tance, between the rollers, and then forcibly withdrawn; the proximity of the rollers to each other being regulated entirely by the springs.

The difference in result is that while the contemplated and proper use of the plaintiff's machine will remove the unevenesses and loose fibers of skin, leaving the surface smooth and level, the defendant's will simply skive, or shave down, the edges to a desired thinness. That the plaintiff's machine may be forced to perform this skiving of the edges, is unimportant. It is not adapted to such a use and is of no value for the purpose.

The bill must be dismissed.

SHEEDER *v.* SHANNON.[1]

SHEEDER *v.* BICKING.

(Circuit Court, E. D. Pennsylvania. October 10, 1885.)

PATENTS FOR INVENTIONS—INFRINGEMENT.

Letters patent 210,714 were granted to complainant for a combination of heating pipes, and metallic plates applied thereto, constructed with flexible tubes, gum tubing, or suitable rock-joints, so as to permit the elevation or lowering of the pipes without interfering with the circulation of the steam through them. *Held*, that these flexible joints must be regarded as distinguishing and essential features of the construction of the pipes, and that a machine of which hinge-joints are not a constituent is not an infringement of said combination

In Equity.

S. W. Pennypacker, for complainant.

H. M. Dechert, for respondent.

PER CURIAM. The second claim of the complainant's patent is the only one in controversy here. It is for a combination of heating pipes, D, and metallic plates, E, "applied thereto, forming rests for the boards to be dried, and causing the heat from said pipes to be distributed uniformly over said boards, as set forth." Referring to the body of the specifications, the pipes, D, are "set forth" as constructed with flexible tubes, gum tubing, or suitable rock-joints, so as to permit the elevation and lowering of the pipes, D, without interfering with the circulation of the steam through them. These flexible joints must be regarded as distinguishing and essential features of the construction of the pipes, D; and, in view of the prior state of the art, must be held to be the specific pipes designated in the second claim of the patent. Hinge-joints are not a constituent of the ma-

[1] Reported by C. B. Taylor, Esq., of the Philadelphia bar.

chine used by the defendant, and hence are not an infringement of the patented combination.

The bill must therefore be dismissed, with costs.

A similar decree will be entered in the case of *Sheeder* v. *Bicking*.

SESSIONS *v.* GOULD and others.

(*Circuit Court, D. New Jersey.* November 20, 1885.)

PATENTS FOR INVENTIONS—NOVELTY—INFRINGEMENT.

Patent No. 108,300, dated October 11, 1870, for an improvement in trunk-rollers, if valid, is not infringed by defendants when properly construed.

In Equity.

Mitchell & Hungerford, for complainant.

Briesen & Steele, for defendants.

NIXON, J. The bill of complaint alleges infringement of certain letters patent No. 108,300, dated October 11, 1870, for an improvement in trunk-rollers, and owned by complainant as assignee for one Albert J. Sessions, the inventor.

The answer sets up various defenses; but, after a careful consideration of the state of the art at the date of complainant's patent, I think the only defenses that demanded serious thought are (1) that Albert J. Sessions was not the original and first inventor of any material and substantial part of the thing patented; and (2) that the defendants are not infringers. It is not necessary for me to express an opinion on the first of these defenses in the present suit, because, if decided in favor of the complainant, I must give such a narrow construction to the scope of his patent that the defendants cannot be held to infringe. The inventor in his specification says that his invention consists of forming a trunk-roller frame from a square sheet-metal blank, having four short diagonal incisions in the edges of the same, between which incisions two opposite corners of the blank are turned up to form the ears. His method is quite simple. He first cuts the metal into square blocks, slightly rounds the four corners, and punches a hole in each corner. The blank is then placed in the forming dies specially made for the purpose, which, as they close or meet, make four incisions diagonally with the blank. The corners of the blank between those incisions are then bent up at right angles to the rest of the plate, thus forming the ears. The usual cast-metal rollers are then secured between the ears by a pin, as in ordinary trunk-rollers. He claims, as his invention, "the herein described trunk-roller, the frame of which is formed from a square sheet-metal blank, cut or incised at the junction of the plate, A, and ears, B B; said ears being bent up from two opposite corners, so as to leave the points, *c c c c*, substantially as described."