

ROEMER v. NEUMANN.

Circuit Court, S. D. New York. March 29, 1885.

PATENTS FOR INVENTIONS—VIOLATION OF
INJUNCTION—SUIT FOR INFRINGEMENT.

Where a defendant has infringed a patent after the granting of an injunction in a suit by the patentee, the fact that the patentee might, if he chose, proceed against him for contempt in violating the injunction awarded in the former suit, will not affect his right to sue for such infringement.

In Equity.

Briesen & Steele, for complainants.

Betts, Atterbury & Betts, for defendant.

WALLACE, J. The infringement of complainant's patent by the defendants, since the interlocutory decree in the suit between the same parties in the district of New Jersey,¹ creates a new cause of action 448 in favor of complainant, and he can proceed at law or in equity to enforce it. His right to do this is not impaired by the circumstance that he can also, if he chooses, proceed against defendants for contempt in violating the injunction awarded him by the decree in the former suit. The plea of another suit pending is bad.

¹ 19 Fed. Rep. 98