

Giles S. Rich Papers

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Prepared by Michael Spangler with the assistance of Jessica Miller and Chanté Wilson
Revised and expanded by Nicholas Newlin

Collection Summary

Title: Giles S. Rich Papers

Span Dates: 1790-1999

Bulk Dates: (bulk 1956-1999)

ID No.: MSS84755

Creator: Rich, Giles S., 1904-1999

Extent: 130,000 items ; 660 containers plus 1 oversize ; 262 linear feet ; 522 digital files (430.79 MB)

Language: Collection material in English

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

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 Library's online catalog. They are grouped by name of person or organization, by subject or location, and by occupation and listed alphabetically therein.

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- --Correspondence.

Watson, Robert C.--Correspondence.

Organizations

United States. Court of Appeals (Federal Circuit)

United States. Court of Customs and Patent Appeals.

Subjects

Biotechnology industries.

Biotechnology--Patents.

Computer software industry.

Computer software--Patents.

Design protection.

Intellectual property.

Patent laws and legislation.

Patents--Standards.

Pharmaceutical industry--Patents.

Pharmaceutical industry.

Occupations

Jurists.

Lawyers.

Administrative Information

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.

Processing History

The papers of Giles S. Rich were arranged and described in 2002. The finding aid was revised and expanded in 2007 to reflect material not described in the original version. A further revision was made in 2014 to include the description of digital files.

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

<i>Date</i>	<i>Event</i>
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	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 Law 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](#); [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 Law of 1952 a major achievement, but material relating to his efforts is limited.

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.

An [Addition](#) series includes case files from the 1982-1983 annual term of the United States Court of Appeals for the Federal Circuit.

Arrangement of the Papers

This collection is arranged in eleven 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, 1982-1983
- Oversize, undated
- Digital File, 1997

Description of Series

Container

Series

BOX 1-7

Pre-Judicial File, 1904-1962

Correspondence, legal files, teaching files, clippings, notes, and printed matter.
Arranged alphabetically by type of material or topic and chronologically therein.

BOX 7-16

Correspondence File, 1932-1999

Letters with attachments received and copies of letters sent.
Arranged alphabetically by name of person, organization, or topic and chronologically therein.

BOX 16-339

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

BOX 16-29

Administrative File, 1945-1989

Correspondence, memoranda, notes, copies of opinions, reports, printed matter, and clippings.
Arranged alphabetically by name of person, organization, or topic and chronologically therein.

BOX 27-339

Case File, 1956-1982

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.

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 359-536

Case File, 1982-1999

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.

- 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, 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 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

<i>Container</i>	<i>Contents</i>
BOX 1-7	Pre-Judicial File, 1904-1962 Correspondence, legal files, teaching files, clippings, notes, and printed matter. Arranged alphabetically by type of material or topic and chronologically therein.
BOX 1	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
BOX 2	Transcript of proceedings, 1950
BOX 3	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
BOX 4	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
	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
BOX 6	1946-1952
	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	Correspondence File, 1932-1999
	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 *See also Container 599, President's Commission on the Patent System*
(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)
BOX 13 "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)
BOX 14 "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
BOX 15 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
BOX 16 West Publishing Co., 1957-1993
"W" miscellaneous, 1957-1996
(3 folders)
"Z" miscellaneous, 1993-1999
Unidentified, 1957-1997, undated

BOX 16-339 **United States Court of Customs and Patent Appeals, 1945-1989**

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

Container

Contents

BOX 16-29	Administrative File, 1945-1989 Correspondence, memoranda, notes, copies of opinions, reports, printed matter, and clippings. Arranged alphabetically by name of person, organization, or topic and chronologically therein.
BOX 16	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
BOX 17	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
BOX 18	
BOX 19	

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

Container

Contents

	Memorial
	1968, Nov.-1969, Sept.
BOX 20	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)
BOX 21	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)
BOX 22	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)
BOX 23	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)
BOX 24	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

BOX 25	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
BOX 26	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
BOX 27-339	Case File, 1956-1982 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.
BOX 27	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
BOX 28	4884 F. W. Myers & Co. v. United States 4891 United States v. Pittsburgh Plate Glass Co. (2 folders)

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

Container

Contents

	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)	
	4923	United States v. Mercantil Distribuidora, S.A.
	(2 folders)	
	4925	United States v. J. H. Brown, Brown, Alcantar & Brown, Inc.
	(2 folders)	

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

Container

Contents

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	
BOX 36	6357	<i>In re</i> Ruff	
	(2 folders)		
	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)			
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)		

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

Container

Contents

	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)	
	6403	Lever Bros. Co. v. Trift-D-Lux Cleaners
BOX 41	6404	Loukomsky 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)	
	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)	

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

Container

Contents

	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	(3 folders)	
	6392	<i>In re</i> International Nickel Co.
	(4 folders)	
BOX 47	(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</i> <i>Container 77, same heading</i>
	6465	<i>In re</i> Peterson
BOX 49	6469	General Shoe Corp. v. Hollywood-Maxwell Co.
	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)	
BOX 50	(2 folders)	
	6503	J. Kohnstam, Ltd. v. Louis Marx & Co.
	6510	<i>In re</i> Charlton

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

Container

Contents

	6514	<i>In re Joliot</i>
	(1 folder)	
BOX 51	(2 folders)	
	6518	<i>In re Kotzin</i>
	6524	<i>In re Braun</i>
	6525	Daggett & Ramsdell, Inc. v. I. Posner, Inc.
	6530	Squirt Co. v. Evans
	(2 folders)	
BOX 52	6540	Columbian Steel Tank Co. v. Union Tank & Supply Co.
	6542	<i>In re Panagrossi</i>
	6551	Singer Mfg. Co. v. Brueggeman
	6554	<i>In re Leshin</i>
	6556	<i>In re McIlhenny Co.</i>
	6566	Jacobs v. Sohl
	(1 folder)	
BOX 53	(1 folder)	
	6569	<i>In re Sherrill</i>
	6570	<i>In re Hungerford Smith Co.</i>
	6571	<i>In re Lundberg</i>
	(2 folders)	
BOX 54	6575	<i>In re Silberstein</i>
	6580	<i>In re Huntington</i>
	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)	
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	

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

Container

Contents

	6603	<i>In re</i> Castagnola
	(2 folders)	
	6606	<i>In re</i> Fong
	6608	<i>In re</i> Deister Concentrator Co.
	(2 folders)	
BOX 57	(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.
	6632	<i>In re</i> Hunter
	6634	General Aniline & Film Corp. v. Hukill Chem. Corp.
BOX 58	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)	
	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

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

Container

Contents

	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)	
	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

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

Container

Contents

	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)	
	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	

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

Container

Contents

	6462	<i>In re Szwarc</i> <u><i>See also Container 48, same heading</i></u>
	(3 folders)	
	6836	<i>In re Gay</i>
	(2 folders)	
	6838	<i>In re Jacoby</i>
	(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 Norman</i>
	6855	<i>In re LePage's, Inc.</i>
	(2 folders)	
	6858	<i>In re Wilson</i>
	(2 folders)	
BOX 79	6862	<i>In re Wilson</i>
	(2 folders)	
	6868	<i>In re Dirzius</i>
	6872	<i>In re Simmons</i>
	6873	<i>In re Zickendraht</i>
	(2 folders)	
	6874	Brailsford v. Lavet
	(2 folders)	
BOX 80	(1 folder)	
	6876	<i>In re Shuffman</i>
	6882	<i>In re Papesch</i>
	(2 folders)	
	6885	<i>In re Gruschwitz</i>
	(3 folders)	
BOX 81	6887	<i>In re Fortney</i>
	6890	Globe-Union, Inc. v. Clark
	6892	Browns Hosiery Mills v. Russell Hosiery Mills
	6893	Harding v. Steingiser
	(3 folders)	
	6895	<i>In re Druey</i>
BOX 82	6897	<i>In re Fuetterer</i>
	(3 folders)	
	6898	<i>In re Timmerbeil</i>
	(3 folders)	
	6902	<i>In re Handel</i>
	(2 folders)	
	6913	<i>In re Heyl</i>
BOX 83	6914	<i>In re Thompson</i>
	(5 folders)	
	6915	Smith v. Wehn
	(2 folders)	
BOX 84	6916	<i>In re Kalter</i>
	(2 folders)	
	6918	<i>In re McCullough</i>

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

Container

Contents

	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)	
	6954	<i>In re</i> Surrey
BOX 86	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)	
	6992	Standard Packaging Corp. v. Air Reduction Co.
BOX 87	6995	<i>In re</i> Seward
	(2 folders)	
	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	Bird Mach. Co. v. United States <i>See also Container 89, 5129</i>
	(2 folders)	
BOX 89	5129	Bird Mach. Co. v. United States <i>See also Container 88, 5128</i>
	(2 folders)	
	5131	Laco Trading Co. v. United States
	5138	United States v. Spiegel Bros. Corp.
	5144	Albert F. Maurer Co. v. United States
	(2 folders)	
	5156	Aceto Chem. Co. v. United States
	(2 folders)	
	Patent docket	

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

Container

Contents

	7004	<i>In re</i> Menough
	(1 folder)	
BOX 90	(1 folder)	
	7005	<i>In re</i> Morris
	(2 folders)	
	7011	Contour Chair-Lounge Co. v. Englander Co.
	(2 folders)	
	7018	<i>In re</i> Scott
BOX 91	7019	Gianladis v. Kaas
	(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	Walkup v. Greig
	(2 folders)	
BOX 93	(1 folder)	
	7056	<i>In re</i> Pavlecka
	(2 folders)	
	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)	

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

Container

Contents

	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
	7192	Alfred Elecs. v. Alford Mfg. Co.
	(2 folders)	
	7196	<i>In re</i> Blount
	7197	<i>In re</i> Boller <i>See also same container, 7198</i>
	7198	<i>In re</i> Boller <i>See also same container, 7197</i>
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

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

Container

Contents

	5183	Wilmington Shipping Co. v. United States
	5186	United States v. Clayton Chem. & Packaging Co.
	(2 folders)	
	Patent docket	
	7106	<i>In re Foster</i> <i>See also Container 85, 6950</i>
	(3 folders)	
BOX 107	(4 folders)	
	7181	Hammermill Paper Co. v. Gulf States Paper Co.
	(2 folders)	
BOX 108	7218	<i>In re Wright</i>
	(2 folders)	
	7228	<i>In re Luvisi</i>
	(2 folders)	
	7230	<i>In re Civitello</i>
	7233	<i>In re Heinle</i>
	(2 folders)	
BOX 109	7235	<i>In re Hammell</i>
	7241	<i>In re Broxten</i>
	7246	Clarkson v. Vibber
	(2 folders)	
	7247	<i>In re Moureu</i>
	7254	<i>In re Ruschig</i>
	(1 folder)	
BOX 110	(1 folder)	
	7256	<i>In re Van Mater</i>
	(2 folders)	
	7258	<i>In re Grier</i>
	7260	<i>In re Garnero</i>
	7261	Astra Pharmaceutical Prods. v. Pharmaton, S. A.
BOX 111	7262	Patterson v. Hauck
	(2 folders)	
	7265	<i>In re Dunn</i>
	(2 folders)	
	7266	<i>In re Carabateas</i>
	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 Kranzinski</i>
	(2 folders)	
	7286	<i>In re Ehringer</i>
	(2 folders)	
BOX 113	7290	Schwartzkopf v. John H. Breck, Inc.
	7292	<i>In re Boldt</i>
	7296	<i>In re Ornitz</i>
	7299	<i>In re Sutherland</i>
	(3 folders)	
	7304	<i>In re Folkers</i>

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

Container

Contents

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)	
	7375	Chaussures Bally Societe Anonyme de Fabrication v. Dial Shoe Co.
BOX 117	7378	<i>In re</i> Menzi
	7380	<i>In re</i> Tanczyn
	7383	<i>In re</i> E. Kahn's Sons Co.
	7384	<i>In re</i> Tobias
	7385	<i>In re</i> Dinwiddie
	7386	<i>In re</i> Hume
	7391	<i>In re</i> Palmer
	7393	<i>In re</i> Folkers
BOX 118	7397	Castle & Cooke, Inc. v. Joseph E. Seagrams & Sons
	(2 folders)	
	7427	<i>In re</i> Summerson
	7445	<i>In re</i> Baird
BOX 119	(3 folders)	
	7514	<i>In re</i> Tanner
	1965-1966 term	
BOX 120	Argument notes for cases assigned to other judges	
	Customs docket	
	Patent docket	
	(4 folders)	
	Cases assigned to Rich	
	Court calendar	
	Motions disposed	
	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	

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

Container

Contents

Container	Contents
	Patent docket
	7412 <i>In re</i> Chapman (2 folders)
BOX 121	7415 Krantz v. Olin (3 folders)
	7425 McCutchen v. Oliver (3 folders)
BOX 122	7435 <i>In re</i> Attwood (3 folders)
	7450 <i>In re</i> Borah (2 folders)
	7458 <i>In re</i> Erickson
	7460 <i>In re</i> Trbojevich
BOX 123	7461 <i>In re</i> Legator
	7472 <i>In re</i> Joly (3 folders)
	7474 <i>In re</i> Widmer
	7476 <i>In re</i> Carabateas
BOX 124	7478 <i>In re</i> Lunsford
	7482 <i>In re</i> Hilmer <i>See also Container 188, 8191</i>
	7483 Phillips v. Lynch (3 folders)
	7486 <i>In re</i> Hutton (2 folders)
BOX 125	7488 <i>In re</i> Land (3 folders)
	7489 <i>In re</i> Clarke (2 folders)
	7490 Schwarzenbek v. Evering (1 folder)
BOX 126	(3 folders)
	7500 <i>In re</i> Tomlinson
BOX 127	7504 Tri-Valley Growers v. Maple Island, Inc.
	7507 Cortes v. Schenley Distillers
	7511 Gould v. Schawlow (3 folders)
BOX 128	7519 <i>In re</i> Gilchrist (2 folders)
	7521 Texas Instruments v. Techni-Rite Elecs.
	7522 <i>In re</i> Kirk <i>See also Container 138, same heading</i> (3 folders)
BOX 129	(2 folders)
	7523 Clayton Mark & Co. v. Westinghouse Elec. Corp. (2 folders)
	7527 <i>In re</i> Winslow
	7528 Williamson-Dickie Mfg. Co. v. Mann Overall Co. (2 folders)
	7529 <i>In re</i> Hofstetter

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

Container

Contents

BOX 130	7530	<i>In re Schickh</i>
	7533	<i>In re Gebelius</i>
	7544	American Cyanamid Co. v. United States Rubber Co.
	(2 folders)	
	7546	<i>In re Laverne</i>
	7549	<i>In re Rosenfeld</i>
	7562	<i>In re Boyer</i>
	(2 folders)	
BOX 131	7580	<i>In re Lemin</i>
	7584	<i>In re Bowers</i>
	(2 folders)	
	7586	<i>In re Reiland</i>
	7589	Rimbach v. Wanmaker
BOX 132	7590	<i>In re Molnar</i>
	7591	<i>In re Adams</i>
	(2 folders)	
	7592	<i>In re Vogel</i>
	7596	<i>In re Reese</i>
	(2 folders)	
	7599	<i>In re Spormann</i>
	7604	<i>In re G. D. Searles & Co.</i>
BOX 133	(1 folder)	
	(1 folder)	
	7606	<i>In re Khelghatian</i>
	(2 folders)	
	7609	<i>In re Lyons</i>
	(2 folders)	
	7611	<i>In re Adams</i>
	7613	<i>In re Ziegler</i>
7618	<i>In re Edge</i>	
BOX 134	7626	<i>In re Johnson</i>
	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 Griswold</i>
BOX 135	(2 folders)	
	(1 folder)	
	7645	<i>In re Griswold</i> <u><i>See Container 134, 7644</i></u>
	7861	<i>In re Fisher</i>
	(2 folders)	
BOX 136	7898	Loshbough v. Allen <u><i>See same container, 7861, and Container 147, same heading</i></u>
	1966-1967 term	
	Argument notes for cases assigned to other judges	
	Customs docket	

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

Container

Contents

	Patent docket	
	(4 folders)	
	Cases assigned to Rich	
	Motions disposed	
	Opinions	
	Customs docket	
	5191	United States v. Border Brokerage Co.
	(2 folders)	
BOX 137	5195	Gonzalez v. United States
	(2 folders)	
	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	<i>In re</i> Rainer
	(2 folders)	
	7472	<i>In re</i> Joly
	7522	<i>In re</i> Kirk <i>See also</i> Container 128, same heading
	7574	<i>In re</i> Risse
	(2 folders)	
	7632	<i>In re</i> LeBlanc
	(2 folders)	
BOX 139	7636	<i>In re</i> Wiechert
	(5 folders)	
	7648	<i>In re</i> Higgins
	(2 folders)	
BOX 140	7652	<i>In re</i> Hruby
	(2 folders)	
	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	<i>In re</i> Rainer
	(2 folders)	
	7671	Hradel v. Griffith
	(2 folders)	
BOX 141	(1 folder)	
	7676	Griffith v. Hradel <i>See</i> Container 140, 7671
	7677	<i>In re</i> Horlein <i>See</i> Container 138, 7574
	7678	<i>In re</i> Sureau
	(2 folders)	
	7685	<i>In re</i> Engler
	7686	<i>In re</i> Dien
	(2 folders)	

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

Container

Contents

BOX 142	7687 7695 (2 folders) 7702 (2 folders) 7705 7708 7719 7720 (1 folder)	<i>In re</i> Perkić <i>In re</i> Albrecht <i>In re</i> Schnell <i>In re</i> Mogen David Wine Corp. <i>In re</i> Siebentritt <i>In re</i> Bailey Ralston Purina Co. v. Midwest Cordage Co.
BOX 143	(1 folder) 7732 (2 folders) 7751 (3 folders) 7752 (2 folders)	<i>In re</i> Jones <i>In re</i> Herr Kamp v. Houghtaling
BOX 144	7755 (2 folders) 7758 (2 folders) 7766 7783 7786	<i>In re</i> Beale <i>In re</i> Schmidt <i>In re</i> Blum <i>In re</i> Jager <i>In re</i> Fong
BOX 145	7790 7796 (2 folders) 7797 (2 folders) 7800 (2 folders) 7801	<i>In re</i> Pottier <i>In re</i> Sockman v. Switzer Fort Howard Paper Co. v. Gulf States Paper Co. <i>In re</i> Braithwaite <u><i>See also same container, 7801</i></u> <i>In re</i> Braithwaite <u><i>See also same container, 7800</i></u>
BOX 146	7829 (2 folders) 7881 (2 folders) 7886 (2 folders)	<i>In re</i> McLamore <i>In re</i> Heyl Chase v. Gartner
BOX 147	(2 folders) 7887 7898 8068 8071 (2 folders)	Wolke v. Gartner <u><i>See Container 146, 7886</i></u> Loshbough v. Allen <u><i>For additional material see Container 135, 7861</i></u> Loshbough v. Allen <u><i>See same container, 7898</i></u> <i>In re</i> Ruschig
BOX 148	1967-1968 term	Argument notes for cases assigned to other judges Customs docket

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

Container

Contents

	Patent docket	
	(3 folders)	
	Cases assigned to Rich	
	Motions	
	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)	

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

Container

Contents

	7862	Kraving v. Henderson
	(3 folders)	
BOX 155	(2 folders)	
	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)	

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

Container

Contents

	7973	<i>In re</i> Collier
	7974	<i>In re</i> Plank
	(2 folders)	
	7976	SCM Corp. v. Royal McBee Corp.
	7978	<i>In re</i> Kanter
BOX 164	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 <i>See same container, 8138</i>
BOX 165	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
BOX 166	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)	
BOX 167	(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)	
BOX 168	(6 folders)	
BOX 169	(7 folders)	
BOX 170	(1 folder)	
	7994	<i>In re</i> Automatic Radio Mfg. Co.
	7995	<i>In re</i> Automatic Radio Mfg. Co. <i>See same container, 7994</i>
	8004	<i>In re</i> Myers
	8008	<i>In re</i> Mathews
	(2 folders)	

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

Container

Contents

BOX 171	8011	<i>In re</i> Miegel
	8016	<i>In re</i> Preda
	8018	<i>In re</i> Booth
	8020	<i>In re</i> Woolery
	(2 folders)	
BOX 172	8022	<i>In re</i> Casey
	8028	Bakers Franchise Corp. v. Royal Crown Cola Co.
	8034	<i>In re</i> Ellms
	8035	<i>In re</i> Myers
BOX 173	(2 folders)	
	8038	Wolter v. Belicka
	(3 folders)	
	8047	Morehouse Mfg. Corp. v. J. Strickland & Co.
BOX 174	(3 folders)	
	8055	Mine Safety Appliance Co. v. Electric Storage Battery Co.
	(2 folders)	
	(1 folder)	
BOX 175	8056	Stevens v. Schmid
	(3 folders)	
	8061	<i>In re</i> Moore
	8063	American Can Co. v. Dixie Wax Paper Co.
BOX 176	(1 folder)	
	(2 folders)	
	8067	<i>In re</i> Steinhauer
BOX 177	8072	<i>In re</i> Hoffman
	8081	Meitzner v. Corte
	(3 folders)	
	8083	<i>In re</i> Jureit
	8084	<i>In re</i> Thunderbird Prods. Corp.
	8085	<i>In re</i> Thunderbird Prods. Corp. <u><i>See same container, 8084</i></u>
	8096	Methuen Int'l Mills v. Rajinder Fabrics
	8097	<i>In re</i> Wheeling
BOX 178	(1 folder)	
	(1 folder)	
	8100	<i>In re</i> Jacobson
	8101	<i>In re</i> Dorsky
	8102	Sal Iannelli, Inc. v. Wasser
	8110	Food Specialty Co. v. Standard Prods. Co.
	8114	Bulova Watch Co. v. Waltham Watch Co.
	8126	<i>In re</i> Hafner
	(2 folders)	
	8130	<i>In re</i> Van Venrooy
(2 folders)		
8133	<i>In re</i> Handrick	
(2 folders)		
8137	<i>In re</i> Richman	
(2 folders)		

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

Container

Contents

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><i>See same container, 8144</i></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)	
	8157	<i>In re</i> Frilette <u><i>See also Container 195, 8267</i></u>
BOX 181	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)	
	8174	Neutrogena Corp. v. Bristol-Myers Co.
BOX 183	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	
	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

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

Container

Contents

	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 Cummings</i>
	8177	<i>In re Ferens</i>
	8180	<i>In re Snoddy</i>
	(2 folders)	
	8186	<i>In re Muller</i>
	(2 folders)	
	8187	<i>In re Bernhart</i>
	(1 folder)	
BOX 188	(1 folder)	
	8188	<i>In re Thorington</i>
	(2 folders)	
	8189	<i>In re McGuire</i>
	(2 folders)	
	8191	<i>In re Hilmer See also Container 124,7482</i>
	(2 folders)	
BOX 189	(7 folders)	
	8192	<i>In re Wakefield</i>
	(1 folder)	
BOX 190	(2 folders)	
	8202	<i>In re Doak</i>
	8207	Witco Chem. Co. v. Whitfield Chem. Co.
	(2 folders)	
	8208	<i>In re Fisher</i>
	(2 folders)	
BOX 191	8210	<i>In re Buting</i>
	(2 folders)	
	8211	<i>In re Searles</i>
	8212	<i>In re Miller</i>
	8214	<i>In re Borkowski</i>
	(2 folders)	
	8216	<i>In re Mahony</i>
	(1 folder)	
BOX 192	(1 folder)	
	8220	<i>In re Majestic Distilling Co.</i>
	8221	B. T. Babbitt, Inc. v. Phillips-Van Heusen Corp.

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

Container

Contents

	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 <u><i>See also same container, 8244</i></u>
	(2 folders)	
	8244	<i>In re</i> Bezombes <u><i>See also same container, 8226</i></u>
	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 <u><i>See also Container 180, 8157</i></u>
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)	
	8288	Manifatture Lane Pettinate Angelo Borghi S. p. A. v. Patons & Baldwins, Ltd.
	8289	<i>In re</i> Bindshedler
	(3 folders)	
	8292	<i>In re</i> Musgrave
	(1 folder)	
BOX 199	(4 folders)	
	8294	<i>In re</i> Beatrice Food Co.
	(2 folders)	
	8295	<i>In re</i> Fairway Foods <u><i>See same container, 8294</i></u>
BOX 200	8298	<i>In re</i> Irani

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

Container

Contents

	8301	<i>In re</i> Ruegg
	8311	<i>In re</i> Gardner
	(2 folders)	
	8313	<i>In re</i> Robins
	(2 folders)	
	8314	<i>In re</i> Milligan
	(1 folder)	
BOX 201	(1 folder)	
	8320	<i>In re</i> Sun Oil Co.
	8323	<i>In re</i> Hoch
	(2 folders)	
	8332	Norton v. Curtiss
	(3 folders)	
	8712	Williams v. Administrator of the National Aeronautics & Space Admin.
	Special patent docket	
	154	Langer v. Kaufman
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	A. Zerkowitz & Co. v. United States
	(2 folders)	
BOX 203	(2 folders)	
	5361	National Polychemicals v. United States
	(3 folders)	
	5362	Amity Fabrics v. United States
	(2 folders)	
BOX 204	5380	Tanross Supply Co. v. United States
	(2 folders)	
	5381	Reliance Trading Corp. v. United States
	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</i> Heldt

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

Container

Contents

	8347	<i>In re</i> Argoudelis
	(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</i> Gibbs
	(2 folders)	
BOX 207	8373	<i>In re</i> Shearman
	(2 folders)	
	8376	<i>In re</i> Benson
	(2 folders)	
	8378	<i>In re</i> Adams
	(2 folders)	
	8381	<i>In re</i> Kennedy
	(1 folder)	
BOX 208	(1 folder)	
	8386	<i>In re</i> Andrews <i>See also same container, 8387, and Container</i> <i><u>209, 8399</u></i>
	(2 folders)	
	8387	<i>In re</i> Andrews <i>See also same container, 8386, and Container</i> <i><u>209, 8399</u></i>
	(2 folders)	
	8391	TAC Technical Instrument Corp. v. Fischer & Porter Co.
BOX 209	8392	<i>In re</i> Susi
	(2 folders)	
	8399	<i>In re</i> Andrews <i>See also Container 208, 8386 and 8387</i>
	(3 folders)	
	8405	<i>In re</i> Ziegler
	8414	<i>In re</i> Cavanagh
	(2 folders)	
	8424	<i>In re</i> American Cyanamid Co.
BOX 210	8429	<i>In re</i> Barr
	(4 folders)	
	8438	<i>In re</i> Sellman
BOX 211	8441	Geigy Chem. Corp. v. Atlas Chem. Indus.
	(2 folders)	
	8444	<i>In re</i> Miller
	(2 folders)	
	8446	<i>In re</i> Cook
	(2 folders)	
	8454	<i>In re</i> Fisher
	(2 folders)	
BOX 212	(1 folder)	
	8460	<i>In re</i> D'Ancicco
	(3 folders)	

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

Container

Contents

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

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

Container

Contents

	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 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)	
	8611	Colgate-Palmolive Co. v. Purex Corp.
	(3 folders)	
	8612	Glenwood Laboratories v. American Home Prods. Corp.
	(2 folders)	
	8617	<i>In re</i> Hyson
	(2 folders)	
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	Tiffany & Co. v. National Gypsum Co.
	(2 folders)	
	8647	Parker v. Frilette
	(2 folders)	
BOX 227	(1 vol.)	
BOX 228	(1 vol.)	

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

Container

Contents

	8651	Knickerbocker Toy Co. v. Faultless Starch Co.
	(3 folders)	
BOX 229	8652	American Lara Corp. v. Multronics, Inc.
	(2 folders)	
	8660	<i>In re</i> Bass
	(4 folders)	
BOX 230	(1 folder)	
	8664	<i>In re</i> Herbert
	(2 folders)	
	8675	Maremont Corp. v. Air Lift Co. <i>See also same container, 8676</i>
	(2 folders)	
	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	<i>In re</i> Simon
	(2 folders)	
	8697	Sze v. Bloch
	(3 folders)	
BOX 232	8700	<i>In re</i> Swett
	8713	<i>In re</i> Collins
	(2 folders)	
	8723	<i>In re</i> Mattox
	(4 folders)	
	8725	<i>In re</i> Barger
	(1 folder)	
BOX 233	(3 folders)	
BOX 234	8744	<i>In re</i> Miles
	(2 folders)	
	8754	T. W. Samuels Distillery v. Schenley Distillers
	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
BOX 235	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.
BOX 236	5487	E. Dillingham, Inc. v. United States

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

Container

Contents

	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)	
BOX 237	(1 folder)	
	8591	Rion v. Ault <i>See also</i> <u>Container 223, same heading</u>
	(6 folders)	
BOX 238	8619	<i>In re</i> Waldbaum <i>See also</i> <u>Container 225, same heading</u>
	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)	
BOX 239	(1 folder)	
	8801	Claremont Polychemical Corp. v. Atlantic Powdered Metals
	(2 folders)	
	8805	Campbell v. Wettstein
	(3 folders)	
	8815	<i>In re</i> Kuehl
	(1 folder)	
BOX 240	(1 folder)	
	8816	<i>In re</i> de Serversky
	(2 folders)	
	8823	<i>In re</i> Corth
	8830	Nationwide Advertising Serv. v. Nation-Wide Employment Agencies
	8832	<i>In re</i> Seigneurin
	8837	<i>In re</i> Anderson
	(2 folders)	
BOX 241	8855	<i>In re</i> Smythe
	(3 folders)	
	8858	Industrial Nucleonics Corp. v. Hinde
	8862	<i>In re</i> Fox
	8863	Income Tax Serv. Co. v. Fountain
BOX 242	8870	<i>In re</i> Kline
	(2 folders)	
	8874	Palmer v. Dudzik
	(2 folders)	
	8880	<i>In re</i> MacArthur

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

Container

Contents

	8892	<i>In re</i> Brandstadter
	(1 folder)	
BOX 243	(2 folders)	
	8897	<i>In re</i> White
	(3 folders)	
	8900	<i>In re</i> Ludovici
	(2 folders)	
BOX 244	8902	Stansbury v. Bond
	(2 folders)	
	8906	<i>In re</i> Universal Oil Prods. Co.
	(2 folders)	
	8917	Jiffy, Inc. v. Jordan Indus.
	8931	<i>In re</i> Litman
	(2 folders)	
	8933	<i>In re</i> Universal Oil Prods. Co. <i>See same container, 8906</i>
	8934	<i>In re</i> Eynde
	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</i> Rice
	8963	<i>In re</i> Ferrero
	(2 folders)	
	8967	Toro Mfg. Corp. v. Kearney-National
	8971	<i>In re</i> Fish
	(1 folder)	
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
	9058	Claremont Polychemical Corp. v. Atlantic Powdered Metals
BOX 247	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)	

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

Container

Contents

	8978	Silvestri v. Grant
	(3 folders)	
BOX 249	(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.
	(3 folders)	
BOX 250	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)	
	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

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

<i>Container</i>	<i>Contents</i>
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
BOX 257	(1 folder)
	(1 folder)
	9182 Hummer v. National Air & Space Admin.
	9185 Burger Chef Sys. v. Burger Man, Inc.
	9190 Falk Corp. v. Toro Mfg. Corp.
BOX 258	(2 folders)
	9195 Ormsbee v. Eikvar
	(2 folders)
	(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
	9210 <i>In re</i> Pennebaker
	9223 Associated Spring Corp. v. Cleveland Twist Drill Co.
BOX 259	9228 Stewart v. Badger
	(3 folders)
	9243 <i>In re</i> Spiller
BOX 260	9252 <i>In re</i> Kopy Kat, Inc.
	74-503 <i>In re</i> Baker Drapery Corp.
	74-507 <i>In re</i> Nancy
	Special patent docket
	182 Duffy v. Tegtmeyer
	(2 folders)
BOX 261	184 Weil v. Dann
	(3 folders)
	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</i> Nomiya
	(2 folders)

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

Container

Contents

	74-517	<i>In re</i> Varga
	(2 folders)	
	74-520	<i>In re</i> Evans
	74-534	Westphal v. Fawzi
	(1 folder)	
BOX 263	(2 folders)	
	74-538	Purex Corp. v. Bio-Lab, Inc.
	74-539	<i>In re</i> Ogiue
	(1 folder)	
BOX 264	(1 folder)	
	74-548	Hollowform, Inc. v. Delma AEH
	(2 folders)	
	74-551	<i>In re</i> Clendenning
	(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.
	74-570	Hunt v. Treppschuh
	(2 folders)	
BOX 266	(2 folders)	
	74-581	<i>In re</i> Ideal Idus.
	74-588	<i>In re</i> Merat
	(3 folders)	
BOX 267	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
BOX 268	74-622	<i>In re</i> Blenglsi
	74-623	Pingree v. Hull
	(3 folders)	
	74-624	Sterling Drug v. Sebring
	(2 folders)	
BOX 269	74-627	<i>In re</i> Deters
	75-505	<i>In re</i> Clark
	(4 folders)	
	75-511	<i>In re</i> Meyer
BOX 270	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

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

Container

Contents

BOX 271	1975-1976 term Cases assigned to Rich Opinions Customs docket 75-6 (3 folders) 75-11 (2 folders) 75-13 75-27 (1 folder) (1 folder)	United States v. Yoshida Int'l United States v. C. J. Tower & Sons of Buffalo A. N. Deringer, Inc. v. United States ESCD Mfg. Co. v. United States
BOX 272	75-29 (3 folders) 75-31 76-3 (2 folders)	United States v. Twin Wintons United States v. Sumitomo Shoji, N.Y., Inc. Import Motors v. United States Int'l Trade Comm'n
BOX 273	76-9 Patent docket 74-608 (3 folders) 75-536 (3 folders)	Alcan Sales v. United States <i>In re</i> Mayhew <i>In re</i> Wertheim
BOX 274	75-539 (4 folders) 75-543 (2 folders) (1 folder)	<i>In re</i> McKellin Glaros v. Howell
BOX 275	75-548 75-549 75-552 (2 folders)	Jockey Int'l v. Mikelos Shoe Corp. <i>In re</i> Rowand <i>In re</i> Hayashibara
BOX 276	75-553 75-560 (3 folders) 75-561 (3 folders)	<i>In re</i> Lusi <i>In re</i> Angstadt Snitzer v. Etzel
BOX 277	75-567 (2 folders) 75-568 75-583 75-590 (3 folders) 75-592 (1 folder) (1 folder)	ILCO Corp. v. Ideal Sec. Hardware Corp. <i>In re</i> Simulations Publications <i>In re</i> Rozmus W. R. Grace & Co. v. Multiform Desiccant Prods. <i>In re</i> Jacoff
BOX 278	75-598 75-611	Raychem Corp. v. General Elec. Corp. <i>In re</i> Winkhaus

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

Container

Contents

	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)	
	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)	
	76-599	SCOA Indus. v. Kennedy & Cohen, Inc.
BOX 284	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)	

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

Container

Contents

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
BOX 287	76-586	<i>In re</i> Dwyer
	76-597	<i>In re</i> Dean
	76-598	<i>In re</i> Dean <u><i>See same container, 76-597</i></u>
	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.
BOX 288	(2 folders)	
	76-628	<i>In re</i> Glass
	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
BOX 289	(1 folder)	
	(2 folders)	
	76-642	<i>In re</i> Glasser
	76-643	<i>In re</i> Johnson
BOX 290	(3 folders)	
	76-645	<i>In re</i> Brainerd
	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
BOX 291	76-662	<i>In re</i> Farrow
	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
BOX 292	76-689	<i>In re</i> Frostig
	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 <u><i>See also Containers 306, same heading, and 308, 77-535</i></u>
BOX 293	(1 folder)	
	(2 folders)	
	76-720	<i>In re</i> Germain

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

Container

Contents

	76-724	<i>In re Hoffman</i>
	76-735	<i>In re Colianni</i>
	(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 Land</i>
	77-510	<i>In re Mott</i>
	77-512	<i>In re Flook</i>
BOX 295	1977-1978 term	
	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> <u><i>See also Containers 308 same heading, and 306,76-712</i></u>
	(2 folders)	
	77-536	Pitzer v. Dickey
	(2 folders)	
BOX 300	(1 folder)	

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

Container

Contents

	77-547	Seabrook Foods v. Bar-Well Foods
	(2 folders)	
	77-551	<i>In re</i> Wilson
	77-576	San Fernando Elec. Mfg. Co. v. JFD Elecs. Components
	77-577	<i>In re</i> Steidinger
	(1 folder)	
BOX 301	(1 folder)	
	77-580	<i>In re</i> Herrick
	(2 folders)	
	77-591	<i>In re</i> Williams
	77-596	<i>In re</i> Goodwin
	(2 folders)	
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)	
BOX 303	(1 folder)	
	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)	
BOX 306	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, <i>See also</i> Containers 292, same heading, and 308, 77-535
	(1 folder)	
BOX 307	(6 folders)	
BOX 308	(8 folders)	

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

Container

Contents

	77-535	<i>In re</i> Chakrabarty <i>See also</i> Containers 299, same heading, and <u>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)	
	78-559	Chatterji v. Crooks
	(3 folders)	
BOX 311	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)	
BOX 312	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
BOX 313	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)	
BOX 314	(1 folder)	
	79-527	<i>In re</i> Diehr
	(3 folders)	
BOX 315	79-533	<i>In re</i> Bradley
	(2 folders)	
	79-555	Goodbar v. Banner
	(2 folders)	
BOX 316	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)	

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

Container

Contents

	79-560	<i>In re Zahn</i>
	(3 folders)	
BOX 317	79-569	<i>In re Stevenson</i>
	79-572	<i>In re Grunwell</i>
	79-574	<i>In re Theis</i>
	(2 folders)	
	79-575	Weiner King, Inc. v. Weiner King Corp.
	(1 folder)	
BOX 318	(1 folder)	
	79-587	<i>In re Eastin</i>
	(2 folders)	
	79-588	<i>In re Lew</i>
	79-599	<i>In re Walter</i>
	(2 folders)	
BOX 319	79-602	<i>In re Breslow</i>
	(2 folders)	
	79-614	<i>In re Harnisch</i>
	(2 folders)	
	79-618	Berges v. Gottstein
	(2 folders)	
BOX 320	79-628	<i>In re Huling</i>
	(2 folders)	
	79-629	<i>In re Anderson</i>
	79-630	Nelson v. Bowler
	(3 folders)	
	80-502	<i>In re Hyatt</i>
	(1 folder)	
BOX 321	(2 folders)	
	80-503	<i>In re Sasse</i>
	(2 folders)	
	80-504	<i>In re Coleman</i>
	(2 folders)	
	80-506	Davis v. Reddy
	(1 folder)	
BOX 322	(1 folder)	
	80-522	Shindelar v. Holdeman
	(2 folders)	
	80-529	<i>In re Capes</i>
	(2 folders)	
BOX 323	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,</i> <u>80-525</u>

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

Container

Contents

	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
	80-563	Otto Roth & Co. v. Universal Foods Corp.
	(2 folders)	
	80-566	<i>In re</i> Coghlan
BOX 325	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)	
	80-588	<i>In re</i> Clayton
BOX 326	80-592	Katz v. Von Herten
	80-594	<i>In re</i> Hahnle
	80-603	<i>In re</i> Wertheim
	(4 folders)	
	80-613	<i>In re</i> Gentiluomo
BOX 327	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)	
BOX 328	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)	
BOX 329	(2 folders)	
BOX 330	1981-1982 term	
	Cases assigned to Rich	
	Opinions	
	Patent docket	
	79-616	<i>In re</i> Hiller
	81-529	Engstrom v. Klehm
	(4 folders)	
BOX 331	81-540	<i>In re</i> Morton-Norwich Prods.
	(2 folders)	

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

Container

Contents

	81-542	<i>In re Self</i>
	(2 folders)	
BOX 332	(1 folder)	
	81-555	<i>In re Zeilder</i>
	(4 folders)	
	81-564	<i>In re Oelrich</i>
BOX 333	81-567	<i>In re Nantucket, Inc.</i>
	(3 folders)	
	81-574	<i>Kraft, Inc. v. Balin</i>
	81-580	<i>Jacobs v. International Multifoods Corp.</i>
	(2 folders)	
	81-584	<i>In re Campbell</i>
BOX 334	81-586	<i>Morris v. Tegtmeier</i>
	(3 folders)	
	81-587	<i>In re Phillips</i>
	81-596	<i>In re Krol</i>
	81-599	<i>Haskell v. Colebourne</i>
	81-610	<i>United States Dep't of Energy v. Daugherty</i>
	(1 folder)	
BOX 335	(3 folders)	
	81-614	<i>In re Dien</i>
	(3 folders)	
BOX 336	(2 folders)	
	81-615	<i>In re Gould</i>
	(3 folders)	
	82-502	<i>In re Geer</i>
	82-503	<i>In re Tucker</i>
BOX 337	82-505	<i>In re Ornum</i>
	(3 folders)	
	82-506	<i>In re Koerte</i>
	(2 folders)	
	82-513	<i>In re Izrael</i>
	82-522	<i>In re Piltz</i>
	(2 folders)	
BOX 338	82-524	<i>In re Spiegel</i>
	(4 folders)	
	82-526	<i>In re Orentreich</i>
BOX 339	82-528	<i>In re DC Comics</i>
	(3 folders)	
	82-540	<i>Kalman v. Kimberly-Clark Corp.</i>
	(4 folders)	

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.

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

Container

Contents

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
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
En banc cases

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

Container

Contents

- Pending
 - Docket number
 - 91-1393, Pall Corp. v. Micron Separations, 1991-1994, undated
 - 92-1049, Markman v. Westview Instruments, 1992-1994, undated
 - 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
 - The First Two Thousand Days: Report of the U.S. Court of Appeals for the Federal Circuit, 1982-1988*, 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)

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

Container

Contents

- Jurisdiction of the court, 1982
Law clerks and technical assistants
 Applicants hired, 1982-1990
 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)
 In conflict, 1983
- BOX 356** Miscellany, 1986-1999
 (6 folders)
 Standards for publication, 1973-1985, undated
 Personal file
 1981-1987
 (2 folders)
- BOX 357** 1988-1999, undated
 (4 folders)
 Pfaff v. Wells Elecs., 1958, 1997-1999
 (3 folders)
 Portrait presented to the court, 1989-1990, undated
 Pro se 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
 United States Surgical Corp. v. Ethicon, Inc., 1996
- BOX 359-536** **Case File, 1982-1999**
 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

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

Container

Contents

followed in order by administrative sheets, correspondence, notes, background material, and printed copies of briefs and transcripts of record.

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) (3 folders)	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	82-558 (2 folders)	<i>In re Heck</i>
BOX 361	82-559 82-564 82-574 (2 folders) 82-575 82-582 82-586 (3 folders)	<i>In re Kaufman</i> <i>In re Glen</i> Chan v. Akiba Chan v. Akiba <i>See same container, 82-574</i> Robert Bosch GMBH v. Tune King Int'l Selva & Sons v. Nina Footwear
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 See same container, 83-532</i> <i>In re Chatani See same container, 83-532</i> <i>In re Chatani See same container, 83-532</i> Bandag, Inc. v. General Tire Co.
BOX 363	83-551 (2 folders) 83-555 (6 folders)	<i>In re Hyatt</i> American Hoist & Derrick Co. v. Sowa & Sons
BOX 364	83-591 83-599 (7 folders)	Studiengesellschaft Kohle, m.b.H. v. Dart Indus. Rohm & Haas Co. v. Crystal Chem. Co.
BOX 365	(2 folders) 83-611 (2 folders)	Richdel, Inc. v. Sunspool Corp.

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

Container

Contents

	83-615	<i>In re Steeg</i>
	83-647	<i>In re Mulder</i>
	(1 folder)	
BOX 366	(1 folder)	
	83-673	<i>In re Kollman</i>
	(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 R. M. Smith, Inc.</i>
	(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

Container

Contents

	84-590	State Industries v. A. O. Smith Corp.
	(4 folders)	
	84-653	Crane Co. v. Goodyear Tire & Rubber Co.
	(2 folders)	
BOX 376	(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)	
BOX 377	(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
BOX 378	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>
BOX 379	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)	
BOX 380	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)	
BOX 381	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)	
BOX 382	(1 folder)	
	84-1457	Johnson v. Merit Sys. Protection Bd.
	84-1466	Laughlin v. Parker
	(3 folders)	

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

Container

Contents

	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
	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

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

Container

Contents

Container	Contents
	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 Perrine</i>
	85-768 <i>In re Wassilieff</i>
	85-777 Power Lift v. Lange Tools
	(2 folders)
	85-781 <i>In re Sovish</i>
	(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 Benno</i>
	(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 Chelminski</i>
	(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.
	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

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

Container

Contents

	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</i> Kaplan
	(1 folder)	
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)	

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

Container

Contents

	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)	
BOX 403	85-2718	Boles v. Department of Transp.
	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
	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)	

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

Container

Contents

Container	Contents
	86-857 Benvenuti v. Department of Defense
	86-915 <i>In re King</i>
	(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 Pohl</i>
	86-1695 Wallace Business Forms v. Uarco, Inc.
	(2 folders)
	86-1700 Yuba Natural Resources v. United States
	(2 folders)
BOX 415	(3 folders)
	86-1716 Listerman v. United States Dep't of Justice
	(2 folders)
	87-1023 Bova v. Waterworth, a Calif. Corp.
	(4 folders)
BOX 416	(1 folder)
	87-1045 <i>In re Lew See also same container, 87-1053</i>
	(2 folders)
	87-1053 <i>In re Lew See also same container, 87-1045</i>
	(2 folders)
	87-1055 Argust v. Formwork Eng'g Corp.
	(3 folders)
	87-1072 Argust v. Formwork Eng'g Corp. <i>See same container, 87-1055</i>

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

Container

Contents

BOX 417	87-1098	Sekine v. Seely
	(4 folders)	
	87-1126	Sekine v. Seely <i>See same container, 87-1098</i>
BOX 418	87-1127	<i>In re</i> Société Générale des Euax Minérales de Vittel, S. A.
	(2 folders)	
	87-1146	Cooper Indus. v. Juno Lighting
BOX 419	(6 folders)	
	87-1158	Cooper Indus. v. Juno Lighting <i>See same container, 87-1146</i>
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
	87-1273	<i>In re</i> Harita
	(5 folders)	
BOX 422	87-1295	Randomex, Inc. v. Scopus Corp.
	(4 folders)	
BOX 423	87-1296	W. L. Gore & Assocs. v. Garlock, Inc.
	(3 folders)	
	(3 folders)	
	87-1317	<i>In re</i> Glen
BOX 424	(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)	

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

Container

Contents

	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.
BOX 431	87-3383	Marshall v. United States Postal Serv.
	(2 folders)	
	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	Studiengesellschaft Kohle m.b.H. v. Dart Indus.
	(1 folder)	
BOX 432	(4 folders)	

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

Container

Contents

	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. See Container 431, 88-1052
	88-1088	Studiengesellschaft Kohle m.b.H. v. Dart Indus. See Container 431, 88-1052
	88-1095	F. R. Lepage Bakery v. Roush Bakery Prods. Co.
	(1 folder)	
BOX 433	(3 folders)	
	88-1096	Lewis v. United States
	88-1098	Shank-Artukovich v. United States
	88-1114	American Parking Meter Advertising v. Visual Media See also Container 434, 88-1248
	(2 folders)	
BOX 434	88-1143	Alliance Oil & Refining Co. v. United States
	88-1248	American Parking Meter Advertising v. Visual Media See also Container 433, 88-1114
	(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	
	87-1115	Julien v. Zeringue
	87-1139	Julien v. Zeringue See same container, 87-1115
	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 See same container, 88-1386
BOX 436	88-1394	Specialized Electronics Corp. v. Aviation Supplies & Academics
	(4 folders)	
	88-1395	Specialized Electronics Corp. v. Aviation Supplies & Academics See same container, 88-1394
	88-1400	Cementos Guadalajara, S.A. v. United States See also Container 439, 88-1502
	(2 folders)	
	88-1415	<i>In re</i> Clark Surgical Corp.
	(1 folder)	

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

Container

Contents

BOX 437	(1 folder)		
	88-1423	<i>In re</i> Mann	
	88-1437	<i>In re</i> Roberts	
	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</i> Wright	
	(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</i> Johnson
		88-1644	Gallagher v. Quigg
(3 folders)			
88-3096		Hyman v. United States Postal Serv.	
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	

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

Container

Contents

	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>
	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>

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

Container

Contents

	89-1382	Atmel Corp. v. United States Int'l Trade Comm'n
	(1 folder)	
BOX 449	(3 folders)	
	89-1386	<i>In re</i> Deckert
	(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</i> Sciarretta
	(2 folders)	
	89-1450	<i>In re</i> Hauserman, Inc.
	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</i> Pleuddemann
	(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>
	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)	

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

Container

Contents

	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.
	89-3456	Boushie v. Department of Justice
	90-1003	Winner Int'l Corp. v. Wolo Mfg. Co.
	(3 folders)	
	90-1010	Drexelbrook Controls v. Magnetrol Int'l
	(2 folders)	
	90-1016	Hewlett-Packard Co. v. Bausch & Lomb, Inc.
	(1 folder)	
BOX 459	(2 folders)	
	90-1017	Hewlett-Packard Co. v. Bausch & Lomb, Inc. <i>See Container 458, 90-1016</i>
	90-1029	Winner Int'l Corp. v. Wolo Mfg. Co. <i>See Container 458, 90-1003</i>
	90-1036	EMS-American Grilon v. DMS Resins
	(3 folders)	
	90-1053	Cicena, Ltd. v. Columbia Telecommunications Group
	(2 folders)	
BOX 460	(2 folders)	
	90-1082	Sandvik AB v. United States
	90-1090	<i>In re Avery</i>
	(2 folders)	
	90-1095	<i>In re Woodruff</i>
	(2 folders)	
BOX 461	(1 folder)	
	90-1105	Jurgens v. McKasy <i>See Container 454, 89-1645</i>
	90-1107	Steppe v. United States

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

Container

Contents

	90-1111	Schaeffer v. Verheyden
	(2 folders)	
	90-1112	Schaeffer v. Verheyden <i>See same container, 90-1111</i>
	90-1114	Nucleonics Dev. Co. v. Seymour
	(4 folders)	
BOX 462	(3 folders)	
	90-1273	Amgen, Inc. v. Chugai Pharmaceutical Co.
	(2 folders)	
	90-1275	Amgen, Inc. v. Chugai Pharmaceutical Co. <i>See same container, 90-1273</i>
	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	City of El Centro v. United States
	(2 folders)	
	90-5024	Bienville v. United States
	90-5095	Gold v. United States
	(2 folders)	
BOX 464	1990-1991 term	
	Case assignments	
	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)	

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

Container

Contents

	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>
BOX 473	90-1470	<i>In re</i> Braat
	(2 folders)	
	90-1509	Continental Am. Corp. v. Barton
	(2 folders)	
	90-1510	<i>In re</i> Gorniak
	(2 folders)	
	90-1519	Zip Dee, Inc. v. A & E Sys.
	(1 folder)	
BOX 474	(1 folder)	
	90-1528	Vas-Cath, Inc. v. Mahurkar
	(5 folders)	
	90-1529	Beckman Instruments v. LKB Produkter AB
	(2 folders)	
BOX 475	(1 folder)	
	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
BOX 476	90-3370	Garcia v. Department of Labor
	90-3373	Muhammad v. Merit Sys. Protection Bd.

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

Container

Contents

	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)	
	90-5116	Tollman v. United States
	(2 folders)	
	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>
BOX 478	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	C. R. Bard, Inc. v. Advanced Cardiovascular Sys.
	(3 folders)	
	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.
BOX 479	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	Haworth, Inc. v. Steelcase, Inc.
	(3 folders)	
	93-1551	Haworth, Inc. v. Herman Miller, Inc.
	94-1026	Glaxo, Inc. v. Novopharm, Ltd.
	(4 folders)	
	94-1029	Lifescan, Inc. v. Can-Am Care Corp.
BOX 480	1994-1995 term	

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

Container

Contents

	Case assignments	
	Opinions	
	94-1217	<i>In re</i> Fraenkel
	(3 folders)	
	94-1334	ABB Robotics v. GMFanuc Robotics Corp.
	(3 folders)	
	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
	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.

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

Container

Contents

	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
	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

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

Container

Contents

	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
	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

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

Container

Contents

	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.
	96-1155	Lenzing Aktiengesellschaft v. Courtaulds Fibers
	(2 folders)	
	96-1180	<i>In re Levin</i>
	(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 Dossel</i>
	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 Lueders</i>
	(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 Container 485, 96-1114</i>
	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, 96-1467</i>
	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 Container 485, 96-1114</i>
	96-1550	Oddzon Prods. v. Just Toys, Inc.
	96-3045	Wallace v. Office of Personnel Management

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

Container

Contents

	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
	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	Ciecweszc 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)	
BOX 491	(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</i> Watts
	(4 folders)	
BOX 492	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
BOX 493	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)	
BOX 494	(1 folder)	
	97-1365	Scaltech, Inc. v. Retec/Tetra, L.L.C.
	(5 folders)	
BOX 495	(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)	
BOX 496	(2 folders)	

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

Container

Contents

	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.
BOX 501	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)	
	98-1166	Select Engineered Sys. v. Sheppard
	(2 folders)	
	98-1191	Pollock v. Thunderline-Z, Inc.
	(2 folders)	
BOX 502	(1 folder)	
	98-3010	Robinson v. United States Peace Corps
	(2 folders)	
	98-3015	Crain v. Merit Sys. Protection Bd.
	(2 folders)	
	98-3084	Paisley v. United States Postal Serv.

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

Container

Contents

	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
	98-1246	IGT v. Global Gaming Technology
	(4 folders)	

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

Container

Contents

	98-1252	<i>In re Muir</i>
	(2 folders)	
BOX 512	(1 folder)	
	98-1253	Nation Ford Chem. Co. v. United States
	(3 folders)	
	98-1254	Nation Ford Chem. Co. v. United States <i>See same container, 98-1253</i>
	98-1257	American Bank Note Holographics v. Upper Deck Co.
	(3 folders)	
BOX 513	(1 folder)	
	98-1268	Usinor Sacilor v. United States
	(2 folders)	
	98-1269	Usinor Sacilor v. United States <i>See same container, 98-1268</i>
	98-1272	RMT, Inc. v. Bhat Indus.
	(3 folders)	
BOX 514	98-1279	Rexam Indus. Corp. v. Eastman Kodak Co.
	(4 folders)	
	98-1286	Usinor Sacilor v. United States <i>See Container 513, 98-1268</i>
	98-1324	Berg Technology v. Foxconn Int'l
	(2 folders)	
BOX 515	(3 folders)	
	98-1327	VHC, Inc. v. Peters
	(3 folders)	
BOX 516	98-1334	Toro Co. v. White Consol. Indus.
	(2 folders)	
	98-1335	Welcome Co. v. Harriet Carter Gifts
	(4 folders)	
BOX 517	98-1340	Commercial Energies, Inc. v. Danzig
	(2 folders)	
	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	Berry Sterling Corp. v. Prescor Plastics
	(2 folders)	
BOX 518	(1 folder)	
	98-1389	Fullerton v. Fahrenkopf
	(4 folders)	
	98-1390	IGT v. Global Gaming Technology <i>See Container 511, 98-1246</i>
	98-1407	International Rectifier Corp. v. Samsung Semiconductor
	98-1411	Finnigan Corp. v. International Trade Comm'n
	(1 folder)	
BOX 519	(4 folders)	
	98-1413	BMY-Combat Sys. v. Calera
	(3 folders)	
	98-1421	Mitsubishi Int'l Corp. v. United States
	(1 folder)	
BOX 520	(2 folders)	

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

Container

Contents

	98-1454 (3 folders)	McClarín Plastics v. LRV Acquisition Corp.
	98-1455	McClarín 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
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.

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

Container

Contents

	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	Otiji v. Smithsonian Inst.
	(1 folder)	
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)	
BOX 532	(1 folder)	
	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
	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 533, 98-6002</i>
	98-7036	Black v. West
	(2 folders)	
	98-7099	Allen v. West
	(2 folders)	

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

Container

Contents

	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	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 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)	
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)	

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

Container

Contents

	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	Hagmeyer 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</i> Dillon
	(7 folders)	
BOX 551	(4 folders)	
	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	

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

Container

Contents

	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 Trovato</i>
	(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 Trovato See Container 568, 93-1050</i>
BOX 572	1994-1995 term	
	93-1373	Reflectone, Inc. v. Dalton
	(6 folders)	
BOX 573	(2 folders)	
	95-1054	<i>In re Beauregard</i>
	(4 folders)	
BOX 574	Misc. 394	<i>In re Lockwood</i>
	(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)	

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

Container

Contents

	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	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 582	American Patent Law Association	
	<i>APLA Quarterly Journal</i> , issue on oppositions in granting patents, 1966, 1975-1976	
	(3 folders)	
	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	

Subject File, 1790-1999

Container

Contents

	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 <i>See Container 599, Software Protection</i>
	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
	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

Subject File, 1790-1999

Container

Contents

	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
	1975
BOX 592	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)

Subject File, 1790-1999

Container

Contents

- 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)
- 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

Subject File, 1790-1999

Container

Contents

	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.
BOX 600	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 601	1975-1979 (2 folders)
	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)
	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

Subject File, 1790-1999

Container

Contents

	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
BOX 607	A-R (4 folders) 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 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

Subject File, 1790-1999

Container

Contents

Writing legal documents, 1935-1998, undated

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 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 *See also Container 603, same heading*
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
Copenending patents as references, undated
Crane Packing Co. v. Spitfire Tool & Mach. Co. *See Container 615, Reissued Patents*
Damages for infringement, 1946-1977
(2 folders)
Description requirement, 1992-1993
Design patents, undated
"Dolly" doctrine, 1998
Double patenting, 1962-1982
(2 folders)
In re Dunn, 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
Florence agreement legislation *See same container, Educational, Scientific, and Cultural Materials Act of 1966*
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

Legal Reference File, 1849-1999

Container

Contents

	Rights, 1973
	<i>In re</i> Joly, 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</i> Palmquist 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
	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

Legal Reference File, 1849-1999

Container

Contents

- 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
Ex Parte issue in *Inter Partes* case, 1960
Miscellany, 1957-1982, undated
(2 folders)
Treatises for Judges, a Selected Bibliography, 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** **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 617** Book file
Collected Papers on Patent Law
Miscellany, 1963-1979, undated
Texts, 1965
(2 folders)
A Brief History of the United States Court of Customs and Patent Appeals
Article III judges *See Container 618, Constitutional status of the court*
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)
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 *See Container 618, Constitutional status of the court*
Miscellany, 1909-1981, undated
(3 folders)

Speeches, Writings, and Events File, 1909-1999

Container

Contents

	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)
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)

Speeches, Writings, and Events File, 1909-1999

<i>Container</i>	<i>Contents</i>
BOX 630	May-Oct. (5 folders) 1971 (6 folders) 1972 Jan.-July (3 folders) Sept. (2 folders)
BOX 631	(1 folder) 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 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)

Speeches, Writings, and Events File, 1909-1999

Container

Contents

	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)
BOX 641	Oct. (1 folder)
	(2 folders)
	Nov. (3 folders)
	1990 Mar.-May (4 folders)
BOX 642	Aug.-Dec. (2 folders)
	1991-1992 (10 folders)
	1993 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

Speeches, Writings, and Events File, 1909-1999

Container

Contents

	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)
	Miscellany, 1964-1965 Printed matter, 1964-1965
	1970, Washington, D.C. Correspondence, 1969-1970 Notes and background material, 1964-1971, undated (2 folders)
BOX 649	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

Speeches, Writings, and Events File, 1909-1999

Container

Contents

- BOX 650** 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)
- BOX 651** (2 folders)
C-L, 1942-1998, undated
(4 folders)
M, 1974-1986, undated
(1 folder)
- BOX 652** (2 folders)
N-W, 1953-1992, undated
(5 folders)
- 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 653** Awards and memberships, 1930-1997
Biographical material, 1927-1996, undated
(2 folders)
Birthdays
Ninetieth
Miscellany, 1993-1995, undated
(4 folders)
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

Miscellany, 1825-1999

Container

Contents

	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	Addition, 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 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> <i>See same container, 83-1069</i> 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> 83-1200 Genova, Inc. v. Bemis Mfg. Co. (2 folders)
BOX 660	83-1202 Anterberry v. Department of Health and Human Servs. 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 OV 1	Oversize, undated Index cards. Arranged and described according to the series, containers, and folders from which the items were removed.

Oversize, undated

<i>Container</i>	<i>Contents</i>
------------------	-----------------

BOX OV 1

Speeches, Writings, and Events File
Notes and background material
Topical, undated (Container 647)

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.

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 [See also Container 495, same heading](#)

Digital ID: mss84755_65_1

En banc case file

Opinions

1997-1998 term

96-1258, *In re* Zurko

Supplemental brief of appellants Zurko, et al., 1997 [See also Container 578, same heading](#)

Digital ID: 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

Legal term	Abbreviation
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.