

of any information relative thereto without the written approval of the party on whose behalf the tests are being conducted.

So far as experiment stations are concerned, we have been rather strongly opposed to reliance thereon because of their lack of care or their inability to strictly observe the element of secrecy, although there would be no objection to using such experiment stations if appropriate safeguards are observed, as outlined in the fore-going. Our same objections would apply to rose display gardens and private orchards, because in most instances friends and oftentimes the public generally are frequently admitted to such gardens and orchards, in which event, we feel that this would virtually result in a public use or disclosure of the plants being tested. If the test plants could be segregated from all others, and if every outsider who is not directly concerned with the testing operations could be strictly excluded from the test areas, the danger of establishing a statutory bar to the acquisition of valid patent rights would be minimized and probably fully avoided. In this connection, some of our clients have actually taken the precaution of fencing off their testing operations on their own property, as well as on the property of other parties who are helping to conduct such tests, and the fences are strictly controlled by locked gates through which admission can be gained only by keys and by authorized parties who are directly engaged in the test work.

While you may feel that this is going pretty far and a lot of unnecessary trouble, nevertheless we see no alternative without the risk of possible invalidation of the patent rights, and we have long feared that many of the plant patents which have been issued up to date would be invalid if the statutory bars are strictly applied when raised

as a defense in litigation. Regardless of whether or not the patent becomes involved in litigation, it should be borne in mind that the original inventor must make an oath in filing each patent application that no statutory bar exists to the best of his knowledge and belief, and if he makes such an oath untruthfully, he may be guilty of perjury.



Strawberry Varieties Recommended for Louisiana

The Louisiana Agricultural Experiment Station is now recommending several newer strawberry varieties to supersede the old Klondike. J. A. Cox and W. F. Wilson, Jr., of the Louisiana Station have the following to say about these varieties:

Klondmore, a cross between Klondike and Blakemore, produces both an early and late crop, is a high yielder, a good shipper, resistant to leaf spot and scorch, and has excellent table quality. It is recommended for southern Louisiana only.

Marion Bell out-yielded Klondmore five out of six years. The fruit has a bright, glossy appearance. Its open foliage may be a factor in keeping down fruit rots. It is resistant to leaf spot and scorch. This variety has not been grown extensively as yet.

Konvoy is a cross between Klondike and Fairmore, with bright red fruit that is excellent for freezing. It has produced more heavily than any other Louisiana variety. Plants of Konvoy are vigorous and resistant to leaf spot and scorch. However, because the fruit is less firm than that of Klondmore, it is recommended mainly for the home garden.