

Proviso.
No construction work until plans approved.

Approval of the President.

Expenses from reclamation fund.
Vol. 32, p. 338.

and necessary traveling expenses, including a per diem of not to exceed \$6, in lieu of subsistence, for each member of the board so employed for the time employed and actually engaged upon such work: *And provided further*, That the work of construction shall not be commenced until plans therefor are approved by said special board of engineers. No authority hereby conferred on the Secretary of the Interior shall be exercised without the President's sanction and approval. The expenses herein authorized shall be paid out of the reclamation fund established by the Act of June 17, 1902.

Approved, May 29, 1928.

May 29, 1928.
[H. J. Res. 243.]
[Pub. Res., No. 66.]

CHAP. 919.—Joint Resolution To provide for the striking of a medal commemorative of the achievements of Thomas A. Edison in illumining the path of progress through the development and application of inventions that have revolutionized civilization in the last century.

Thomas A. Edison.
Gold medal to be presented to, commemorative of his achievements.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the achievements of Thomas A. Edison, the Secretary of the Treasury is authorized and directed to cause to be struck and presented to Thomas A. Edison a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury. For such purpose there is authorized to be appropriated the sum of \$1,000.

Sum authorized.
Post, p. 1614.

Approved, May 29, 1928.

May 29, 1928.
[H. J. Res. 307.]
[Pub. Res., No. 67.]

CHAP. 920.—Joint Resolution To preserve for development the potential water power and park facilities of the gorge and Great Falls of the Potomac River.

Great Falls of the Potomac River.
For preservation of natural resources, etc., of no permit to be issued to any private interest for development of water power in the river, until further action of Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve for development, in whatever manner Congress may ultimately find most desirable, the natural resources in water, potential water power, and park and recreational facilities afforded by the falls and gorge of the Potomac River near the National Capital, the Federal Power Commission be and hereby is directed not to issue any permit, preliminary or final, to any private interest for the development of water power in the Potomac River between the mouth of Rock Creek and a point four miles upstream from the present intake for the water supply of Washington, until further action of Congress, after consideration of such joint report or separate reports as may be made by the National Capital Park and Planning Commission and the Federal Power Commission as to the best utilization of the said area for the public benefit.

Approved, May 29, 1928.

May 31, 1928.
[H. R. 10435.]
[Public, No. 623.]

CHAP. 992.—An Act Providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War.

Patents.
Application for extension of, by honorably discharged veterans of World War.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who served honorably in the military or naval forces of the United States at any time between April 6, 1917, and November 11, 1918, both dates inclusive, and was subsequently honorably discharged, may within six months after the enactment of this Act, upon payment of a fee of \$20, make application to the Commissioner of Patents, com-

prising a verified statement, accompanied by supporting evidence of the following facts:

Statement of facts required.

(A) That he is the inventor or discoverer of an invention or discovery for which a specified patent was granted prior to the 11th day of November, 1918, the original term of which remains unexpired at the time of the filing of the application.

Patentee of invention granted prior to November 11, 1918, and unexpired.

(B) That between April 6, 1917, and November 11, 1918, and also at the time of the passage of this Act, he held, by ownership or contract, a right in said invention or under said patent or to income by way of royalty or otherwise therefrom, whereby an extension of the term of said patent would benefit him.

Ownership between April 6, 1917, and November 11, 1918.

(C) That between April 6, 1917, and July 2, 1921, he was not receiving from said patent an income, or that his income therefrom was reduced by his said service.

Income reduced, etc., by war service.

(D) That at the time of his induction into the service he was making diligent effort to exploit the invention covered by his patent.

Exploiting invention when inducted into service.

(E) The names of all persons, firms, or corporations, if any, holding at the time of the passage of this Act, by grant, transfer, license, or contract from him, any right or interest in the invention or discovery or under the patent, and their consent to the extension for which application is made, which shall be supported by an instrument, or instruments, executed by all such persons, firms, and corporations, evidencing their consent to such extension.

Consent of all persons having rights, etc., under the patent.

(F) The period of extension of the patent from the expiration of the original term thereof, for which he applies, which shall in no case exceed a further term of three times the length of his said service in the military or naval forces of the United States between the dates of April 6, 1917, and July 2, 1921, but exclusive of any reenlistment subsequent to November 11, 1918.

Period of extension applied for limited to three times length of war service.

(G) That the licensee of a patent affected by this Act shall automatically be granted an extension of said license for the period of the extension on the same terms and conditions as contained in said existing license, thereby creating an equitable adjustment of the benefits of this Act.

Extension granted licensee.

(H) That such extension shall in no way impair the right of anyone who before the passage of this Act was bona fide in possession of any rights in patents or applications for patents conflicting with the rights in any patents extended under this Act, nor shall any extension granted under this Act impair the right of anyone who was lawfully manufacturing before the passage of this Act the invention covered by the extended patent.

Conflicting rights of other patents, etc., not impaired.

Lawful manufacturing of invention before passage of Act.

SEC. 2. In the case of a veteran, as described in paragraph 1 of this Act, who dies, or has died, or who becomes insane or unable to act, which veteran owned an interest as described in this Act in said patent at the time of his death or at the time he was declared mentally incompetent or became unable to act before said extension is granted, such application may be filed or proceeded with by his legal representatives substantially as provided in section 4896 of the Revised Statutes of the United States (United States Code, title 35, section 46), as amended, with respect to proceedings in such cases for obtaining a patent.

Application of legal representative of veteran in case of death, etc.

R. S., sec. 4896, p. 947.
Vol. 35, p. 245.
U. S. Code, p. 1168.

SEC. 3. On the filing of such application the Commissioner of Patents shall cause an examination thereof to be made, and if, on such examination, it shall appear that such application conforms, or by amendment or supplement is made to conform, to the requirements of section 1 of this Act, the commissioner shall cause notice of such application to be published at least once in the Official Gazette. Any person who believes that he would be injured by such extension may within forty-five days from such publication oppose the same on the ground that any of the statements of the application for extension

Proceedings before Commissioner of Patents.

Notice of opposition.

required by section 1 of this Act is not true in fact, which said notice of opposition shall be verified before an officer authorized by the laws of any State or Territory or the District of Columbia to administer oaths. In all cases where notice of opposition is filed the Commissioner of Patents shall notify the applicant for extension thereof and set a day of hearing. If after such hearing the Commissioner of Patents is of the opinion that such extension should not be granted, he may deny the application therefor, stating in writing his reasons for such denial. Where an extension is refused the applicant therefor shall have the same remedy by appeal from the decision of the commissioner as is now provided by law where an application for patent is refused. If no opposition to the grant of the extension is filed, or if, after opposition is filed, it shall be decided that the applicant is entitled to the extension asked for, the Commissioner of Patents shall issue a certificate that the term of said patent is extended for the additional period for which application has been made as aforesaid, and shall cause notice of such extension to be published in the Official Gazette and marked upon copies of the patent for sale by the Patent Office, in such manner as the commissioner may determine.

Hearings.

Denial of extension.

Appeal.

Certificate to issue if extension granted.

Publication, etc., of notice.

Effect of extension.

Provisions. Infringement proceedings after expiration of original patent.

Rights of United States not affected.

SEC. 4. Thereupon said patent shall have the same force and effect in law as though it had been originally granted for seventeen years plus the term of such extension: *Provided, however,* That in any action, at law or in equity, for infringement after the expiration of seventeen years from the grant of the patent and during the period of such extension, the defendant may plead the general issue, and having given notice in writing to the plaintiff or his attorney thirty days before, may prove on trial that any of the statements of the application for extension required by section 1 of this Act is not true in fact; and if any one or more of such statements shall be found untrue in fact, judgment shall be rendered for the defendant, with costs: *Provided further,* That no person whose patent shall be extended under the provisions of this Act shall be permitted to make any claim for damages against the United States for the period of the extension, and the rights of the United States shall remain in all respects as if these patents had not been extended.

Approved, May 31, 1928.

June 8, 1928.

[H. R. 6263.]

[Public, No. 624.]

CHAP. 993.—An Act To provide for the reinstatement of Larry Cardwell in the United States Naval Academy.

Larry Cardwell. Reinstatement of, in the Naval Academy, directed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized and directed to reinstate Larry Cardwell in the United States Naval Academy, of which he was a midshipman at the time of his discharge on November 19, 1926; the said Larry Cardwell to become a member of the class of 1930 on the date of reinstatement, and to be accorded all rights, privileges, and benefits to which he would have been entitled had he not been so discharged.

Approved, June 8, 1928.