

## ROGERS v. ABBOT.

{4 Wash. C. C. 514;<sup>1</sup> 1 Robb, Pat. Cas. 465.}

Circuit Court, E. D. Pennsylvania. April, 1825.

PATENTS—PRELIMINARY  
INJUNCTION—CONDITIONS NECESSARY TO  
GRANTING.

Terms imposed, and an affidavit required on granting an injunction to restrain the defendant from making and vending a machine, for which plaintiff had obtained a patent.

{Cited in *Hovey v. Stevens*, Case No. 6,745; *National Hay-Rake Co. v. Harbert*, Id. 10,044.}

Upon a motion for an injunction to restrain the defendant from making and vending the plaintiff's improvement for which he had obtained a patent, the court required the plaintiff to subjoin to his bill a special affidavit of the truth of the allegations of the same; and that he is, to the best of his knowledge and belief, the true and original inventor and discoverer of the improvement for which he had obtained his patent; and that the same had not, to his knowledge or belief been in use, or been described in any public work, anterior to his said invention and discovery. The injunction was granted until answer and further order; and the plaintiff is required to institute a suit at law against the defendant, the writ to be returnable to the first court, to try his right to the said improvement, and to speed the same to trial.

Mr. Gordon, for plaintiff.

<sup>1</sup> {Originally published from the MSS. of Hon. Bushrod Washington, Associate Justice of the Supreme Court of the United States, under the supervision of Richard Peters, Jr., Esq.}

This volume of American Law was transcribed for use  
on the Internet

through a contribution from [Google](#). 