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TABLE 8.—*Fields of patents, assigned and otherwise*

	Percents by class		
	Mechanical	Electrical	Chemical
"Never assigned" patents of 1938, 1948, and 1952	88.2	4.6	7.2
"Subsequently assigned" patents of 1938, 1948, and 1952	84.6	11.6	3.8
"Initially assigned" patents of 1938, 1948, and 1952	58.5	20.6	20.9
All patents of 1959	62.0	20.0	18.6

Source: Sanders, N 403.

[405] Two good indications of a patent's value are whether the invention is worked, and by how large a firm. Presumably the larger the firm the larger the working. Sanders' data on first reading yield the strange finding of the unassigned patents having been worked more than the assigned, viz., 64 vs. 58%.⁴⁰⁴ But the score of the unassigned should be much lowered, by the consideration Sanders recognizes, that 76% of the nonassigning inventors did not respond, including probably a large proportion who felt humiliated or disgusted by the failure of their patent. On the assigned patents both patentee and assignee were questioned, and their replies were found generally congruent. Further considerations are that a lone inventor will not patent an invention unless he thinks, however misguided perhaps, that it may be a good one (including "nuisance" patents), whereas a great corporation may patent inventions it knows to be inferior and never intends to use, but would prevent others from possibly using. So the greatest companies never work 53.4% of their patents by present data, all companies 42.5%, but the small companies only 24.5%, if their 56.5% non-returns were to be ignored.⁴⁰⁴

[406] The—shall we guess 40%—of the "never assigned" patents which were ever worked, were doubtless worked on a very small scale, by the inventor himself. And so too, though somewhat more extensively, for the 3% assigned after issue, mostly to small companies. A patent worked by a vast auto or telephone company is usually quite another story, as to its economic significance.

[407] We have preferred the word "worked" patents rather than the usual patent term "used," both to follow literary English and to make a useful distinction. No patent is really *used* unless it is used to start and win an infringement suit, or to threaten one, or otherwise to deter or harrass an actual or potential rival, or to strengthen one's defense if sued. No statistics are possible on most of these uses. A patent can be *worked* without involving any of those uses, where no rivals are to be feared; but such a patent has little value, however useful the invention. And many patents are used without being worked, when they protect a better method, or fortify a monopoly. But after all, there is some correlation, some tendency for the working, use, and value of a patent to vary together, so that statistics of working can be one *index* of use and of value.

[408] The reasons given for the nonworking of patents, in Sanders' questionnaire, are of interest.⁴⁰⁵ The inventors who have not assigned, name personal reasons for the nonworking, chiefly lack of venture capital, or neglect, in 57% of their responses, and reasons related to