

WREN *V.* ANNIN *ET AL.*¹

Circuit Court, E. D. New York.

March 12, 1888.

COURTS—FEDERAL JURISDICTION—PATENTS FOR INVENTIONS—ENFORCING ASSIGNMENT.

An action where the relief demanded is an assignment of letters patent, and damages, and where all the parties are residents of the same state, does not lie within the jurisdiction of the federal courts. Following *Trading Co. v. Glaenzer*, 30 Fed. Rep. 387.

In Equity. On demurrer.

Complainant Wren, the inventor and patentee of an improvement in metallic wheelbarrows, assigned his letters patent to defendant, Annin, in consideration of one dollar and an agreement by Annin to furnish money for the manufacture of the wheelbarrows. The bill in this suit alleged that Annin had failed to pay the consideration, and had assigned the letters patent to the defendant, the National Barrow & Truck Company, in fraud of complainant, and therefore prayed for a decree compelling defendants to reassign the letters patent to complainant, and for damages. The bill was demurred to on the ground that as all the parties were residents of the state of New York, the jurisdiction of this action lay with the New York state courts, and this court had no jurisdiction.

I. S. Catlin, for complainant.

John L. Hill, for defendants.

LACOMBE, J. I am unable to distinguish this case from *Hartell v. Tilghman*, 99 U. S. 547, and *Trading Co. v. Glaenzer*, 30 Fed. Rep. 387.

Demurrer is sustained.

¹ Reported by Edward G. Benedict, Esq., of the New York bar.