

its normal position. The eyes 4 and 8 provide means for connecting the hook with the garment or other place of service, said eye 8 also preventing the jaws from presenting an exposed edge."

It is thus seen that a special function is ascribed to the peculiar disposition made of the free end of the wire.

The suggestion, that this construction leaves no distinction between the first and following claims, has no force. The fault is not in the construction, but in the language of the claims, and the specification and drawing. Such similarity in claims is not unfrequent in patents, where several are founded on a single novel feature in a device. Patentees seem fond of multiplying claims, inspired probably by a fear that they may not otherwise get all they are entitled to. Here the first claim covers all the novelty to be found in either the specification or drawing.

With the claim thus construed, the respondents' hook does not infringe. It is in all material respects similar to that of De Long's first patent.

The decree must be reversed and the bill dismissed with costs.

BRUNSWICK-BALKE-COLLENDER CO. v. PHELAN BILLIARD
BALL CO.

(Circuit Court, S. D. New York. April 7, 1896.)

PATENTS—INVENTION—POOL-BALL FRAMES.

Patent No. 228,879, for a pool-ball frame with rounded corners, and made of layers of wood bent into triangular shape, and glued or fastened together, is void as being the result of mere mechanical skill.

This was a suit in equity by the Brunswick-Balke-Collender Company against the Phelan Billiard Ball Company for alleged infringement of a patent for an improvement in pool-ball frames.

H. D. Donnelly, for plaintiff.

Frederick P. Foster, for defendant.

WHEELER, District Judge. This suit is brought upon patent No. 228,879, for a pool-ball frame with rounded corners. The inventor in the specification said:

"Previous to my invention it has been customary to make the triangular ball holders used in placing the balls for the game of 'fifteen-ball pool' (and other games played with fifteen balls) on billiard tables of three straight strips or pieces of wood joined at their adjacent ends to form the angles of the frame, and to strengthen the frame at these angles by interiorly placed corner blocks, glued or otherwise fastened in, and sometimes to further strengthen the angles or corners by metallic angle plates applied exteriorly to the frame. My invention has for its object to produce a 'triangle' or ball frame which can be made much lighter, and also much stronger and more durable, than those heretofore manufactured, while at the same time its manufacture can be accomplished at much less cost than that of the construction or kind of frames heretofore made, and in its use it will be free of all the objections found in the use of the old-fashioned ball frame. To these ends and objects my invention consists in a triangle or ball frame composed of several layers or thin strips of wood bent round into the requisite shape, and glued (or otherwise fastened) together; all as will be hereinafter more fully explained."

The claims are for:

"(1) A ball frame or triangle composed of wood or other suitable material, and formed with three interior and exterior curved or rounded corners, substantially as and for the purposes set forth. (2) A ball frame having curved or rounded corners, and made of a series of layers of wood bent into triangular shape, and having their adjacent surfaces glued or otherwise fastened together, as and for the purposes set forth."

Thus the invention consisted, as to the form of the structure, in rounding the corners of the old frames; and, as to material, in using layers of wood glued together. The new structure accomplishes nothing different, or in any different way, from the old. It is lighter and safer because the corners are dispensed with, and they can be dispensed with by using proper materials. Neither cutting off an objectionable corner nor using better materials appears to amount to anything patentable. They are of the works of a mechanic, and not of those of an inventor. *Hotchkiss v. Greenwood*, 11 How. 248; *Reckendorfer v. Faber*, 92 U. S. 347; *Thompson v. Boisselier*, 114 U. S. 1, 5 Sup. Ct. 1042. Bill dismissed.

FOSTER et al. v. WERTHEIMER et al.

(Circuit Court, S. D. New York. April 9, 1896.)

1. PATENTS—PATENTABLE DIFFERENCE—GLOVE FASTENERS.

An improvement in a glove-fastening patent, consisting of a rearward extension and elevation of the head and neck of the former device, by means of which the tightening of the glove is made easier, the fitting more perfect, and the fastening more secure, is a patentable difference.

2. SAME—GLOVE FASTENERS.

The Foster patent, No. 297,980, for an improvement in glove fasteners, construed, and held valid as to the exact combination shown, and also held infringed.

This was a suit by Foster, Paul & Co. against Wertheimer & Co. for infringement of a patent for a glove-fastening device.

Livingston Gifford, for plaintiffs.

Edwin H. Brown, for defendants.

WHEELER, District Judge. This suit is brought for infringement of patent 297,980, dated May 6, 1884, and granted to William F. Foster, for a glove fastening, consisting of a lacing cord drawn into smooth-headed, eccentric hooks above the glove material, connected by their necks and by flanges to plates below. The defenses are want of novelty, in view of many prior patents, and noninfringement. The patentee says in his specification:

"My present invention relates to a modification of the glove fastening shown in letters patent No. 277,559, granted to me May 15, 1883, whereby the neck or stem of the lace-securing device is arranged eccentrically, and the relationship of the other parts is such that the cord, when laced, is firmly held from unlacing. This plate, which is lettered e, is preferably of such size and shape, and the perforations or recesses are so located in it, that, when in position, it underlies all of that portion of the material which is below the head, a, though I do not limit myself to the precise form of plate shown. The relationship between the plate, e, and the head, a, should preferably be such that the passage between the