

All the parties are before the court who have any interest in such a controversy. Whether the complainant could maintain an action for the infringement of the patents, in which of course he would be obliged to show legal title, is a question which does not arise, and need not be considered. The demurrer is overruled.

FIELD *et al.* v. THOMAS *et al.*

(Circuit Court, D. Rhode Island. January 17, 1891.)

1. PATENTS FOR INVENTIONS—SAFETY-PINS—ANTICIPATION.

Letters patent No. 236,149, granted January 4, 1881, to Henry C. Field for an improvement in safety-pins, consisting of a guide to prevent the pin from passing through the shield, was not anticipated by any prior device, and the improvement was patentable.

2. SAME—INFRINGEMENT.

A safety-pin with a guide differing only in form is an infringement.

In Equity.

Wilmarth H. Thurston, for complainants.

Edwin H. Brown, for defendants.

COLT, J. This is a suit brought for infringement of letters patent No. 236,149, dated January 4, 1881, granted to Henry C. Field for an improvement in safety-pins. The Field improvement consists in providing the head or shield with a guide. The claim is as follows: "In a safety-pin consisting of a pin provided with a shield to protect its point; the guide, C, substantially as shown, and for the purpose specified." The defenses relied upon are anticipation and non-infringement. The prior art does not disclose any shield with a guide like Field's. It must be admitted, however, that the improvement covered by the Field patent is a narrow one, but I think the device was an improvement over what existed before, and that it was patentable. Safety-pins with shields open on one side and on both sides existed before. The object of the Field device was to prevent the point of the pin passing through a shield which is open on both sides, and this is done by means of the guide. This is not shown in any prior device. The pin described in the Johnson patent of November 2, 1858, does not contain the Field guide, and it appears that the Johnson pin never went into use. The organization of the Johnson pin is quite different from the one in suit. Holding the Field patent to be valid, I think the defendants' pin is clearly within the patent. There is nothing in the patent which limits the claim to the precise form of guide shown. In the Field device, the guide is made integral with the shield, and this is not true of defendants' pin. But this is a mere change of form, therefore the defendants' pin infringes the Field patent.

Decree for complainants.

NATIONAL CASH REGISTER CO. v. BOSTON CASH INDICATOR & RECORDER Co. *et al.*

SAME v. BOSTON CASH INDICATOR & RECORDER Co.

(Circuit Court, D. Massachusetts. March 23, 1891.)

1. PATENTS FOR INVENTIONS—INFRINGEMENT—CASH REGISTER.

Letters patent No. 271,363, issued January 30, 1883, to James Ritty and John Birch, for an improvement in cash registers, was intended to remedy previous devices, which, when they became worn or clogged with dust, permitted two tablets, indicating the amount of the purchase, to be in view of the customer at the same time. This object was accomplished by means of a pivoted-supporting wing and connecting mechanism, whereby the support which holds up the tablet rods is pressed so far away from the shoulders of the rod that they are sure to fall by force of gravity. *Held* that, as cash registers were old at the date of the patent, it must be confined to the specific mechanism, or its equivalent, which makes up the combination covered by it, and that it was not infringed by another cash register which accomplishes the same result by means of a sliding-bar, with projections, which reaches across in front of the rows of the tablets, and is arranged upon a guide-frame in which the rods slide up and down.

2. SAME—COMBINED CASH REGISTER AND SPRING DRAWER.

Letters patent No. 253,506, was issued February 14, 1882, to Michael Campbell, for a combination of a cash register with a spring drawer; the connecting mechanism being a somewhat complicated system of toggle joints in combination with a sliding bar. *Held* that, as both cash registers and spring drawers were old, the patent would not be construed to cover all forms of connecting devices known at the time, and that it was not infringed by another cash-registering apparatus combined with a spring drawer, which does not employ any of the connecting devices described in Campbell's patent.

In Equity.

Lysander Hill, William A. Macleod, and Edward W. Rector, for complainant.

Frederick P. Fish and William K. Richardson, for defendants.

COLT, J. These two cases were tried together. The first suit is brought for infringement of letters patent No. 271,363, dated January 30, 1883, granted to James Ritty and John Birch for certain new and useful improvements in cash registers. The specification states:

"Our invention relates to an improvement in cash registers and indicators designed for the use of store-keepers and others as a means of accurately registering the total cash receipts for any given period of time,—as a day, for instance,—and for indicating to the customers that the amount paid has been registered, by disclosing to their view such amounts upon figured tablets. The arrangement of the parts and operation of the machine are such that no tablet can be exhibited without its value being counted upon the registering mechanism, and whenever any tablet is disclosed it remains so until the machine is operated to disclose a second tablet. The novelty of our invention consists in the construction, combinations, and arrangements of the various parts, as will be herewith set forth and specifically claimed. * * *

"In the lower portion of the frame, and extending horizontally across it, is a rod or shaft, D, supported by and aiding to connect the sides, B, of the frame. Upon this shaft are hung a series of parallel keys, E. * * * Each key has upon its front end, which extends through and projects from an opening in the front of the case or frame, a button, c, having marked upon it a figure to cor-