

ful invention. The conclusions reached are confirmed by the result of certain experiments testified to by complainant's expert, Dr. Wyatt, in the light of the evidence of defendant's witnesses Kraus and Stein. These witnesses swore that they had used practically the mixture of nickel and pyrogallic acid of the patent as a dye, and described its preparation and use. Upon rebuttal, Dr. Wyatt took certain samples of hair, and treated one portion with such mixture, and another portion by the successive processes of the patent in suit. He afterwards washed these samples. The result was that in the former case the color was washed out, while in the latter it remained. In the one case the hair was merely painted. In the other, it was dyed. I conclude from this evidence either that these witnesses to anticipation are mistaken as to their former alleged uses, or that the results therefrom were impracticable and unsatisfactory as compared with those obtained by following the process described in the patent in suit.

Let a decree be entered for an injunction, but not for costs or for an accounting.

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STRATER v. KEYES et al.

(Circuit Court, D. Massachusetts. July 12, 1895.)

No. 468.

PATENTS—DRAINER FOR DRAFT APPARATUS.

The Strater reissue, No. 11,371, for a drainer for draft apparatus, and original patent No. 481,981, to the same inventor, for a drainer plate, *held void* for want of patentable invention.

This was a bill by Herman Strater against George C. Keyes and others for infringement of two patents relating to drains for draft apparatus.

Geo. L. Roberts, for complainant.

J. Steuart Rusk, for respondents.

CARPENTER, District Judge. This is a bill to restrain an alleged infringement of reissue patent No. 11,371, issued October 3, 1893, to Herman Strater, for drainer for draft apparatus, and patent No. 481,981, issued September 6, 1892, to Herman Strater, for drainer plate. The claims of the reissue patent alleged to be infringed are as follows:

(3) In a drainer, a group of open and closed vessels, conveying pipes in part within the closed vessels, and the draft faucets therefor, combined with a removable cover for the closed vessels, a transversely corrugated plate secured on the rear part of said cover, and detachable drainer plates raised above the front portion of said cover, with a waste pipe common to the drainer plate and the closed receptacle, substantially as described and set forth. (4) In a draft apparatus, a drainer box provided with an ice chamber or receptacle adapted to receive coils of pipe, through which the liquid to be drawn passes, said receptacle having a removable cover, the rear part of the upper surface of which is corrugated, and the front portion of which is apertured to serve as a drainer, combined with a conduit to convey away the waste liquid from the drainer.

The claim of patent No. 481,981 alleged to be infringed is as follows:

(3) In combination with a drainer box and its noncontiguous slats, a drainer composed of a series of corrugated plates, as an integral sheet, and a series or transverse pendent fastening strips adapted to pass between the slats and be bent there against, substantially as described.

I shall state only in the most general way the ground on which I base my decision, which ground is that the devices shown in the patents disclose no patentable invention, when taken by themselves, being only arrangements of well-known devices to accomplish easily perceived results, and being entirely within the reach of ordinary constructing mechanical skill, without the exercise of any inventive faculty; and especially that they disclose no patentable invention, in view of devices then existing and in use, particularly the apparatus which was in use in the Rossmore Hotel, which is clearly shown in the record, and, so far as appears to me, performs every function of the patented apparatus. The bill will therefore be dismissed, with costs of the respondents.

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OSGOOD DREDGE CO. v. METROPOLITAN DREDGING CO.

(Circuit Court, D. Massachusetts. July 12, 1895.)

No. 267.

1. PATENTABLE INVENTION—COMBINATIONS.

While there may be a patentable combination in which different parts perform different and separate functions, this is only the case where a new result is attained, or an old result is produced in a new way, in consequence of the combination.

2. SAME—DREDGERS AND EXCAVATORS.

The Osgood patent, No. 257,888, for a dredger and excavator adaptable for use either as a scoop or a "clam-shell bucket," held void as to claims 1 and 2, as being for a mere aggregation, and not a true combination.

This was a bill by the Osgood Dredge Company against the Metropolitan Dredging Company for infringement of a patent.

Paul H. Bate, for complainant.

Rodney Lund, for respondent.

CARPENTER, District Judge. This is a bill to enjoin an alleged infringement of the first and third claims of letters patent No. 257,888, issued May 16, 1882, to Ralph R. Osgood, for dredger and excavator, which claims are as follows:

(1) In a dredging machine or excavator, the combination, with the swinging boom or crane carrying the shovel-handle guide, of the pole guides for the clam-shell dipper poles mounted upon said boom or crane, and adapted to operate substantially in the manner and for the purposes set forth. (2) The herein-described convertible excavator, the same being composed essentially of the boom or crane carrying the movable dipper, handle guide, and fittings, and the clam-shell pole guides mounted upon said boom or crane, the whole being adapted for use substantially in the manner and for the purposes set forth.