



## **Tilghman v. Proctor, 102 US 707 (1880)**

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### **Facts**

- The patent was issued October 1854 and relates to the treatment of fats and oils, separating their component parts, resulting in oleic acid which is used to manufacture soap.
- The chemistry of the process was practiced by Chevreul in 1813.
- The patent has a single claim "...the manufacturing of fat acids and glycerine from fatty bodies by the action of water at a high temperature and pressure."
- There was a long history of the development of the art but the process was never fully understood.
- Acids were only unintentionally produced before.
- Previous experiments were unsuccessful and abandoned.

### **Procedural History**

- Appeals from the Circuit Court decision finding no infringement by Proctor.

### **Issue**

- Whether a patent is valid for the "means" to produce a certain result when the means is not a machine or an apparatus but a process.

### **Holding**

- The patent of Tilghman is valid as a patent for a process, and not merely for the particular mode of applying and using the process described in the specification, and, therefore, the defendants have infringed.

### **Rationale**

- No anticipation if the acids were accidentally produced in the making of candles, while other scientific goals were pursued, and, no recognition of the result.
- A manufacturing process is clearly an art within the meaning of the law, e.g. Goodyear's patent for vulcanizing rubber.

- A process may be susceptible of being applied in many modes and by the use of many forms of apparatus, but the inventor must describe only one mode or apparatus by which the process can be applied to show that it is capable of being performed.