PATENT CASES DECIDED BY THE COMPTROLLER-GENERAL AND LAW OFFICERS OF THE CROWN IN 1887

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RALPH GRIFFIN

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PATENT CASES

DECIDED BY THE

COMPTROLLER-GENERAL AND LAW OFFICERS OF THE CROWN IN 1887,

WITH A FEW DECIDED 1885-6:

TOGETHER WITH SOME UNREPORTED CASES IN THE COURTS OF LAW.

EDITED BY

RALPH GRIFFIN,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

LONDON:

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1888.

PREFACE.

By the kindness of the Comptroller-General, and with the invaluable assistance of Mr. W. H. Sprague, of the Patent Office, I have been enabled to report these cases decided by the L. O. and C. G. for the most part in 1887, but some few in the years 1885-6.

The judgments are abstracted from the notes of the shorthand writers to the Patent Office, Messrs. Marten & Meredith, of 13, New Inn, Strand, W.C., the accuracy of which can be invariably relied on.

I have, in accordance with a suggestion of the present S. G., added in every case the date at which the L. O. judgment was delivered.

It will be found, as I believe, that these cases in conjunction with those I have already reported in my Patent Cases, 1884-6, form a complete series of all cases of interest decided by the L. O. and the C. G. under the Patents Act, 1883.

I have to thank T. Aston, Esq., Q.C., for allowing me to use and reproduce his notes of certain unreported cases of very great value decided in connection with the well-known *Bovill* patent. These will be found on pp. 45–53.

RALPH GRIFFIN.

6, Crown Office Row, Temple, E.C.
Feb. 8, 1888.

ABBREVIATIONS.

Goodeve P. C.	Goodeve's Patent Cases to 1883.
Griffin P. C.	Griffin's Patent Cases, 1884-1886.

LIST OF CASES.

APPLICATIONS FOR PATENTS.

AMENDMENTS.

OPPOSITION.

ACTIONS FOR INFRINGEMENT.

APPLICATION FOR PATENT.

BROWN.

Title not sufficiently describing the subject matter.—Appeal.

Application for a patent for "improvements in casks and tubs" with a complete in the first instance, which stated that the invention was applicable to barrels or other casks and also to tubs *and analogous vessels* in which the staves are formed with a croze or groove for receiving the head or bottom; and the object of the invention was to secure the bottom or head against outward displacement, and also to support the staves beyond the croze against any force or blow delivered upon the exterior of the staves such as would tend to break off their ends projecting beyond the croze. The C. G. refused under s. 7 (1) to accept the specification unless the words "and analogous vessels" were added to the title, or omitted from the specification, on the ground that the title did not in view of the words "and analogous vessels" in the body of the specification, sufficiently indicate the subject matter of the invention.

Appeal to the L. O. (25th *May*), 1887, allowed.

WEBSTER, A. G.—I do not regard this objection as in any way a frivolous one by the Patent Office, or an objection that was not worthy of discussion, but I think that the appeal ought to be allowed. It is quite true that words "analogous vessels" occur in the body of the specification, but it must be taken in conjunction with the whole of the sentence "and also to tubs and analogous vessels in which the staves are formed with a croze or groove for receiving the head or bottom." On turning to the claims, it is plain that they are specific. They do not relate to the vessels themselves, but to a mode of fastening in the heads and bottoms of the vessels, which are composed of staves, and there is a specific direction as to the mode of construction. Under these circumstances I think that the use of the words "analogous vessels" in the body of the specification in connection with the word "tubs," and the statement as to the way in which the invention