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Book Review: Patent Law Fundamentals

BOOK REVIEW

PATENT LAW FUNDAMENTALS by PETER D. ROSENBERG, *Clark Boardman Co., Ltd.*, 1975, Pp. 405. \$25.00

Mr. Rosenberg, a patent examiner in the U.S. Patent and Trademark Office, has authored numerous book review articles for the *Journal of the Patent Office Society*. He is a member of the New York Bar and holds a Bachelor of Arts degree and a Bachelor of Chemical Engineering degree from New York University, a Juris Doctor degree from New York Law School and a Master of Laws in Patent and Trade Regulation degree from George Washington University.

With such impressive credentials one might possibly assume Mr. Rosenberg's book to be directed primarily to the academic community and to be primarily concerned with esoteric areas and issues of patent law. Such is not the case. *Patent Law Fundamentals* is truly a well written and easily understood book on fundamental patent law and the flavor of the book is one for non-patent lawyers, scientists and businessmen alike to enjoy.

Mr. Rosenberg has sectioned the book into six major parts. The first part presents the elementals and basis of patent law. The second part sets forth the statutory requirements for obtaining a patent. The third analyzes the priority of rights when more than one inventor claims rights to the same patent. Part four provides the procedure necessary for preparing and prosecuting a patent before the Patent and Trademark Office. Part five discusses patent exploitation including licensing and infringement problems. Finally, part six examines patents in an international context. Each of the above parts is logically set forth with a lucid discussion. The text is further accompanied by a thorough table of contents, an extensive 16-page table of cases and a comprehensive 16-page index. Rosenberg's style of writing is such that one not familiar with patent law can readily grasp the concepts.

A minor flaw in Mr. Rosenberg's book is the apparent lack of rigor in proofreading, indexing, and, most important, accuracy in footnoting.¹ Such annoyances as "exhausting" for "exchang-

¹ More significant errors are found in the Table of Cases. For example, *Kellogg Co. v. National Biscuit Co.*, 305 U.S. 111 (1938) is cited to 305 U.S. 11. Also, *Luckett v. Delpart, Inc.*, 270 U.S. 496 (1926) is cited with a 1928 date. The reviewers did not exhaus-

ing" must be eliminated. The table of cases is not consistently alphabetical, for example, "Butt Technical", "Broderick", "Branch" appear in reverse alphabetical order. In addition, certain cases listed in the text do not appear in the table of cases. These criticisms, however, are trivial compared to the overall value in general patent knowledge the book imparts to, for example, a lawyer engaged in general practice.

Patent Law Fundamentals is an excellent initial research source for access into patent law precedent when a more detailed understanding of the legal problems is desired. Fortunately, Mr. Rosenberg has provided parallel cites to the West Reporter System (available to all practitioners) and to the BNA *Patent Quarterly* (used primarily by patent, trademark, and copyright attorneys). *Patent Law Fundamentals* is timely and fulfills a much needed void in patent legal literature for lawyers.² The book should remain timely since provision has been made for annual pocket part supplements.

Most lawyers embrace both a fear and an ignorance of patent, copyright, and trademark situations. Mr. Rosenberg's book dispels any such fear at least for patent law. A good casual reading of this book should enable any lawyer to advise his client as to the fundamentals of patent law, the basic procedures for obtaining a patent, and the means to exploit the invention. Of course, a lawyer not admitted to the bar of the U.S. Patent and Trademark Office cannot prosecute the patent for the client. Rather, he must refer the client to a patent attorney or agent.

In conclusion, the reviewers highly recommend *Patent Law Fundamentals* as an essential reference in a general practitioner's library. But our recommendation is only for a subsequent corrected printing or edition in hopes that the numerous accuracy problems will be corrected by the author.

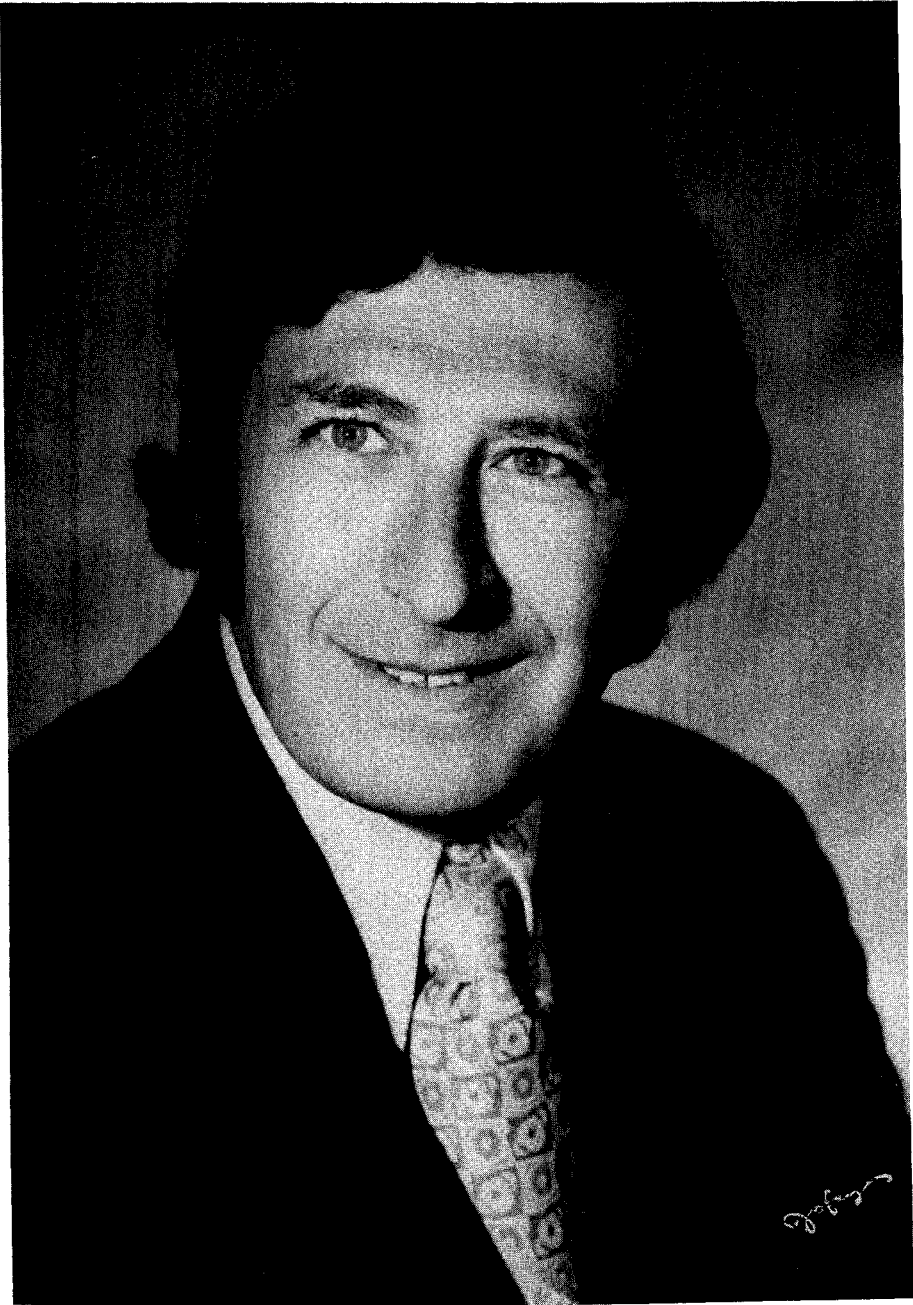
Donald M. Duft and Robert C. Dorr***

tively analyze the technical accuracy of the author's Table of Cases, but uncovered the above on a superficial inspection.

² Another very good review book is Paul Goldstein's work, *COPYRIGHT, PATENT, TRADE-MARK AND RELATED STATE DOCTRINES* (1973).

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DEDICATION

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