

This claim covers a distinct group of elements, adapted to operate if power is properly applied, either through the mechanism described in complainant's patent, or through any other mechanism adapted to convert longitudinal motion into transverse power. The following cases more or less directly support this view of the claim: *Machine Co. v. Murphy*, 97 U. S. 120; *Hyndman v. Roots*, Id. 224; *Bates v. Coe*, 98 U. S. 31; *Imhaeuser v. Buerk*, 101 U. S. 647; *Wicke v. Ostrum*, 103 U. S. 468; *Topliff v. Topliff*, 12 Sup. Ct. Rep. 825; *Loom Co. v. Higgins*, 105 U. S. 580; *Fuller v. Yentzer*, 94 U. S. 299; *Robertson v. Blake*, Id. 728. The combination covered by this claim is complete in itself, and is adapted to operate in offsetting and inseting whenever power is properly applied to give it motion. It is new and useful, and a distinct advance over all former devices. As such it is entitled to the favorable consideration of the court. *National Cash Reg. Co. v. American Cash Reg. Co.*, 53 Fed. Rep. 367; *Brush Electric Co. v. Electric Imp. Co.*, 52 Fed. Rep. 965. The defendants' mechanism substantially embodies the combination of elements embraced in the complainant's third claim. It is true that they employ improved mechanism for communicating a transverse movement to the frame of the carriage; still an improver cannot use the improved machine. Decree for complainant.

LALANCE & GROSJEAN MANUF'G CO. v. HABERMAN MANUF'G CO.

(Circuit Court, S. D. New York. February 10, 1893.)

PATENTS FOR INVENTIONS—INFRINGEMENT—METAL-SPINNING MACHINERY.

Letters patent No. 286,115, granted October 2, 1883, to Jules Chaumont for machinery for sheet-metal spinning, was for a device in which a rotating mold chuck was mounted within the vessel to be spun eccentrically on a rod holding the vessel against the head stock, which had a rim for holding such vessel, and a spinning roller mounted on a slide outside, and movable by hand screws to press the metal of the rotating blank inwardly to and along the rotating mold chuck in forming vessels with contracted mouths. *Held that, as all the elements are old, and only the combination novel, the patent is not infringed by a device in which the rotating mold chuck is mounted separately outside the vessel, having a spinning roller within movable by hand screws to press the metal of the rotating blank outwardly against the rotating mold chuck in forming vessels with bulged sides.*

In Equity. Suit by the Lalance & Grosjean Manufacturing Company against the Haberman Manufacturing Company for the infringement of a patent. Bill dismissed.

Arthur v. Briesen, for orator.

Robert N. Kenyon, for defendant.

WHEELER, District Judge. This suit is brought upon letters patent No. 286,115, dated October 2, 1883, and granted to Jules Chaumont, assignor to the orator, with four claims for machinery for sheet-metal spinning. The specification, referring to a prior application, states:

"I have shown and described a sheet-metal vessel, formed without seam by spinning, having a greater diameter at its base than at its mouth; and my

present invention relates to machinery or apparatus for producing vessels having the forms above referred to, as well as sheet-metal vessels of the ordinary character and forms."

And—

"I am aware that it is not new to spin sheet-metal vessels by revolving spinning, having a greater diameter at its base than at its mouth; and my mold chuck; but the combination of a rotary mold chuck so supported with my improved form of head stock I believe to be new, as well as the other specific combination of parts, as hereinafter claimed."

The first two claims only are involved here, which are for—

"(1) In a machine for spinning sheet-metal vessels, the combination, substantially as hereinbefore set forth, with a head stock or chuck mounted directly upon the spindle of the machine, and having a flat surface for supporting the base of the vessel, and a rim or guard laterally projecting from its periphery, of means for holding the vessel within or against said head stock, and a rotating mold chuck, mounted eccentrically with respect to the axis of the head stock. (2) In a machine for spinning sheet-metal vessels, the combination, substantially as hereinbefore set forth, with a head stock or chuck mounted directly upon the spindle of the machine, and having a flat surface for supporting the base of the vessel, and a rim or guard laterally projecting from its periphery, of means for holding the vessel within or against said head stock, a rotating mold chuck mounted eccentrically with respect to the axis of the head stock, and a roller mounted in proximity to said mold chuck and blank, whereby the contour of the blank is forced to conform to that of said mold chuck."

All parts of these combinations except the rim around the surface of the head stock are conceded to have been old, and testimony uncontradicted tends to show that to have been old. The use of this rim for holding the vessel would be so obvious that the testimony that it was so used is not incredible, but rather convincing. That it was, as a fact, seems to be well enough established. Still this particular combination appears to have been new, and, as such, patentable. Yet, in view of the concessions of the specifications, the defendant may not infringe by the use of these same parts unless they are used in precisely the same combination. *Railway Co. v. Sayles*, 97 U. S. 554. The specification shows the rotating mold chuck mounted within the vessel, eccentrically, on a rod holding the vessel against the head stock, and a spinning roller mounted on a slide outside, and movable by hand screws to press the metal of the rotating blank inwardly to and along the rotating mold chuck in forming vessels with contracted mouths. The defendant uses a concentric rod for holding the vessel against the head stock, a rotating mold chuck mounted separately outside the vessels, and a spinning roller within, movable by hand screws to press the metal of the rotating blank outwardly to and along the rotating mold chuck in forming vessels with bulged sides. The head stock is open to all, not being improved by the inventor. Instead of the eccentrically supported mold chuck within the vessel, of these claims, a separately supported mold chuck without is used. The spinning roller is within the vessel instead of without, and works in a different direction. The patented combination, which can only work inwardly, could not do the work of the defendant's machine, which can be done only by spinning outwardly. The head stock of the defendant's machine does the same thing as the head stock of these claims, and in sub-

stantially the same way; but the mold chuck and spinning roller of this machine are differently mounted, and spin differently shaped vessels from what those of the patent are, in a different way. The combination of these parts in this machine therefore appears to be different from that of either of these claims, and the machine fails to appear to infringe. Let a decree be entered dismissing the bill for want of infringement.

RIKER v. CROCKER-WHEELER MOTOR CO.

(Circuit Court, S. D. New York. February 7, 1893.)

1. PATENTS FOR INVENTIONS—ANTICIPATION—ARMATURES.

In letters patent No. 393,266, granted to Andrew L. Riker November 1, 1888, claim 1 was for "an armature for motors or dynamos, comprising a series of flat rings having outwardly projecting teeth, composed each of two like parts, adjacent rings breaking joints, and bolts or rivets passing through the overlapping ends of adjacent half rings, so that by withdrawing said bolts or rivets the armature can be divided diametrically into two halves." *Held*, that the teeth with spaces for the coils of wire between are important, and hence this claim is not anticipated by the British patent No 1,736, of April 6, 1883, to Marcel Duprez, which has no such teeth.

2. SAME.

Nor is it anticipated by the British patent No. 3,570, of February 19, 1884, granted to John H. Greenhill, which shows projecting teeth providing spaces for coils of wire between, but not an armature which can be wound in parts, as that of Riker's patent can be.

3. SAME.

Neither of these British patents shows the series of flat, stamped-out rings, each composed of two like halves, joined at their ends, having teeth with spaces between for coils, and rivet holes opposite alternate teeth, so placed as to be reversible alternately and break joint, which is the construction covered by the second claim of Riker's patent; and hence that claim is not anticipated.

4. SAME—INFRINGEMENT.

Putting the rivet holes through alternate teeth as they broaden outward, instead of through the bodies of the rings opposite the teeth, constitutes an infringement of Riker's patent when such rivet holes are spaced, and are out of the way of the coils, the same as when they are in the body of the rings.

In Equity. Suit by Andrew L. Riker against the Crocker-Wheeler Motor Company for infringement of a patent. Decree for complainant.

Philip Mauro, for orator.

Thomas Ewing, Jr., for defendant.

WHEELER, District Judge. This bill is brought upon letters patent No. 393,266, applied for by the orator November 1, 1887, and granted to him November 1, 1888, with nine claims, for an electric motor and dynamo. The answer denies infringement upon any rights and privileges claimed under the patent, "except such as are described in the first claim thereof;" denies that the orator is the first and original inventor of the devices of that claim; sets up letters patent of Great Britain No. 1,736, dated April 6, 1883, and granted to Marcel Duprez for dynamo-electric machines, and No.