

## CRANDALL AND OTHERS V. DARE.

*Circuit Court, S. D. New York.* November 5, 1881.

## REISSUE—IMPROVEMENT IN CHILDREN'S CARRIAGES.

Where the claims in controversy had been adjudicated upon in a former suit and were held in such suit to have been anticipated, the bill for an infringement will be dismissed.

*P. Van Antwerp*, for plaintiffs.

*A. v. Briesen*, for defendant.

BLATCHFORD, C. J. This suit is brought on reissued letters patent No. 4,223, granted to William E. Crandall, January 3, 1871, for an "improvement in children's carriages," the original patent, No 100,121, having been granted to him, as inventor, February 22, 1870, and reissued to him, No. 3,972, May 17, 1870. Claims 1, 2, 3, and 5 of the reissue, which are the claims involved in this suit, were adjudicated upon by this court in *Crandall v. Richardson*, 8 FED. REP. 808, and those claims were held to have been anticipated. By a stipulation between the parties to this suit the testimony on file in *Crandall v. Richardson* is to be considered by this court in the determination of this suit. There is other testimony in this suit. But I see no ground for changing the conclusion arrived at in the former suit, and the bill must be dismissed, with costs.

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