shows every element of the cop patent precisely as claimed in the first, second, and third claims. In view of the utility of the patented cop, the manifest advantages resulting from its construction, and its success in the market, it may be assumed that Wardwell invented it. But "the statutes authorize the granting of patents only for such inventions as have not been known or used by others in this country, and not patented or described in any printed publication in this or any foreign country, before the applicant's embodiment of his own conception. It may be a hardship to meritorious inventors, who, at the expenditure of much time and thought, have hit upon some ingenious combination of mechanical devices, which, for aught they know, is entirely novel, to find that in some remote time and place some one else, of whom they never heard, has published to the world in a patent or a printed publication a full description of the very combination over which they have been puzzling, but in such cases the act none the less refuses them a patent." New Departure Bell Co. v. Bevin Bros. Manuf'g Co., 19 C. C. A. 534, 73 Fed. 469. And because the expert testimony satisfactorily proves that the parts of the museum cops which are in suit so fully show their construction that any mechanic ordinarily skilled in the art could make the patented cops therefrom without invention, and because they appear to be, and would more naturally be, uniform throughout, I am constrained to find, whether they are or are not thus uniform, that there could be no creative conception and no patentable ingenuity or invention in a cop made up of layers arranged alike throughout in the pattern disclosed by the museum cops. It is significant in this connection that in the 123 pages of rebuttal testimony of the learned and skillful expert for complainant, Charles E. Foster, he nowhere denies the testimony of defendant's expert that a person skilled in the art could have supplied any supposed omission or arranged any supposed variations in the museum cops so as to make the cops of the patent. This patent is void by reason of lack of patentable novelty. In view of these circumstances, the additional defense against the process patent No. 480,158 on the ground that it covers merely the function of a machine, will not be discussed. The conclusion reached is that, in view of the state of the prior art, there was no patentable novelty in said process. Let a decree be entered dismissing the bill.

FOLLETT v. TILLINGHAST.

(Circuit Court, D. Washington, W. D. July 24, 1897.)

REMOVAL OF CAUSES—NATIONAL BANK RECEIVERS.

A receiver of an insolvent national bank, appointed by the comptroller of the currency, against whom an action is brought in a state court to recover less than $2,000, has no right to remove the same to a federal court.

T. W. Hammond, for plaintiff.
Phillip Tillinghast, in pro. per.

HANFORD, District Judge. This is an action at law against a receiver of an insolvent national bank, appointed by the comptroller of the currency, to recover less than $2,000. The plaintiff has moved to remand the case to the superior court of the state of Washington for Pierce county, in which it was commenced, on the ground that, as the amount involved is less than $2,000, this court has no jurisdiction. As I read the statutes defining the jurisdiction of the United States circuit court, and the decisions of the supreme court, the only civil actions involving less than $2,000 of which jurisdiction is given to United States circuit courts are cases in which the government of the United States, or an officer thereof in his official capacity, is plaintiff; suits against the United States; cases between parties claiming lands under grants from different states; cases under the laws of the United States relating to patents and trademarks; cases under the postal and revenue laws; cases under the interstate commerce law; and cases which are ancillary to other cases pending in the same courts. See 1 Supp. Rev. St. (2d Ed.) 611, note; U. S. v. Sayward, 160 U. S. 493–498, 16 Sup. Ct. 371; White v. Ewing, 159 U. S. 36–40, 15 Sup. Ct. 1018. This case does not belong in either of the classes enumerated. The right of removal to this court was claimed on the ground that as the action is against the receiver of a national bank, to reach funds in his official custody, it is a case arising under the laws of the United States, within the rule of the decision of the supreme court of the United States, in the Railroad Removal Cases, 115 U. S. 1–25, 5 Sup. Ct. 1113; but in the Sayward Case, cited above, the supreme court has made it plain that jurisdiction is not given on this ground, unless the amount or value in dispute exceeds $2,000. The defendant is not an officer or agent of this court, and the case is not ancillary to any other case in this court. In re Chetwood, 165 U. S. 443–462, 17 Sup. Ct. 385; Hallam v. Tillinghast, 75 Fed. 849. Motion to remand granted.

NORTHERN PAC. RY. CO. v. KURTZMAN, County Treasurer.

(Circuit Court, D. Washington, S. D. August 16, 1897.)

1. FEDERAL COURTS—JURISDICTION—EQUITY POWERS—ATTACK ON JUDGMENT OF STATE COURT.

The federal courts have jurisdiction, and in the exercise of their general equity powers will grant relief, where the suit is a direct attack for the purpose of nullifying a judgment of a state court obtained by fraud or rendered without jurisdiction, and to enjoin a threatened sale of lands thereunder.