

HUMPHREYS' HOMEOPATHIC MEDICINE CO. *v.* ARMSTRONG.

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

February 22, 1887.

COPYRIGHT—INFRINGEMENT—PRELIMINARY INJUNCTION—EVIDENCE.

On a motion for a preliminary injunction to restrain an infringement of a copyright, when plaintiff has shown a copyright of a book, and a copy of a book having the same title, and has shown that defendant is publishing a book containing extracts from it, but has failed to show that the copy shown is a copy of the book copyrighted, and defendant denies that it is, *held*, that there is no ground for a preliminary injunction.

In Equity.

*B. P. Ryan*, for plaintiff.

*Thomas Winsor*, for defendant.

WHEELER, J. This is a motion for a preliminary injunction to restrain an alleged infringement of a copyright. The plaintiff has shown a copyright of a book, and shown a copy of a book having the same title, and shown that the defendant is publishing a book containing extracts from it. But the plaintiff has not in any manner shown that the copy shown is a copy of the book which was copyrighted, and the defendant denies that it is. The plaintiff has therefore failed to show any ground for a preliminary injunction. Motion denied.