

DUKES *V.* BAUERLE *ET AL.*

*Circuit Court, N. D. Illinois.*

February 24, 1890.

PATENTS FOR INVENTIONS—INFRINGEMENT—DESIGN FOR SEWING-MACHINE COVERS.

Letters patent No. 16,040, granted April 14, 1885, to Nicholas A. Hull, for “a design for the ornamentation of sewing-machine cases, consisting of the main panel, B, comprising the center panel, o, surrounded by the border, a, formed of a series of beads, are not infringed by a case whose front is a single piece extending from corner to corner, with a raised piece in the center surrounded by a grooved and beaded border, as there is no panel on the front of such case.

In Equity.

*John G. Elliott*, for complainant.

*Poole & Brown*, for defendants.

BLODGETT, J. This suit is brought for the alleged infringement of design patent No. 16,040, one of the patents considered in the previous case. *Ante* 778. It is not necessary that I should discuss at length the features of this patent, as they have been fully considered in the preceding opinion. The infringement insisted upon in this case is illustrated and shown, it is claimed by the complainant, in what is known in the record as “Complainant’s Exhibit. Defendants’ case D.” Without considering any other defense which has been discussed in the briefs or the record it is sufficient, I think, to say that the defendants’ case, in evidence does not contain a front panel, the front of the case being a single piece extending from end to end like the side of a box, with a raised center, and around this center piece is a grooved and beaded border. What I have already said in regard to the limited range or scope of this patent in the former case is sufficient, I think, to show that this patent can only be maintained for the specific device described in it, and certainly this defendants’ case has not a paneled front. Webster defines a panel “as a board having its edges inserted in the groove of a surrounding frame, as the panel of a door,”

DUKES v. BAUERLE et al.

In the light of this definition, there is no panel whatever upon the front of this case; and hence I dismiss this bill upon the ground that defendants do not infringe.