

GOODENOUGH et al. v. CARY et al.

(Circuit Court, S. D. New York. January 6, 1897.)

PATENTS—INVENTION—LACING STUDS.

The Mathison patent, No. 525,152, for an improvement in lacing studs, whereby nonmetallic, plastic materials, such as hard rubber or celluloid, may be fastened to the heads thereof by attachment to a crimped or corrugated flange, is void for want of invention, in view of the prior art.

This was a suit in equity by Maremus J. Goodenough and others against Benjamin H. Cary and others for alleged infringement of a patent for an improvement in lacing studs.

Arthur v. Briesen, for complainants.

Edward S. Beach and Henry A. Prince, for defendants.

COXE, District Judge. This is an equity action for infringement of letters patent, No. 525,152, granted to Arthur Mathison, August 28, 1894, for an improvement in lacing studs. The object of the invention is to attach firmly to the heads of lacing studs or eyelets non-metallic plastic material such as hard rubber or celluloid. The specification states that before the alleged invention there had been "numerous constructions, means and methods of affixing to lacing studs, buttons and eyelets, a layer or body of plastic material resembling rubber or celluloid to constitute the wearing face." The claim is as follows:

"The eyelet or stud having a metallic head with elevations and depressions extending outward from near the post to the periphery of said metallic head, and a plastic cover extending over said metallic head and outside the periphery thereof, and filling the recesses under the elevated portions of the metal, the depressions in the metal being exposed, substantially as described."

The defenses are prior invention, lack of novelty and patentability, and noninfringement.

All that the patentee did, taking the most liberal view of his achievement, was to provide a new way of anchoring the plastic material to the head of the stud. The prior art demonstrates and the patent concedes that everything else was old. Other persons, notably Smidt, Joyce, Pupke and Van Norman, had fastened plastic material to the head of an eyelet or stud and some of them by means so nearly identical that it is not easy to express the difference in words. It can be discovered by a microscope but language is hardly adequate. No new article was produced by Mathison and no new result in an old article. It is said that no one before had made an eyelet with a crimped or corrugated flange. This is undoubtedly true if the corrugations are confined to the identical form illustrated by the patent, but the inventive faculties were not called into action to make this slight departure. With the common knowledge that plastic material will not adhere perfectly to a smooth surface, a number of persons had sought to overcome the difficulty by making the headpiece or flange uneven by means of burrs, perforations, lugs, lips, teeth, ledges, holes and flanges. With the information given by Thierry, Smidt, Pupke, Joyce and Van Norman (1891 device) and with the

well-known fact that corrugations make a good anchorage for plastic material it would seem that there was no room for invention in the mere method of fastening, certainly not in the substitution of crimps for what had been used before. The new studs and the old are alike in every way except that the celluloid is held in place by minute depressions and elevations called crimps instead of by minute depressions and elevations called lips. Conceding some advantage in the former method the change is what would naturally occur to a mechanic and falls far short of invention. The bill is dismissed.

NATIONAL FOLDING BOX & PAPER CO. v. STECHER LITHO-
GRAPHIC CO. et al.

(Circuit Court, N. D. New York. December 16, 1896.)

1. PATENTS—INVENTION—PAPER-BOX MACHINES.

In a machine for forming paper-box blanks, there is no invention in merely providing grooves in the counter-die to co-operate with the embossing rules of the die for creasing the fold line of the box blank.

2. SAME.

The Munson patent, No. 259,416, for improvements in the manufacture of paper boxes, consisting, particularly, in the formation of the dies for cutting out and creasing the box blanks, is void for want of invention.

This was a suit in equity by the National Folding Box & Paper Company against the Stecher Lithographic Company and others for alleged infringement of a patent relating to the manufacture of paper boxes.

Philipp, Munson & Phelps, for complainant.
Church & Church, for defendants.

COXE, District Judge. The defendants are charged with infringing letters patent No. 259,416, granted to Edward B. and Harvey S. Munson, June 13, 1882, for improvements in the manufacture of paper boxes. The patent is now owned by the complainant. The apparatus described has for its object the cutting out of blanks for paper boxes, and defining the lines of their ultimate foldings. This is accomplished by a die and counter-die, the former having cutting and embossing rules and the latter having channels corresponding to the embossing rules so that when the two dies are brought together the box plant is cut out by the cutting rules and the line of fold is indicated by creases formed by the embossing rules which emboss and upset the paper by pressing it into the channels of the counter-die so that the box may be folded up without rupturing or disfiguring its outer or face surface.

Whatever of novelty there is in this apparatus must be found in the counter-die. That the die containing the sharp cutting and blunt embossing rules, was old in each and all of its features is proved beyond question and is conceded by the complainant. The counter-die is preferably made up on a metal plate having secured to its face a packing sheet of paper in which are formed the channels