

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.

NORTHERN PAC. R. CO. v. BOYLE. (Circuit Court of Appeals, Seventh Circuit. January 12, 1897.) No. 322. In Error to the Circuit Court of the United States for the Western District of Wisconsin. Thomas H. Gill, for plaintiff in error. W. H. Stafford and T. F. Frawley, for defendant in error. Dismissed, per stipulation.

PEOPLE ex rel. DEIMEL v. ARNOLD, United States Marshal. (Circuit Court of Appeals, Seventh Circuit. April 7, 1896.) No. 222. Appeal from the Circuit Court of the United States for the Northern District of Illinois. H. T. Gilbert, for appellant. Moran, Kraus & Mayer, for appellee. Stipulation filed in this cause awaiting the determination of No. 221 (Deimel v. Arnold, 16 C. C. A. 575, 69 Fed. 987). Judgment entered in accordance with stipulation. See 73 Fed. 430; 23 C. C. A. 467, 77 Fed. 802.

THE PHILADELPHIA. (Circuit Court of Appeals, First Circuit. December 8, 1896.) No. 155. Appeal from the District Court of the United States for the District of Massachusetts. Eugene P. Carver and Edward E. Blodgett, for appellant The Philadelphia. Frederic Dodge and Edward S. Dodge, for appellee James Baker. No opinion. Affirmed, on agreement that the same decree be entered as in The Philadelphia, 21 C. C. A. 501, 75 Fed. 684.

PITTSBURGH PLATE-GLASS CO. v. KIDD. (Circuit Court of Appeals, Eighth Circuit. December 13, 1897.) No. 901. In Error to the Circuit Court of the United States for the Eastern District of Missouri. John F. Shepley, for plaintiff in error. F. R. Dearing, for defendant in error. Dismissed, with costs, on motion of the plaintiff in error.

RICE et al. v. INGALLS. (Circuit Court of Appeals, Seventh Circuit. October 5, 1896.) No. 343. Appeal from the Circuit Court of the United States for the Northern District of Illinois. George H. Wilbur, for appellant. Robert A. Childs, for appellee. Dismissed, for failure to file record.

THE SATURNINA. THOMAS v. LARRINAGA et al. (Circuit Court of Appeals, Fifth Circuit. January 17, 1898.) No. 651. Appeal from the District Court of the United States for the Eastern District of Louisiana. John D. Grace, for appellant. E. B. Kruttschnitt, for appellee. Dismissed, per stipulation of counsel.

SHAPLEIGH v. CITY OF SAN ANGELO. (Circuit Court of Appeals, Fifth Circuit. January 3, 1898.) No. 392. In Error to the Circuit Court of the United States for the Western District of Texas. T. K. Skinker, for plaintiff in error. W. M. Stanton, for defendant in error. Dismissed, on motion of plaintiff in error.

SHAW v. KELLOGG. (Circuit Court of Appeals, Eighth Circuit. December 30, 1897.) No. 664. In Error to the Circuit Court of the United States for the District of Colorado. Removed to supreme court on writ of certiorari.