"If, then, the Watt & Burgess patent for a product is sustainable it must be because the product claimed, namely: a pulp suitable for the manufacture of paper, made from wood or other vegetable substances," was unknown prior to their alleged invention. But we think it is shown satisfactorily that it had been produced and used in the manufacture of paper long before 1833, the year in which the original patent of Watt & Burgess was dated."


Also in the alizarin case the Court said "It was an old article". There was nothing to distinguish it from the alizarin of madder.

Applicant's article claims, on the contrary, set forth a new article: they are not anticipated by a naturally existing article as was Latimer's claim. The active principle of the glands does not exist in nature as a white, solid, crystalline substance, nor is it shown to exist as a salt. Under the plain language of the Commissioner in ex parte Latimer, applicant's article claims are allowable. There is a much greater distinction between a mere curdling of a natural fibre, which the Commissioner intimated would have made Latimer's claim patentable, and the complete transformation which applicant has accomplished and defined in his claims. The article set forth is not anticipated and has never before been produced. It is therefore new; it is a useful product. Having invented and produced a new and useful article applicant is entitled to a patent.

It is thought that, having had his attention directed to the above points in the cited decisions the Examiner will have no hesitation in allowing the article claims.

Respectfully submitted,

Knights Bros.,
Attys for applicant

N. Y. Sept. 25, 1902.