

of the name by a preliminary injunction, and it will appear, upon investigation, that in a large number of cases upon this subject a preliminary injunction was allowed. In such a case as this, where the manifest intent was and is to appropriate the good will of the complainants by the fraudulent use of the name "Garrett," if the complainants be not protected by preliminary injunction against such use,—if, in other words, that question be postponed to the final hearing,—there is every inducement to the defendant to delay and prolong the litigation, continuing, meanwhile, the assaults upon the good will of the complainants, so that, even if final decree be at last rendered in favor of complainants, the good will will have been so seriously and irreparably injured, if not in great measure destroyed, as to leave the complainants practically without remedy. It is, therefore, peculiarly a case in which, if the court is satisfied that the use of the name is fraudulent, as this court is satisfied in this case, an injunction should at once be issued.

Entertaining these views the order of the judge below for an injunction as to the use of the labels will be affirmed, and the order refusing an injunction against the use of the name of "T. H. Garrett," or "T. H. Garrett & Co.," will be reversed, with costs. The cause will be remanded, with instructions to continue the injunction granted, and to grant an injunction, in accordance with this opinion, against the use of the name of the defendant "T. H. Garrett," or of the name "Garrett," as a part of the corporate name of the defendant, or in its business.

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### AMBERG FILE & INDEX CO. v. SHEA SMITH & CO.

(Circuit Court, N. D. Illinois. December 21, 1896.)

**1. COPYRIGHT—INFRINGEMENT—PLEADING—MULTIFARIOUSNESS.**

A bill declaring on 30 different copyrights, each for an index covering a letter or portion of a letter of the alphabet, and all constituting one complete index system, is not multifarious.

**2. SAME—SUBJECTS OF COPYRIGHT—LETTER FILES.**

A system of indexes, constituting a letter file, is not a proper subject of copyright.

This was a bill alleging infringement of 30 different copyrights relating to, or covering parts of, Amberg's Directory System of Indexing. Each copyright was for an index covering a letter or portion of a letter of the alphabet, so that in the complete system 30 indexes were employed, which had been severally copyrighted. Each index was provided with leaves arranged loosely, so that they could be separated, and letters indexed or temporarily filed in their proper places. The defendant demurred on the ground (1) that the bill was multifarious, in declaring on several copyrights in one bill; and (2) on the ground that the indexes were not the proper subject of a copyright, under the federal statute.

Bond, Adams, Pickard & Jackson, for complainant.  
Banning & Banning, for defendant.

SHOWALTER, Circuit Judge. I should say in this case that the point of multifariousness is not well taken. All the parts of the copyrighted matter, taken together, constitute, in use, a single implement. The subject-matter of litigation is, in a sense, single. It is rather one controversy than a combination of controversies. But upon the main point it seems to me that, in getting up the contrivance here copyrighted, Mr. Amberg was not an "author," as that word is used in the federal constitution, nor is what he produced a "book," as that word is used in the federal statute. This contrivance, as made and sold by the complainant, does not have the purpose or function of conveying information. It is a mechanism or device for the storage of letters so that they can be preserved and conveniently found afterward. Until the purchaser of a set of these "indexes" commences to use the same, by putting written documents between the leaves, such indexes signify nothing. Until then (that is to say, as copyrighted) they are not a medium of information or intelligence, and hence, in my judgment, not a book, within the meaning of the copyright laws. A monopoly might, perhaps, have been secured under the patent laws, but I think not under the copyright laws. The bill is therefore dismissed for want of equity.

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BLAKESLEY NOVELTY CO. v. CONNECTICUT WEB CO. et al.

(Circuit Court, D. Connecticut. January 12, 1897.)

1. PATENTS—INVENTION—PROCESSES.

The origination of a process employing well-known instrumentalities upon old objects to accomplish a better result, without any change or adaptation, except by skillful manipulations, is not patentable invention.

2. SAME—METHOD OF MAKING ARMLETS.

The Blakesley patent, No. 411,416, for a method of making armlets, is void, as applying an old process to an old material, already used for analogous purposes.

This was a suit in equity by the Blakesley Novelty Company against the Connecticut Web Company and Louis Neuberger for alleged infringement of a patent.

John J. Jennings, for complainant.

Knight Brothers, for defendants.

TOWNSEND, District Judge. The complainant herein, aggrieved by alleged unfair competition, through simulation of its packages, and manufacture of inferior imitations of its armlets, has sought redress by this bill, alleging infringement of the first claim of patent No. 411,416, for a "method of making armlets," granted September 24, 1889, to its assignor, Gilbert H. Blakesley. Said claim is as follows:

"A method of working up elastic stock, composed of rubber strands and a fibrous envelope therefor, into short sections, bound at each end; consisting in binding the free ends of the rubber and fiber together, then stretching the stock, then binding the stretched rubber and fiber together again at two closely-adjacent points, and then cutting the stock between such points, substantially as set forth."