

Case No. 5,061a. FRANZ & POPE KNITTING—MACH. CO. v. LAMB KNITTING—MACH.  
MANUF'G CO. ET AL.

{19 O. G. 1000.}

Circuit Court, E. D. Pennsylvania.

March 15, 1881.

PATENTS—INFRINGEMENT—WANT OF DEFENSE.

When the validity and infringement of the letters patent are supported by statement of facts admitted by defendant, who also admits the want of any valid defense, the judgment must be for complainant and decree accordingly.

In equity.

Strawbridge & Taylor, for complainants.

John R. Bennett, for defendants.

BUTLER, District Judge. And now, March 15, 1881, this cause having been brought to final hearing, proofs on the part of the respective parties having been taken and closed in said cause, the said cause having been submitted to the court upon the statement of the plaintiffs' case by counsel for complainants and the statement by defendants' counsel admitting the want of any valid defense to the said case on the part of said defendants, and admitting the validity and the infringement of the several letters patent mentioned as in the bill of complaint stated, it is ordered, adjudged, and decreed that reissue letters patent No. 7,368, dated October 31, 1876, to Thomas Crane, assignor to the above-named complainants; letters patent No. 105,187, dated July 12, 1870, to William Franz and William Pope; letters patent No. 123,687, dated February 13, 1872, to William Franz and William Pope; letters patent No. 102,529, dated May 3, 1870, to William Franz and William Pope; letters patent No. 99,425, dated February 1, 1870, to William Franz and William Pope; all for improvements in knitting-machines, are good and valid; that the title to said letters patent in each of them is duly vested in said complainants, and that said letters patent are infringed by the said defendants and each of them; that the defendants and each of them and their servants, workmen, agents, clerks, and attorneys be perpetually enjoined and restrained from making, using, or vending any knitting-machines or apparatus described and claimed in said letters patent or either of them; that the complainants do recover of defendants the profits and gains made and received by them in consequence of the infringement and violation of the exclusive rights of complainants under said letters patent and each of them, together with the damages the said complainants have sustained thereby, together, also, with the cost of prosecution in this case against said defendants. And this case is referred to Robert N. Willson, Esq., as master, to compute, ascertain, and assess said profits and gains, and also the damages to the said complainants, and to take the proof thereof and to report the same to the court.