

STAR SALT CASTER CO. *v.* ALDEN.

*Circuit Court, D. Massachusetts.* February 23, 1882.

1. PATENTS—IMPROVEMENTS—SALT BOTTLE.

A patent for an improvement on a prior invention is infringed by an improvement on a later patent if it contains the distinguishing characteristic of the prior invention.

In Equity.

*F. P. Fish*, for complainants.

*T. E. Barry*, for defendant.

LOWELL, C. J. The plaintiffs own the Richardson patent, No. 71,643, for an improved salt bottle. The defendant makes a bottle under the later patent of White, No. 198,554. No evidence has been produced to impeach the validity of the Richardson patent as an improvement upon the salt bottles in use at its date. They were Crossman's and Beach's; and Richardson improved on the former, and the defendant on the latter. Both appear to be patentable improvements, but that of the defendant contains the distinguishing characteristic of Richardson's, which is a movement of the pulverizer up and down when the bottle is used in the ordinary way.

Decree for complainants.

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