

As the complainants are at liberty to sue the wrong-doer, whether he be a manufacturer, seller, or user, they have a right to inform him in advance of their intention so to do, and if he prefers to agree with his adversary *in limine*, it is not easy to see how the court can interfere. In this case, as in similar cases, where the infringers are often innocent of any wrong, and ignorant of the provisions of the law, it is not unlikely that the agents employed by the complainants act without discretion, and, at times, oppressively. If they exact money illegally, the complainants, who are, it is said, amply responsible, can be compelled to make restitution. The court, however, can hardly be expected to dictate a form of words for the use of these agents, or to formulate rules to regulate their conduct. Until equity has jurisdiction to enforce the precepts of the decalogue, the visit of the "patent-right man" will not be anticipated with emotions of pleasure alone. Though there may be individual cases of hardship disclosed by these papers, it must be remembered that it is but natural that the complainants, after years of severe and arduous litigation, should be tenacious in the maintenance of their rights, and active in seeing that they are no longer invaded. I can see no just ground for interference.

The motion is denied.

BALDWIN v. HAYNES.¹

(Circuit Court, D. Massachusetts. July 9, 1886.)

1. PATENTS FOR INVENTIONS—COMBINATION OF OLD DEVICES—INVENTION.

Mangles having a large feed-roll, surrounded by small polishing rolls, having differential speed, being old, and mangles employing the large roll as a polishing roll, and small ones as feed rolls, the latter having the same rate of speed, being also old, there was no invention in combining in a mangle a large roll for polishing, and small feed-rolls having differential speed.

2. SAME—PARTICULAR PATENTS.

Letters patent No. 253,661, of February 14, 1882, to Joseph F. Baldwin, for an improvement in mangles, are void for want of invention in the making of the device therein described.

In Equity.

Livermore & Fish and *E. L. Champlin*, for complainant.

Esek Cowen and *J. L. S. Roberts*, for defendant.

COLT, J. The defendant is charged with infringement of letters patent No. 253,661, dated February 14, 1882, granted to Joseph F. Baldwin, the complainant, for improvements in mangles. The invention consists of a mangle having a large heated smooth-faced polishing roll, around which are several feed-rolls with elastic coverings,

¹Edited by Charles C. Linthicum, Esq., of the Chicago bar.

each of these feed-rolls having a greater surface velocity than that which precedes it. In former mangles the large roll was the feed-roll, and the surrounding small rolls were for ironing or polishing. In these machines the fabrics were ironed only at the point of contact of the small rolls with the fabric. Baldwin's efforts were directed towards utilizing the large feed-roll in the old mangles as a polishing surface, so as to have a continuous polishing surface around the periphery of the large roll. In his first patent, dated June 11, 1878, we find, for the first time, the large roll used for the purpose of polishing instead of feeding. The machine, however, constructed after this patent, appears to have proved a failure. The difficulty was soon afterwards overcome by simply giving a differential speed to the small rolls, by which means the fabric was prevented from wrinkling, and was held down upon the surface of the large roll. This feature is covered by Baldwin's second patent. The only material difference between the first Baldwin patent, not now in controversy, and the second Baldwin patent, the subject-matter of this suit, lies in giving a differential speed to the small rolls.

The serious question which meets us at the outset is whether this additional feature incorporated into Baldwin's second patent constitutes invention, in view of the prior state of the art. The defendant has introduced the Smith patent of August 10, 1875, and the prior Leonard and Delavan House machines, in which we find a differential speed in the small rolls. To be sure, these were the old class of machines in which the large roll was the feed-roll. The important fact, however, remains that giving differential speed to the small rolls was old at the time of Baldwin's second invention. To simply apply this old feature to the Baldwin mangle, as constructed under his first patent, would not, in our opinion, constitute invention, though the form of the result was somewhat different. The evidence goes to show that in experimenting with his first machine Baldwin speedily saw the remedy for the defect by the application of mechanism found in prior mangles. This did not involve the exercise of the inventive faculty. To persons skilled in the art, the remedy would have suggested itself.

This conclusion makes it unnecessary to consider the other questions raised. Bill dismissed.

CHURCH v. SPAULDING.¹

(Circuit Court, D. Massachusetts. July 9, 1886.)

PATENTS FOR INVENTIONS—NOVELTY—INFRINGEMENT.

Letters patent No. 230,745, of August 3, 1880, to Henry A. Church, for an ornamental chain composed of a series of rows of rings, united together by passing connecting wires through orifices in disks or washers forming part of or secured within the outside rings of each alternate row, and securing the ends of the connecting wires within the edge of such outside rings, are valid, and infringed by the same combinations, notwithstanding the ends of the connecting wires are twisted to secure them, instead of clinched, as described in the patent.

In Equity.

B. F. Thurston and W. H. Thurston, for complainant.
George D. Noyes, for defendant.

COLT, J. The defendant is charged with infringement of letters patent No. 230,745, dated August 3, 1880, granted to Henry A. Church, for improvement in ornamental chains. The invention relates to that class of chains known in the trade as roller chains. The characteristic feature of these chains is that the rings of metal are united together by passing connecting wires through the orifices of the rings. Church's patent is for an improved manner of securing the rings or units together to form a chain. The outside rings of each alternate row are made with bottoms to them. Instead of making a ring with a bottom to it, the bottom may be separate and contained within the ring. This form of bottom is called a "washer" in the patent. These outside rings are cup shape, and two holes are punched in the bottoms. The legs of a wire staple pass through these holes, and through the intermediate rings, the projecting legs of the staple being bent over upon the bottom of the outside ring, so that the staple cannot be pulled out.

Prior to the invention of Church, solder was used in fastening the wire to the rings, or the wire straddled the adjacent links of the outside rows, and so projected beyond the edge of the chain. By dispensing with the use of solder, and by confining the connecting wire within the edge of the outside rings, Church made a better and more flexible chain. An inspection of the Dickinson, Clampitt, Davis, and Schewtz patents shows the use of solder, or a connecting wire which projects beyond the edge of the chain proper. In none of these chains do we find any bottoms or washers in the outside rings.

The defendant's patented chain is an improvement on Church's. He uses a filling disk or counter cup, arranged within the outside edge of the end rings, which hides the connecting wire, thereby preventing the collection of dirt on the outside rings, and improving the appear-

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