YPSILANTI DRESS-STAY MANUF'G CO. v. VAN VALKENBERG et al.

(Circuit Court of Appeals, Second Circuit. February 1, 1897.)

PATENTS—NOVELTY—INVENTION.

Appeal from the Circuit Court of the United States for the Northern District of New York.

Edmund Wetmore, for appellant.
C. H. Duell, for appellees.

Before WALLACE, LACOMBE, and SHIPMAN, Circuit Judges.

PER CURIAM. Decree of circuit court (72 Fed. 277) affirmed, with costs, upon the opinion of court below.

CARTER-CRUME CO. v. BLOOMINGDALE.

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

PATENTS—INFRINGEMENT—ANTICIPATION.

In Equity.

Bill brought by Carter-Crume Company against Lyman G. Bloomingdale for infringement of reissue letters patent No. 10,359, issued July 24, 1883, for an improvement in manifold copying books. The defenses were: (1) Noninfringement; (2) invalidity of the reissue; (3) anticipation by prior use; and (4) lack of equity in the complaint. On motion for preliminary injunction. Granted.

Charles H. Duell, for complainant.
Kerr, Curtis & Page and Benjamin Barker, Jr., for defendant.

LACOMBE, Circuit Judge. All the defenses urged here, save one, appear to have been presented before Judge Coxe. The new one is the "prior use" of a particular book now produced by C. C. Boyles. The evidence touching the authenticity of this book, and to what extent its use anticipated the patent, is of a character which may best be passed upon on final hearing. Following Judge Coxe's decision, the motion for preliminary injunction is granted; injunction not to take effect until 30 days from date, so as to give defendant, who is a user, opportunity to provide himself with noninfringing order books.

DAVIS v. CAMMEYER.

(Circuit Court, S. D. New York. January 30, 1897.)

PATENTS—PRELIMINARY INJUNCTION—DENIAL.

Motion for preliminary injunction. Suit on patent No. 242,382, dated May 31, 1881, to Michael Shuter and Abraham Davis, for "tip for insoles," and sustained on final hearing in Shuter v. Davis, 16 Fed. 564. Denied.

Edwin H. Brown, for complainant.
Philip J. O'Reilly, for defendant.

LACOMBE, Circuit Judge. The articles used in the defendant's shoes are not in all respects like those which, in the former suit, were held to be infringements of the patent. While the variances are not perhaps great, the patent is a narrow one, and the determination of the question whether these particular tips are also infringements may best be reserved for final hearing.

GOLDBERG & CO. v. UNITED STATES.

(Circuit Court, S. D. New York. February 16, 1897.)

CUSTOMS DUTIES.

TOWNSEND, District Judge (orally). The decision of the board of general appraisers, affirming the action of the collector of customs, is affirmed, under the rulings of the circuit court of appeals in Merwin v. Magone, 17 C. C. A. 361, 70 Fed. 776, U. S. v. China & Japan Trading Co., 18 C. C. A. 335, 71 Fed. 864, and Matheson & Co. v. U. S., 18 C. C. A. 143, 71 Fed. 394.

THE RESTLESS.

BURTIS v. THE RESTLESS. MOQUIN-OFFERMAN-HEISSENBUTTEL COAL CO. v. SAME. TRAHEY et al. v. SAME. RUTHER v. SAME. SEEMANN v. SAME. GUINAN et al. v. SAME. SULLIVAN v. SAME. HURLEY v. SAME.

(District Court, E. D. New York. December 2, 1896.)

ADMIRALTY—SALE OF VESSEL—LIENS UNDER STATE LAWS.

Macklin, Cushman & Adams, for Burtis and Trahey.
Peter S. Carter, for Ruther, Seemann, and Guinan.
Alexander & Ash, for Moquin-Offerman-Heissenbuttel Coal Co.
James Troy, for Sullivan and Hurley.

BENEDICT, District Judge. In this case the same questions arise as in the case of The Glen Iris, 78 Fed. 511, except that there is no claim for damage by negligent towing, and no necessity for making a rest in any of the monthly bills on that account. Let the fees of the officers of court be first paid, and then the claims for which libels had been filed within 40 days of the date of each monthly bill, with costs pro rata, if there be not enough for all.

END OF CASES IN VOL. 78.