

ESTES AND OTHERS V. LESLIE AND OTHERS.<sup>1</sup>

*Circuit Court, S. D. New York.*

November 20, 1886.

TRADE-MARKS—INFRINGEMENT—“CHATTER-BOOK”—“CHATTER-BOX.”

The name “Chatter-book,” printed upon the cover of the defendants’ books of the juvenile character of the general appearance of the complainants’ books, being in the opinion of the court an imitation of the name “Chatter-box,” which, by association, when used upon books of a juvenile character, points “distinctly to the origin or ownership” of the books to which it is applied, an injunction *pendente lite* is granted against its use.

Motion for Preliminary Injunction.

*G. G. Frelinghuysen*, for complainants.

*Fullerton & Rushmore*, for defendants.

SHIPMAN, J. The name “Chatter-book,” as printed upon the cover of the defendants’ books, is, in my opinion, an imitation of the name “Chatter-box,” which, by association, when used upon books of a juvenile character, points “distinctively to the origin or ownership” of

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the books to which it is applied; and the use by the defendants of the name “Chatter-book” upon the books which are represented by the exhibits in the case, the same being books of a juvenile character, of the general appearance, style, and manner of cover of complainants’ books, should be enjoined *pendente lite*.

<sup>1</sup> See *Estes v. Leslie*, 27 Fed. Rep. 22.