

## KENNEY v. BENT.

(Circuit Court, D. Massachusetts. December 8, 1898.)

No. 739.

## PATENTS—DEVICE FOR HOLDING WOVEN-WIRE FABRICS.

Patent numbered 549,370, for a device for holding woven-wire fabrics, discloses no patentable invention, and is void.

This is a suit in equity by Alphonso E. Kenney against George W. Bent for infringement of a patent.

Edward S. Beach, for complainant.

Odin B. Roberts, for defendant.

ALDRICH, District Judge. This patent is numbered 549,370, and covers a device for holding woven-wire fabric, in its use of supporting the mattress, by securing the wire fabric upon the end rails of iron bedsteads or metallic mattress frames. It strikes me, if the plaintiff's device were otherwise patentable, that it might fairly enough be said that its essential features were anticipated by prior uses and prior patents; but I prefer to place the decision of this case upon other grounds. I do not think what the patentee did amounts to invention, within the fair meaning of the patent law. It was a mechanical conception and appliance, pure and simple. There are some ideas of combinations expressed in the claims and specifications, but, according to the general effect of the plaintiff's argument and evidence, and especially of that of his expert, Mr. Spencer, the supposed invention does not consist in combining a flattened strip with a tubular frame, nor alone in the flat securing strip, but, in effect, that it resides in applying the fabric around a strip with a flattened under side, which is again applied to a tubular-shaped end rail in a manner which in use creates a peculiar pinch. The simple processes of drawing strands of wire or rope in an overlap so as to create a grip or bite or pinch upon itself when tension or pressure is applied, are very old, and have been understood and practiced by all races since wire and rope were in practical use. Drawing or winding it over some other substance so as to get a greater pinch is also old. It does not seem to me that the patentee, by doubling his wire over a flattened metallic strip with a flattened under surface and a rounded upper surface, and by screwing the strip to the rail of an iron bedstead, thereby securing and holding the woven-wire fabric, has entitled himself to the reward which would follow a monopoly of the manufacture and sale of bedsteads containing appliances involving the idea of a pinch or bite. While meritorious inventions, however simple, should be fairly and fully protected, we should exercise great care not to hamper the freedom of manufacture and trade by adopting simple mechanical improvements in structure as involving patentable invention. Bill dismissed, with costs.

## COBURN TROLLEY-TRACK MFG. CO. v. CHANDLER et al.

(Circuit Court, D. Massachusetts. December 2, 1898.)

No. 939.

## 1. PATENTS—CONSTRUCTION OF CLAIMS—EFFECT OF SPECIFICATION.

While the claim and specification of a patent may be read together for the purpose of better understanding the meaning of the claim, the specification cannot be accepted as enlarging or extending the invention stated in the claim itself.

## 2. SAME—TROLLEY TRACK.

The Coburn patent, No. 365,240, as to claim 1, for a trolley track, is void for want of patentable invention.

This is a suit in equity by the Coburn Trolley-Track Manufacturing Company against Milton A. Chandler and others for infringement of a patent.

Brieson & Knauth and Odin B. Roberts, for complainant.

Bond, Adams, Pickard & Jackson and George M. Weed, for defendants.

ALDRICH, District Judge. The plaintiff's patent is numbered 365,240, dated June 21, 1887, and by the first claim (the only claim in controversy in this suit) is limited to a trolley track. It is true, the specification is somewhat broader than the claim, as it describes an invention which relates to trolley tracks and carriers. The specification then proceeds to describe the object of the invention, which is to provide a track of improved construction, particularly in respect to strength, and a carrier adapted to move thereon; and it is declared that the invention consists in the peculiar construction and arrangement of the track and carrier. It is manifest that the specification suggests features of construction not embraced in the claim in question. While the claim and specification may undoubtedly be read together for the purpose of better understanding the meaning of the claim (*American Sulphite Pulp Co. v. Howland Falls Pulp Co.*, 80 Fed. 395, 405), the specification cannot be accepted as enlarging or extending the invention stated in the claim itself. The claim in question makes no reference to peculiar construction in carrying mechanism or combinations, and therefore limits itself to a trolley track, consisting of a tube of substantially rectangular cross section, at its upper portion, and having the lower edges curved in towards the median line, and then turned upward, so that the bottom of the tube has a rounded trough at each side of a longitudinal central opening.

The substantial and principal feature urged as invention is involved in the idea of a rounded trough or groove, which, when used as a track for carrying purposes, guides the wheel, which naturally and necessarily seeks the lowest point of the groove, thereby avoiding friction and better distributing the load. It is true, the argument is made that the form of the structure of the track or tube is such that additional strength is supplied, and the specification, so far as it describes the object as one to provide a track of improved construction, particularly in respect to strength, may fairly enough be considered in connection