

Case No. 5,698.
[2 U. S. Law Int. 34.]

GRANT v. MASON.

Circuit Court, S. D. New York.

1829.

LAW OF PATENTS.

In the Circuit court of the United States, at the late term in New York City, in the important patent case of grant and Townsend v. The Raymonds [see Case No. 5,701], two points were presented in a motion for a new trial: (1) Whether in entry of a vacatur of a previous patent, in the office of the secretary of state, the patentee might take out a new patent for the same subject-matter with a more perfect specification; (2) whether the defendant could bar the plaintiff's recovery by showing that the specification was materially defective and ambiguous, without, also, proving that it was rendered so by the patentee, with design to deceive the public. THE COURT were divided in opinion upon both points.