

Case No. 16,787. UNITED STATES & FOREIGN SALAMANDER FELTING CO. v.  
ASBESTOS FELTING CO.

{10 O. G. 828.}

Circuit Court, S. D. New York.

July 11, 1876.

INFRINGEMENT OF PATENTS—INJUNCTION.

The defendants restrained from using an arrangement which had been decided to be an infringement of the plaintiffs' patent in suits against parties supplied with the same by the defendants, who assumed and conducted their defense.

{This was a bill in equity for infringement of reissue patent No. 4,134, to Riley and Bissell (original, 95,517), for a composition for covering boilers.}

G. E. Belton, for plaintiff.

J. Marshall, for defendants.

BLATCHFORD, District Judge. The plaintiffs' patent has been established by the recoveries in Missouri and in Massachusetts. The affidavits on the part of the plaintiffs show that the defendants supplied the protecting arrangement that was used by the parties who were sued in the suits in Massachusetts, and assumed and conducted the defense of those suits; that such protecting arrangement was decided, in those suits, to be an infringement of the plaintiffs' patent; and that the defendants are now employing that same arrangement. These facts are not denied.

As to the Baumann patent, it was set up as a defense in the suits in Massachusetts, although not used in evidence.

I have examined the evidence in the interference case between Riley and Baumann, and it is entirely clear that Baumann was not the inventor at all of what was patented to him; that Riley, in fact, made the invention; that the patent to Baumann is invalid; and that the patent to Riley is valid.

I do not see that there is anything in the Hardy patent which anticipates what is covered by the plaintiffs' patent

An injunction is granted as prayed for.

{For other cases involving this patent see [United States & F. S. Felting Co. v. Merrimack Manuf'g Co.](#), Case No. 16,788; [United States & F. S. F. Co. v. Haven](#), Id. 16,789.}