

**Giles S. Rich Papers**  
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**Manuscript Division, Library of Congress**  
**Washington, D.C.**  
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Revised and expanded by Nicholas Newlin and Pang H. Xiong

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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., 1899- --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

Date	Event
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>
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- 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.
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- BOX 653-657**                    **Miscellany, 1825-1999**  
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Arranged and described according to the series, containers, and folders from which the items were removed.
- DF**                                **Digital File, 1997**  
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## Pre-Judicial File, 1904-1962

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

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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.