U.S. Alien Property Custodian Patent Documents:

A Legacy Prior Art Collection from World War II

- Part 1, History.

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Abstract

In 1943, at the height of World War II, the U.S. Patent Office, by the authorization of the Alien Property Custodian (APC), published 2,964 pending patent applications that had been seized from nationals of enemy and enemy-occupied countries. This unusual act—only in 2001 did the USPTO begin publishing some pending patent applications—was prompted by the APC's wartime mandate to make enemy technology available to American industry. During and after the war many of these applications were issued as patents assigned to the APC. However, up to 58 percent were abandoned, becoming, in effect, orphan documents. APC documents, although they resemble contemporary patents and are granted prior art status by the USPTO, are virtually unknown today, even among patent professionals. This two-part paper investigates the origins, history and profile of this unique collection of prior art documents. Part one reviews the wartime organization and activities of the Office of the Alien Property Custodian, the agency responsible for the creation of APC documents, the use of vesting orders to seize patents and the APC's patent portfolio. Part two describes applications published by the APC, their national and technological profiles, and snapshots of the inventors and companies who lost and, in some cases, regained their patent rights.

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Keywords

Alien Property Custodian; Enemy Property; Patent Applications; United States Patent Office; World War II

Part 1: APC Organization, Vesting Orders and Patent Portfolio

1.1 Introduction

In the last decade, advances in computing technology and the widespread proliferation of the internet have rapidly, profoundly and positively changed public access to patent information. Since the U.S. Patent and Trademark Office launched its first internet database of patent bibliographic information in 1995 [1], dozens of public web-based patent databases containing millions of patent documents have appeared. As fast and as comprehensive as the revolution in patent information has been, it would be a mistake to conclude that all historical patent documents that can be published on the internet have been or will be in a short time. There are collections of historical patent documents that have not been captured electronically, either by scanning or transcription, which are at risk of being forgotten and lost, perhaps permanently. One of these collections is a set of approximately 3,000 U.S. patent applications published by the U.S. Patent Office in the spring of 1943. Known as “APC documents,” these applications were seized by the Office of the Alien Property Custodian, the government agency responsible for administering enemy and enemy-controlled American property during World War II.

1.2 APC History, Organization and Wartime Activities

An in-depth discussion of the APC is beyond the scope of this paper. However, a brief overview of its origins, organization and wartime activities is necessary in order to understand the history of APC documents.

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The Office of the APC was established in October 1917 under the provisions of the Trading with the Enemy Act, wartime legislation prompted by the entry of the U.S. into World War I on the side of the Allies. The Act prohibited trade and other commercial activities with enemies of the U.S. and permitted the federal government to seize enemy-owned businesses, financial assets and personal property, including patents and other forms of intellectual property. The Act was used principally to seize German-owned property, including 12,000 patents and a small number of patent applications, of which about 5,000 covered various chemistry-related inventions such as synthetic dyes, pharmaceuticals, munitions and explosives. [2] When the U.S. and Germany concluded peace in 1921, the U.S. insisted on paying compensation rather than returning the seized patents to their former owners.

In the 1920s, the APC became embroiled in scandals involving bribery and fraud in the disposition of seized enemy property. The first scandal involved the sale of approximately 4,800 formerly German-owned patents to the Chemical Foundation, a private research and educational organization established in 1919 to promote the U.S.'s fledgling organic chemical and dyestuff industry. The Foundation's secondary mission was to prevent German chemical companies from reestablishing their "Teutonic Chemical Monopoly" in the U.S. market, which had suffered during the war from shortages of German-made dyes and pharmaceuticals. The two men at the center of the scandal were Francis P. Garvan and A. Mitchell Palmer, the first and second APCs appointed by President Wilson. Garvan, who was also the first president of the Chemical Foundation, and Palmer were accused of approving the transfer of \$10,000,000 worth of patents to the Foundation for a mere \$250,000. [3] The APC was in court again in 1926-1927 when Thomas W. Miller, APC from 1921-1925, was tried and convicted of defrauding the government for accepting a kickback for the return of \$7,000,000 of American Metal Company stock to its original German owner.

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In 1934, the APC was incorporated into the Department of Justice where it spent the rest of the decade quietly processing World War I claims.

The Japanese attack on Pearl Harbor on 7 December, 1941 pushed the APC back into the national spotlight. President Roosevelt, aware that control of enemy property would again be a sensitive political issue and wishing to avoid a repeat of the APC scandals of the 1920s, moved quickly to place the APC under his direct control. He was challenged by Henry Morgenthau, the Secretary of the Treasury, who moved in January to seize control of General Aniline & Film Corporation. On 11 March, 1942, after weeks of negotiation and political maneuvering with Morgenthau and Attorney General Francis Biddle, Roosevelt issued Executive Order 9095 establishing the APC as an independent agency within the Office of Emergency Management. [4]

Two men served as APC during the war. The first was Leo T. Crowley, a Democratic Party politico and former banker from Wisconsin who served from 11 March, 1942 until 30 April, 1944. The president trusted Crowley's political acumen and was so impressed with his administrative abilities that he also asked him to lead the Federal Deposit Insurance Corporation (FDIC) and Foreign Economic Administration (FEA). Upon Crowley's resignation in early 1944, presumably to focus on his FDIC and FEA responsibilities, his deputy, James E. Markham, was promoted and led the agency until October 1946.

The APC was organized into seven divisions located in Chicago, New York and Washington, D.C.: Comptroller; Business Operations; Chemicals, Pharmaceuticals and Special Services; Estates, Trusts, and Property; Investigation and Research; Liquidation; and Patent Administration. [5] APC headquarters was located in the National Press Building on 14th Street in downtown Washington, D.C., a few blocks from the White House and U.S. Patent Office. APC field offices and representatives

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were established in Boston, Dallas, Honolulu, Los Angeles, Portland, San Francisco and Seattle.

The urgent and enormous task of identifying and vesting hundreds of millions of dollars of enemy property during the first year of the war required the APC to hire staff quickly. Total employees peaked in February 1943 at 1,278. [6] As the amount of unvested enemy property declined and as vested property was disposed of or, in the case of property vested from non-enemies, returned to its former owners, the need for staff and office space diminished. By early 1946 the APC had released approximately 500 employees and consolidated some of its Chicago-based operations in Washington and New York. [7]

The Division of Patent Administration, which had offices in Chicago, New York and Washington, D.C., was responsible for the administration of vested patents and patent applications, as well as copyrights, trademarks and patent holding companies. Its secondary role was to promote the use of vested patents for production and research purposes. [8] The Division's employees were organized into nine sections: War Production; Patent Use and Development; Licensing; Patent Review; Patent Application Prosecution; Corporate Owned Patents; Contract Renegotiation; Copyright Administration; and Trade-Mark Administration. The Division's staffing rose and fell in tandem with the rest of the agency. At the beginning of 1943 it had 150 staff, but by the end of 1945 only 76 remained.

In the spring of 1942, as Leo Crowley was settling into his new role as the president's hand-picked man on enemy property, Washington, D.C. was experiencing a wartime boom. Office space for thousands of new civilian workers and military personnel was in such short supply that many agencies deemed not critical to the war effort were forced to relocate. In January 1942, the U.S. Patent Office moved 1,160 of its 1,360 employees from the Herbert J. Hoover Commerce Building to a converted tobacco warehouse in Richmond, Virginia. The 200 remaining staff stayed

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in Washington to keep the scientific library and patent search room open for patent attorneys and inventors. The war was not going well for the U.S. and her allies, Great Britain and the Soviet Union. In the four months since Pearl Harbor, Japanese forces had overrun vast amounts of territory from Burma in Southeast Asia to Wake Island in the Pacific. Off the eastern seaboard, German u-boats operated with apparent impunity, sinking American merchant ships within sight of the coast. Rumors of Japanese raids on the West Coast, lurking enemy saboteurs and American fifth-columnists caused widespread anxiety and suspicion.

It was in this crisis atmosphere that APC Crowley appeared in late April before the Senate Committee on Patents to testify on the president's enemy patents policy and two pieces of proposed legislation that would grant the government the power to nationalize all patents "in the interest of national defense or the prosecution of the war, and for other purposes." [9] Crowley, an experienced Washington insider, was surely aware of the tricky and potential deadly political minefield he was entering.

In Congress and in the federal government there were many who believed that the U.S. patent system had been hijacked in the 1930s by America's enemies, principally Germany, and their unscrupulous or naïve American business partners. The chair of the Committee on Patents, Senator Homer T. Bone, sympathized with this view and was a co-sponsor of the patent nationalization legislation. The Committee's chief counsel, a young attorney hired by Senator Bone named Creekmore Fath, publicly accused Germany of using the U.S. patent system to create material shortages and suppress technological advancement. The German patent conspiracy was even the subject of two books published in 1942-1943. The first, *Patents for Hitler* by Guenter Reimann, a former German economist, was published—with a forward by Creekmore Fath—in September 1942. [10] The somewhat more sensational *Germany's Master Plan: the Story of Industrial Offensive* by Justice Department employees Joseph Borkin and Charles Welsh painted a grim picture of

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worldwide economic warfare waged by German cartels “armed with patents” laying siege to the economies of western democracies. [11]

In his testimony to the Committee, Crowley carefully laid out the APC’s legal authority to vest enemy property under the Trading with the Enemy Act, as amended by the first War Powers Act of 1941, and the president’s Executive Order No. 9095 of 11 March, 1942. [12] He promised that the administration would allow none of the seized patents to return to enemy hands, but that they would be used in support of the war effort and for the benefit of American industry.

1.3 Vesting Orders

Vesting orders were the principal instruments used in the seizure of enemy-owned property and interests in property, including personal property, shares of stock, real estate, ships, business enterprises and all forms of intellectual property: copyrights, trademarks, patents, pending patent applications, unpatented inventions and patent licenses, contracts and agreements.

The targets of vesting orders were principally enemy and enemy-controlled corporations, but alien residents, internees and repatriates were also eligible targets. The APC issued its first vesting order on 25 March, 1942 against I.G. Farbenindustrie (I.G. Farben), the giant German chemical cartel, and its American subsidiaries and business partners. The order seized hundreds of patents and pending patent applications for chemical processes. [13] Subsequent vesting orders against I.G. Farben acquired additional patents and patent contracts owned jointly with Standard Oil of New Jersey. The APC vested some 46,000 patents and pending patent applications from 1942 through 1952. [14] (See Table 1.)

Table 1. Patents and Patent Applications Vested by the APC, 1942-1952.

Residence of former owner	Total	Part	
		Interests	Patent
		Patents in Patents	Applications

Grand total	46,244	41,176	362	4,706
Enemy countries	33,605	29,905	282	3,418
Germany (including Austria)	29,921	26,713	246	2,962
Japan	1,199	1,126	1	72
Italy	1,836	1,561	16	259
Hungary	550	428	17	105
Rumania	69	59	2	8
Bulgaria	5	3	-	2
Two or more countries	25	15	-	10
Enemy-occupied countries	12,595	11,231	79	1,285
Belgium	909	849	6	54
China (occupied)	3	-	-	3
Czechoslovakia (including Slovakia)	796	731	9	56
Denmark	577	516	2	59
Dutch East Indies	18	-	-	18
Estonia	11	11	-	-
France	7,897	7,125	41	731
Greece	11	10	-	1
Hong Kong	9	8	-	1
Latvia	11	11	-	-
Lithuania	4	4	-	-
Luxembourg	67	47	-	20
Monaco	1	-	-	1
Netherlands	1,415	1,156	3	256
Norway	674	607	8	50
Philippine Islands	18	-	-	18
Poland	120	115	1	4
Straits Settlements	1	-	-	1
Thailand	1	1	-	-
Yugoslavia	30	26	1	3
Two or more countries	32	14	8	10
Joint ownership (enemy and enemy-occupied)	44	40	1	3

Enemy-controlled American companies with large patent portfolios were also targets for government takeover. On 18 April, 1942, the APC vested 99.9 percent of the outstanding common stock of the Schering Corporation of Bloomfield, New Jersey, a subsidiary of the German pharmaceutical and chemical company Schering A.G. of Berlin. Rather than dissolving the company and disposing of its assets, the APC allowed Schering to continue operations under a new management team and board of directors approved, of course, by the APC. The vested company with the

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largest patent portfolio—3,909 patents and 382 pending applications—was General Aniline & Film Corporation (GAF), a chemical firm of about 3,900 employees with facilities in New York and New Jersey. [15] GAF produced various chemicals, photographic supplies and specialty papers; it also supplied 90 percent of the khaki dye for U.S. military uniforms. Other vested companies with significant patent holdings included American Bosch, Buffalo Electro Chemical Corp., Magnesium Development Corp. (a patent holding company) and Rohm & Haas, the company that developed Plexiglas. (See Table 2.)

Vested companies under the supervision of the APC retained title to their patents and pending applications, even when the inventors were residents of enemy or enemy-controlled countries. For example, Schering was the assignee on numerous patents issued during the war to Dr. Adolf Butendandt, a professor at the University of Berlin and director of the Institute for Biochemistry at Berlin-Dahlem. Dr. Butendandt received the Nobel Prize in Chemistry in 1939 for his work on sex hormones. [16] Although Schering retained nominal control over its patents, the APC had the final say in licensing and production decisions.

Table 2. Patents and Patent Applications Owned by Selected Vested Companies, as of June 30, 1945.

Company	Patents	Pending Applications
American Bosch Corp.	160	21
American Potash & Chemical Corp.	55	7
Boehringer Corp.	36	-
Buffalo Electro Chemical Co.	57	26
General Aniline & Film Corp.	3,909	382
Magnesium Development Corp.	152	11
Rohm & Haas Co.	373	89
Schering Corp.	313	57

In addition to seizing the property of foreign nationals, the APC was also prepared to vest property owned by American citizens residing in enemy or enemy-occupied countries and American “fifth columnists” in the U.S. found guilty of aiding

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the enemy. In some cases, the inventor was at the mercy of the company who owned his or her patent rights. One American inventor caught in the APC's net was Herbert Weston of New York City. On 17 August, 1943, the APC vested eight of Weston's patent applications for various improvements in accounting filing systems because he had assigned them to the Visible Index Corporation which had, in turn, entered into business agreements with the German company Edler & Krische O.H.G. [17] Even if Weston was a German sympathizer, which is unlikely, it is doubtful that his inventions would have contributed much to the German war effort. However, in the difficult months of 1942-1943, even remote connections to the enemy were justification enough for seizure.

In the haste to vest huge amounts of enemy property mistakes were not unexpected. The APC issued divesting and nullification orders when it determined that a patent or patent application had been wrongfully taken or was no longer under enemy control. For example, on 9 March, 1943, the APC issued a nullification order canceling the vesting of 44 patents owned by Radio Corporation of America (RCA). RCA had acquired the patents from Radioaktiengesellschaft D. S. Loewe prior to the issue of the APC's original vesting order on 4 June, 1942, but before the change in assignment was recorded in the Patent Office on 30 July, 1942. [18]

In another example, Leonide Gabrilovitch, a Russian refugee who fled to the U.S. from France in 1940, petitioned the APC in 1943 for the return of his patent application for "A Selection of Waves Having Superimposed Frequencies," filed on 28 July, 1939. Gabrilovitch argued that the APC's action in error because he was now a resident of New York City and not a threat to national security. The APC returned his application on 27 April. [19] The Patent Office granted his patent (2,295,207) on 8 September, 1942. Gabrilovitch would obtain several additional patents on methods of protecting radio transmissions against interference (2,709,218) and encrypting radio and telephonic communication (2,479,338)

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From March 11, 1942 to June 30, 1952, the APC issued more than 18,000 vesting orders, acquiring approximately 41,000 patents and 4,700 applications, the largest patent portfolio in the U.S. APC vesting orders were published in the *Federal Register*, the daily publication of rules, regulations and notices issued by federal agencies and organizations. Vesting orders stated the APC's rationale for seizing the property in question followed by an itemized list of assets. In the case of vested patents and pending applications, this included the patent or application number and, in most cases, the title of the invention. Lists of vesting orders with dates and *Federal Register* citations are also found in the APC's annual reports from 1943 through 1952. APC notices pertaining to the filing and prosecution of patent applications and the transfer of patent rights also appeared in the *Official Gazette of the U.S. Patent Office*.

In December, 1942, President Roosevelt and APC Crowley formally announced the vested patent licensing policy. All enemy and enemy-controlled patents and patent applications, they declared, would be made readily and freely available forever to American industry so that the knowledge contained within them could be "set to work to destroy the military might of its creators and to help produce the material well-being which in post war years will form a strong bulwark of the free world for which we now struggle." [20] In support of the president's policy, the APC launched a nationwide marketing and technical assistance program to encourage the use of vested patents. The Division of Patent Administration distributed thousands of copies of catalogues and abstracts of vested patents to libraries, universities, banks, war plants and chambers of commerce. The APC also established patent libraries at its main offices in Chicago, New York and Washington, D.C., and its field offices where the public could examine copies of vested patents and patent applications. [21]

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The end of the war brought many changes to the APC. The liberation of enemy-occupied countries, whose governments-in-exile had never supported the APC's patent licensing policy as it applied to their citizens, and the lifting of trade restrictions with Europe prompted calls for the government to release property seized from non-enemy nationals. There was also increasing international pressure on the U.S. to make enemy technology available to all friendly countries. In July 1946, the U.S. and eleven other nations negotiated the London Patent Accord, an international agreement which permitted licensing of German-owned patents seized by each signatory government. Furthermore, in August 1946, Congress authorized the APC to return vested patents and patent applications, including royalties earned on licensed patents, to "friendly" nationals of formerly enemy-occupied countries. In October 1946, President Truman issued an executive order ending the APC's autonomy and transferring its functions, personnel and assets back to the Department of Justice.

The normalization of U.S. relations with Germany, Italy and Japan and the urgent need to rebuild the shattered European and Japanese economies put increasing pressure on the government to offer compensation to former enemy patent owners. In 1947, Congress passed legislation restoring normal patent relations with Italy, Bulgaria, Hungary and Rumania. German and Japanese inventors were also allowed to apply for patents but only for inventions created after the war; their full rights were restored in 1954. Ironically, in 1951, France, Great Britain and the United States agreed to grant Japanese nationals the right to license former German-owned patents under the 1946 London accord. The APC, although diminished in power and status, continued to prosecute vested patent applications, issue patent licenses and disseminate technical information into the early 1950s. It went through several reorganizations in the 1950s and was finally abolished in 1966.

1.4 Abstracts, Catalogs and Indexes

In addition to the published patent applications known as APC documents, the principal types of documents related to the APC's patent holdings include patents, catalogs, indexes and abstracts. Throughout the summer and fall of 1942, APC staff in the Chicago offices of the Division of Patent Administration compiled catalogues of vested patents in anticipation of the official announcement of the APC's patent licensing program.

In late November 1942, the APC held its first marketing event, an exhibit of thousands of vested patents related to chemistry and chemical technology, at the National Chemical Exposition in Chicago. [22] It is not clear whether the exhibit included copies of patents or simply lists of patent titles, but APC staff reported that it impressed patent attorneys and technicians, many of whom placed orders for full catalogues. [23] Encouraged by the success of the Chicago exhibit, the APC expanded its "traveling library" of vested patents and patent applications. APC staff exhibited some 10,000 vested patents at the national meetings of the American Chemical Society (ACS) in Detroit in April 1943, Pittsburgh in September 1943, and Cleveland in April 1944. [24,25,26] The APC traveling library does not appear in ACS meeting programs or reports after mid-1944, nor in the APC's annual reports, suggesting that it was discontinued by Crowley's successor, James. E. Markham.

The initial list of vested patents was superseded in January 1943 by a proper catalogue arranged by U.S. patent classification. The complete catalogue cost \$5 and could be purchased by writing to the Division of Patent Administration in Chicago. Lists of patents covering individual classes cost 10 cents each. The nine largest classifications were sold for 25 cents each. The catalogue was updated as new patents and applications were vested. The APC distributed 3,100 copies of the complete catalogue and 5,882 sections in 1943-44. [27]

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Potential licensees found the APC's patent catalogue to be less than useful, so in 1943 the APC compiled a 4-volume set of abstracts covering 37,000 electrical and mechanical patents. The abstracts consisted of the claims and drawings as published in the *Official Gazette*. A supplementary volume was published in 1945. In mid-1944, the APC published a 33-volume set of abstracts of 8,000 chemical patents prepared by the Chicago Section of the American Chemical Society. Two supplements were published in 1945 and 1946. The APC also published an accompanying master index with 32,000 subject entries compiled by the Science-Technology Group of the Special Libraries Association. Although the APC distributed thousands of copies of abstracts from 1942 to 1952, only a few can be found in libraries today.

1.5 Patents

The APC vested approximately 41,000 patents during the war, the majority from German nationals. Patents seized from Italian inventors accounted for 3.8 percent and Japanese inventors 2.7 percent. Bulgaria, Hungary and Rumania surrendered just 624 patents, or 1.5 percent. Enemy-occupied countries accounted for 25 percent of all vested patents, with France giving up 7,125, or 17 percent, the second largest total after Germany. Belgium, Czechoslovakia, Denmark, Holland and Norway yielded between 500 and 1,200 patents each. The APC vested another 653 patents in the years immediately after the war.

Vested patents were distributed in all but 4 of the approximately 300 classes in the U.S. Patent Classification System, with 110 classes having 100 or more patents. The top ten classes accounted for 9,525 patents, or about 25 percent of the total, and included the fields of chemistry, communications, aeronautics, internal combustion engines, machinery, optics and photography. [28] (See Table 3.)

Table 3. Top Ten Classes by Number of Patents Vested to 1 January, 1943.

Class	Class Title	Patents
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250	Radiant energy	1,998
260	Chemistry, carbon compounds	1,607
88	Optics	935
179	Telephony	920
123	Internal combustion engines	851
23	Chemistry	824
74	Machine elements and mechanisms	768
545	Telegraphy	545
95	Photography	541
244	Aeronautics	536

After vesting, the APC continued to prosecute patent applications in hopes of encouraging American industry to license them and in order to preserve the patents rights of non-enemy nationals who might one day reclaim their property. Of the approximately 4,700 vested applications, about 2,842 issued as patents, the majority, 93 percent, from August 1942 through the end of 1946.

The APC received its first patent (2,293,420) based on a vested application on 18 August, 1942. The patent concerned a process for coating sheet metal, such as the type used to make boxes and cans, with an air-drying lacquer. The inventor was Dr. Georg Wick of Bitterfeld, Germany, a small industrial city just north of Leipzig. Dr. Wick applied for a U.S. patent on 7 July, 1938 after filing an application in Germany the previous year. A prolific inventor prior to the war, Dr. Wick received several dozen patents in the U.S., Canada and Germany, most of which were assigned to I.G. Farben. This particular application was among 230 vested from I.G. Farben on 28 April, 1942.

Dr. Wick's patent is identical in format to other patents except that the phrase "Seized by Alien Property Custodian" appears in the place reserved for the name of the assignee. The use of the phrase "seized by" was discontinued in favor of "vested in" on all subsequent patents issued to the APC. After President Truman disbanded the APC in October 1946 and ordered its functions, assets and personnel returned to the Justice Department, subsequently issued patents were assigned to the Attorney General of the United States.

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Almost all vested patents and patent applications were for utility inventions. Only 182 design patents were vested, the bulk of them consisting of designs for dishware created by Charles Kaiser, Yukio Buma and Cyril W. Leight and assigned to Morimuro Brothers, a Japanese company with offices in New York City.

On 17 February, 1953, the Patent Office granted one of the last, if not the last, vested patents (2,628,628) based on a vested application. The inventor was Jörgen Hertz of Copenhagen, Denmark and the invention was a spray control system for dishwashers. Hertz filed his original application in Denmark more than fifteen years earlier; his U.S. application (241,833) was filed on 22 November, 1938. The APC vested it on 2 November, 1942, published it on 11 May, 1943 and filed a divisional application (574,148) on 23 January, 1945. The Patent Office granted a second patent (2,372,205) based on Hertz's original application on 23 January, 1945. The government returned both patents to Hertz on 31 August, 1953. [29]

Patents issued from vested applications are easily located. They are indexed in the U.S. Patent Office's *Annual Index of Patents* under name of the inventor and the assignee, which is the Alien Property Custodian from August 1942 through February 1947 and afterwards the Attorney General of the United States. They are also found in numerous commercial and public databases, where they can be retrieved by inventor name, assignee, patent number, classification, etc. Patents arising from vested applications that were returned to their original owners prior to final allowance do not indicate that they were ever held by the APC.

1.6 Conclusion

The story of APC during World War II is one of the most interesting and unusual chapters in U.S. patent history. Charged with securing enemy-owned and controlled property, the APC with remarkable speed and efficiency identified, seized and organized nearly 50,000 patents and patent applications in just under 12

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months. It indirectly controlled thousands more owned by nationalized businesses. Its authority was broad and powerful: it seized patents owned by enemy nationals, nationals of enemy-occupied countries and, in some circumstances, even American citizens residing in the U.S. However, its power was not absolute; there were inventors who successfully reclaimed seized patents. The APC's vast patent portfolio, the largest in the U.S., continued to grow during the war as the Patent Office issued new patents based on vested applications. President Roosevelt's decision to license seized patents to American industry turned the APC from a patent holder to a patent promoter. The APC undertook a nationwide information dissemination campaign in support of the president's policy. Managing such a task required extensive documentation, which the APC produced in the form of catalogues, indexes and abstracts. The APC's patent promotion policy eventually led to the publication of pending patent applications, an act that skirted U.S. patent law and created an entirely new type of prior art known APC documents. The characteristics and profile of these documents will be explored in part 2 of this paper.

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