

the tops of the arms, V." *Held* that, in view of the prior state of the art, the claim is limited to the specific elements named, and is not infringed by a jack having a collar integral with the standard, and incapable of any movement. 48 Fed. Rep. 302, affirmed.

2. SAME—EXTENT OF CLAIMS.

Claims cannot be enlarged by construction. 48 Fed. Rep. 302, affirmed.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

In Equity. Suit by Pettibone, Mulliken & Co. against Arthur L. Stanford for infringement of patent. Bill dismissed. See 48 Fed. Rep. 302. Complainants appeal. Affirmed.

Dyrenforth & Dyrenforth, for appellants.
Geo. Payson and L. L. Bond, for appellee.

Before WOODS, Circuit Judge, and BUNN, District Judge.

PER CURIAM. The decree appealed from is affirmed, upon the grounds stated in the opinion of the court below.

STARLING v. WEIR PLOW CO. et al.

(Circuit Court of Appeals, Seventh Circuit. October 27, 1892.)

1. PATENTS FOR INVENTIONS—PATENTABILITY—NOVELTY—SULKY PLOWS.

The first claim of letters patent No. 154,293, issued August 18, 1874, to William Starling, for an improvement in sulky plows, consisting of the combination of a crank bar with the plow beam, lever, and axle, so that the horses are made to raise the plow out of the ground, is void for want of novelty. 49 Fed. Rep. 637, affirmed.

2. SAME—RES ADJUDICATA.

A decision that a patent which has three claims, covering different features of the device, is not void for want of novelty, does not render the question of novelty res adjudicata when a single one of the claims is attacked in a subsequent suit for want of novelty, and proof is introduced in such subsequent suit that was not offered in the former suit. 49 Fed. Rep. 637, affirmed.

Appeal from the Circuit Court of the United States for the Southern Division of the Northern District of Illinois.

Suit by William Starling against the Weir Plow Company and William Weir to restrain an alleged infringement of a patent. The bill was dismissed for want of equity. 49 Fed. Rep. 637. Complainant appeals. Affirmed.

H. W. Wells, for appellant.
Bond, Adams & Pickard, for appellees.

Before GRESHAM and WOODS, Circuit Judges, and JENKINS, District Judge.

PER CURIAM. The decree appealed from is affirmed, upon the grounds stated in the opinion of the court below, reported in 49 Fed. Rep. 637.

GUSTIN v. NEW ALBANY RAIL-MILL CO. et al

(Circuit Court of Appeals, Seventh Circuit. October 27, 1892.)

1 PATENTS FOR INVENTIONS—DEVICE FOR CARRYING RAILROAD RAILS—ANTICIPATION.

The first and second claims of reissued letters patent No. 7,898, (original No. 190,211, dated May 1, 1887,) "for improvement in apparatus for carrying railroad rails," whereby the upper surface of the carrier is arranged at or below the level of the bed, and provided with projecting catches in combination with the bed, the driving chains, and the guide rails, are anticipated by the patent to White and Wostenholm, March 19, 1872, No. 124,687. 47 Fed. Rep. 508, affirmed.

2. SAME.

The third claim of said letters patent, in reference to "the combination with an endless chain, B, subject to expansion by hot rails of a pulley, b, arranged in a side bearing, d, held by a movable weight," is void, in view of the prior art, and anticipated by the patent to S. E. Jewett, June 9, 1874, No. 151,705, showing a movable pulley controlled by a weight at the end of a chain. 47 Fed. Rep. 508, affirmed.

Appeal from the Circuit Court of the United States for the District of Indiana.

In Equity. Suit by Andrew J. Gustin against the New Albany Rail-Mill Company and others for infringement of patent. Bill dismissed. Complainant appeals. Affirmed.

J. H. Raymond, for appellant.

A. Lynch Mason, for appellees.

Before GRESHAM and JENKINS, Circuit Judges, and BUNN, District Judge.

PER CURIAM. The decree appealed from is affirmed, upon the grounds stated in the opinion of the court below, reported in 47 Fed. Rep. 508.

P. P. MAST & CO. v. RUDE BROS. MANUF'G CO.

(Circuit Court of Appeals, Seventh Circuit. October 12, 1892.)

No. 18.

1. PATENTS FOR INVENTIONS—NOVELTY—CULTIVATORS.

Letters patent No. 354,717, issued December 21, 1886, to P. P. Mast, for an improvement in cultivators, consisting in the construction of couplings by which the beams and alignment rods are connected with the axle, and in the construction of the beam brackets and crossheads which carry the shovel standards at the point where the brackets and standards join, so as to maintain the alignment between the shovels and the axle, irrespective of a change in the lateral position of the shovel beams, are void for want of novelty.

2. SAME.

Letters patent No. 237,740, issued February 15, 1881, to C. O. Gardiner and W. C. Downey, for a cultivator in which the drag bars are coupled to a wheeled frame, and arranged to swing vertically and laterally, are void for want of novelty.

Appeal from the Circuit Court of the United States for the District of Indiana.