

GLAENZER *ET AL.* V. WIEDERER *ET AL.*

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

November 1, 1887.

PATENTS FOR INVENTIONS—INFRINGEMENT—PRELIMINARY INJUNCTION.

Where on a bill to restrain infringement of a patent, it appears from the defense made, that complainant's patent will be very narrowly sustained, if at all, a preliminary injunction will be denied.

In Equity. On bill for injunction.

Plaintiffs, Jules Glaenzer and another, filed their bill against Peter Wiederer and another, to enjoin defendants from infringing letters patent No. 182,633, dated September 26, 1876, issued to P. L. Brot, assignee of L. T. Berton, for a compound folding mirror, which plaintiffs now claim to own. The hearing is on a motion for a preliminary injunction.

*Eaton & Lewis*, for plaintiffs.

*Goepel & Raeger*, for defendants.

LACOMBE, J. Complainant, on his application for preliminary injunction, refers to the decision of Judge Wheeler in *Hall v. Stern*, 15 Fed. Rep. 463, sustaining this patent. Additional evidence, however, which was not before the court in that case, is here presented. If, in view of that new proof, complainant's patent is to be sustained at all, it must be sustained by so narrow a margin as hardly to warrant a decision in his favor in advance of the trial. In view of this condition of affairs, and of the other questions raised on the motion, the application for injunction is denied.