

pany and the device of the present defendant as would justify a determination different from that made by Judge COLT, and therefore we will follow his decision. In this case, then, a decree will be entered dismissing the bill.

BUTLER, J., concurs.

BRUNSWICK-BALKE-COLLENDER Co. v. BRUNSWICK.

(Circuit Court, N. D. California. August 5, 1889.)

PATENTS FOR INVENTIONS—INFRINGEMENT—BILLIARD TABLES.

Letters patent No. 203,108, for billiard tables, is not infringed by the manufacture of tables under letters patent No. 119,262, since the tables described in the two patents are not only materially different, but also operate differently.

In Equity. On petition for rehearing.

Philip G. Galpin, for complainants.

John L. Boone, for defendant.

SAWYER, J. Upon a careful examination of patent No. 119,262, issued to defendant, Brunswick, and patent No. 203,108, issued to Boyle, and held by complainants, and sued on in this case, I am satisfied that the manufacture of tables under the former would constitute no infringement of the latter. The construction of the two tables is not only materially different, but they operate differently; and the claim of the combinations found in the latter patent are limited by the description of the construction given in the specifications, and the purpose stated, and the language used in the conclusion of the claim referring to the arrangement and operation, viz., "the whole arranged to operate as specified for the purposes set forth." The disclaimer also, I think, reaches the case. The claimant says, in terms, after mentioning the elements of the combination, as contained in former tables, "I do not wish to be understood as claiming such construction broadly," that is, the combination claimed in the broadest sense. He, evidently, limits his claim to his peculiar construction and operation. In rendering the former decisions the patent No. 203,108 was discussed with reference only to patent No. 321,004, involved in the case. No. 119,262, not being before the court, no reference was made to it in the decision. As the latter patent is in no way affected by the decision, there is no occasion for a rehearing for its protection. Let a rehearing be denied.

HAVERHILL ROLLER TOBOGGAN Co. v. AUTOMATIC ROLLER TOBOGGAN Co. et al.

(Circuit Court, D. Massachusetts. August 6, 1891.)

PATENTS FOR INVENTIONS—TOBOGGAN SLIDE.

The first claim of the Floyd patent, No. 367,286, for a spiral toboggan slide, terminating immediately below the starting point, is void for want of novelty.

In Equity.

W. A. Macleod, for complainant.

W. K. Richardson, for defendants.

NELSON, J. The first claim of the Floyd patent, No. 367,286, for a sliding hill constructed in spiral form, and terminating at a point immediately below the starting point, involves no element of novelty or invention, and is therefore invalid for want of patentability. A decree is to be entered dismissing the plaintiff's bill, with costs. Ordered accordingly.

ATWOOD v. RICHMOND.

(Circuit Court, D. Massachusetts. August 10, 1891.)

PATENTS FOR INVENTIONS—BOX-HINGE—NOVELTY—UTILITY.

Letters patent No. 378,861, issued March 6, 1888, to Benjamin T. Atwood, for a duplex box-hinge, to be placed inside the box, and consisting of two flanges jointed to a connecting plate, bent at right angles at distances from the joints equal to the thickness of the side and cover of the box, so that, when applied, a smooth face, flush with the outer surface of the box, is presented, and the cover, when open, turns completely over, and rests against the side, is valid as to novelty, utility, and prior use and discovery, and is infringed by a box-hinge which is its substantial counterpart.

In Equity. Bill by Benjamin T. Atwood against Charles C. Richmond to enjoin an infringement of a patent, and for an account.

P. E. Tucker, for complainant.

Fish, Richardson & Storrow, for defendant.

NELSON, J. The plaintiff's patent, No. 378,861, dated March 6, 1888, is for an improved box-hinge. The hinge is of the duplex variety, and is designed to be applied to the inside of a box. The invention consists of two flanges jointed to a connecting plate, with the flanges bent at right angles, at distances from the joints corresponding with the thickness of the side and cover of the box. When applied, the hinge presents a smooth face, flush with the outer surface of the box, without projections, and permits the cover, when open, to turn completely over, and rest against the side of the box. The connecting plate also serves as a bearing for the cover when shut. Upon the evidence before the