

tachment, instead of one, than there would be in fastening a board to a piece of studding or beam by two nails instead of one. In *Dunbar v. Myers*, 94 U. S. 187, the patent was for putting deflecting plates on both sides of a circular saw for cutting veneers. It was conceded that the use of a deflecting plate on one side of the saw was old, and the court said, at page 195:

"Grant that two such plates are in certain cases better than one used alone; still the question arises whether it involves any invention to add the second plate to a machine already constructed with one plate. Beyond doubt, every operator, who had used a machine having one deflecting plate, knew full well what the function was that the deflecting plate was designed to accomplish, and the reasons for placing it at the side of the saw are obvious to the understanding of every one who ever witnessed the operation of a circular saw. Ordinary mechanics know how to use bolts, rivets, and screws, and it is obvious that any one knowing how to use such devices would know how to arrange a deflecting plate at one side of a circular saw which had such a device properly arranged on the other side—it being conceded that both deflecting plates are constructed and arranged precisely alike, except that one is placed on one side of the saw, and the other on the opposite side. Both are attached to the frame in the same manner; nor is it shown, either in the specification or drawings, that there is anything peculiar in the means employed for arranging the deflecting plates at the sides of the saw, or in attaching the same to the frame."

And the same rule was followed in *Millner v. Voss*, 4 Hughes, 262.

I am therefore of opinion that, in the light of the Bussey patent, the complainant has gained nothing by the attempt to limit this patent to the use of the wires in pairs; and I must therefore find that this patent is void for want of novelty.

JOEL v. GESSWEIN.

(Circuit Court, S. D. New York. November 10, 1888.)

PATENTS FOR INVENTIONS—NOVELTY—STONE SETTINGS.

Letters patent No. 319,095 granted to Samuel Joel, June 2, 1885, for an improvement in holders for the settings of stones, the object being to provide a convenient tool to hold the metallic setting firmly while it is being manipulated by the workman prior to the reception of the stone, are void for want of novelty.

In Equity. Bill for infringement of letters patent No. 319,095, filed by Samuel Joel against Frederick W. Gesswein.

Julius J. Frank, for complainant.

Henry C. Atwater, for defendant.

COXE, J. On the 2d of June, 1885, letters patent No. 319,095 were granted to the complainant for an improvement in holders for the settings of stones. The object of the patentee was to provide a convenient tool to hold the metallic setting firmly while it is being manipulated by

the workman prior to the reception of the stone. The size of the tool varies according to the size of the setting. The complainant's record contains the letters patent and proof of infringement. No evidence in rebuttal was offered. The defense is want of novelty. The defendant introduced an engraver's large wooden chuck, known as "Exhibit No. 6." The complainant concedes that if this chuck, or others similarly constructed, were made prior to the alleged invention, the patent must be declared invalid; the difference in size being unimportant. This concession simplifies the issue. The proof is clear that these anticipating devices were known and in use long prior to the complainant's patent. The defendant saw them as early as 1877. One of the witnesses recollects seeing them in 1879; two others, in the spring of 1884. This evidence is criticised, and some circumstances which tend to cast doubt upon its correctness are pointed out; but, as it is not contradicted, and comes from the lips of respectable and unimpeached witnesses, there is no justification for arbitrarily disregarding it. Upon the record as presented, the patent is unquestionably void for want of novelty.

It is unnecessary to consider letters patent No. 289,106, granted to the complainant, November 27, 1883, for the reason that it was admitted on the argument that the defendant had not infringed. The bill must be dismissed, with costs.

AM ENDE v. SEABURY *et al.*

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

1. PATENTS FOR INVENTIONS—SPECIFICATIONS—CERTAINTY.

Letters patent No. 181,024, issued August 15, 1876, to Charles G. Am Ende, for an improvement in borated cotton, describe the process as follows: "I first prepare a solution of boracic acid, in the usual manner, and add thereto a small proportion of glycerine. * * * The cotton, either in bulk or wadding, is next immersed in the solution until well impregnated therewith, and then pressed, to discharge all surplus solution, or so much thereof as may be required. The cotton is then dried, and ready for use." *Held*, that while the directions contained in this specification might seem vague and indefinite to a person not skilled in chemistry, they were sufficiently clear to be comprehended by persons skilled in the art to which the patent relates, which is sufficient.

2. SAME—ANTICIPATION.

Held, also, that none of the journal articles in evidence anticipate said patent, as none of them indicate the use of cotton saturated with a solution of boracic acid and glycerine in the manner described in the specification.

In Equity. Bill for infringement of patent, brought by Charles G. Am Ende against Seabury & Johnson.

Arthur V. Briesen, for complainant.

Norman T. M. Melliss, for defendants.

COXE, J. The complainant is the owner of letters patent No. 181,024, granted to him August 15, 1876, for an improvement in borated cotton.