

MORLEY SEWING-MACH. CO. *ET AL.* V. SHUTE *ET AL.* (NO. 2,671.)  
SAME V. MATHISON *ET AL.*(NO. 2,675.)

*Circuit Court, D. Massachusetts.*

December 17, 1889.

MORLEY SEWING-MACH.  
CO. *ET AL.* V. MATHISON MANUF'G CO.

*Circuit Court, D. New Hampshire.*

December 17, 1889.

PATENTS FOR INVENTIONS—INFRINGEMENT—BUTTON SEWING MACHINES.

Letters patent No. 236,350, for a machine for sewing shank-buttons on fabrics, issued January 4, 1881, to James H. Morley and others, are infringed by a machine manufactured under letters patent No. 268,369, issued November 28, 1882, to Joseph Mathison and others. Following *Morley Sewing-Machine Co. v. Lancaster*, 9 Sup. Ct. Rep. 299.

In Equity.

*Benjamin F. Thurston* and *Ambrose Eastman*, for complainants.

*James E. Maynadier* and *George E. Smith*, for defendants.

COLT, J. Upon an examination of the papers in these cases, I think the petitions should be granted. Looking at the grounds upon which the supreme court base their decision in *Morley Sewing-Machine, Co. v. Lancaster*, 129 U. S. 263, 9 Sup. Ct. Rep. 299, I am of opinion that the Mathison No. 3 machine comes within the scope of that decision, and that it is an infringement of the second and thirteenth claims of the Morley patent. I do not feel called upon, in view of the opinion of the supreme court, to again construe the Morley patent, or compare what is covered by it with defendants' machine. With the past litigation upon the Morley patent before me, it is sufficient that I should state my conclusions.

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In case No. 2,675, I shall adjudge the defendants in contempt with respect to Mathison No. 3 machine. It is not clear to me that the defendants are guilty of contempt for the collection of royalties under their leases; and therefore I shall only hold them in contempt on the first ground. Petitions granted.