

FAUROT, TRUSTEE, AND OTHERS V. HAWES.*

Circuit Court, S. D. Ohio.

—, 1880.

1. PATENT—COMBINATION OF OLD DEVICES.—A patent for a combination of old devices is not infringed by a machine embracing a portion of such devices, unless in combination and operation it is substantially the same as the patented combination.
2. SAME—SAME—PASTEBOARD.—In a suit for infringement of patent No. 87, 359, and re-issue No. 7,517, for an improvement in lining paper board, *held*, that complainant's patent is for a combination of old and familiar devices, and is not infringed by respondent's machine, which embraces several, but not all, of the devices entering into complainant's combination, and which is not operated in the same way.

In Equity. Hearing on pleadings and evidence. Suit for infringement of letters patent No. 87,359, dated March 2, 1869, issued to Henry S. Palmer, for an improvement in lining paper board; and re-issue No. 7,517, dated February 20, 1877.

C. F. Blake, for complainants.

J. Van Santevoord, for respondent.

BAXTER, C. J. In the view we take of this case a discussion of all of the questions urged by counsel in argument is not necessary. The complainant's patent is for a combination of old and familiar devices. It is the combination that he claims as constituting his invention. It consists of an apparatus for pasting paper and other like material together. The defendant's machine employs several of the devices which enter into the complainants' combination, but it does not embrace them all, nor does it operate in the same way, and is therefore, in my opinion, not an infringement of complainants' invention. On this ground, and without reference to other defences, complainant's bill will be dismissed, with costs.

* Reported by Messrs. Florien Giauque and J. C. Harper, of the Cincinnati Bar.

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