95-7067	Brown v. Secretary of Veterans Affairs
	96-1048	Curtis Mfg. Co. v. Plasti-Clip Corp.
	96-1055	Curtis Mfg. Co. v. Plasti-Clip Corp. <i>See same container, 96-1048</i>
	96-1059	Curtis Mfg. Co. v. Plasti-Clip Corp. <i>See same container, 96-1048</i>
	96-1114	Jack Frost Laboratories v. Physicians & Nurses Mfg. Co.
	96-1140	TBC Corp. v. Holsa, Inc.

## United States Court of Appeals for the Federal Circuit, 1958-1999

### Container

### Contents

---

	96-1155	Lenzing Aktiengesellschaft v. Courtaulds Fibers
	(2 folders)	
	96-1180	<i>In re</i> Levin
	(2 folders)	
BOX 486	(1 folder)	
	96-1186	L. S. Loesch-Fries v. Beachy
	96-1199	Bradshaw v. Igloo Prods. Corp.
	96-1234	Enforcer Prods. v. Birdsong
	96-1245	Endress & Hauser, Inc. v. Hawk Measurement Sys.
	96-1271	Midwest of Cannon Falls, Inc. v. United States
	96-1307	Thermalloy, Inc. v. Aavid Eng'g
	96-1318	Applied Materials v. Advanced Semiconductor Materials
	96-1327	State Street Bank & Trust Co. v. Signature Fin. Group
	(5 folders)	
	96-1340	<i>In re</i> Dossel
	96-1351	Libby Corp. v. Department of the Air Force
	96-1357	Target Therapeutics v. Scimed Life
BOX 487	96-1380	Berry Sterling Corp. v. Prescor Plastics
	(3 folders)	
	96-1382	Destron & Hughes Aircraft v. Electronic Identification Devices
	96-1391	<i>In re</i> Lueders
	(4 folders)	
BOX 488	(6 folders)	
	96-1397	Rollerblade, Inc. v. United States
	96-1421	Herman v. William Brooks Shoe Co.
	96-1427	O. I. Corp. v. Tekmar Co.
	96-1430	Jack Frost Laboratories v. Physicians & Nurses Mfg. Co. <i>See</i> <a href="#"><i>Container 485, 96-1114</i></a>
	96-1463	Nobelpharma AB v. Implant Innovation
	96-1465	Chalais v. Milton Bradley Co.
	96-1467	Glass Equip. Dev. v. Besten, Inc.
	(1 folder)	
BOX 489	(5 folders)	
BOX 490	(1 folder)	
	96-1481	Glass Equip. Dev. v. Besten, Inc. <i>See Containers 488-490,</i> <a href="#"><i>96-1467</i></a>
	96-1505	Monde Const. Co. V. Secretary of the Navy
	96-1509	Continental Plastic Containers v. Owens Ill.
	96-1543	Jack Frost Laboratories v. Physicians & Nurses Mfg. Co. <i>See</i> <a href="#"><i>Container 485, 96-1114</i></a>
	96-1550	Oddzon Prods. v. Just Toys, Inc.
	96-3045	Wallace v. Office of Personnel Management
	96-3110	Conner v. Office of Personnel Management
	96-3154	Gautreaux v. Merit Sys. Protection Bd.
	96-3159	Rowland-Clum v. Department of the Army

## United States Court of Appeals for the Federal Circuit, 1958-1999

### Container

### Contents

---

	96-3171	Henry v. Tennessee Valley Auth.
	96-3219	Abellanes v. Office of Personnel Management
	96-3245	Winston v. Department of Labor
	96-3257	Womack v. United States Postal Serv.
	96-3277	Mondares v. Merit Sys. Protection Bd.
	96-3279	Addison v. Department of the Treasury
	96-3280	Nerviano v. Merit Sys. Protection Bd.
	96-3290	Pope v. United States Postal Serv.
	96-3312	Ciecwesz v. Merit Sys. Protection Bd.
	96-3329	Mapa v. Merit Sys. Protection Bd.
	96-3333	Kell v. Department of Veterans Affairs
	96-3338	Cole v. Office of Personnel Management
	96-5009	Shewfelt v. United States
	96-5010	Shewfelt v. United States <i>See same container, 96-5009</i>
	96-5026	Mnopf Trustees v. United States
	96-5040	Town of Floyd v. United States
	96-5061	Thomas & Sons Bldg. Contractors v. United States
	96-5071	New Valley Corp. v. United States
	96-5093	Executive Jet Aviation v. United States
	96-5110	McCreary v. United States
	96-5114	Dau v. United States
	96-5131	Doty v. United States
	96-5133	Costain Oil v. United States
	96-7006	Tallman v. Department of Veterans Affairs
	96-7011	Grantham v. Brown
	96-7035	Winn v. Department of Veterans Affairs
	96-7055	Ramey v. Department of Veterans Affairs
	96-7071	Steffens v. Brown
	97-1001	View Eng'g v. Robotic Vision Sys.
	97-1002	Haggar Apparel Co. v. United States
	(1 folder)	
<b>BOX 491</b>	(2 folders)	
	97-1035	Jackson v. United States Postal Serv.
	97-1038	Thomcast Corp. v. Continental Elecs.
	97-1085	Earth Island Inst. v. United States
	97-1126	Lovelett v. Peavey Elecs. Corp.
	97-1149	Storz Instrument Co. v. Alcon Lab, Inc.
	97-1170	<i>In re Watts</i>
	(4 folders)	
<b>BOX 492</b>	97-1181	Torrington Co. v. United States
	97-1187	Leatherman Tool Group v. Cooper Indus.
	(4 folders)	
	97-1188	G & S Metal Prods. Co. v. Ecko Housewares
	96-3001	Patterson v. Merit Sys. Protection Bd.



## United States Court of Appeals for the Federal Circuit, 1958-1999

### Container

### Contents

---

	97-3027	Zephier v. Department of Health & Human Servs.
	97-3048	Gruspe v. Department of the Air Force
	97-3081	Frearson v. United States Postal Serv.
	97-3233	Roman v. Department of the Army
	97-3262	Haire v. United States Postal Serv.
	97-3289	Smith v. United States Postal Serv.
	97-3368	Bingaman v. Department of the Treasury
	97-5006	Janicki Logging Co. v. United States
	97-5029	K & S Const. v. United States
	97-5059	Crocker v. United States
<b>BOX 493</b>	1997-1998 term	
	Case assignments	
	Opinions	
	96-1165	C. R. Bard, Inc. v. M3 Sys.
	96-1511	Alpine Lace Brands v. Kraft General Foods
	96-1538	Trimedyne, Inc. v. Surgical Laser Technology
	97-1047	Alpine Lace Brands v. Kraft General Foods <i>See same container, 96-1511</i>
	97-1076	Gentry Gallery v. Berkline Corp.
	97-1097	Fanning, Phillips & Molnar v. Veterans Admin.
	97-1104	Gentry Gallery v. Berkline Corp. <i>See same container, 97-1076</i>
	97-1182	Gentry Gallery v. Berkline Corp. <i>See same container, 97-1076</i>
	97-1197	HRE, Inc. v. United States
	97-1218	Phillips Petroleum v. Rexene Prods.
	97-1256	Rheem Metalurgica S/A v. United States
	(2 folders)	
	97-1259	Ra-Nav Laboratories v. Air Force
	97-1272	Conrad Bros., Inc. v. Department of the Navy
	97-1285	Roy McGinnis & Co. v. Department of the Army
	97-1288	Northrup Grumman Corp. v. National Aeronautics & Space Admin.
	97-1299	Titan Corp. v. Department of the Army
	97-1318	Smith v. Johnson Propeller Co.
	(2 folders)	
<b>BOX 494</b>	(1 folder)	
	97-1365	Scaltech, Inc. v. Retec/Tetra, L.L.C.
	(5 folders)	
<b>BOX 495</b>	(2 folders)	
	97-1414	Gamut Trading Co. v. United States Int'l Trade Comm'n
	97-1424	Thai Pineapple Pub. Co. v. United States
	97-1437	Thai Pineapple Pub. Co. v. United States <i>See same container, 97-1424</i>
	97-1449	Nagel Indus. v. Ford Motor Co. <i>See also Digital File, same heading</i>
	(3 folders)	

## United States Court of Appeals for the Federal Circuit, 1958-1999

Container	Contents	
BOX 496	(2 folders) 97-1470	Karlin Technology v. Surgical Dynamics
	(3 folders) 97-1475	Aptargroup, Inc. v. Summit Packaging Sys.
	(2 folders)	
BOX 497	(1 folder) 97-1477	Zeneca, Ltd. v. Mylan Pharmaceuticals
	(4 folders) 97-1480	Scaltech, Inc. v. Retec/Tetra, L.L.C. <i>See Container 494, 97-1365</i>
	97-1484	Aptargroup, Inc. v. Summit Packaging Sys. <i>See Container 496, 97-1475</i>
	97-1491	Barton v. Adang
	(2 folders)	
BOX 498	(2 folders) 97-1493	Thai Pineapple Pub. Co. v. United States <i>See Container 495, 97-1424</i>
	97-1523	Ultrak, Inc. v. Radio Eng'g Indus.
	(4 folders) 97-1532	Personalized Media Communications v. International Trade Comm'n
	(1 folder)	
BOX 499	(1 folder) 97-1543	Ultrak, Inc. v. Radio Eng'g Indus. <i>See Container 498, 97-1523</i>
	97-1593	Al-Site Corp. v. VSI Int'l
	(5 folders)	
BOX 500	97-3133	Tanner v. Department of the Army
	(3 folders) 97-3296	Krishna v. United States
	97-3491	Williams v. Office of Personnel Management
	97-5035	Dow Chem. Co. v. United States
	97-5103	Perez v. United States
	(2 folders) 98-1057	Rheem Metalurgica S/A v. United States <i>See Container 493, 97-1256</i>
	98-1084	Paradigm Sales v. Wever Mktg.
	98-1108	Al-Site Corp. v. VSI Int'l <i>See Container 499, 97-1593</i>
	98-1165	Sentex Sys. v. Elite Access Sys.
(3 folders)		
BOX 501	98-1166	Select Engineered Sys. v. Sheppard
	(2 folders) 98-1191	Pollock v. Thunderline-Z, Inc.
	(2 folders)	
	(1 folder)	
	98-3010	Robinson v. United States Peace Corps
BOX 502	(2 folders) 98-3015	Crain v. Merit Sys. Protection Bd.
	(2 folders)	

## United States Court of Appeals for the Federal Circuit, 1958-1999

Container	Contents
	98-3084 Paisley v. United States Postal Serv.
	98-3090 Winans v. Department of the Navy
	(1 folder)
BOX 503	(2 folders)
	98-3141 Lee v. Merit Sys. Protection Bd.
	98-3177 Hogans v. Office of Personnel Management
	98-5007 Air Land Forwarders v. United States
	(2 folders)
BOX 504	1998-1999 term
	Case assignments
	Opinions
	97-1274 Aristocrat Leisure v. International Game
	97-1307 WMS Gaming, Inc. v. International Game Technology
	(5 folders)
BOX 505	(2 folders)
	97-1468 University of Colo. Found. v. American Cyanamid Co.
	97-3428 McNulty v General Servs. Admin.
	(1 folder)
BOX 506	(1 folder)
	98-1053 WMS Gaming, Inc. v. International Game Technology <i>See</i> <i>Container 504, 97-1307</i>
	98-1075 Rivera-Davila v. Asset Conservation, Inc.
	(4 folders)
BOX 507	98-1123 United States v. Sentry Ins., a Mutual Co.
	(3 folders)
	98-1145 Caouette v. Presby
	(3 folders)
BOX 508	98-1156 Metric Constructors v. National Aeronautics & Space Admin.
	(2 folders)
	98-1174 American Permac v. United States
	(2 folders)
	98-1175 American Permac v. United States <i>See same container, 98-1174</i>
	98-1192 Vectra Fitness, Inc. v. Pacific Fitness Corp.
	(2 folders)
BOX 509	98-1195 <i>In re</i> Evans
	(2 folders)
	98-1196 DCNL, Inc. v Almar Sales Co.
	(2 folders)
	98-1213 Fireplace Mfrs. v. Hearth Technologies
	(2 folders)
BOX 510	(1 folder)
	98-1226 Caouette v. Presby <i>See Container 507, 98-1145</i>
	98-1227 Pillowtex Corp. v. United States
	(3 folders)
	98-1230 Inland Steel Indus. v. United States
BOX 511	98-1233 AK Steel Corp. v. United States

## United States Court of Appeals for the Federal Circuit, 1958-1999

### Container

### Contents

---

	98-1246 (4 folders)	IGT v. Global Gaming Technology
	98-1252 (2 folders)	<i>In re</i> Muir
BOX 512	(1 folder)	
	98-1253 (3 folders)	Nation Ford Chem. Co. v. United States
	98-1254	Nation Ford Chem. Co. v. United States <i>See same container, 98-1253</i>
	98-1257 (3 folders)	American Bank Note Holographics v. Upper Deck Co.
BOX 513	(1 folder)	
	98-1268 (2 folders)	Usinor Sacilor v. United States
	98-1269	Usinor Sacilor v. United States <i>See same container, 98-1268</i>
	98-1272 (3 folders)	RMT, Inc. v. Bhat Indus.
BOX 514	98-1279 (4 folders)	Rexam Indus. Corp. v. Eastman Kodak Co.
	98-1286	Usinor Sacilor v. United States <i>See Container 513, 98-1268</i>
	98-1324 (2 folders)	Berg Technology v. Foxconn Int'l
BOX 515	(3 folders)	
	98-1327 (3 folders)	VHC, Inc. v. Peters
BOX 516	98-1334 (2 folders)	Toro Co. v. White Consol. Indus.
	98-1335 (4 folders)	Welcome Co. v. Harriet Carter Gifts
BOX 517	98-1340 (2 folders)	Commercial Energies, Inc. v. Danzig
	98-1351	American Bank Note Holographics v. Upper Deck Co. <i>See Container 512, 98-1257</i>
	98-1361	International Game Technology v. WMS Gaming, Inc.
	98-1379	Juicy Whip, Inc. v. Orange Bang, Inc.
	98-1381 (2 folders)	Berry Sterling Corp. v. Prescor Plastics
BOX 518	(1 folder)	
	98-1389 (4 folders)	Fullerton v. Fahrenkopf
	98-1390	IGT v. Global Gaming Technology <i>See Container 511, 98-1246</i>
	98-1407	International Rectifier Corp. v. Samsung Semiconductor
	98-1411 (1 folder)	Finnigan Corp. v. International Trade Comm'n
BOX 519	(4 folders)	

## United States Court of Appeals for the Federal Circuit, 1958-1999

### Container

### Contents

---

	98-1413 (3 folders)	BMY-Combat Sys. v. Calera
	98-1421 (1 folder) (2 folders)	Mitsubishi Int'l Corp. v. United States
BOX 520	98-1454 (3 folders)	McClarin Plastics v. LRV Acquisition Corp.
	98-1455	McClarin Plastics v. LRV Acquisition Corp. <i>See same container, 98-1454</i>
	98-1464 (2 folders)	Interactive Technologies v. Pittway Corp.
BOX 521	(2 folders) 98-1478 (3 folders)	Antonious v. Spalding & Evenflo Cos.
	98-1501 (1 folder)	Hockerson-Halberstadt, Inc. v. Converse, Inc.
BOX 522	(1 folder) 98-1515 (3 folders)	Stanis v. Allied Signal, Inc.
	98-1531 (2 folders)	<i>In re Case</i>
BOX 523	(1 folder) 98-1539 (2 folders)	DBNA Trademarks Holdings, Inc. v. Tilco, Inc.
	98-1550	Calabrese v. Square D Co.
	98-1554 (2 folders)	Martin Marietta Corp. v. Peters
BOX 524	98-1555 (2 folders)	<i>In re Butler</i>
	98-1558 (2 folders)	Essilor Int'l v. Nidek Co.
	98-1561	<i>In re Smalley</i>
	98-1578 (1 folder)	Frano v. Fudaki
BOX 525	(1 folder) 98-1596 (2 folders)	Elkay Mfg. Co. v. Ebco Mfg. Co.
	98-1597	Essilor Int'l v. Nidek Co. <i>See Container 524, 98-1558</i>
	98-3070 (3 folders)	Veneziano v. Department of Energy
BOX 526	(1 folder) 98-3140 (2 folders)	Donley v. Department of Labor
	98-3200	Kahalehau v. Department of the Air Force
	98-3243 (2 folders)	Simmons v. Department of the Army
	98-3246	Roberts v. Department of the Army

## United States Court of Appeals for the Federal Circuit, 1958-1999

Container	Contents
BOX 527	98-3254 (4 folders) Hersl v. General Servs. Admin.
	98-3255 (3 folders) Thomsen v. Department of the Treasury
BOX 528	98-3258 Arrington v. Merit Sys. Protection Bd.
	98-3282 Hancock v. United States Postal Serv.
	98-3297 Austin v. Department of the Treasury
	98-3299 Welch v. Office of Personnel Management
	98-3301 Madlangbayan v. Department of Justice
	98-3308 (1 folder) Otiji v. Smithsonian Inst.
BOX 529	(1 folder) 98-3309 King-Zeithamel v. Office of Personnel Management
	98-3322 Comer v. Merit Sys. Protection Bd.
	98-3329 Townsend v. Merit Sys. Protection Bd.
	98-3352 Williams v. Merit Sys. Protection Bd.
	(2 folders)
BOX 530	98-3355 Fontenot v. United States Postal Serv.
	98-3371 Tynes v. Merit Sys. Protection Bd.
	(2 folders) 98-3387 Snyder v. Office of Personnel Management
	98-3396 Rinderle v. Office of Personnel Management
	98-3398 Evans v. Department of the Navy
	98-3400 De Le Gal v. Merit Sys. Protection Bd.
BOX 531	98-3406 Bernardino v. Merit Sys. Protection Bd.
	98-5001 McGinley v. Secretary of Health & Human Servs.
	(2 folders) 98-5020 Morris v. United States
	(2 folders) 98-5052 Beta Constr. Co. v. United States
	(2 folders)
	(1 folder)
BOX 532	98-5068 St. Paul Fire & Marine Ins. Co. v. United States
	(2 folders) 98-5108 New York Life Ins. Co. v. United States
	(2 folders) 98-5114 Barnes v. United States
	98-5138 Krauss v. United States
	(1 folder)
BOX 533	(1 folder) 98-5155 Fondel v. United States
	98-5166 United Int'l Investigative Servs. v. United States
	98-5177 Jacob v. United States
	98-5178 Livett v. United States

## United States Court of Appeals for the Federal Circuit, 1958-1999

Container	Contents
	98-6002 Singer v. Office of the Senate Sergeant at Arms (2 folders)
BOX 534	(1 folder)
	98-6003 Singer v. Office of the Senate Sergeant at Arms <i>See Container</i> <i>533, 98-6002</i>
	98-7036 Black v. West (2 folders)
	98-7099 Allen v. West (2 folders)
	98-7101 Bowles v. West (1 folder)
BOX 535	(1 folder)
	99-3005 Dews-Miller v. United States Information Agency (2 folders)
	99-3021 Newton v. Department of the Army
	99-3026 Tersago v. Office of Personnel Management
	99-3033 Lofton v. Merit Sys. Protection Bd.
	99-3061 Mendelson v. Department of Veterans Affairs (1 folder)
BOX 536	(1 folder)
	99-3077 McComb v. United States Postal Serv.
	99-3082 Simon v. Office of Personnel Management
	99-3088 Danner v. Merit Sys. Protection Bd.
BOX 537-581	<b><i>En Banc Case File, 1982-1999</i></b> Opinion files with opinions in various stages of preparation, circulated opinions, memoranda, correspondence, administrative sheets, notes, vote tallies, motions, briefs, transcripts, reports, printed matter, clippings, and background material. Organized chronologically by annual court term and filed numerically thereunder by docket number. Material in individual opinion files is mostly arranged as received with final and draft opinions followed in order by administrative sheets, correspondence, notes, background material, and printed copies of briefs and transcripts of record.
BOX 537	1982-1983 term
	39-81 Lindahl v. Office of Personnel Management (5 folders)
	82-19 South Corp. v. United States (3 folders)
BOX 538	83-506 United States v. John C. Grimberg Co. (6 folders)
	83-511 United States v. John C. Grimberg Co. <i>See same container, 83-506</i>
	83-697 Gardner v. TEC Sys. (2 folders)
BOX 539	(2 folders)
BOX 540	1983-1984 term
	84-742 Atari, Inc. v. JS&A Group (8 folders)

## United States Court of Appeals for the Federal Circuit, 1958-1999

Container	Contents
BOX 541	1984-1985 term 84-787 Paulik v. Rizkalla (4 folders) 84-1002 Lovshin v. Department of the Navy (3 folders)
BOX 542	84-1286 Gavette v. Office of Personnel Management (7 folders)
BOX 543	(3 folders)
BOX 544	1985-1986 term 85-1882 Pennwalt Corp. v. Durand-Wayland, Inc. (7 folders) 85-1933 Pennwalt Corp. v. Durand-Wayland, Inc. <i>See same container, 85-1882</i>
BOX 545	1986-1987 term 85-2232 Newell Cos. v. Kenney Mfg. Co. 85-2560 Robinson v. United States 86-522 UMC Elecs. Co. v. United States (2 folders) 86-559 UMC Elecs. Co. v. United States <i>See same container, 86-522</i> 86-681 Hilo Coast Processing Co. v. United States (3 folders) 86-697 Horner v. Jeffrey (1 folder)
BOX 546	(1 folder) 86-711 Newell Cos. v. Kenney Mfg. Co. <i>See Container 545, 85-2232</i> 86-742 Newell Cos. v. Kenney Mfg. Co. <i>See Container 545, 85-2232</i> 86-1018 Newell Cos. v. Kenney Mfg. Co. <i>See Container 545, 85-2232</i> 86-1136 Hagemeyer v. Department of the Treasury (3 folders)
BOX 547	1987-1988 term 85-2776 Texas Instruments v. United States Int'l Trade Comm'n (2 folders) 87-1121 Cornetta v. United States (7 folders)
BOX 548	(1 folder) 88-1265 Kingsdown Medical Consultants v. Hollister, Inc. (2 folders) Misc. 145 In re Solerwitz (4 folders)
BOX 549	1988-1989 term 89-1241 Racing Strollers, Inc. v. TRI Indus. (2 folders)
BOX 550	1989-1990 term 88-1245 <i>In re Dillon</i> (7 folders)
BOX 551	(4 folders)



## United States Court of Appeals for the Federal Circuit, 1958-1999

Container	Contents
	89-1329 Pac-Tec, Inc. v. Amerce Corp.
BOX 552	1991-1992 term
	91-1174 Morton Int'l v. Cardinal Chem. Co.
	(2 folders)
	91-1175 Morton Int'l v. Cardinal Chem. Co. <i>See same container, 91-1174</i>
BOX 553	1992-1993 term
	91-1386 <i>In re</i> Donaldson Co.
	(5 folders)
	92-1381 <i>In re</i> Alappat <i>See also Container 478, same heading</i>
	(1 folder)
BOX 554	(6 folders)
BOX 555	(2 folders)
BOX 556	1993-1994 term
	91-1393 Pall Corp. v. Micron Separations <i>See also Containers 557-561, 92-1049</i>
	(8 folders)
BOX 557	(2 folders)
	91-1394 Pall Corp. v. Micron Separations <i>See Containers 556-557, 91-1393</i>
	91-1409 Pall Corp. v. Micron Separations <i>See Containers 556-557, 91-1393</i>
	92-1049 Markman v. Westview Instruments <i>See also Containers 556-557, 91-1393</i>
	(6 folders)
BOX 558	(8 folders)
BOX 559	(7 folders)
BOX 560	(5 folders)
BOX 561	(2 folders)
	92-1206 Rite-Hite Corp. v. Kelley Co.
	(2 folders)
BOX 562	(6 folders)
BOX 563	(1 folder)
	92-1260 Rite-Hite Corp. v. Kelley Co. <i>See Containers 561-563, 92-1206</i>
	92-5161 Wilmer v. United States
	(6 folders)
BOX 564	92-5164 Winstar Corp. v. United States
	(7 folders)
BOX 565	(6 folders)
BOX 566	(5 folders)
BOX 567	(7 folders)
BOX 568	93-1050 <i>In re</i> Trovato
	(2 folders)
	93-1088 Hilton Davis Chem. Co. v. Warner Jenkinson Co.
	(5 folders)
BOX 569	(7 folders)
BOX 570	(7 folders)
BOX 571	(6 folders)
	93-1565 <i>In re</i> Trovato <i>See Container 568, 93-1050</i>
BOX 572	1994-1995 term

## United States Court of Appeals for the Federal Circuit, 1958-1999

Container	Contents
	93-1373 Reflectone, Inc. v. Dalton (6 folders)
BOX 573	(2 folders)
	95-1054 <i>In re</i> Beauregard (4 folders)
BOX 574	Misc. 394 <i>In re</i> Lockwood (3 folders)
BOX 575	1995-1996 term
	95-1266 Lough v. Brunswick Corp.
BOX 576	1996-1997 term
	95-1455 Zenith Elecs. Corp. v. United States (2 folders)
	96-1286 Cybor Corp. v. FAS Technologies (4 folders)
	96-1287 Cybor Corp. v. FAS Technologies <i>See same container, 96-1286</i>
	96-1376 <i>In re</i> Portola Packaging
BOX 577	96-1491 <i>In re</i> MacDermid, Inc. <i>See also Containers 578-580, 96-1258</i> (2 folders)
BOX 578	1997-1998 term
	94-5149 Hughes Aircraft Co. v. United States
	95-1242 Litton Sys. v. Honeywell, Inc. (3 folders)
	95-1311 Litton Sys. v. Honeywell, Inc. <i>See same container, 95-1242</i>
	96-1258 <i>In re</i> Zurko <i>See also Container 577, 96-1491, and Digital File, same heading</i> (4 folders)
BOX 579	(6 folders)
BOX 580	(2 folders)
BOX 581	1998-1999 term
	95-1066 Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.
	95-5153 American Tel. & Tel. Co. v. United States (2 folders)
	97-3469 Raney v. Federal Bureau of Prisons
	98-1435 Midwest Indus. v. Karavan Trailers (2 folders)
	98-7001 Bailey v. West (2 folders)
BOX 582-610	<b>Subject File, 1790-1999</b> Correspondence, notes, reports, opinions, printed matter, transcripts, clippings, and background material. Arranged alphabetically by topic, name of organization, or type of material and chronologically thereunder.
BOX 582	American Patent Law Association <i>APLA Quarterly Journal</i> , issue on oppositions in granting patents, 1966, 1975-1976 (3 folders)

## Subject File, 1790-1999

### Container

### Contents

---

	Chemical Practice Committee, 1967-1975
	Miscellany, 1957-1964
	Nomination of Rich for the Edward J. Devitt Distinguished Service to Justice Award, 1982-1983
	American Precision Museum, Windsor, Vt., 1980-1988, undated (2 folders)
BOX 583	Atomic energy, 1946, 1956, undated
	Biotechnology
	<i>In re</i> Bergy and <i>In re</i> Chakrabarty
	Congratulations on Supreme Court decision, 1980
	Notes and background material, 1976-1978, undated
	Printed matter, 1976-1996, undated (6 folders)
BOX 584	Patenting of Life Forms Conference, Cold Spring Harbor, N.Y.
	Miscellany, 1981-1984, undated
	Photographs, 1981
	Printed matter, 1982
	Transcripts, 1981
	Sessions
	1-3 (3 folders)
	4-5 (2 folders)
BOX 585	Plant patents, 1889-1996, undated (5 folders)
	Chemistry
	1942-1956
BOX 586	1960, undated (3 folders)
	Commission on Revision of the Federal Court Appellate System, 1951, 1974 (2 folders)
	Computer software protection <a href="#"><i>See Container 599, Software Protection</i></a>
	Copyright
	Authors' contracts with publishers, 1932-1952
	Clippings, 1934-1948, undated
	Miscellany, 1921-1965, undated (4 folders)
	Photography, 1936-1947, undated
	Cosmos Club, Washington, D.C.
	Cosmos Club Award, 1996-1997
BOX 587	Dunner, Donald R., 1974-1975
	Membership application, 1970-1981, undated
	Miscellany, 1971-1982 (2 folders)
	Witherspoon, John F., 1982
	Court histories
	Court of Customs and Patent Appeals

## Subject File, 1790-1999

### Container

### Contents

---

	Article III judges <i>See same container, Constitutional status of the court</i>
	Clippings, 1909-1930
	Constitutional status of the court, 1929-1962, undated (4 folders)
	Correspondence 1910-1926 (2 folders)
BOX 588	1927-1963, undated (2 folders)
	Court reform legislation, 1976-1980, undated (3 folders)
	Courthouse buildings, 1928-1983, undated
	Guages, Joseph G., 1932-1962, undated (2 folders)
	Miscellany, 1930-1980, undated
	Table of fees approved by the Supreme Court, 1910, 1934-1936
	Customs Court, 1933, 1976
	Design protection <i>See Container 591, same heading</i>
BOX 589	Fair trade Clippings, 1941-1959, undated Printed matter, 1942-1963, undated
	Federal Judges Association, 1982
	Foundation for a Creative America, 1991
	Giles S. Rich American Inn of Court, 1991-1998 (3 folders)
	Giles S. Rich Moot Court Competition Correspondence, 1973-1996 (2 folders)
	Photographs, 1977-1993, undated
	Hyatt, Gilbert P., 1990-1992, undated
	International Patent and Trademark Association, 1958-1963, 1980
BOX 590	Legislation Appeals rules reform ("Reasons of Appeal") Correspondence file, 1963-1966 Drafts of bills, 1963-1965, undated Judicial Conference of the United States, reports, 1962-1964 Legislative history, 1961-1994 (5 folders)
BOX 591	Miscellany, 1953-1963, undated (3 folders)
	Related opinions, 1962-1963, undated (3 folders)
	Resolutions and approvals, 1963
	Design protection Bar Association of the City of New York, 1954, undated Copyright, 1953-1955, undated Miscellany

## Subject File, 1790-1999

Container	Contents
BOX 592	1975 1976-1996 (2 folders) National Council of Patent Law Associations, Coordinating Committee on Designs Correspondence, 1954-1957, undated (2 folders) Mailing lists, 1956-1959, undated Proposed bill Drafts, 1957, undated Working copy, 1954-1957 Reports, minutes, and notes, 1948-1963, undated (1 folder)
BOX 593	(1 folder) Senate Committee on the Judiciary, Subcommittee on Patents, Copyrights, and Trademarks, 1955-1987, undated (6 folders) Pharmaceutical industry Senate Committee on the Judiciary, Subcommittee on Antitrust and Monopoly Clippings, 1962-1963, 1973 Miscellany, 1961-1962, undated Reports, 1961, undated (2 folders)
BOX 594	Statements, 1961 (4 folders)
BOX 595	(1 folder) National Council of Intellectual Property Law Associations, 1988-1992 New York Patent Law Association Annual dinners, 1922-1969 Committee on Public and Judicial Personnel, 1970 Printed matter, 1967-1977 Reimbursement problems, 1970-1972, undated Patent Cooperation Treaty conference, Washington, D.C., 1969-1970 Patent models Patent Model Museum, Plymouth, Mass., 1960-1980, undated Patent Office Historical Collection, Woodbridge, Va. 1790-1993 (3 folders)
BOX 596	1994-1997, undated (3 folders) Miscellany, 1954-1999, undated (2 folders) Smithsonian Institution, Washington, D.C., 1968-1994 United States Patent Model Foundation, Alexandria, Va. 1984-1986 (2 folders) 1987 (1 folder)

## Subject File, 1790-1999

Container	Contents
BOX 597	(3 folders) 1988-1997, undated Patent Office, Washington, D.C. 175th anniversary of the patent system, 1965, undated (3 folders) Commissioner of Patents, 1961-1972, undated Reorganization Plan No. 5 of 1950, 1947-1950, undated
BOX 598	Rules of practice, 1942-1949, undated Patents Accutron timepiece, 1956-1963 Clippings, 1929-1964, undated (2 folders) First United States patent, 1965-1997 Miscellany, 1794-1967, undated Sybaris and gourmet patents, 1854-1990, undated Unusual patents, 1914-1967, undated (2 folders) Pharmaceutical industry <i>See Container 593, same heading</i>
BOX 599	President's Commission on the Patent System <i>See also Container 12, Patent Reform Bill</i> Miscellany, 1965-1968 (4 folders) Notebook, 1965-1969, undated (3 folders) Software protection Gottschalk v. Benson 1970, Nov.-1972, Oct. 1972, Nov.-1974, June; 1990 (3 folders) Law of Software conference, Washington, D.C. Miscellany, 1966-1971, undated Proceedings, 1968-1969 (3 folders) Lawlor, Reed C. 1964-1969
BOX 600	1975-1979 (2 folders)
BOX 601	Miscellany 1952, 1967-1975 (6 folders)
BOX 602	1976-1989, undated (3 folders) Parker v. Flook Miscellany, 1977-1979, undated (4 folders) Notebook, 1947-1978, undated
BOX 603	Patent Resources Group, Washington, D.C. (2 folders)

## Subject File, 1790-1999

Container	Contents
	State Street Bank & Trust Co. v. Signature Fin. Group, 1980, 1998-1999
	Supreme Court
	American Cyanamid Co. v. Dow Chem. Co., 1987
	Aro Mfg. Co. v. Convertible Top Replacement Co., 1951-1964, undated <i>See also Container 610, same heading</i>
	(5 folders)
BOX 604	Brenner v. Manson, 1965-1974
	(8 folders)
	Calmar, Inc. v. Cook Chem. Co., 1965
	Colgate-Palmolive Co. v. Cook Chem. Co. <i>See same container, Calmar, Inc. v. Cook Chem. Co.</i>
	Dawson Chem. Co. v. Rohm & Haas Co.
	Briefs and motions
	1977
	(1 folder)
BOX 605	(1 folder)
	1980
	(4 folders)
	Correspondence and notes, 1980
	Opinions, 1976-1980
	(2 folders)
	Graham v. John Deere Co.
	Briefs and opinions
	1944, 1964
BOX 606	1965-1966, 1978, undated
	(3 folders)
	Correspondence, 1964-1965, 1999
	Miscellaneous cases, 1957-1998
	A-R
	(4 folders)
BOX 607	S-W
	(2 folders)
	Sakraida v. Ag Pro, Inc., 1976, undated
	(3 folders)
	Trademark law
	Baseball, 1991-1995, undated
	Compulsory registration, 1937-1938
	Configuration of goods, 1870-1965
BOX 608	Forms, 1943-1949, undated
	Lanham Act <i>See Container 609, Trademark Act of 1946</i>
	Leeds, Daphne, assistant commissioner of patents, 1957-1963, undated
	Miscellany, 1936-1993, undated
	(4 folders)
	Opposition cases, 1933, 1953, undated
	Printed matter, 1949-1956
	(2 folders)
BOX 609	Right to use generic name of patented product on expiration of patent, 1932, 1945, undated

## Subject File, 1790-1999

### Container

### Contents

---

	Trademark Act of 1946
	Annual reports, 1948-1972 (5 folders)
	Miscellany, 1935-1947, undated (4 folders)
BOX 610	Trademarks and the Lanham Act, Practicing Law Institute, New York, N.Y., lecture series, 1933-1948, undated (2 folders)
	Unfair Commercial Activities Bill, 1964
	Unfair competition, 1929-1950, undated
	Use of trademark in commerce, 1929-1930, undated
	Titule International Technology Marketing, Orlando, Fla., 1994
	Writing legal documents, 1935-1998, undated
BOX 610-617	<b>Legal Reference File, 1849-1999</b>
	Correspondence, notes, reports, printed matter, clippings, and background material. Arranged alphabetically by topic and chronologically thereunder.
BOX 610	Abandoned applications as prior art, 1967
	Adams v. United States, 1964-1965
	Anatomy of United States Code, Title 35, Section 102, undated
	Apparatus, function of, 1968
	Applicant's admissions as prior art, 1967
	Arguing appeals, 1974
	Aro Mfg. Co. v. Convertible Top Replacement Co., 1962 <i>See also Container 603, same heading</i>
	Attorney's fees, 1984
	Best mode, 1968, 1977
	Cifelli, Thomas, articles by, 1960-1961
BOX 611	Claims, functionality, 1967
	Commercial success as evidence, 1964-1967
	Compulsory licensing, 1923-1960
	Contributory infringement and misuse, 1979
	Copending patents as references, undated
	Crane Packing Co. v. Spitfire Tool & Mach. Co. <i>See Container 615, Reissued Patents</i>
	Damages for infringement, 1946-1977 (2 folders)
	Description requirement, 1992-1993
	Design patents, undated
	“Dolly” doctrine, 1998
	Double patenting, 1962-1982 (2 folders)
	<i>In re Dunn</i> , 1966
BOX 612	Educational, Scientific, and Cultural Materials Act of 1966, 1966-1967, undated
	Equivalents, doctrine of, 1849, 1970-1995, undated (2 folders)
	Federal transfer statute, 1987



## Legal Reference File, 1849-1999

### Container

### Contents

---

	Florence agreement legislation <i>See same container, Educational, Scientific, and Cultural Materials Act of 1966</i>
	Fraud, 1973-1984
	General Agreement on Tariffs and Trade (GATT), 1961
	Hass-Henze cases, 1958
	Headnotes, undated
	Hidden shim cases, 1959
	Improper board of appeals, 1967
	Induced infringement, 1965
	Interference conception contemporaneous with reduction, 1970, undated
	Inventors
	Joint and sole, undated
	Rights, 1973
	<i>In re Joly</i> , 1961-1965, undated
	Judicial notice, 1982, undated
	Jurisdiction, 1941-1985
BOX 613	Justice, symbols of, 1937-1973, undated
	Markey, Howard T., 1984
	Meprobamate case, 1970
	Miscellany, 1958-1987, undated
	No interference in fact, 1960-1973
	Obviousness (United States Code, Title 35, Section 103), 1929-1979, undated (4 folders)
	<i>In re Palmquist</i>
	1963-1964
BOX 614	1965, undated
	Patent and copyright clause of the Constitution, 1925-1999, undated
	Patent appeals charts, 1968, undated
	Patent claims, 1988
	Patent interferences, 1943-1985 (2 folders)
	Patent law
	Case review for 1975-1976, Court of Appeals for the Seventh Circuit, 1977
	Legislative history
	United States Code, Title 35
	Section 100 (g), 1969, undated
	Section 102 (g), 1968, undated
	Section 112, third paragraph <i>For additional material see same container, Section 100 (g)</i>
	1949-1950
BOX 615	1963-1970, undated
	Patent validity in Supreme Court, 1971
	Patentability of
	Printed matter, 1977
	Teaching material, 1971-1977
	Patent-antitrust problems, undated
	President's Commission on the Patent System, 1967, undated

## Legal Reference File, 1849-1999

### Container

### Contents

---

	Product simulation, 1964-1965, undated
	Pure material patentable over impure in prior art, 1970
	Reduction to practice of process, 1965-1966
	Reissued patents, 1960-1967, undated
	Remand, 1966-1967
	<i>Res judicata</i> doctrine, 1966-1973, undated
	Royalty adjustment, 1942-1948
	Rule of doubt, 1966-1974, undated
	<i>In re</i> Ruscetta, 1962
	Standards of review, 1984-1986, undated
	Statutory construction, 1964-1970
BOX 616	Statutory standard of invention, 1948-1958
	Supreme Court jurisdiction, undated
	Synergism and Section 103 of United States Code, Title 35, 1959-1979, undated (2 folders)
	Terminal disclaimer, 1965-1968, undated
	Toy cases, 1971
	Trade Expansion Act of 1962, 1962
	Trademark
	<i>Ex Parte</i> issue in <i>Inter Partes</i> case, 1960
	Miscellany, 1957-1982, undated (2 folders)
	<i>Treatises for Judges, a Selected Bibliography</i> , third edition, by Albert Tate, Jr., 1977
	Unauthorized practice of patent law, 1972
	Useful (United States Code, Title 35, Section 112), 1961, undated
BOX 617	Utility, 1967-1969, undated (2 folders)
BOX 617-652	<b>Speeches, Writings, and Events File, 1909-1999</b>
	Handwritten, typed, and printed copies of articles, speeches, and books with related notes, printed matter, and research material.
	Grouped alphabetically and arranged chronologically or alphabetically therein.
BOX 617	Book file
	<i>Collected Papers on Patent Law</i>
	Miscellany, 1963-1979, undated
	Texts, 1965 (2 folders)
	<i>A Brief History of the United States Court of Customs and Patent Appeals</i>
	Article III judges <i>See Container 618, Constitutional status of the court</i>
	Background material, 1909-1979, undated
	Biographies, 1975-1976, undated (1 folder)
BOX 618	(1 folder)
	Certiorari statistics, 1978-1979
	Constitutional status of the court, 1960-1962, undated (2 folders)

## Speeches, Writings, and Events File, 1909-1999

### Container

### Contents

---

	Correspondence, 1910-1945 (4 folders)
	Courthouse buildings National Courts Building, Lafayette Square, Washington, D.C., 1940-1979 (4 folders)
	Other locations, 1910-1930
	Gift copies, 1981, undated
BOX 619	Guages, Joseph G., history of the court, 1937-1938, undated (3 folders)
	Law clerks, 1980, undated
	Lurk v. United States <i>See Container 618, Constitutional status of the court</i>
	Miscellany, 1909-1981, undated (3 folders)
	Office of the Chief Technical Advisor, 1955, undated
	Photographs, 1970, undated
	Sessions held outside Washington, D.C., 1910-1979
BOX 620	Text, 1980 Set I (3 folders)
	Set II (2 folders)
	Fragments
BOX 621	Chronological file 1929-1952 (25 folders)
BOX 622	1953-1959 (11 folders)
BOX 623	1960-1961 (15 folders)
BOX 624	1962 (7 folders)
	1963 Mar. (3 folders)
BOX 625	(1 folder)
	May-Sept. (3 folders)
	1964 Feb.-Mar. (3 folders)
	June (8 folders)
BOX 626	(3 folders)
	Oct. (2 folders)
	1965 Feb. (5 folders)

## Speeches, Writings, and Events File, 1909-1999

Container	Contents
BOX 627	(2 folders) June-Sept. (4 folders) 1966 (8 folders)
BOX 628	1967 (13 folders)
BOX 629	1968-1969 (12 folders) 1970 Jan.-Mar. (5 folders)
BOX 630	May-Oct. (5 folders) 1971 (6 folders) 1972 Jan.-July (3 folders) Sept. (2 folders) (1 folder)
BOX 631	Oct.-Dec. (2 folders) 1973 (3 folders) 1974 Apr.-May (5 folders)
BOX 632	Aug.-Oct. (7 folders) 1975 Mar.-Sept. (3 folders)
BOX 633	Oct. (8 folders) 1976 (2 folders) 1977 Mar.-Apr. (3 folders) May (1 folder)
BOX 634	(3 folders) June-Sept. (5 folders)
BOX 635	1978

## Speeches, Writings, and Events File, 1909-1999

Container	Contents
	Apr. (3 folders)
	May (10 folders)
BOX 636	(4 folders)
	1979-1980 (7 folders)
	1981 Jan.-Apr. (5 folders)
BOX 637	June-Nov. <i>For additional material see Container 584, Patenting of Life Forms Conference</i> (7 folders)
	1982 (6 folders)
BOX 638	1983 (4 folders)
	1984 Mar.-May (4 folders)
	Oct. (5 folders)
BOX 639	(4 folders)
	1985
	1986 Feb.-Aug. (8 folders)
BOX 640	Sept.-Oct. (4 folders)
	1987 (2 folders)
	1989 Jan.-May (3 folders)
	Oct. (1 folder)
BOX 641	(2 folders)
	Nov. (3 folders)
	1990 Mar.-May (4 folders)
BOX 642	Aug.-Dec. (2 folders)
	1991-1992 (10 folders)
	1993

## Speeches, Writings, and Events File, 1909-1999

### Container

### Contents

---

	Feb.-Oct. (3 folders)
BOX 643	Nov. (3 folders)
	1994 (6 folders)
	1995 Apr.-Oct. (4 folders)
BOX 644	Nov. (2 folders)
	1996 (6 folders)
	1997 Mar. (3 folders)
	Sept. (1 folder)
BOX 645	(2 folders)
	Oct. (2 folders)
	1998 Mar.-Apr. (4 folders)
	June (2 folders)
BOX 646	(1 folder)
	Oct. (2 folders)
	1999 (2 folders)
	Undated (4 folders)
	Notes and background material
	Lectures, Georgetown University, Washington, D.C., 1953-1969, undated (4 folders)
BOX 647	Miscellany, 1994-1999, undated (2 folders)
	Section 103 of United States Code, Title 35, 1950-1974, undated (3 folders)
	Speeches, 1942-1976, undated (4 folders)
	Topical, undated <i>See Oversize</i>
BOX 648	Seminar for Newly Appointed United States District Judges 1965, Denver, Colo. <i>Collected Papers on Patent Law</i> , by Rich, 1965 Correspondence, 1965-1969, undated (2 folders)

## Speeches, Writings, and Events File, 1909-1999

### Container

### Contents

---

	Miscellany, 1964-1965
	Printed matter, 1964-1965
	1970, Washington, D.C.
	Correspondence, 1969-1970
	Notes and background material, 1964-1971, undated (2 folders)
<b>BOX 649</b>	Outlines and schedules, 1970-1971
	Printed matter, 1969-1970, undated (2 folders)
	1971, Washington, D.C.
	Correspondence, 1971-1972
	Notes and background material, 1969-1972 (2 folders)
	Outlines and bibliography, 1971
<b>BOX 650</b>	Printed matter, 1965-1970, undated
	Schedules and participants
	1972, Washington, D.C.
	Correspondence, 1972, undated
	Outlines and speech, 1971-1972, undated (2 folders)
	Patent exhibits, 1918-1965
	Printed matter and notes, 1964-1972, undated
	1973, Washington, D.C., 1967-1973
	Speeches and writings by others
	A, 1960-1964
	B, 1967-1987, undated (1 folder)
<b>BOX 651</b>	(2 folders)
	C-L, 1942-1998, undated (4 folders)
	M, 1974-1986, undated (1 folder)
<b>BOX 652</b>	(2 folders)
	N-W, 1953-1992, undated (5 folders)
<b>BOX 653-657</b>	<b>Miscellany, 1825-1999</b>
	Awards, biographical and genealogical material, clippings, memorials, photographs, and printed matter.
	Arranged alphabetically by type of material and chronologically thereunder.
<b>BOX 653</b>	Awards and memberships, 1930-1997
	Biographical material, 1927-1996, undated (2 folders)
	Birthdays
	Ninetieth
	Miscellany, 1993-1995, undated (4 folders)

## Miscellany, 1825-1999

### Container

### Contents

---

	Photographs, 1994
	Others, 1990-1995
BOX 654	Clippings, 1950-1999, undated
	Financial records, 1963-1974, undated (2 folders)
	Genealogy, 1904-1998, undated (5 folders)
	Invitations and programs 1954-1987
BOX 655	1990-1994
	Memorials, 1966-1997
	Photographs
	Miscellany, 1930-1980, undated
	Professional 1929-1972 (3 folders)
BOX 656	1973-1984, undated
	Portraits, 1989-1992, undated (2 folders)
	Printed matter 1825-1983 (5 folders)
BOX 657	1984-1998, undated (2 folders)
BOX 658-660	<b>Addition I, 1982-1983</b>
	Opinions, memoranda, correspondence, notes, briefs, transcripts, and reports from the United States Court of Appeals for the Federal Circuit.
	Organized chronologically by annual court term and thereunder by type of material. Opinion files are arranged according to docket number.
BOX 658	United States Court of Appeals for the Federal Circuit
	Case file
	1982-1983 term
	Opinions
	83-994 Pevsner v. Antoshkiw (2 folders)
	83-1068 <i>In re Jensen</i> <a href="#"><u>See same container, 83-1069</u></a>
	83-1069 <i>In re Jensen</i>
	83-1082 Preemption Devices, Inc. v. Minnesota Mining and Mfg. Co. (2 folders)
	83-1088 Viray vs. Office of Personnel Management
BOX 659	83-1099 Wenz v. United States Postal Serv.
	83-1161 Novotny v. Department of Transp.
	83-1175 Dorrance v. Department of Transp. (2 folders)
	83-1185 <i>In re Pagano</i>



## Addition I, 1982-1983

### Container

### Contents

---

	83-1200	Genova, Inc. v. Bemis Mfg. Co.
	(2 folders)	
	83-1202	Anterberry v. Department of Health and Human Servs.
BOX 660	83-1232	<i>In re Lee</i>
	83-1239	<i>In re Spevack</i>
	83-1271	McKay v. Merit Sys. Protection Bd.
	83-1298	Young v. Department of Commerce
	83-1328	J.P. Tool Ltd. v. Valeron Corp.
	(2 folders)	
	83-1351	Allen v. Office of Personnel Management

BOX 661-680

### Addition II, 1895-1995

Correspondence, drafts and copies of bills, speeches, writings, subject file, appointment books, notes, and research material.

Arranged alphabetically by topic or type of material.

BOX 661

#### Pre-Judicial File

Appointment books, 1950-1955

(2 folders)

BOX 662

(1 folders)

Law memorandum on cycloserine interference issues, 1955-1959

(3 folders)

Patent Act of 1952 *See also Container 4, same heading*

Comments

Alloys Development Co., Frederick D. Foote, 1950

American Patent Law Association, 1951

Bailey, Jennings, Jr., proposed patent statutes, circa 1950

BOX 663

Bill H. R. 3760, 1950-1951

(2 folders)

Bill H. R. 9133, 1949-1951

(2 folders)

"Miscellaneous comments on bills H. R. 9133 and H. R. 3760 from the field," 1950-1951

(2 folders)

National Association of Manufacturers, 1948-1951

(2 folders)

BOX 664

(1 folders)

New York Patent Law Association, 1950

*Proposed Revision and Amendment of the Patent Laws*, committee print

Comments transferred to notecards, 1949-1950, 1965

Important changes, 1950

Opinions not yet considered, 1950

Patent law association comments on individual sections, notecards, circa 1950

(3 folders)

BOX 665

(4 folders)

Sections and additional items, 1949-1950

(2 folders)

## Addition II, 1895-1995

Container	Contents
	Correspondence, 1949-1955, 1963 (1 folders)
BOX 666	(3 folders)
	Drafts, 1950-1952 (4 folders)
BOX 667	(2 folders)
	Legislative history, 1950-1966, 1974-1977, 1984-1985, 1995 (3 folders)
	Opinion polls and ballots, 1937-1950 <i>Re-Draft of Proposed Revision and Amendment of the Patent Laws</i> , 1950 (1 folders)
BOX 668	(3 folders)
	Research material, 1895, 1916, 1923-1945, 1954 (4 folders)
BOX 669	(2 folders)
	Speeches and Writings File
	Speeches
	1959
	1962
	1964 (2 folders)
	1965
	Writings
	"Quiz in Large Courses," 1927
	"Thoughts used up," 1964, undated
	"'Useful' Means Useful" (unpublished), 1961
BOX 670	Subject File
	Federico, P. J., 1954, 1982-1987
	New York Patent, Trademark and Copyright Law Association, 1962-1972, 1981-1991 (2 folders)
	<i>Our Changing Social Order</i> , 1952
	Patent and trade-mark laws, 1942-1966, 1974-1975, 1987 (3 folders)
	Patent law reform
	Bill S. 1042
	Analysis and comments, 1967 (2 folders)
BOX 671	(1 folders)
	Articles, 1967-1968
	Drafts, 1967 (2 folders)
	General, 1967
	President's Commission on the Patent System, 1966-1967 (2 folders)
BOX 672	Bill S. 2504
	Comments and recommended changes, 1974 (3 folders)

## Addition II, 1895-1995

### Container

### Contents

---

	General, 1974 (2 folders)
	Other proposed bills, 1967-1976 (2 folders)
BOX 673	Patent Office, Washington, D.C., 1934, 1948, 1955, 1988 Patent system, 1945, 1963-1974 (2 folders) Research Institute of America, 1950 Rochester Patent Law Association, 1979 Shapiro, Irving S., 1979 Taxes, 1954-1961
BOX OV 1	<b>Oversize, undated</b> Index cards. Arranged and described according to the series, containers, and folders from which the items were removed.
BOX OV 1	Speeches, Writings, and Events File Notes and background material Topical, undated (Container 647)
DF	<b>Digital File, 1997</b> Arranged and described according to the series, containers, and folders from which the items were removed. The series contains 522 files (430.79 MB) and contains text documents, executable files, web pages, and image files.  United States Court of Appeals for the Federal Circuit Case file 1997-1998 term Opinions 97-1449, Nagel Indus. v. Ford Motor Co. Ford Motor Co. appeal brief, 1997 <a href="#">See also Container 495, same heading</a> <b>Digital ID:</b> mss84755_65_1 <i>En banc</i> case file Opinions 1997-1998 term 96-1258, <i>In re</i> Zurko Supplemental brief of appellants Zurko, et al., 1997 <a href="#">See also Container 578, same heading</a> <b>Digital ID:</b> mss84755_65_1

## Appendix: Legal Abbreviations

Legal term	Abbreviation
Administrat [ive, ion]	Admin.
Administrat [or, rix]	Adm'[r,x]
Agriculture	Agric.
America [n]	Am.
Associate	Assoc.
Association	Ass'n
Atlantic	Atl.
Authority	Auth.
Automobile	Auto.
Avenue	Ave.
Board	Bd.
Brotherhood	Bhd.
Brothers	Bros.
Building	Bldg.
Central	Cent.
Chemical	Chem.
Commission	Comm'n
Commissioner	Comm'r
Committee	Comm.
Company	Co.
Consolidated	Consol.
Construction	Constr.
Cooperative	Coop.
Corporation	Corp.
Department	Dep't
Development	Dev.
Distribut [or, ing]	Distrib.
District	Dist.
Division	Div.
East [ern]	E.
Education [al]	Educ.
Electric [al, ity]	Elec.
Electronic	Elec.
Engineer	Eng'r
Engineering	Eng'g
Enterprise	Enter.
Environment	Env't
Environmental	Envtl.
Equipment	Equip.
Exchange	Exch.
Execut [or, rix]	Ex'[r,x]
Federal	Fed.
Federation	Fed'n
Financ [e, ial, ing]	Fin.
Foundation	Found.
General	Gen.
Government	Gov't

<b>Legal term</b>	<b>Abbreviation</b>
Guaranty	Guar.
Hospital	Hosp.
Housing	Hous.
Incorporate	Inc.
Indemnity	Indem.
Independent	Indep.
Industr [y, ies, ial]	Indus.
Institut [e, ion]	Inst.
Insurance	Ins.
International	Int'l
Investment	Inv.
Liability	Liab.
Limited	Ltd.
Litigation	Litig.
Machine [ry]	Mach.
Manufacturer	Mfr.
Manufacturing	Mfg.
Market	Mkt.
Marketing	Mktg.
Metropolitan	Metro.
Municipal	Mun.
Mutual	Mut.
National	Nat'l
North [ern]	N.
Organiz [ation, ing]	Org.
Pacific	Pac.
Product [ion]	Prod.
Public	Pub.
Railroad	R.R.
Railway	Ry.
Refining	Ref.
Road	Rd.
Savings	Sav.
Securit [y, ies]	Sec.
Service	Serv.
Society	Soc'y
South [ern]	S.
Steamship [s]	S.S.
Street	St.
Surety	Sur.
System [s]	Sys.
Tele [phone, graph]	Tel.
Transport [ation]	Transp.
University	Univ.
Utility	Util.
West [ern]	W.