

Case No. 3,727. DECKER v. NEW YORK BELTING & PACKING CO.
[11 Blatchf. 76; ¹6 Fish. Pat Cas. 374; 3 O. G. 441.]

Circuit Court, S. D. New York.

April 9, 1873.

SPECIAL APPEARANCE—“WAIVER OF JURISDICTIONAL QUESTIONS—SERVICE
ON FOREIGN CORPORATION.

1. A corporation does not waive an objection to the jurisdiction of the court over it, by appearing

DECKER v. NEW YORK BELTING & PACKING CO.

and pleading, by an attorney, to the jurisdiction of the court.

[Cited in *Moynahan v. Wilson*, Case No. 9,897]

2. Jurisdiction over a Connecticut corporation cannot be acquired by this court, by service of process on one of its officers, in this district.

[Motion for provisional injunction. Suit brought upon letters patent, reissue No. 3,323, for "improvement in cushions for billiard tables," issued to complainant, Levi Decker, March 9, 1869. The original patent (No. 60,637) was granted to complainant December 18, 1806. Defendant was a Connecticut corporation. Process having been served upon one of its officers in the city of New York, it appeared by solicitor, and filed a plea to the jurisdiction of the court.]

William J. A. Puller, for plaintiff. Benjamin F. Lee, for defendants.

BLATCHFORD, District Judge. The case of *Commercial & Railroad Bank of Vicksburg v. Slocomb*, 14 Pet. (39 U. S.) 60, 64, 63, is a decisive authority that a corporation does not waive an objection to the jurisdiction of the court over it, by appearing and pleading, by an attorney, to the jurisdiction of the court. That jurisdiction over a Connecticut corporation cannot be acquired by this court, by service of process on one of its officers, in this district, is settled by the cases of *Day v. Newark India-Rubber Manuf'g Co.* [Case No. 3,685], and *Pomeroy v. New York & N. H. R. Co.* [Id. 11,261].

The motion for an injunction is denied, for want of jurisdiction of the court over the defendants.

[NOTE. For other cases involving this patent, see note to *Decker v. Grote*, Case No. 3,720.]

¹ [Reported by Hon. Samuel Blatchford, District Judge, and here reprinted by permission.]