

## Amended Specification

To All whom it may concern:

Be it known, that I  
Prodie L. Duke, domiciled in the United States and a  
citizen thereof, residing and doing business at Durham  
in the County of Orange and State of North Carolina, have  
adopted for my use a Trademark for Smoking Tobacco,  
of which the following specifications is a full clear <sup>and</sup>  
exact description.

My Trade Mark, consists of the words "The Only  
Genuine Duke of Durham Smoking Tobacco." These have  
generally been arranged, as shown in the accompanying  
fac-simile, above and below the figure of a man cloth-  
ed in military garb, wearing a ducal coronet and  
plume and holding a sword in the right and a pipe, in  
the left hand. The arrangement is immaterial, and  
may be changed in any manner, without affecting  
the character of my trademark. The essential fea-  
tures of my trademark, are the words "The only gen-  
uine Duke of Durham" and the device above de-  
scribed, of a man in military garb, wearing a du-  
cal coronet with a plume and having in his right  
hand a sword and in his left, a pipe.

This Trademark, I have used in my business,  
at said Town of Durham County of Orange and State  
of North Carolina aforesaid, for six years previous to  
the date of my original Application for a patent for  
the same, continuously and, <sup>except preceding</sup> ~~uninterruptedly~~ during  
that period of six years <sup>preceeding</sup> ~~previous to the date of my orig-~~ <sup>said</sup>  
inal Application having used said trademark  
and having the same now in use. There have been  
slight changes in the figure or device, sometimes  
it being plumed and at others not. There have been  
also immaterial changes in the words, sometimes

the words "The Only Genuine," preceding the nominal phrase "Duke of Durham," and sometimes the words Sempus idem, and at other times both these modifiers have so preceded it, but in all changes the words "Duke of Durham," have remained distinct and unchanged. —

The class of goods or merchandise, upon which the trademark is to be used, and to which it is specifically appropriated is Smoking Tobacco done up in bags. The trademark has generally been printed by me in brown ink upon a steel blue paper label which I afterwards paste upon the bag of Smoking tobacco, the size of the bag and label depending upon the quantity of tobacco in the package or bag.

Witness my hand this 14<sup>th</sup> day of May 1878

Witness. —

State of North Carolina  
County of Orange J. W. —