

AMERICAN FIRE HOSE MANUF'G CO. V. CORNELIUS CALLAHAN CO.
ET AL.

Circuit Court, D. Massachusetts.

January 3, 1890.

PATENTS FOR INVENTIONS—INFRINGEMENT—PRELIMINARY INJUNCTION.

Where the evidence is so conflicting as to require full proofs to determine the question of infringement, a preliminary injunction will not be granted.

In Equity. On motion for preliminary injunction.

T. L. Livermore, for complainant.

C. H. Drew and *P. E. Tucker*, for defendants.

COLT, J. Upon the affidavits before me, I do not think the plaintiff has made out a case which entitles it to a preliminary injunction. On the question of infringement, the evidence is conflicting, and my mind is not free from doubt. There are other facts brought out in the affidavits,

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which make it clear that the courts should not grant an injunction in this case unless fully satisfied that the defendants infringe the Callahan patent. This seems to be a case where it requires the full proofs, such as are presented at final hearing, to properly determine the question of infringement. Motion denied.