

COLLINS CHEMICAL & MANUF'G CO. v. CAPITOL CITY MANUF'G CO.

*Circuit Court, D. Connecticut.*

May 1, 1890.

TRADE-MARKS—INFRINGEMENT—PRACTICE.

Where, in suit for the infringement of a trade-mark, exhibits of the devices used by both complainant and defendant accompany the bill, the court will sustain a demurrer to the bill where the exhibits show that there is no infringement.

In Equity. On demurrer to bill.

*H. A. West*, for plaintiff.

*A. H. Walker*, for defendant.

SHIPMAN, J. The complainants' bill for an alleged infringement of their trade-mark makes profert of the trade-mark, and of the alleged infringement, and exhibits of the boxes and the devices, and symbols thereon, which are used by each party accompany the bill. The defendant has demurred, upon the ground that the plaintiffs' bill shows that they have no case. Upon the hearing of the demurrer the complainants did not appear. An inspection of the boxes shows palpably that there is no infringement. The demurrer is sustained.