presser-foot. In the Nicholson machine the presser-foot is fixed, and the adjustability belonging to the cutter is an adjustability which operates, not to bring the cutter and blank into parallelism, but to throw them out of parallelism. The main feature of the Bernot machine of adjusting the presser-foot in a horizontal plane, so as to make it parallel with the cutter, is wanting in defendant's device.

The contention of the plaintiff that the third claim of the Bernot patent covers every machine in which the presser-foot or guide is set parallel with the chisel, it seems to me, cannot be sustained. Claim 3 is for "the arrangement of a guide set parallel to the graver, as hereinbefore described," etc. The claim must be construed with reference to the specification and drawings. It is the means or mechanism by which a certain result is accomplished, that is covered by the patent, and the question is whether the defendant accomplishes the same result by substantially the same or equivalent means. In view of the radical difference between the two machines already pointed out, I am satisfied the defendant does not infringe; and this disposes of the case, without rendering it necessary to consider the other defense which is raised.

Bill dismissed, with costs.

STEAM-GAUGE & LANTERN CO. and others *v.* ROGERS and others.

(Circuit Court, D. Massachusetts. April 15, 1887.)

PATENTS FOR INVENTIONS—INFRINGEMENT—NO. 244,944—AMENDMENT OF DECREE.

E. S. Jenney, for complainants.
George H. Knight, for defendants.

NELSON, J. And now, at the suggestion of the parties, who appear by their respective attorneys, E. S. Jenney for complainants, and George H. Knight for defendants, it is ordered that the opinion of the court on file in this case (29 Fed. Rep. 453) be corrected by striking out the words "bent partly round," in the last paragraph, and inserting in place thereof the words "passed through loops on," so that the first two clauses thereof shall read as follows:

"The defendants' lantern differs from the plaintiffs' only in the following particulars: In the former the side wires are hooked into the lower perforated plate, instead of being wound round or under it; and, in place of guides, they are supported laterally, by being *passed through loops on* the side tubes."

TEMPLE PUMP CO. *v.* GOSS PUMP & RUBBER BUCKET MANUF'G CO.

(*Circuit Court, N. D. Illinois.* May 16, 1887.)

PATENTS FOR INVENTIONS—IMPROVEMENT IN PUMP BUCKETS—INFRINGEMENT—CONTEMPT.

A decree was entered enjoining the defendants from infringing the first claim of letters patent No. 178,735, granted June 13, 1876, to John A. Churchill, for an improvement in pump buckets, in which claim a grooved screw-bolt was made a part of the combination. See 30 Fed. Rep. 440. The defendants afterwards manufactured rubber buckets for chain pumps, but used a solid screw-bolt instead of a grooved one. According to the proofs, it appeared that such use of a solid bolt was probably no infringement. *Held*, that the court would not determine the question of infringement upon a proceeding for contempt, but would leave the plaintiff to an original suit wherein the defendant would have a right of appeal.

Pierce & Fisher, for complainant.
A. N. Waterman and *West & Bond*, for defendant.

BLODGETT, J. This is an application for an attachment for contempt against the defendant, Sanford A. Goss, for violation of the perpetual injunction contained in the interlocutory decree in this case. (See *Temple Pump Co.* v. *Goss Pump & Rubber Bucket Manuf'g Co.*, 30 Fed. Rep. 440.) The original decree found that the defendants infringed the first claim of the Churchill patent, which is: "(1) The combination of the grooved screw-bolt or link, A, the concave-convex rubber, D, and interior expanding washer, C, substantially as set forth." Since the entry of that decree, the defendant, Goss, has continued the manufacture of rubber buckets for chain pumps; but has used what he calls a solid screw-bolt instead of a grooved screw-bolt, as called for by the first claim of the complainant's patent; and the only question in the case is whether the first claim of the Churchill patent is to be limited to a screw-bolt with one or more longitudinal grooves in it. In his specifications Churchill says: "A represents a bolt or link, formed with exterior screw-threads as shown; *also with one or more longitudinal grooves or channels.*" And the first claim, as already stated, is for the "combination of the *grooved* screw-bolt or link, A, with," etc. While I can see no necessity in the state of the art, or in the nature of the invention covered by this Churchill patent, for the patentee to have limited himself to a grooved screw-bolt or link, at the same time I must say that it seems to me very clear that he has done so. The proof in this case shows that solid and grooved screw-bolts were both known in the prior art; and undoubtedly, as this is a combination patent, the complainant might have provided that the screw-bolts might be either solid or grooved, as the person using the patent should elect; but he saw fit to describe a grooved screw-bolt, and to claim a grooved screw-bolt as a part of his combination, and it seems to me, therefore, that he is limited to a grooved screw-bolt as an element in his patent. It is true that the groove, which is really intended as a drip-hole for the escape of the water when the chain comes to a rest, is not