

Case No. 3,099a. CONGRESS RUBBER CO. v. AMERICAN ELASTIC CLOTH CO.
D. Pennsylvania.

1857.

PRESUMPTION OF VALIDITY OF PATENT—INFRINGEMENT—ENJOINING
PATENTEE—ACT OF 1836.

1. Every man who stands upon a patent has a prima facie title, which upon a preliminary question will not be pronounced good for nothing.
2. Where on a motion for a preliminary injunction, the defendants claimed to act under a patent regularly issued from the patent office, *held*, that the court would not on such a motion decide against such a patent, and grant the injunction prayed for.
3. Since the act of 1836 [5 Stat. 117], patents stand upon a different footing from that upon which they stood formerly. Upon an application for a patent, the officers of the patent office give their judgment, and that judgment is prima facie a good one; when one party contests that, and offers another patent in opposition to it, both parties stand upon an equal footing.

[NOTE. The points stated as above are taken from Law, Pat, Dig. 386, 515. Nowhere more fully reported; opinion not now accessible.]