

does. The guide rollers do the same thing as the cylinder of the Hook patent and the guide tube of the Emerys patent do, in substantially the same way; and the continuous cigarette is carried by a delivery tube to cutting devices in substantially the same way as in the Emerys patent. The machine, therefore, seems to embody the combinations of the second claim of Hook, of the tenth, twelfth, fourteenth, and fifteenth claims of the Emerys, of the sixth and seventh claims of Bonsack, and of the first and second claims of Emery.

The foundation patent of Hook expired November 7, 1893. This freed all done afterwards from that monopoly. The claim of the other patents, as mentioned, remain valid for what they cover as improvements upon that, which are the filler-forming chamber and conductor, the guides and grooves of the former, and the packing bar in their respective combinations. Against further infringement of these by the use of the tongue-receiving channel and guides and flanges in the former of the defendant's machine, the orator seems to have a right to an injunction. Let a decree be entered for the orator that the second claim of the Hook patent was, and the tenth, twelfth, fourteenth, and fifteenth claims of the Emerys, the sixth and seventh claims of the Bonsack, and the first and second claims of the Emery patent are, valid, and have been infringed, and for an injunction against further infringement of these claims of the last three patents, and for an account of the whole.

MAITLAND v. GIBSON.

(Circuit Court of Appeals, Third Circuit. October 22, 1894.)

No. 17.

1. PATENTS—COMBINATION—ELECTRIC LIGHT FIXTURES.

In view of the prior state of the art, there is no invention in a combination comprising an electric light fixture supported from the piping of a house, and electrically insulated therefrom by an insulating joint. 63 Fed. 126, affirmed.

2. SAME.

The Stieringer patent, No. 259,235, for an "electrical fixture," held to be without patentable combination, as respects claims 1, 7, 8, and 9. 63 Fed. 126, affirmed.

3. SAME—MECHANICAL UNION OF PARTS.

The Stieringer patent, No. 294,697, for a combined gas and electric light fixture, held void as to claims 1, 2, 8, and 9, as showing a mere mechanical union of parts, without patentable combination. 63 Fed. 126, affirmed.

Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania.

This was a bill in equity by George Maitland against Alfred C. Gibson for infringement of certain patents for electric light fixtures. On final hearing the bill was dismissed, with costs. 63 Fed. 126. Complainant appeals.

Richard N. Dyer, for appellant.

Hector T. Fenton, for appellee.

Before ACHESON, Circuit Judge, and BUTLER and WALES, District Judges.

ACHESON, Circuit Judge. After a thorough examination of this record, we fail to discover any ground for disturbing the decree dismissing the bill of complaint. We all concur in the conclusions of the circuit court, and in the reasons therefor expressed in its opinion. That opinion is so full and satisfactory that any further discussion of the case is needless. We therefore adopt the opinion of the court below as our own, and upon it we affirm the decree. Decree affirmed.

PETER WHITE SANITARY CO. v. N. O. NELSON MANUF'G CO.

(Circuit Court, E. D. Missouri, E. D. April 14, 1894.)

This was a suit in equity by the Peter White Sanitary Company against the N. O. Nelson Manufacturing Company for infringement of three patents granted to Peter White for inventions relating to tank water-closets. The patents were No. 354,285, dated December 14, 1886; 363,566, dated May 24, 1877; and No. 425,921, dated April 15, 1890.

C. H. Krum, for complainant.

F. P. Fish, W. K. Richardson, and B. F. Rex, for defendant.

THAYER, District Judge. After due consideration of this case the court is of the opinion that the only novel feature of construction disclosed by White's first and second patents, Nos. 354,285 and 363,566, consists in the respective devices shown in those patents for discharging the air from the chamber of the float-valve into the surrounding water in the tank in lieu of discharging it, as in the older tank-valve patented by Scott, into the atmosphere, through a pipe leading to the surface of the water. Barring this one feature, White's first and second patents were destitute of patentable novelty in view of the prior art. The evidence does not satisfy the court that the defendant has either made or sold tank-valves which embody the novel feature aforesaid of White's tank-valve; therefore it is not guilty of an infringement of either his first or his second patent. It is conceded by counsel that the proof does not show an infringement of White's third patent, No. 425,921. A decree must accordingly be entered for the defendant, dismissing the complainant's bill.

McCLERY v. BAKER et al.

(Circuit Court of Appeals, Seventh Circuit. October 1, 1894.)

No. 133.

PATENTS FOR INVENTIONS—NOVELTY—ORDER HOLDER.

Letters patent No. 273,301, issued March 6, 1883, to James B. McClery and Edward C. Page, for an order holder, consisting of four rigid boards,