

sions of the court. Such generality of statement is not sufficient; if it could not be conscientiously made in almost every case, it could be in every case with facility and with entire safety.

The motion is denied.

WESTON DYNAMO-ELECTRIC MACHINE CO. v. ARNOUX and another.

(Circuit Court, S. D. New York. April 9, 1884.)

PATENT LAW—AUTOMATIC SWITCH FOR DYNAMO-MACHINE.

An automatic switch for a dynamo-machine for shifting the electric current from one path to another is the invention of Smith; the rheotomes and the devices of Siemens being circuit breakers designed for another purpose.

In Equity.

E. H. Brown and S. A. Duncan, for complainant.

Knox & Woodward, for defendants.

WALLACE, J. At the hearing of this cause all the questions involved were decided adversely to the defendant, for reasons then stated, except the question of the novelty of the invention. An examination of the proofs shows that the devices upon which the defendant mainly relies to negative novelty, and to which the testimony of the experts is principally addressed, have no bearing whatever upon the issue. These are the devices of Siemens referred to in the letter and report of Col. Abbott. It appears by the proofs that the invention described in the complainant's patent was conceived by Smith, the inventor, and embodied in a magneto-electric apparatus, in October, 1873. It is not shown that either of the Siemens machines purchased by Col. Abbott in Europe had arrived in this country at that time. While it may be conjectured from the statements of his letter (which by stipulation are made evidence of the facts) that he had received the machines prior to October, there is no proof to this effect.

It only remains, therefore, to consider the rheotomes and the apparatus described in Siemens' English patent of 1867. It is obvious that neither of these devices contain the invention of Smith. Smith's invention is an automatic switch for a dynamo-machine for shifting the electric current from one path to another. It is actuated and controlled by the electric current to open and close the connection between the primary circuit and the exterior or working circuit. It is a pivoted and ballasted lever, located between the two circuits, having an armature at the end nearest the primary circuit, and a weight and spring at the other end. The switch, as combined with the dynamo-machine and the primary and exterior circuits, is intended and is efficient to do work which had not theretofore been done by such a machine. The rheotome and the devices of Siemens are

circuit breakers designed and adapted for different work. In neither is there any necessity for shifting the path of the current from one circuit to another. They show the principle of breaking the current and deflecting it automatically employed by Smith, but the differences in the organization of the apparatus are as radical as the differences in the work for which each is designed.

A decree is ordered for complainant, adjudging the infringement of the second and fifth claims of the patent.

FETTER and others v. NEWHALL.

(Circuit Court, S. D. New York. April 23, 1884.)

PATENT—DRIVE-SCREW—INFRINGEMENT.

The orator's patent for a drive-screw *held* to be restricted to a screw having a smooth conical point large enough to divide the fibers of the wood so as to give free entrance to the threads of the screw.

In Equity.

Amos Broadnax, for orators.

William Bakewell, for defendant.

WHEELER, J. This cause has been heard on a motion for punishment of the defendant for violation of the injunction granted on final hearing. *Fetter v. Newhall*, 17 FED. REP. 841. The defendant appears to make or be concerned in making two kinds of drive-screws, one of which has a conical point in diameter at the base equal to the diameter of the shank within the threads, and the other having threads extending to the extremity of the point; the threads of each being of the same shape as those of the orators' patent. The novelty and utility of invention on which this patent was granted by the patent-office, accepted by the patentee, and held valid by this court, consisted in the conoidal or conical smooth point large enough to part the fibers of the wood, in driving, and make an entrance for the threads, so that they would not be forced against the fibres to make a pathway for themselves or for one another. It did not cover the threads separately from the point, and cannot be made to cover them now. *Key-stone Bridge Co. v. Phoenix Iron Co.* 95 U. S. 274. Neither of these devices of the defendant has such a point. It is urged that the threads at the point of the defendant's screws make the points the equivalent of the patented point. The foremost threads do, in driving, with the smaller point make way for the rest of the threads as the larger point does. This is the case with all drive-screws having a point smaller than the circumference of the threads; and this is what the patented point was patented for obviating. If the screw im-