

BOYD *v.* JANESVILLE HAY TOOL CO.<sup>1</sup>

*Circuit Court, W. D. Wisconsin.*

November 9, 1888.

1. PATENTS FOR INVENTIONS—ANTICIPATION—HAY ELEVATOR.

Letters patent to John M. Boyd, No. 800,687, dated June 17, 1884, are void for want of novelty, being anticipated by prior patents.

2. SAME—PATENTABILITY.

Mere differences of form and mechanics, which do not involve invention, are not patentable.

*(Syllabus by the Court.)*

In Equity.

This was a bill for infringement of letters patent of the United States No. 300,687, to John M. Boyd, for hay elevators. The defendant manufactured

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hay carriers under letters patent of the United States No. 279869, to Frank B. Strickler. The defenses were want of novelty and non infringement.

*Erwin & Benedict*, for complainant.

*Offield & Towle*, for defendant.

BUNN, J. The best judgment I have been able to form in this case from the evidence and from an inspection of the various patents and machines introduced on the hearing is this That the complainant's device is anticipated by the various patents introduced by the defendant; especially by the Walters patent, the Brower patent, the Church patent, the Jordon patent, the Kirch patent, the Hennyton patent, the Hustis patent, the Drake patent, and the Van Sickle patent. That in view of the several patents and machines, all prior to that of complainant, and apparently accomplishing substantially the same results by substantially the same means, there was very little left upon that line for inventors to work upon, and that the difference between the complainant's device and those preceding it is a difference of form and mechanics, and not one of art and invention. Complainant's bill dismissed, with costs.

<sup>1</sup> Publication delayed by failure to obtain copy of opinion at time of delivery.