

upon oiled paper, but upon any material suited to resist the action of the sand-blast process. This is too broad to cover any particular material, and is so broad that it covers material formerly used in patterns applied to glass undergoing the sand-blast process.

Much stress at the argument was laid upon the contention that the chipping compound or glue was in just such condition of self-cohesion that when the pattern was lifted up, cutting through the glue substance, the glue would neither be so liquid as to run over the adjoining space, nor so solid as to break along irregular lines. This is, at most, the discovery of a suitable condition for the lifting of a pattern, and is not the description of any new material, or new method of making such material, or new way of treating such material. Neither do I think that it evinces invention. The pattern being on the glass underneath the warm glue, and the want being seen, namely, a clear-cut edge, almost any mechanic would conclude that a condition of either too much fluidity or too much solidity would impair the result.

I refrain from holding whether, if all the claims of the complainant were assumed, a process could be sustained under the Locomotive Works Case, 15 Sup. Ct. 745, for the reason that, in accordance with the foregoing conclusion, such opinion is immaterial. The bill will be dismissed.

WILLIAMS v. AMERICAN STRING WRAPPER CO. et al.

(Circuit Court, N. D. Illinois. April 19, 1897.)

PATENTS—INVENTION—STRING WRAPPERS.

The Williams patent, No. 558,244, for an improvement in string wrappers, consisting in cutting into the wrapper on both sides of the end of the string, to facilitate getting hold of the string, is void for want of invention.

This was a suit in equity by Benajah Williams against the American String Wrapper Company and others for alleged infringement of a patent. On final hearing.

Brown & Darby, for complainant.

Poole & Brown, for defendants.

GROSSCUP, District Judge. The bill is to restrain infringement of letters patent No. 558,244, granted April 14, 1896, to complainant, for improvement upon string wrappers. The most obvious way of putting a wrapper upon a newspaper was to wrap it round and round until the edge of the wrapper was reached, and then paste it down with mucilage or some other preparation. The difficulty of opening such a wrapper, however, early led to the following improvement: A string or thread was inserted in the wrapper, far enough back from the outer edge to escape the paste or mucilage. The person desiring to open the wrapper took hold of the end of this string, and pulled, thus causing it to cut as a **knife**, severing the wrapper behind the section that was pasted down. Many expedients were adopted to more readily enable the person operating to get hold of the string. One was to knot the string at its end.

Another was to allow it to project beyond the edge. Another was to cut out the wrapper on either side of the end, leaving a projection of the string flush with the edge. The patent under consideration introduces another expedient, namely, the cutting into the wrapper on both sides of the end of the string, so that, by means of the finger, the end of the string may be readily lifted. This expedient was probably new, and is doubtless useful, but I cannot bring myself to think that it evinces invention. It is true that in small things the advances must likewise be small, but smallness and obviousness, as applied to such advances, are not identical terms. The patent is, in my judgment, void for want of invention. The claim based on estoppel is not, in my judgment, sustained. The bill will therefore be dismissed.

DUNBAR et al. v. EASTERN ELEVATING CO. et al.

(Circuit Court of Appeals, Second Circuit. May 26, 1897.)

1. PATENTS—INVENTION—COMBINATIONS—GRAIN ELEVATORS.

The Dunbar reissue, No. 10,521 (original No. 264,938), for an improvement in grain elevators, and consisting in a combination whereby a portable elevator tower is arranged to be moved along in front of the elevator, so as to reach the different hatches of the vessel, and so that two elevator legs may be simultaneously used, is void for want of invention, and as being the result of mere selection by the skilled mechanic of existing devices, and applying them to their appropriate uses, with modifications of detail to fit them for the new environment. 75 Fed. 567, reversed.

2. SAME.

The circumstance that the same congregation of devices has never been assembled in the new location is not controlling, and is often of little value in determining the question of patentable novelty. Their assemblage may be nothing but an instance of a double use, and, when they require special adaptation to the new arrangement and occasion, it still remains to inquire whether this has required invention.

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

George L. Lewis and Edmund Wetmore, for appellants.

Rogers, Locke & Milburn, for appellees.

Before WALLACE, LACOMBE, and SHIPMAN, Circuit Judges.

WALLACE, Circuit Judge. This appeal presents the question of the patentable novelty of the apparatus described and claimed in reissued letters patent No. 10,521, dated September 16, 1884, to Robert Dunbar. The subject of the patent is a portable elevator, adapted for use, in connection with an ordinary grain elevator, for unloading grain from vessels. The ordinary grain elevator is a warehouse having a tower equipped with a leg carrying an endless chain and buckets, an engine, and other connections for raising the grain from the hold of the vessel or other receptacle to the upper part of the warehouse. The leg is constructed to swing out at the bottom at a greater or less angle, and to be lowered so that the