

way claimed, or any other way whatever, was ever before known for making wrought-iron sleeve-nuts in this form, we cannot reasonably hold that the sleeve-nuts shown in the references are of wrought-iron. The thing produced is manifestly an improvement upon cast metal, and upon wrought metal of uniform diameters throughout its length, and upon wrought metal of differing diameters with unequal distribution of material. The knowledge of the thing depends, in this case, in a measure upon the knowledge of how to make it. The claims and the parts of the invention have a reciprocal relation with each other, so that each tends to sustain the other."

The office, as well as the complainant, was ignorant of the fact that for sometime previous similar sleeve-nuts had been manufactured at Phillipsburg, N. J., by a process substantially identical with the complainant's. But for this doubtless the patent would have been rejected. The complainant, who is an intelligent machinist, and was familiar with the defects of sleeve-nuts in general use formerly, spent much time and thought on the manufacture of the nut which he constructed. He devised a useful and ingenious tool, which he employs in the manufacture of his nut, whereby a greater degree of uniformity and exactness in some part of the work is secured, and a neater and handsomer finish is obtained. The method employed in the construction is, however, the same as that previously employed at Phillipsburg. Calling the complainant's tools "dies," and the others by a different name, does not tend to distinguish the methods. In both cases the tools are similar in general character and manner of use, and in both the nuts are constructed from a flat wrought-iron plate, by forging and swedgling, and when constructed are indistinguishable in all material respects. If the claims were valid, it could not be doubted, we think, that the method pursued at Phillipsburg, and the nuts there constructed, are an infringement. We have not reached this conclusion without some regret. The result of the complainant's efforts have been beneficial to the public, and seem entitled to some reward. Doubtless, had he or his solicitor at the time been aware of the manufacture at Phillipsburg, the claims would have been narrower or otherwise different.

The bill must be dismissed, with costs.

TRAVERS v. BOSTON HAMMOCK SPREADER CO. SAME v. BEALS. SAME
v. NICKERSON.

(Circuit Court, D. Massachusetts. May 24, 1888.)

PATENTS FOR INVENTIONS—PATENTABILITY—INVENTION—HAMMOCK BLOCKS.

The second claim of letters patent granted to Travers November 18, 1879, for the combination of a hammock having suspension ropes with detachable curved distending blocks notched at the lower edge, is invalid by reason of the prior state of the art; detachable straight blocks notched at the lower edge to space the ropes having been in prior use, and there being no invention in making a curved block for the same purpose.

In Equity. Motions for preliminary injunctions.

Briesen & Steele, for complainant.

Browne & Browne, for defendants.

COLT, J. These are motions for preliminary injunctions based upon the alleged infringement of the second claim of letters patent granted to the complainant November 18, 1879, for improvements in hammocks. The claim is for the combination of a hammock having suspension ropes with detachable distending blocks, which are notched at their lower edge to space the ropes. The improvement really consists in the use with a hammock of a detachable curved block notched at its lower edge. The evidence before me proves beyond question the prior use of a detachable straight block notched at its lower edge to space the ropes. There is also evidence going to prove the use of a curved block notched at either end. Such being the prior state of the art I am unable to find any invention in making a curved detachable block notched at its lower edge. Hammocks with curved and straight blocks were exhibited before me at the hearing, and the relative merits of each tested in court, and except perhaps in the more attractive appearance of the former, I was unable to discover any substantial difference between the two in the results accomplished. The only embarrassment I labor under arises from the fact that Judge WALLACE in the case of *Travers v. Beyer*, 26 Fed. Rep. 450, sustained the validity of this patent upon final hearing. In the written opinion of Judge WALLACE the question of anticipation is not touched upon, but this point was decided orally in the plaintiff's favor at the hearing. An examination of the record and briefs of counsel in that case, which are now before me, discloses that it was a disputed question whether a straight detachable block notched at its lower edge had been in use prior to Travers' invention, and it may be the court held that such anticipation was not sufficiently proved, while in the present case it is not denied. Upon the record before me, I have such doubt as to the validity of the second claim of the patent that I do not feel justified in granting these motions. Motions denied.

EDISON ELECTRIC LIGHT Co. v. UNITED STATES ELECTRIC LIGHTING Co.

(Circuit Court, S. D. New York. May 15, 1888.)

1. PATENTS FOR INVENTIONS—DURATION OF RIGHT—FOREIGN PATENT.

Rev. St. U. S. § 4887, provides that "every patent granted for an invention which has been previously patented in a foreign country shall be so limited as to expire at the same time with the foreign patent." *Held*, where the application for the foreign patent was not made until subsequent to the application in this country, but the foreign patent issued before the domestic patent, that the term of the domestic patent was limited to the term of the foreign patent.