

tical spiral springs underneath the coiled-wire fabric, after they have been used with an ordinary mattress, for the purpose of acting as an auxiliary support to the coiled-wire fabric, or to relieve the necessity of the severe strain or tension upon the coiled-wire fabric, seems to me not to have required inventive skill. The coiled-wire fabric and the spiral springs perform no new function, and a bed-bottom composed of coiled-wire fabric and spiral springs combined, as shown either in the Kneppler or Boyington devices, is but an aggregation of old parts, where no new function is performed by either of these elements by bringing them together, but each continues to perform the same function it did when used in accordance with the old art.

The proof also shows a patent for a bed-bottom, granted to P. P. Simmons, April 21, 1868, antedating the Kneppler by over a year, in which a fabric composed of transverse wooden slats and longitudinal wires was stretched from end-rail to end-rail, and supplemented by vertical spiral springs placed underneath the same. It is true that the fabric shown in the Simmons patent differs from that shown in the Kneppler and Boyington patent; but, after the introduction of the woven-wire fabric for bed-bottom purposes, there was no possible room for invention in substituting the woven-wire fabric for the wooden slat and wire fabric in Simmons' device; and when that was done you had exactly, in construction and mode of operation, the Boyington bed, and all there was of merit in the Kneppler bed.

I am therefore of the opinion that this patent is void, and that the bill in this case should be dismissed for want of equity.

ALDEN EVAPORATING FRUIT Co. v. BOWEN and another.

(Circuit Court, N. D. New York. August 25, 1885.)

PATENTS FOR INVENTIONS—REISSUE No. 5,648—ANTICIPATION.

The first claim of reissue No. 5,648, granted to Charles Alden, November 11, 1873, for an improvement in processes and apparatus for preserving animal and vegetable substances, the original patent, No. 121,569, having been granted to him December 5, 1871, held void.

In Equity.

W. J. A. Fuller, for plaintiff.

Cogswell, Bentley & Cogswell, for defendants.

BLATCHFORD, Justice. The controversy in this suit is reduced to the question of the infringement of claim 1 of reissued letters patent No. 5,648, granted to Charles Alden, November 11, 1873, for an "improvement in processes and apparatus for preserving animal and vegetable substances," the original patent, No. 121,569, having been granted to him December 5, 1871. Claim 1 reads thus:

"The within-described process of maturing and preserving animal and vegetable substances, in part through evaporation, and in part through chemical binding of their organic moisture, by exposing the same to a current of heated and humid air, increasing in humidity and decreasing in heat as the evaporation proceeds, said current of air moving in the same direction with the articles to be treated, substantially as herein set forth."

All there is of this process is whatever may result from the current of heated and humid air, increasing in humidity and decreasing in heat as the evaporation proceeds, the current of air moving in the same direction with the articles to be heated, and acting on the substances divided into extended surfaces and exposed on screens, which are moved away from the source of heat while still exposed to heat. The substance on the screen nearest the source of heat is exposed to it for a proper time, and the screen is then passed onward, and a fresh screen is introduced into the place thus vacated. The specification says:

"The current of air, in passing through these screens covered with fresh material, now carries with it an increased burden of moisture, derived from said material as it strikes upon the screens that have gone on before. With every forward movement of the carrying apparatus fresh screens are introduced, and the moisture of the current of air is increased thereby."

It also says that the process—

"Is generally carried on in an apparatus which consists essentially of an elongated chamber or shaft, square or oblong, or of any other form, in cross-section, and set vertically, as shown in the drawing, or in any other position found advantageous for particular purposes."

The specification states the rationale of the process thus:

"By introducing the green articles in the bottom part of the tower, and moving them in the same direction in which the air moves, the scorching or burning of such articles is effectually avoided, since an article in its moist state, when exposed to a high heat, gives up its moisture; and, as the heat is absorbed or rendered latent by such moisture, the article is prevented from being overheated, and, as it moves from the high to the low temperature, it becomes gradually deprived of all its free moisture, as previously stated."

The evidence shows that the process set forth and claimed existed before Alden's invention, in the apparatus used by the Shakers from 1860, as testified to by Anstatt; and in the dry-houses testified to by Ledyard, Rogers, and Ryder, where the fruit was first placed on the lowest tray nearest the fire, and that tray was moved upward in the dry-house as the operation progressed. The apparatus described by Alden may carry out the process more perfectly, but the process, as set forth in the claim, is the same. All that Alden had a right to claim was an apparatus or arrangement of mechanism. This he did in claim 2. But that claim is not infringed.

The bill is dismissed, with costs.

TUTTLE and others v. LOOMIS and others.

(Circuit Court, N. D. New York. January 2, 1885.)

PATENTS FOR INVENTIONS—REISSUE—LACHES.

No amendment can be imported into a reissue to effect a broadening of a claim in the original patent, after a lapse of eight years, in the absence of very special circumstances. *Mahn v. Harwood*, 5 Sup. Ct. Rep. 174, followed.

In Equity.

Duell & Hey and *M. D. Leggett*, for complainants.

N. H. Stewart and *John E. Bennett*, for defendants.

WALLACE, J. All the questions involved here have been decided in favor of the complainants in suits upon these patents; first by Judges DRUMMOND and GRESHAM, in the circuit court of the district of Indiana, and again by Justice MATTHEWS and Judge DYER, in the circuit court for the Western district of Michigan. Not only were these complainants the complainants of record in those suits, but the defendants in those suits were closely identified with the present defendants, although not in such sense privies as to effect an estoppel. In view of these decisions I ought not to consider the questions now presented as open. Upon the question of the validity of the reissue, however, my impressions are so strongly against the complainants that I am unwilling to direct a decree in their favor until the rehearing upon that question now pending in the Western district of Michigan has been had, and a decision reached by the court. When the former decisions were made, the law upon the subject of reissues was generally recognized as conferring broader powers upon the commissioner of patents, and as authorizing a wider latitude in modifying the claims of original patents than has since been declared to be the rule by the decisions of the supreme court.

Carver's original patent described spring harrow-teeth of such form that when attached to the under side of the harrow-bar the teeth would curve back over the bar and extend to the ground below the under side of the harrow-frame, with their points inclining forward. The claim covered such teeth. It is obvious that all the functions of such teeth could be obtained without adhering to the precise form and mode of attachment specified by Carver; and, assuming that he was the pioneer in the invention of spring harrow-teeth, he was entitled to a broader claim than he made. Whether he described in his original patent just the invention he supposed he had made, or whether his invention was really a broader one than he himself supposed it to be, when it became apparent that the real invention was unduly restricted and narrowed by the description, he was entitled to a reissue if the error arose from inadvertence, accident, or mistake. After the lapse of eight years, however, no amendment could be imported into the reissue to effect a broadening of the claim of the original, in the