

THE NEW YORK COFFEE POLISHING  
COMPANY (LIMITED) *v.* WILSON.

*Circuit Court, E. D. New York.* June 11, 1880.

PATENT FOR COFFEE POLISHING.—The first claim of a patent being abandoned at the trial, and no defence being made to the averment of infringement of the second claim. *held*, that a decree must be given against the defendant for infringement of the second claim.

In Equity.

*W. W. Goodrich*, for plaintiff.

*Richards & Held*, for defendant.

BENEDICT, D. J. This is an action brought by the assignee of a patent for an improvement in cleaning and polishing coffee, which patent was issued to William Thompson and Sannel Thompson, on January 31, 1871, numbered 111,403. Upon the trial the plaintiff abandoned the first claim of the patent and relies only upon the second claim.

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In regard to the second claim, the defendant did not at the trial undertake to dispute his liability, or to deny the plaintiff's right to a decree. Under such circumstances I discover no reason why, in this case, a decree should not go against the defendant for an infringement of the second claim of the patent.

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