

WHEELER AND OTHERS V. HART AND OTHERS.

Circuit Court, N. D. New York.

August 23, 1887.

PATENTS FOR INVENTIONS—DETACHABLE RADIATOR—STATE OF
ART—RESTRICTION OF CLAIM.

In a suit for infringement of claim 1 of letters patent No. 245,157, granted Messrs. Goodenow & Owens, August 2, 1881, for an improvement in hot-air furnaces, consisting of “a furnace having a detachable radiator,” “substantially as and for the purposes set forth,” the specifications requiring that the radiator be attached by means of a flange, slots, and lugs, which securely lock it in position, and render it detachable by bringing the lugs opposite the slots, *held*, in view of the state of the art, and the language of the specifications, that this claim was not infringed by a furnace having a detachable radiator not secured by any such means, or equivalents therefor.

In Equity.

Bill for an infringement of claim 1 of letters patent No. 245,157, granted to Messrs. Goodenow & Owens, August 2, 1881, for an improvement in

hot-air furnaces. That claim is as follows: "A furnace having *secured* thereto a detachable radiator, which is provided with one or more horizontal flues opening from a dome leading from the furnace, * * * substantially as and for the purposes set forth." The specifications provided that the radiator should be seated in a sand-cup joint, and secured to the furnace by means of a flange, slots, and lugs, which securely locked it in position, it being made, detachable by bringing the lugs opposite the slots. The alleged infringing furnace consisted, also, of a detachable radiator and dome, but the radiator was not secured to the furnace by lugs and slots, or by any other equivalent means of securing it against displacement by gas explosion. The defendants claimed that, in view of the state of the art, and the language of the specifications, claim 1 of the letters patent should be limited to the elements used for securing the radiator to the furnace, and denied the infringement.

Edwin. H. Risley and *Edward Wetmore*, for complainants.

William Townsend, (*Walter D. Edmonds*, of counsel,) for defendants.

BLATCHFORD, Justice. The words of claim 1 of the Goodenow & Owens patent, "a furnace having secured thereto a detachable radiator," "substantially as and for the purpose set forth," require, by reference to the descriptive part of the specification, that the radiator shall not only be detachable, but shall be secured by the flange, N, the slots, N, and the lugs, O, which, as the specification says, securely lock it in position; it being made detachable by bringing the lugs opposite to the slots. The state of the art also requires this interpretation of the claim. As the defendants' furnace contains no such means, and no equivalent means of securing the radiator in position, there is no infringement, and the bill must be dismissed, with costs.