Dickerson & Brown, for complainant.
Wm. A. Macleod (Edmund Wetmore, of counsel), for respondent.

Before PUTNAM, Circuit Judge, and WEBB and ALDRICH, District Judges.

PER CURIAM. This appeal was fully heard by the court, and on August 21, 1897, a judgment was entered as follows: "The decree of the circuit court is reversed, with costs, and the case remanded to that court, with directions to enter a decree for an accounting, but to deny an injunction, on the ground that the patent expired after the appeal was taken." Subsequently, the appellant filed a petition for a rehearing under rule 29 (21 C. C. A. cxxv., 78 Fed. cxxv.), on consideration of which the court entered the following order: "Ordered that the petition for rehearing filed by the complainant be so far allowed that the cause be reargued orally as to the effect, in all respects, of the French patent, dated February 16, 1881, No. 141,170, including its effect on the various claims of the patent in suit, and on infringing machines antedating the alleged expiration of said French patent." This order, of course, vacated the judgment; but, having fully heard the parties in accordance therewith, we are all of the opinion that the judgment was correct. Ordered, the judgment of August 21, 1897, is renewed, and a mandate in accordance therewith will issue forthwith.

HIGHLAND AVE. & B. R. CO. v. COLUMBIAN EQUIPMENT CO. (Circuit Court of Appeals, Fifth Circuit.) No. 427. Questions of law certified to the supreme court of the United States. See 74 Fed. 920; 18 Sup. Ct. 240.

HOPKINS et al. v. UNITED STATES. (Circuit Court of Appeals, Eighth Circuit. December 27, 1897.) No. 1,002. Appeal from the Circuit Court of the United States for the District of Kansas. Questions certified to the supreme court, on December 8, 1897, under the provisions of section 6 of the act of March 3, 1891. Cause removed to the supreme court on writ of certiorari. See 82 Fed. 529.

HUNT v. ARCHIBALD et al. (Circuit Court of Appeals, First Circuit. February 11, 1898.) No. 232. Appeal from the Circuit Court of the United States for the District of Massachusetts. James E. Maynadier, for appellant. George O. G. Coale, for appellees. Before PUTNAM, Circuit Judge, and WEBB and ALDRICH, District Judges.

PER CURIAM. We agree with the conclusions of the circuit court, for the reasons stated in the opinion filed in that court. The decree of the circuit court is affirmed, with the costs of this court for the appellees. See 81 Fed. 385.

INDIANAPOLIS AIR-LINE RY. CO. et al. v. CEDAR CREEK & WEST CREEK TP. (Circuit Court of Appeals, Seventh Circuit. December 9, 1896.) No. 369. Appeal from the Circuit Court of the United States for the District of Indiana. A. C. Harris, for appellant. Henry Crawford and E. C. Field, for appellee. Dismissed, for failure to file record.

LAKE NAT. BANK v. WOLFEBOROUGH SAV. BANK et al. (Circuit Court of Appeals, First Circuit. April 15, 1896.) No. 176. Appeal from the Circuit Court of the United States for the District of New Hampshire. Reuben E. Walker and Hollis R. Bailey, for appellant. Heman W. Chapin, J. S. H. Frink, and John R. Poor, for appellees. No opinion. Motion challenging authority of the attorneys for the appellant to appear was denied, after argument. See 24 C. C. A. 195, 78 Fed. 517.

LOSS v. MERCANTILE TRUST CO. (Circuit Court of Appeals, Seventh Circuit. October 23, 1896.) No. 297. Appeal from the Circuit Court of the United States for the Southern District of Illinois. Milford J. Thompson and S. W. McCaslin, for appellant. Dismissed, for failure to print record.

LOWELL MFG. CO. v. WHITTALL.

(Circuit Court of Appeals, First Circuit. February 18, 1898.)

No. 219.

PATENTED DESIGN—INFRINGEMENT.

Appeal from the Circuit Court of the United States for the District of Massachusetts.

Alan D. Kenyon (William Houston Kenyon, on the brief), for appellant.
Louis W. Southgate, for appellee.

Before COLT, Circuit Judge, and WEBB and ALDRICH, District Judges.

PER CURIAM. An examination of this case leads us to the same conclusion as that reached by the court below (79 Fed. 787), and we do not feel called upon to add anything to the reasoning of that court in explanation of its decision. The grounds of the decision are fully set out in a carefully drawn opinion, and sustain the result reached. The fact that the Lowell Company's artist or designer, when creating the infringing design, had before him a pattern embodying the complainant's patented design, and that his work resulted in so close an imitation, is upon the most charitable view strongly suggestive of the idea that the purpose was to appropriate the attractive features and effect of the complainant's pattern. The decree of the circuit court is affirmed, with costs of this court to the appellee.

MATSON et al. v. GREEN MOUNTAIN STOCK-RANCHING CO. et al. (Circuit Court of Appeals, Eighth Circuit. December 15, 1897.) No. 955. Appeal from the Circuit Court of the United States for the District of Minnesota. George C. Ripley, C. E. Brennan, Fayette I. Foss, and William R. Matson, for appellants. George P. Wilson, John R. Van Derlip, Frank B. Kellogg, Cushman K. Davis, and C. A. Severance, for appellees. Dismissed, with costs, pursuant to the twenty-third rule, for failure to print the record, on motion of the appellees.

McHENRY v. ALFORD et al. (Circuit Court of Appeals, Eighth Circuit.) No. 139. Questions of law certified to the supreme court of the United States. See 18 Sup. Ct. 242.

MORGAN v. ROGERS, Mayor of City of Denver, et al. (Circuit Court of Appeals, Eighth Circuit. January 5, 1898.) No. 839. In Error to the Circuit Court of the United States for the District of Colorado. Removed to the supreme court on writ of error. See 25 C. C. A. 577, 79 Fed. 577.

MUTUAL LIFE INS. CO. OF NEW YORK v. OWEN. (Circuit Court of Appeals, Eighth Circuit. December 7, 1897.) No. 949. In Error to the Circuit Court of the United States for the Western District of Missouri. James L. Blair, Louis C. Krauthoff, and Frank P. Blair, for plaintiff in error. John T. Sturgis, for defendant in error. Pursuant to stipulation of the parties, judgment of the circuit court reversed, at costs of plaintiff in error, and cause remanded, with directions to set aside the judgment and dismiss the cause, at the costs of the insurance company.