

NATIONAL CASH REGISTER CO. *v.* BOSTON CASH INDICATOR &
RECORDER CO.

Circuit Court, D. Massachusetts.

January 4, 1890.

PATENTS FOR INVENTIONS—INFRINGEMENT—PRELIMINARY INJUNCTION.

Where it appears that the patent in controversy is only a year old at time of suit for infringement, and the complainant fails to show, either a prior adjudication sustaining the validity of the patent, or public acquiescence upon which a presumption of validity may be based, and the defendant has signed a stipulation agreeing not to make or sell any instruments embodying the devices alleged to infringe the patent in suit until final hearing, an injunction will be denied.

NATIONAL CASH REGISTER CO. v. BOSTON CASH INDICATOR & RECORDER
CO.

In Equity. On motion for injunction.

William A. Macleod and *Peck & Rector*, for complainants.

Livermore, Fish & Richardson, and *Albert M. Moore*, for defendants.

COLT, J. In view of the fact that the patent in controversy was only a year old when this suit was brought, the complainant failing to show, either a prior adjudication sustaining the validity of the patent, or public acquiescence upon which a presumption of validity may be based, and in view of the further fact that the defendant has signed a stipulation agreeing not to make or sell any cash registers embodying the devices alleged to infringe the patent in suit until final hearing, I must decline to grant any injunction. Motion denied.