

P. LORILLARD & Co. v. MCALPIN AND
OTHERS.

Circuit Court, S. D. New York. February 28, 1882.

PATENTS FOR INVENTIONS—REISSUE.

A claim in a reissue cannot be extended so as to embrace an invention not specified in the original.

Gifford & Gifford, for plaintiffs.

B. F. Thurston and *S. A. Duncan*, for defendants.

BLATCHFORD, C. J. In view of the decision in *James v. Campbell*, 3 Morr. Trans. 439, there is so much doubt as to the validity of the reissue [“Improvement in Plug Tobacco,” granted to Charles Siedler, October 24, 1876,] in this case, if construed, in regard to claims 1, 3, and 4, as covering labels not put under wrappers, that those claims must be construed, for the purposes of this motion, as not extending to labels not under wrappers. That being so, the defendants do not infringe.

The motion is denied.

This volume of American Law was transcribed for use
on the Internet
through a contribution from [Mark A. Siesel](#).