

Edwin H. Brown, for complainant.  
John L. S. Roberts and John J. Jennings, for defendants.

CARPENTER, District Judge. This is a bill in equity to enjoin an alleged infringement of the first claim of letters patent No. 377,151, issued January 31, 1888, to Henry Nicolas Grosselin, fils, for machine for napping cloth. The claim is as follows:

(1) In a gig mill, the combination, with a rotary drum consisting of heads, a shaft, and a series of card or teasing rollers journaled upon said heads, and provided with pulleys at their projecting ends, of a driving belt applied to each set of said pulleys, and devices, substantially as described, for driving said belts with varying speeds, and in different directions, as described, whereby the cards are rotated simultaneously each about its own axis and about the axis of the drum, substantially as described.

The defense is stated under several heads, but they seem to reduce themselves to two only, namely, invalidity of the patent, and non-infringement. On the first defense I shall express no opinion. On the second defense, that the respondents do not infringe, I find myself unable, without the use of drawings which are not here available, to state the differences of structure and function in the several machines under consideration in such a way as to be probably useful; and I therefore must content myself with the statement of my conclusion that the patent is so limited by the prior art and especially by the English patent to William Davis (No. 4,820), of July 24, 1823, and by the German patent to Moritz Jahr (No. 4,949), of September 1, 1878, that it must be confined to the specific methods used to produce the main result which is the general function of the patented machine, and hence that the respondents do not infringe. The bill will be dismissed with costs.

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HEAP v. TREMONT & SUFFOLK MILLS.

(Circuit Court, D. Massachusetts. June 22, 1896.)

No. 234.

PATENTS—LIMITATION BY PRIOR ART—CLOTH-NAPPING MACHINES.

The Grosselin patent, No. 377,151, for a machine for napping cloth, if valid at all, is limited by the prior state of the art to the specific methods used to produce the main result which is the function of the machine. Heap v. Greene, 75 Fed. 405, followed.

This was a suit in equity by Charles Heap against the Tremont & Suffolk Mills for alleged infringement of a patent for a machine for napping cloth. On final hearing.

Edwin H. Brown, for complainant.  
William A. Macleod, for defendant.

CARPENTER, District Judge. This is a bill in equity to enjoin an alleged infringement of the first three claims of letters patent No. 377,151, issued January 31, 1888, to Henry Nicolas Grosselin, fils, for machine for napping cloth. The claims are as follows:

(1) In a gig mill, the combination, with a rotary drum consisting of heads, a shaft, and a series of card or teaseling rollers journaled upon said heads and provided with pulleys at their projecting ends, of a driving belt applied to each set of said pulleys, and devices, substantially as described, for driving said belts with varying speeds and in different directions as described, whereby the cards are rotated simultaneously each about its own axis and about the axis of the drum, substantially as described.

(2) In a gig mill, the combination, with a drum composed of heads, a shaft, and the working card or teaseling rollers D D, of a shaft I, cones H H', belt X<sup>s</sup>, pinion f, gear d, pulleys F F', belts X X', and pulleys a a, substantially as described.

(3) In a gig mill, the combination, with a drum composed of teaseling cards or working rollers D D, heads, and a shaft, of pulleys a a at the projecting ends of said rollers and of greater diameter than the rollers, a driving belt in operative relation to each set of pulleys, and devices, substantially as described, for driving said belts with varying speeds and in different directions, substantially as described.

As in the case of *Heap v. Greene* (this day decided) 75 Fed. 405, I find a clear statement of the mechanical differences here in question impracticable without several illustrations which are not at my command for use in this place; and therefore, without deciding the question of the validity of the patent, I find that the claims here disputed are so limited by the English patent to William Davis (No. 4,820), of July 24, 1823, and the German patent to Moritz Jahr (No. 4,949), of September 1, 1878, as well as by the state of the art generally that the respondent cannot be held to infringe. The bill will be dismissed with costs.

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MULLEN et al. v. KING DRILL CO. et al.

(Circuit Court, D. Indiana. July 22, 1896.)

PATENTS—VALIDITY AND INFRINGEMENT—GRAIN DRILLS.

The Mullen patent, No. 355,462, for an improvement in grain drills, designed for the special purpose of drilling seed between rows of standing corn, *held* valid, and infringed as to claims 1 and 2.

This was a suit in equity by Winfield W. Mullen and others against the King Drill Company and others for alleged infringement of a patent.

Chester Bradford, for complainants.

Coburn & Strong, for defendants.

BAKER, District Judge. This is a suit in equity, in the usual form, for infringement of letters patent No. 355,462, issued January 4, 1887, to Winfield W. Mullen and Francis M. Mullen, two of the complainants, for certain improvements in grain drills. The invention which forms the subject-matter of the patent is designed for the special purpose of drilling seed between rows of corn in the farming process known as "double cropping." It differs from ordinary grain drills, either adjustable or nonadjustable, in that its outer drill-teeth automatically follow the bases of the corn hills. In the specification it is said:

"This drill is mostly used where it is desired to sow grain between rows of corn, and its operation is as follows: The three central drill-teeth, being rig-