

**Forms.** and the N. Company, do pay to the petitioner his costs of and consequent upon the prosecution of his petition up to and including his costs of this motion, such costs to be taxed by the Taxing Master.

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No. 11. (a)

**Order on Petition Revoking Letters Patent.**

[*Insert Heading as in Form No. 4.*]

Upon the petition of T. P., of \_\_\_\_\_, in the County of London, gunmaker, on the \_\_\_\_\_ day of \_\_\_\_\_, preferred unto this Court, and duly authorized by her Majesty's Attorney-General, and upon hearing, on the \_\_\_\_\_ and \_\_\_\_\_ days of \_\_\_\_\_, counsel for the above-named petitioner and for the respondents, J. D. the elder and W. R. & Company, Limited, and the evidence of the several persons named in the schedule hereto on their examination taken orally before this Court on the days specified in the second column, and on production to them of the exhibits set opposite to their names in the third column of the said schedule, and upon reading the notice dated \_\_\_\_\_, signed by the solicitors for the petitioner, to admit certain documents, and the admission thereof signed by the respondents' solicitors, except documents, numbered \_\_\_\_\_ to \_\_\_\_\_ both inclusive; notice dated \_\_\_\_\_, by petitioner's solicitors to admit certain facts; notice dated \_\_\_\_\_, by the respondents' solicitors to admit certain documents, and the admission thereof signed by the petitioner's solicitors; the said Petition and the amended Particulars of Objections; the judgment, dated \_\_\_\_\_, in an action in the Queen's Bench Division of *W. R. & Company v. P. 189* W. No. \_\_\_\_\_, and an order dated the \_\_\_\_\_, of the Court of Appeal in the said action,

This Court did order that the said petition should stand for judgment, and the same standing in the paper for judgment this day accordingly, in the presence of counsel for the petitioner and for the respondents,

This Court doth order that the above-mentioned Letters Patent granted to J. D. junior, and being No. \_\_\_\_\_ of the year 188 \_\_\_\_\_ be revoked.

And it is ordered that the respondents, J. D. the elder and W. R. & Company, Limited, do pay to the petitioner, T. P., his costs of the said petition, including the costs of the shorthand notes taken by consent of both parties, of the evidence of the witnesses, and of the judgment, such costs to be taxed by the Taxing Master. And the respondents by their counsel asking for stay of execution: It is ordered that in the event of the said respondents serving the petitioner with Notice of Appeal from this Order within one month from the date hereof, this Order is not to be registered at the Patent Office until after the said Appeal shall have been disposed of.

The schedule.

No. 12.

**Another Order Revoking Letters Patent. (a)**

[*Insert Heading as in Form No. 5.*]

Upon the petition of S. Z. F. of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ preferred unto this Court and upon hearing counsel for the petitioner and for the respondents, L. G., J. D. G., and the N. Company, Limited, on the \_\_\_\_\_ day of \_\_\_\_\_, and upon reading the petition, the amended Particulars of Objection delivered by the petitioner, the exhibits produced to the witnesses named in the schedule hereto, and set opposite to their names in the third column of such schedule, and upon hearing the evidence of the witnesses named in the first column of such schedule, upon their examination taken orally before this Court on the days mentioned in such schedule, This Court did order that the petition should stand for judgment; and the same standing for judgment this day in the paper in the presence of counsel for the petitioner and the respondents, This Court doth order that the Letters Patent No. \_\_\_\_\_ A.D. 188\_\_\_\_, in the petition mentioned, granted to L. G. and J. D. G. be revoked.

And it is ordered that the respondents, L. G., J. D. G., and the N. Company pay to the petitioner, S. Z. F., his costs of the said petition, to be taxed by the Taxing Master on the higher scale.

Schedule.

No. 13.

**Order of the Court of Appeal (a)**

*Dismissing an Appeal against an Order for Revocation of a Patent.*

In the Court of Appeal.

Monday the \_\_\_\_\_ day of \_\_\_\_\_  
 In the Matter of G. & G.'s Patent, No. \_\_\_\_\_ of 188\_\_\_\_,  
 and  
 In the Matter of the Patents, Designs, and Trade Marks Act,  
 1883.

Upon motion by way of appeal on the \_\_\_\_\_ day of \_\_\_\_\_ made unto this Court by counsel for L. G., J. D. G., and the N. Company from the order dated the \_\_\_\_\_ day of \_\_\_\_\_, and upon hearing counsel for the respondent, S. Z. F., and upon reading the said order,

This Court did order that the said appeal should stand for judgment in the presence of counsel on both sides. This Court doth order that the order dated the 9th July, \_\_\_\_\_, be affirmed.

And it is ordered that the said L. G., J. D. G., and N. Company do pay to the said S. Z. F. his costs occasioned by the said appeal, to be taxed by the Taxing Master.

(a) *Goulard and Gibbs' Patent*, see ante, p. 747.



Forms.

No. 14.

**Memorial to the Attorney-General***For his Authority to Petition for the Revocation of Letters Patent.*

In the Matter of Letters Patent granted to E. V., No. ,  
of A.D. 1893, for an improved medical preparation for the  
cure of indigestion and like complaints,

and

In the Matter of the Patents, Designs, and Trade Marks Acts,  
1883—1888.

To Her Majesty's Attorney-General.

The Memorial of the Pharmaceutical Society of Great Britain,  
and of M. C. of , in the County of London,  
pharmaceutical chemist and druggist.

Sheweth as follows :—

1. Your memorialists, the Pharmaceutical Society of Great Britain, are a society formed for objects which include the protection of those who carry on the business of chemists and druggists, and were incorporated by Charter, dated the day of , and confirmed by Statute 31 & 32 Vict. c. 121. By the Statute 15 & 16 Vict. c. 56, in the interests of the public safety, the said society was entrusted with certain powers in relation to sales of "poisons." Your petitioner, M. C., is President of the said society.

2. The invention as set forth in the complete specification of the said Letters Patent relates to an improved medicinal preparation for the cure of indigestion and like complaints, and consists, as is therein stated, "for example, for a two-ounce bottle as follows :—

"Diluted prussic acid . . . . .	$\frac{1}{2}$ dram.
"Bicarbonate of potash . . . . .	1 dram.
"Compound tincture of lavender . . . . .	2 drams.
"Distilled water . . . . .	add to make up 2 ounces."

3. The claim set out in the said specification is as follows: "A medicinal preparation consisting of the above-mentioned ingredients combined in or about the proportion stated."

4. The use of diluted prussic acid and bicarbonate of potash mixed with distilled water has been well known and used for many years as a cure for indigestion. The tincture of lavender is added to the preparation for the purpose of colouring or flavouring such mixture (and is in no way an integral part of the preparation for the purpose of effecting a cure of indigestion). The addition of tinctures or essences for the purpose of colouring and flavouring mixtures of diluted prussic acid and bicarbonate of soda is also well known, and has been in common use amongst chemists and druggists and others for many years, and the said Letters Patent are not proper subject-matter for valid Letters Patent.

5. In the complete specification filed in the Patent Office as a consideration for the grant of Letters Patent the said E. V. purported

to declare the nature of her invention and the manner in which the same was to be carried out, and to particularly describe and ascertain the same by the statements contained in the said specification.

6. But the said E. V. has failed in the said specification to declare the nature of her invention, and has not stated sufficiently the proportions of the various ingredients set out in the complete specification which it is necessary to use in order to carry out her alleged invention. It is stated in the said specification that one of the compound parts is diluted prussic acid, but no direction is given as to the strength of the prussic acid which is to be used. In the claim the words "combined in or about the proportion stated" appear. Your memorialists submit that these statements are vague and misleading, and impose upon persons who may desire to use the said invention the necessity of ascertaining by trial and experiment what is the proper strength of prussic acid to be employed, and further to ascertain by trial and experiment what is the exact proportion of the various compounds to be used. For the above, and other reasons, your memorialists submit that the alleged invention claimed is one for which Letters Patent ought not to have been granted.

7. One of the ingredients mentioned in the said specification, to wit prussic acid, is a "poison." Such poison would come and was intended to come within the provisions of the Pharmacy Act (31 & 32 Vict. c. 121), and it would be prejudicial to her Majesty's subjects if, under Letters Patent which are voidable, such poison, to wit prussic acid, should be sold by virtue of its being included in the Letters Patent granted to the said E. V. without being subject to the restrictions as to the sale thereof contained in the said Act, and your memorialists as a matter of duty desire to guard the public against the danger of prussic acid being so sold, by obtaining the revocation of the Letters Patent in question, which they submit are voidable for reasons stated in their Particulars of Objections, and ought not to have been granted.

Your memorialists therefore pray that you will be pleased to grant leave to them to present a petition to Her Majesty's High Court of Justice for the revocation of the above-mentioned Letters Patent granted to the said E. V.

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No. 15.

**Declaration by the Petitioner**

*Verifying the Statements in the Petition.*

In the Matter of Letters Patent granted to E. V., No.  
of A.D. 1893, for an, etc.

and

In the Matter of the Patents, Designs, and Trade Marks Acts,  
1883—1888,

and

In the Matter of the Memorial of            to Her Majesty's  
Attorney-General of England.



**Forms.**

I of , the above-named memorialist, do solemnly and sincerely declare that all the statements set forth in the above-mentioned memorial, which memorial is now produced and shewn to me marked , are true in substance and fact. And I make this declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act, 1835.

Declared, etc.

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No. 16.

**Certificate by Solicitor**  
As to Petitioner's Ability to Pay Costs.

[*Heading as in Form No. 15.*]

I of , solicitor for the above-named memorialist, hereby certify that he is a fit and proper person to present a petition for the revocation of the above-named Letters Patent and that he is competent to answer the costs of all proceedings in connection with such petition.

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**B.—PROCEEDINGS FOR EXTENSION OF LETTERS  
PATENT.**

(See ante, p. 358, Chapter XX.)

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No. 17.

**Advertisement of Intended Application. (a)**

In the Matter of Letters Patent granted to S. C. C. C., and to I. A. T. of , both in the County of Middlesex, but now of , for an Invention of "Improvements in the Means of Working and Interlocking Railway Signals," dated the day of , A.D. 1883, No. .

Notice is hereby given, that it is the intention of I. A. T. whose office is at , and who is the proprietor of the said Letters Patent, to present a petition to her Majesty in Council, praying her Majesty to grant new Letters Patent, or a prolongation of the term of the said Letters Patent. And, also, that on the day of now next, or upon such subsequent day as the Judicial Committee of her Majesty's Privy Council shall appoint for that purpose, the petitioners will apply by counsel to the same committee for a time to be fixed for hearing the matter of the said petition, and that on or before the day of now next, any person or persons desirous of being heard in opposition to the prayer of the said

(a) *Currie and Timmis' Petition.* See post, p. 765.

petition must give notice of such opposition, and any person or persons intending to oppose the said petition must enter a caveat to that effect at the Privy Council Office on or before the last mentioned date.

Forms.

Dated the            day of

(Signed)

Agents for

Solicitors for the Petitioners.

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No. 18.

**Another Form of Advertisement of Application.**

In the Matter of Letters Patent bearing date, the            day of           , No.           , granted to E. C., late of           , in the Kingdom of Belgium, Coke Manufacturer, now deceased, for the Invention of "Improvements in the Construction of Coke Furnaces,"

Notice is hereby given, that it is the intention of E. C., the son of the above-mentioned E. C. deceased, and of A. B. G. Le R., S. O. and S. H. S. L., the assignees of three one-sixth parts or shares of and in the said Letters Patent, to present a petition to her Majesty in Council, praying her Majesty to grant a prolongation of the term of the said Letters Patent. And notice is hereby further given, that on the            day of            next, or on such subsequent day as the Judicial Committee shall appoint for that purpose, application will be made by counsel to the said committee that a time may be fixed for hearing the matter of the said petition, and any person desirous of being heard in opposition to the said petition must enter a caveat to that effect at the Privy Council Office on or before the said day of

Dated this            day of

(Signed)

Solicitors for the Petitioners.

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No. 18a.

**Affidavit as to Advertisement of Intention to Petition.**

In the Privy Council.

In the Matter of Letters Patent granted to A. E. D. of           , Massachusetts, in the United States of America, then of           , in the City of London, and bearing date the            day of           , 1882, and numbered           .

I,            of           , in the City of           , solicitor, make oath and say as follows:—

1. That on the            day of           , there appeared in the *London Gazette* an advertisement of which the following is a copy:—

(Set out Advertisement.)

**Forms.**

The said advertisement was repeated in the *London Gazette* on the      day of      and the      day of      .

2. On the      day of      , 1895, a similar advertisement appeared in the *Times* newspaper, a paper published in London.

3. On the      day of      , 1895, a similar advertisement appeared in the *Daily Telegraph* newspaper, a paper published in London.

4. On the      day of      , 1895, a similar advertisement appeared in the *Standard* newspaper, a paper published in London.

5. On the      day of      , 1895, a similar advertisement appeared in the *Liverpool Daily Courier*, a newspaper published in the City of Liverpool, and circulating in Prescot, in the County of Lancaster, and the said advertisement was repeated in the *Liverpool Daily Courier* on the      day of      and the      day of      , 1895.

6. On the      day of      , 1895, a similar advertisement appeared in the *Prescot Weekly Times*, a newspaper published in Prescot, in the County of Lancaster.

Sworn at, etc., this      day of

(Signed)

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No. 19.

**Caveat by Intending Opponent.**

To the Registrar

Of Her Majesty's Privy Council.

In the Matter of Letters Patent granted to A. E. D. of      , Massachusetts, United States of America, then of      , in the City of London, and bearing date the      day of      , 1882, and numbered      , for "Improvements in Electrical Cables."

Take Notice, that we hereby enter a caveat on behalf of the F. W. C. Company, Limited, of      , against any Petition which has been or may be presented for the extension of the above Letters Patent.

Dated this      day of      , 1895.

(Signed)

Solicitors and Agents for the F. W. C. Company, Limited.

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No. 20.

**Petition for Extension of the Patent Term.**

In the Privy Council.

Presented the      day of      , 1897.



To the Queen's Most Excellent Majesty in Council. (a)

Forms.

In the Matter of Letters Patent granted to S. C. C. C. of  
 , gentleman, and I. A. T., formerly  
 of , in the County of Middlesex, for  
 an invention of "Improvements in the Means for working  
 and interlocking Railway Signals by Electricity," dated  
 the day of in the year of our Lord 1883, No.

The Humble Petition of the said I. A. T.

Sheweth as follows:—

1. That your Majesty was graciously pleased by Royal Letters Patent under the Great Seal (b) of the United Kingdom of Great Britain and Ireland, bearing date the day of , 1883, and numbered , to grant to your petitioner and to the said S. C. C. C., their executors, administrators, and assigns the sole privilege to make, use, exercise, and vend the said invention within the United Kingdom, the Channel Islands, (b) and the Isle of Man for the term of fourteen years from the date of the said Letters Patent.

2. That your petitioner and the said S. C. C. C., in compliance with the proviso in the said Letters Patent contained, (b) duly filed in the Great Seal Patent Office, on the of , 1884, a specification particularly describing and ascertaining the nature of the said invention, and the manner in which the same is to be performed. And all other conditions contained in the said Letters Patent, or upon which the said Letters Patent were granted, including those relating to the payment of stamp duties, have been duly performed.

3. That the said invention was at the date of the said Letters Patent a new invention within your Majesty's realm, and your petitioner and the said S. C. C. C. were the true and first inventors thereof.

4. That your petitioner and the said S. C. C. C. obtained Letters Patent in the countries and at the dates following:—

France	.	.	.	.	.	No.	of 1884
Belgium	.	.	.	.	.	No.	of 1884
Cape of Good Hope	.	.	.	.	.	No.	of 1884
Austria	.	.	.	.	.	No.	of 1886
Italy	.	.	.	.	.	No.	of 1884
New South Wales	.	.	.	.	.	No.	of 1884
Queensland	.	.	.	.	.	No.	of 1885
Victoria	.	.	.	.	.	No.	of 1884
South Australia	.	.	.	.	.	No.	of 1884
Tasmania	.	.	.	.	.	No.	of 1884
West Australia	.	.	.	.	.	No.	of 1884
New Zealand	.	.	.	.	.	No.	of 1885
India	.	.	.	.	.	No.	of 1885
United States of America	.	.	.	.	.	No.	of 1885
Canada	.	.	.	.	.	No.	of 1884

(a) This petition was presented in *Currie & Timmis' Patent*, of which an extension was granted for ten years. See 15 R. P. C. 63.

(b) This patent was granted prior to the coming into operation of the Patents Act, 1885.



## Forms.

5. That your petitioner also obtained Letters Patent and the like privileges for certain improvements on and details connected with the said invention in the United Kingdom on the dates as set out below :—

In the United Kingdom	.	.	No.	of 1891
„	„	„	No.	of 1892

6. That by an agreement dated \_\_\_\_\_, and by two indentures dated respectively \_\_\_\_\_ and \_\_\_\_\_, all made between your petitioner and the said S. C. C. C., both the Letters Patent mentioned in paragraph 4 hereof which were granted in the United States of America and Canada, were contracted to be assigned to the said S. C. C. C., and the whole of the Letters Patent mentioned in the said 4th paragraph which were granted in the other countries therein mentioned, were contracted to be assigned to your petitioner, including the Letters Patent the subject of this petition, and all the said patents were subsequently formally assigned as above mentioned, and since the said dates your petitioner has been the sole owner of the same.

7. The Letters Patent mentioned in paragraph 4 hereof which were granted in France, Belgium, Cape of Good Hope, Austria, Italy, New South Wales, Queensland, Victoria, South Australia, Tasmania, West Australia, New Zealand, and India, were allowed to lapse, no fees having been paid in respect of them for the purpose of upholding them after the year \_\_\_\_\_, and no profits were made in respect of them, either by way of assigning them, or working the invention in respect of which they were granted, or otherwise.

8. The invention in respect of which the Letters Patent, the subject of this petition were granted, is to operate the signal arms of railway signals by electrical agency instead of mechanical. To this end an electro-magnet is placed on or near the post on which is the signal arm. Each signal post and arm in a railway station is so fitted, and each is connected by wires, or leads to a source of electricity. This source may be a battery, or a continuous running dynamo.

When the signalman pulls over his lever, and completes the electric circuit to any particular signal, *i.e.* magnet, that magnet is operated, and lowers the signal arm from “danger” to “line clear.” This lowering current is what the patent describes as a continuous current, *i.e.* it is always ready to flow along any wire to any signal as soon as the wire or circuit to that signal is completed by—

(a) The signalman having operated his lever.

(b) By the fact that all conflicting signals or points are at “danger.”

As soon as the signal is at “line clear,” the armature of the magnet is in touch with the bobbin, and then the current necessary to hold the armature and bobbin together is very small compared with that which was requisite to operate or lower it. And as it is necessary to economize the use of the electric current, it is lessened by any suitable means as described in page 3, lines 2 to 10.

(a) A resistance is automatically switched in.

(b) Part of the battery is switched out.

Without this reduction of the current, the working of railway signals by electro-magnets would be prohibitive by means of the cost; but it is proved by absolute work that this arrangement, which reduces



the "lowering" to "holding," i.e. from 5 amperes to 0.5 (or  $\frac{1}{10}$ ), makes it economical. Then the use of a continuous current is essential and new.

The second claim, by which signals are interlocked with each other and with points electrically, is more safe and more economical than when it is done mechanically. It is clear that the levers necessary to operate signals by means of an electric current need only be very small—seven inches long instead of seven feet—and that they take up very small room; and that by completing all the signal circuits through all the levers when in the "back" position, if any conflicting lever is pulled over, it breaks every circuit which goes to any of its conflicting signals, and then none of them can be lowered. On the other hand, if a signal lever is pulled over, the signal is operated, and the repeater shows the signalman that it is so operated; it is proof positive to him that all the points are in their correct position, and also that all conflicting signals are and must be at "danger."

9. Owing to the exceedingly serious consequences which would probably result from a failure of the signalling apparatus on a railway, and to the fact that your petitioner's above system of working signals electrically was entirely novel and untried, your petitioner, notwithstanding his continuous efforts on that behalf, was unable to induce any railway company to try the system on a large scale until the year 1891, when the L. O. Electric Railway was made. This railway was fitted with an electric signalling system arranged according to the invention described in your petitioner's Letters Patent of 1883, and was fitted with certain of the said improvements in details which are the subject of the two later Letters Patent granted to your petitioner, and referred to in paragraph 5 hereof.

The system has now been continuously in operation on the L. O. Railway for the last four years, and has proved to be reliable, economical, and satisfactory in every respect.

10. Prior to the said installation on the L. O. Railway, your petitioner caused to be erected at G., in the year 1884, a small experimental installation of his system; and, in consequence of this, your petitioner received an order to fit up one signal and two bridge-repeaters on the S. D. Railway which have been working ever since. And in the year 1895-6 he erected an installation at E. C. Junction, on a much larger scale, with the view of bringing the advantages of the said system to the notice of railway engineers.

11. Owing to the causes set out above, and notwithstanding the continuous efforts of your petitioner to bring the said invention into public use, the invention has not at the present time, with the exception of the installations at L. and S., come into commercial use, and your petitioner has not derived any profit from the same, but has, on the contrary, expended large sums of money in his endeavour to introduce the said invention, as shewn by the accounts to be filed by him.

12. Your petitioner believes that the objections to the use of the said system by the railway companies have now been largely or entirely removed by the experience gained on the L. Railway; and that, in the very special circumstances of this case, the exclusive right of using the said invention for a further term of fourteen years, in addition to the term granted by the Letters Patent the subject of



**Forms.** this petition, will not be more than sufficient to enable your petitioner to obtain a fair remuneration for his invention and exertions.

13. That your petitioner has given public notice, by advertisements caused to be inserted the requisite number of times in the *London Gazette* and in Metropolitan and County newspapers, pursuant to the Statutes in that case made and provided, that it is his intention to apply to your Majesty in Council for a prolongation of the term of sole using and vending the said invention.

Your petitioner therefore humbly prays that your Majesty will be graciously pleased to take the case of your petitioner into your royal consideration, and to refer the same to the Judicial Committee of your Majesty's Most Honourable Privy Council, and that your petitioner may be heard before such committee by his counsel and witnesses, and that your Majesty will be pleased to grant to your petitioner a prolongation of the term of sole using and vending the said invention for the further and additional term of fourteen years, or for such other term as to your Majesty shall seem fit, and to grant new Letters Patent for the said invention to your petitioner for such term as to your Majesty shall seem fit, after the expiration of the first term originally granted by the existing Letters Patent hereinbefore mentioned, according to the form of the Statutes in such cases made and provided.

And your petitioner will ever pray, (a) etc.

Solicitors for Petitioner.

No. 21.

**Another Form of Petition. (b)**

In the Privy Council,

Presented the            day of            , 1895.

To the Queen's Most Excellent Majesty in Council.

In the Matter of Letters Patent, granted to A. E. D.,  
of            , Massachusetts, United States of America,  
bearing date the            day of            , 1882, No.            ,  
for an invention of "Improvements in Electrical Cables."

The Humble Petition of the said A. E. D. and of the B. I. W. Company, Limited, whose Registered Office is at  
in the County of            , as Assignees of the said Letters Patent.

(a) In this case a "supplementary statement" to Paragraph 8 of the Petition was also presented by the petitioner, setting out, with the aid of diagrams, the nature of his invention in detail.

(b) This Petition was presented in

the case of *Dolbear's Patent*. An extension in this case was refused on the ground that there was no sufficient explanation of delay in bringing the invention into practice; see 13 R. P. C. 203.

Sheweth as follows :—

1. That the said A. E. D. obtained the grant of your Majesty's Royal Letters Patent under the Great Seal (a) of the United Kingdom of Great Britain and Ireland, bearing date the            day of           , 1882, for an invention of "Improvements in Electric Cables," whereby your Majesty did give and grant unto the said A. E. D., his executors, administrators, and assigns, the sole privilege to make, use, exercise, and vend the said invention within the United Kingdom of Great Britain and Ireland, the Channel Islands, and the Isle of Man, for the term of fourteen years from the date of the said Letters Patent.

2. That in pursuance of the conditions and provisions in the said Letters Patent contained, the said A. E. D. duly filed in the Great Seal Patent Office, on the            day of           , 1882, a proper and sufficient specification (b) of the said invention, and the manner in which the same was to be performed, and all other conditions contained in the said Letters Patent, or upon which the said Letters Patent were granted, including those relating to the payment of stamp duties, have been duly performed.

3. That the said invention was at the date of the said Letters Patent a new invention within your Majesty's realm, and the said A. E. D. was the true and first inventor thereof.

4. The said invention relates to the insulation of electric conductors. It consists in reducing to the smallest possible extent the contact between the conductor and the surrounding insulating material, so that the conductor is as much as possible insulated by the surrounding air. By this means the rapidity with which electric signals can be transmitted through the cable is largely increased: the reason being that the inductive capacity of air is very low as compared with solid insulators, and, consequently, a much smaller Leyden-jar effect is produced with an air-insulated conductor than with one which is in contact with a solid insulator.

5. Your petitioner, A. E. D., obtained Letters Patent for the same invention, in the United States of America, bearing date the day of           , 1887, and numbered           .

6. By an assignment dated the            day of           , 1892, your petitioner, A. E. D., assigned the said Letters Patent for the sum of ten pounds to "P. E., Limited," whose registered office is at           , and by an assignment dated the            day of           , the said P. E., Limited, assigned the said Letters Patent for the sum of ten pounds to J. K., and about the same date the said J. K. assigned the said Letters Patent for seven pounds ten shillings to J. B. A. By an agreement dated the            day of           , the said J. B. A. agreed to assign the said Letters Patent to your petitioners, the B. I. W. Company, Limited, in consideration of the payment of £1000, of which £500 were paid in cash, and the balance of the £1000 was paid by the issue to him of one hundred fully-paid A shares in your petitioners' company. The formal assignment from J. B. A. to your petitioners was made on the            day of           , and your petitioners, the B. I. W. Company, Limited, are now the registered owners of the said Letters Patent.

(a) This Petition also concerned a            operation of the Patents Act, 1883.  
Patent granted prior to the coming into            (b) Ibid.



**Forms.**

7. At the date of the said Letters Patent, viz. 1882, there was little or no need for cables made according to the said invention. Such cables are most useful for telephonic cables when laid in the ground; and until a comparatively recent date few, if any, of such cables were in use. Until recently nearly all telephonic conductors were suspended from insulators in the air. Now, however, partly in consequence of the largeness of their number, and the inconvenience and the danger of overhead wires, large numbers of insulated wires for telephonic purposes are laid in the form of cables, in troughs or pipes in the ground, and cables insulated according to the invention the subject of this petition have been found to be of great value for this purpose.

8. Owing to the causes set out above, and notwithstanding the continued efforts of your petitioner, A. E. D., to bring the said invention into public use, the invention did not come into any commercial use until quite recently, and neither your petitioner, the said A. E. D., nor your petitioners, the said B. I. W. Company, Limited, have derived any material profit from the same, as shewn by the accounts to be filed by them respectively.

9. The said invention was new at the date of the Letters Patent the subject of this petition, and neither the utility of the said invention nor the validity of the said Letters Patent have ever been called in question.

10. Your petitioners, the B. I. W. Company, Limited, are now in a more favourable position to obtain some reward in respect of the said invention, and are willing to make such provision for rewarding your petitioner, the said A. E. D., as may seem fit to your Majesty.

11. Your petitioners have caused the necessary and proper advertisements to be inserted the requisite number of times in the *London Gazette* and in London and country newspapers, pursuant to the Statutes in that case made and provided, and the rules made in that behalf, notifying that it is the intention of your petitioners to apply to your Most Excellent Majesty in Council for a prolongation of the said Letters Patent.

Your petitioners therefore humbly pray that your Majesty will be graciously pleased to take the case of your petitioners into your Royal consideration, and to refer the same to the Judicial Committee of your Majesty's Most Honourable Privy Council, and that your petitioners may be heard before such committee by their counsel and witnesses. And that your Majesty will be pleased to grant your petitioners a prolongation of the term of the said Letters Patent for a further term of fourteen years, or for such other term as to your Majesty may seem fit.

And your petitioners will ever pray, etc.

Agents for

(Signed)

Solicitors for the Petitioners.

No. 22.

Forms.

**Advertisement of Time Fixed for Hearing Petition. (a)**

In the Privy Council.

In the Matter of Letters Patent granted to S. C. C. C. of \_\_\_\_\_, and I. A. T., formerly of \_\_\_\_\_, now of \_\_\_\_\_, in the County of Middlesex, for an invention of "Improvements in the Means of Working and Interlocking Railway Signals by Electricity," dated the day of \_\_\_\_\_, A.D. 1883, No. \_\_\_\_\_.

In the Matter of the Petition of the said I. A. T. for an extension of the term of the said Letters Patent.

Notice is hereby given, that their Lordships the Judicial Committee of the Privy Council have appointed Thursday, the \_\_\_\_\_ day of \_\_\_\_\_, 1897, at half-past ten o'clock in the forenoon, for hearing the matter of the above Petition.

Dated \_\_\_\_\_

(Signed) \_\_\_\_\_

Solicitors for the Petitioner.

No. 23.

**Notice to Opponent***Who has entered a Caveat of the Time Fixed for Hearing.*

[Insert Heading.]

Take notice, that the Judicial Committee of Her Majesty's Privy Council did, on the \_\_\_\_\_ day of \_\_\_\_\_, appoint the \_\_\_\_\_ day of \_\_\_\_\_, now next ensuing, for the hearing of the matter of the above-mentioned petition.

Dated \_\_\_\_\_

(Signed) \_\_\_\_\_

H. K. &amp; Co.

Solicitors for the Petition.

No. 24.

**Notice of Grounds of Objection by Opponent.**

In the Privy Council.

In the Matter of Letters Patent granted to J. H. (b) of \_\_\_\_\_

(a) *Currie and Timmis' Petition*, see ante, p. 765.

(b) This petition (*Hopkinson's*) was refused, on the grounds that adequate remuneration had been received by the

inventor, and the merit of the assignees was insufficient to entitle them to an extension of the patent monopoly. See 14 R. P. C. 5.



Forms.

, in the County of Middlesex, for an Invention of "Improvements in Distributing and Measuring Electricity, and in Apparatus to be Employed for those Purposes," bearing date the            day of           , 1882, and numbered           ,

and

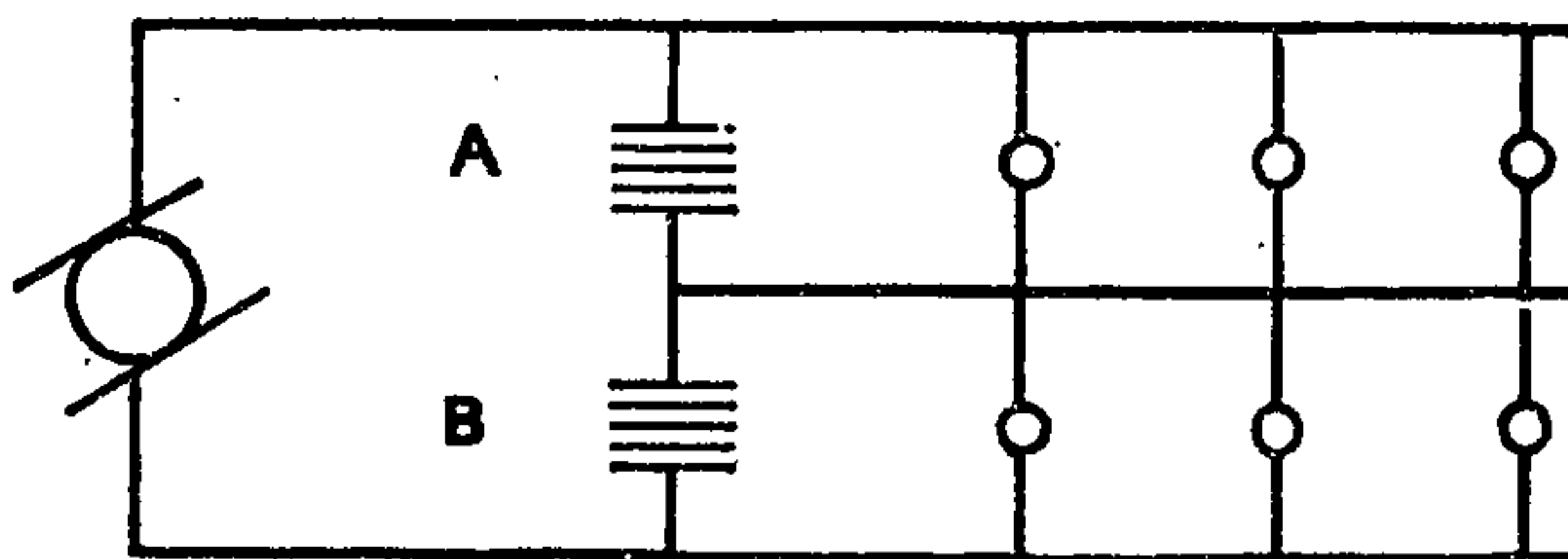
In the Matter of the Petition of the said J. H., and the W. E. Company, Limited, for an Extension of the Term for which the said Letters Patent were granted.

The Grounds of Objection of the several Corporations following, namely: the Corporation of Edinburgh, the Corporation of Aberdeen, and the Corporation of Belfast, to the granting of the Prayer of the above-mentioned Petition, are as follows:—

1. That the said alleged invention, as described and claimed in the specification filed in pursuance of the application for the said Letters Patent, has not been of sufficient public benefit to entitle the petitioners to any further extension of the term for which the said Letters Patent were granted.

2. The invention for which the said Letters Patent were granted is diagrammatically but correctly shown in the petition at the bottom of page 5. And it is claimed in the said specification of the petitioner, J. H., in the following words, "In a system of electrical distribution of supply, the employment of three (or more) conductors in combination with two (or more) dynamo machines, in a series substantially as hereinbefore described with reference to Fig. 5 of the accompanying drawings, whether the middle conductor be continuous or be replaced by an earth-return, as set forth."

3. The system of distribution which is and has been employed by the above-mentioned three corporations is diagrammatically set out in the following drawing, in which A and B represent series of secondary cells, which are or may be charged by a small independent dynamo-machine, if and when required.



4. The above-described method of distribution by means of three wires is not the system of distribution by three wires as described and claimed by the petitioner, J. H., but differs therefrom in several very important and material respects. The system which has been used by the objectors and many others is the system above described, and not the system of the petitioner, J. H.

5. The particular system described and claimed by the said J. H. has not been largely used, and is of very little value as compared with the above-named system as used by the said three corporations.

6. The petitioners, the W. Company, Limited, have asserted that the said system as used by the said corporations is an infringement of the system as claimed in the said H.'s specification, and have during the last two or three years endeavoured to compel the said corporations to take a license from them to work according to the said Letters Patent. The said corporations will submit (although denying the said infringements) that if the use by them of the system as used by them, and by many other corporations and companies, is in fact an infringement of the said Letters Patent, the royalties now due in respect of such user, or the damages, as the case may be, which the petitioners will in due time recover down to the date of the expiration of the term for which the said Letters Patent were granted, will amount to a very large sum, and will be such that the petitioners will have been adequately remunerated in respect of their trouble and expenditure. Notwithstanding that the petitioners have for nearly two years past alleged that the system adopted by the said corporations is an infringement of the said Letters Patent, they have intentionally abstained from taking any steps to determine the question or to restrain them from continuing to infringe. The petitioners have been well aware of similar alleged infringements by other corporations and companies for several years past, but have taken no steps as aforesaid to vindicate their rights.

7. Alternatively the said three corporations will contend that, if the said system used by them is not in fact an infringement of the said Letters Patent, in that case the said invention is one of limited merit, and in respect of which adequate remuneration has already been received.

8. That the petitioners, J. H. and the W. Company, Limited, have already received a full and adequate remuneration for the alleged invention as more particularly set forth in section 27 of the petition. The petitioners, the W. Company, Limited, carry on a very extensive business, and own several Letters Patent of great value, and the shares received by the said J. H. were, and now are, of considerable value.

Dated this            day of

No. 25.

**Another Form of Notice of Grounds of Objection. (a)**

In the Matter of Letters Patent granted to A. E. D. of  
 Massachusetts, United States of America, bearing  
 date the            day of           , 1882, and numbered  
 for an invention of "Improvements in Electrical Cables,"  
 and

In the Matter of the Petition of the said A. E. D., and  
 of the B. I. W. Company, Limited, for an extension of  
 the term of the said Letters Patent.

The Grounds of Objection of the N. T. Company, Limited, whose  
 registered office is at           , in the City of London, to the

(a) *Dolbear's Petition*, see ante, p. 768.



Forms.

granting of the Prayer of the above-mentioned Petition, are as follows, viz. :—

1. That the alleged invention was not new at the date of the said Letters Patent.

2. That the alleged invention did not disclose any such useful addition to the stock of public knowledge existing at the date of the said Letters Patent as to entitle the said A. E. D. to the grant of valid Letters Patent.

3. That the alleged invention, as described in the specification filed under the said Letters Patent, never has been, and is not likely to be, of sufficient public advantage to entitle the patentee or the owners of the patent to any further extension of the term thereof.

4. That the title of the petitioners to the said Letters Patent is invalid.

5. The alleged invention had been anticipated by the following publications made before the date of the said Letters Patent within the United Kingdom of Great Britain and Ireland :—

By the specification filed under Letters Patent, No. , A.D. , granted to A. W. D., for "Improvements in Submarine Telegraphic Cables."

The whole specification is relied on.

By the American specification of W. E. P., No. , A.D. 1876, for an "Improvement in Insulating Telegraph Wires," published at the Patent Office, Chancery Lane.

The whole specification is relied on.

By the specification filed under Letters Patent, No. , A.D. 1881, granted to W. R. L., for "Improvements in and relating to Electrical Cables or Conductors for Telegraphic and Similar Purposes."

The whole specification is relied on.

6. That the B. I. W. Company and the intermediate assignees of the said Letters Patent respectively have not assisted the said A. E. D. with sufficient funds to enable him to develop the said alleged invention and to bring it into commercial use, nor have they, or either of them, so acted in connection with the introduction of the said alleged invention as to entitle the petitioners to an extension of the term of the said Letters Patent.

7. That the petitioners have already received a full and adequate remuneration for the said alleged invention, or, if not, the want of proper remuneration has been caused by reason of their own conduct in and about the sale and development of the said alleged invention.

8. That the petitioners have permitted infringements of the said Letters Patent, and have not brought actions to restrain such infringements, or warned infringers, or in any way asserted their alleged rights under the said Letters Patent.

9. That the allegations contained in the said petition are incapable of proof.

Dated this                      day of                      1895.

(Signed)

Solicitors for the N. T. Company, Limited.

No. 26.

Forms

## Another Form of Notice of Grounds of Objection.

In the Matter of Letters Patent, bearing date , numbered  
 , granted to W. L. of for an invention of  
 "Improvements in the Construction and Arrangement of  
 Apparatus for Purifying, Disinfecting, Drying, and  
 Heating,"

and

In the Matter of the Petition of the said W. L. for an  
 Extension of the Term of the said Letters Patent.

The Grounds of Objection of E. M. & W. W., trading under the  
 style or firm of , engineers and iron-founders at  
 to the granting of the above-mentioned Petition are as follows:—

1. That the petitioner has received a full and adequate remuneration for the said alleged invention.

2. That the petitioner entered into an agreement with M. A. F. & Company, of , whereby he granted to the said firm the sole right to manufacture and sell his disinfectors. The said firm in the year sold their business to a limited company named M. A. & Company, Limited. By consent of the petitioner, the said limited company exercised and carried on the said exclusive rights. The said firm and the said limited company have received in respect of the said rights £ , and it is submitted that the public have already paid more than an adequate remuneration for the exercise of the monopoly granted by the said Letters Patent.

3. That the plaintiff was not the first and true inventor of the alleged invention comprised in the said Letters Patent.

4. That the alleged invention was not useful.

5. That the said alleged invention was not new at the date of the said Letters Patent.

6. That the said alleged invention was, previously to the date of the said Letters Patent, published within this realm in the following specifications respectively filed in the Patent Office as hereinafter mentioned, that is to say:—

*[These specifications are here omitted.]*

7. That the alleged invention was used before the date of the said Letters Patent by the several persons at or in the several places following, that is to say:—

*[Places of prior user are here omitted.]*

8. The petitioner's invention has been publicly known and used in lace factories in the neighbourhood of N. for a period of thirty years.

(Signed)

Delivered, etc.



Form of Patentees' Accounts.

IN THE PRIVY COUNCIL.

First Year.

O. & T.'s Patent, 1883, December 12: No. 5718—Improvements in Working and Interlocking Railway Signals. (a)

RECEIPTS IN 1883.			EXPENSES IN 1883.		
1883		£ s. d.	1883		£ s. d.
Jan. 1	Nil		Jan. 1	British Patent Fees	25 0 0
to			to	French Patent Fees	9 0 0
Dec. 31.			Dec. 31.	United States Patent Fees	86 6 0
				Belgian Patent Fees	4 8 0
				German Patent Fees	11 5 0
				Austrian Patent Fees	10 16 8
				Indian Patent Fees	25 0 0
				New South Wales Patent Fees	35 0 0
				Victoria Patent Fees	24 0 0
				South Australia Patent Fees	23 0 0
				Italian Patent Fees	15 0 0
				Queensland Patent Fees	35 0 0
				Tasmania Patent Fees	25 0 0
				West Australia Patent Fees	39 0 0
				Capo of Good Hope Patent Fees	27 0 0
				New Zealand Patent Fees	25 0 0
				Experimental work—Elliott Bros., £61 19s. 6d.;	
				wages, £12 5s.; material, £4 11s. 4d.	78 15 10
				Pamphlets, lithographs, etc.	0 14 6
				Travelling—Manchester and back	3 0 0
					<u>£158 6 0</u>

REMARKS FOR 1883.

In 1883 M. C. & J., who had arranged in 1882 to work out a scheme of electrically-worked railway signals, employed Elliott Bros. to make experimental magnets, and took out patents for the magnets first. At the end of 1883 we took out the British Signal Patent, which I now petition to be extended.

(a) See the petition in this case, Form No. 20, supra. This patent monopoly was prolonged for ten years: *Currie & Timmis' Patent*, 15 R. P. C. 63.

Second Year.

RECEIPTS IN 1884.

1884		£	s.	d.
Jan. 1	Magnet supplied to London, Brighton, & South to Coast Railway Company	6	0	0
Dec. 31.	Magnets supplied to Captain McEvoy for marine engineering	31	10	0
	Magnets supplied to E. C. & Co., Italy	6	19	8
	Work done for the Swansea Harbour Trust	75	18	0

REMARKS FOR 1884.

In 1884 we took out other patents for the signal working, printed pamphlets, made experimental gearing, and then fitted a complete installation at Gloucester, where the Great Western Railway and the Midland Railway have sidings into the Gloucester Railway Carriage Company's yard. This installation was inspected by Major Mariudin, R.E., of the Board of Trade. I found Mr. C. all the money for his time and trouble.

£120 7 8

EXPENSES IN 1884.

1884		£	s.	d.
Jan. 1	British Patent Fees	26	0	0
to	French Patent Fees	13	0	0
Dec. 31.	United States Patent Fees	12	11	0
	Belgian Patent Fees	5	18	0
	Cape of Good Hope Patent Fees	27	0	0
	German Patent Fees	14	15	11
	Austrian Patent Fees	17	0	0
	Indian Patent Fees	38	0	0
	Canada Patent Fees	47	12	6
	Italy Patent Fees	15	10	0
	New South Wales Patent Fees	35	0	0
	Queensland Patent Fees	35	0	0
	Victoria Patent Fees	24	0	0
	New Zealand Patent Fees	25	0	0
	Tasmania Patent Fees	25	0	0
	South Australia Patent Fees	23	0	0
	West Australia Patent Fees	39	0	0
	Travelling expenses—Scotland, £5; Paris, £3; Paris, £3; Manchester, £1 10s.; Notts and Derby, £4 10s.; Notts and Derby, £1 10s.; Paris, £10; Newcastle, £2 10s.	31	0	0
	Dinners	1	18	6
	Pamphlets, lithographs, etc.	67	9	9
	Sundry office expenses	7	8	0
	Experimental work, £17 9s. 1d.; material, £2 10s. 4d.; carriage, 19s. 6d.; paid C., £150; wages, £4; C. M., £1 4s.	176	2	11
	Ditto at Swansea, £14 9s. 6d.; travelling, £12 10s.; wages, £8 18s. 2d.; batteries, £60	95	17	8
	Ditto at Gloucester, £72 5s. 4d.; travelling, £12 10s.; material, £21 2s.; wages, £156 14s. 11d.; A. & P., £9 13s.; Gloucester Waggon Company, £209 18s. 3d.; L. C., £61 10s. 6d.; office, £20 5s.; E. Brothers, £9 13s.; C. A., £166	739	12	0
		<u>£1548</u>	<u>13</u>	<u>0</u>

EXTENSION OF PATENT TERM.

777



Third Year.

RECEIPTS IN 1885.				
1885.		£	s.	d.
Jan. 1	Magnets supplied to E. Zeller . . . . .	6	6	0
to				
Dec. 31.				

REMARKS FOR 1885.

In 1885 I paid for more patents and renewal fees on the Continent. I also obtained a small order at Swansea from the Gloucester work, and fitted one signal and several bridge repeaters to control the Great Western Railway running through the docks. This small installation has worked with perfect regularity since, and was one of the main reasons for my getting the order for the work on the L. O. Railway some years later. I also fitted an installation of signals and points at the Inventions Exhibition in London, and many railway engineers came to see it, amongst others, Mr. . . . ., the chief engineer of the Great Northern Railway.

£6 6 0

EXPENSES IN 1885.				
1885.		£	s.	d.
Jan. 1	Austrian Patent Fees . . . . .	6	10	0
to	German Patent Fees . . . . .	25	14	0
Dec. 31.	United States Patent Fees . . . . .	22	15	0
	Canada Patent Fees . . . . .	1	15	0
	French Patent Fees . . . . .	4	10	0
	Belgian Patent Fees . . . . .	1	8	0
	Italian Patent Fees . . . . .	2	5	0
	Indian Patent Fees . . . . .	1	10	0
	Sundry Patent Fees . . . . .	8	9	0
	Models . . . . .	17	16	0
	Dinners . . . . .	1	19	6
	Preparing contracts . . . . .	5	0	0
	Pamphlets, lithographs, etc. . . . .	26	8	0
	Sundry office expenses . . . . .	8	3	0
	Travelling expenses—Scotland, £3; Liverpool and Crowe, £2 15s.; Glasgow, £2; Glasgow, £2 2s.; sundry, £10 . . . . .	19	17	0
	Experimental work at Swansea . . . . .	19	2	6
	Ditto at Gloucester—cells, £180; H. & A., £2 10s.; forgings, £8; wages, £4 2s.; insurance of cabin, £2 2s. . . . .	196	14	0
	Ditto at office—cells, £15 11s. 6d.; instruments, £2 10s.; instruments, etc., £3; instruments, £1 10s.; motor, £11 7s. 6d.; carriage, £1 15s.; wages, £10 17s.; L. O., £1 15s.; . . . . .	48	6	0
	Ditto at workshop at Clapham—wages . . . . .	3	11	7
	Ditto at Inventions Exhibition—wages, £115 1s. 6d.; house, £15; F. P. S., £12 6s. 10d.; L. O., £37 10s. 3d.; magnet, £3 18s.; salary, £40; salary, £5 5s.; point gearing, £9 19s. 9d.; anemeter, £2 8s.; notice boards, £5 18s. 4d.; photos, £1 1s. . . . .	248	8	8
		<u>£670</u>	<u>2</u>	<u>3</u>

(a) The accounts for the later years, which were similar in form to the above, are not reproduced here.

No. 27.—Continued.  
General Balance Sheet.

SUMMARY.										SUMMARY.																		
										£	s.	d.											£	s.	d.			
Receipts in 1883—nil	.	.	.	.	.	.	.	.	.	0	0	0	Expenses in 1883	.	.	.	.	.	.	.	458	6	0					
" 1884	.	.	.	.	.	.	.	.	.	120	7	8	" 1884	.	.	.	.	.	.	.	1543	13	0					
" 1885	.	.	.	.	.	.	.	.	.	6	6	0	" 1885	.	.	.	.	.	.	.	670	2	3					
" 1886	.	.	.	.	.	.	.	.	.	30	19	3	" 1886	.	.	.	.	.	.	.	547	18	8					
" 1887	.	.	.	.	.	.	.	.	.	2	10	0	" 1887	.	.	.	.	.	.	.	535	7	0					
" 1888	.	.	.	.	.	.	.	.	.	402	13	0	" 1888	.	.	.	.	.	.	.	856	16	2					
" 1889	.	.	.	.	.	.	.	.	.	25	0	0	" 1889	.	.	.	.	.	.	.	1202	7	7					
" 1890	.	.	.	.	.	.	.	.	.	51	9	8	" 1890	.	.	.	.	.	.	.	278	10	3					
" 1891—nil	.	.	.	.	.	.	.	.	.	0	0	0	" 1891	.	.	.	.	.	.	.	222	2	9					
" 1892	.	.	.	.	.	.	.	.	.	664	9	6	" 1892	.	.	.	.	.	.	.	346	4	8					
" 1893	.	.	.	.	.	.	.	.	.	883	9	0	" 1893	.	.	.	.	.	.	.	1960	14	2					
" 1894	.	.	.	.	.	.	.	.	.	350	0	0	" 1894	.	.	.	.	.	.	.	836	12	10					
" 1895	.	.	.	.	.	.	.	.	.	109	10	0	" 1895	.	.	.	.	.	.	.	869	1	2					
" 1896	.	.	.	.	.	.	.	.	.	22	0	0	" 1896	.	.	.	.	.	.	.	1524	9	7					
" 1897	.	.	.	.	.	.	.	.	.	13	8	9	" 1897	.	.	.	.	.	.	.	575	5	11					
Amounts still due—nil	.	.	.	.	.	.	.	.	.	0	0	0	Amounts still due	.	.	.	.	.	.	.	31	3	2					
										<u>£2682</u>	<u>2</u>	<u>10</u>											<u>£11,958</u>	<u>15</u>	<u>2</u>			
																							Expenses	£11,958	15	2		
																							Receipts	2692	2	10		
																										<u>£9276</u>	<u>12</u>	<u>4</u>
																							Or, say, nine thousand two hundred and seventy-six pounds twelve shillings and fourpence total loss.					

EXTENSION OF PATENT TERM.





Eighth year				
1889	Royalties from C.'s B. T. & W. Co., Ltd., in respect of sole license to use 3-wire system for one year . . . . .	200	0	0
Mar. 16	Payment from the W. Co. in respect of option of purchase, proportion appertaining to English patent. (For explanation see Appendix C.) . . . . .	171	16	4
Apl. 6	Payment from the W. Co. on agreement to purchase, proportion appertaining to English patent. (For explanation see Appendix C.) . . . . .	2148	7	9
Ninth year		<u>2148</u>	<u>7</u>	<u>9</u>
1890			2520	4
Mar. 16	Payment from the W. Co. of instalment of purchase-money, proportion appertaining to English patent. (See Appendix C.) . . . . .		2148	7
Tenth year				
1891				
Mar. 16	Ditto . . . . .		2148	7
Eleventh year				
1892				
Mar. 16	Ditto . . . . .		2148	7
Twelfth year				
1893				
Mar. 16	Ditto . . . . .	2148	7	9
Aug. 10	Amount of commutation of remaining purchase instalments from W. Co., proportion appertaining to English patent. (See Appendix C.) . . . . .	5757	4	11
		<u>5757</u>	<u>4</u>	<u>11</u>
			7905	12
			<u>7905</u>	<u>12</u>
			<u>0</u>	<u>0</u>
			<u>£16,971</u>	<u>0</u>
			<u>0</u>	<u>0</u>

£50 0 0

NOTE.—If the value to be placed upon the English patent, in accordance with the note to Appendix C., is, as the petitioners submit, the sum of £9700, and not the sum of £16,671, as estimated in Appendix C., the total profits of Dr. H. will be reduced to £9950.

(a) In this case extension of the patent monopoly was refused, on the grounds that the petitioning patentee had been adequately remunerated, and the petitioning company were in the position of commercial speculators, and had not the kind of merit required to justify extension to assignees.



No. 28.

SECOND PART.

*The Account of the Petitioners, The W. Electric Company, Limited.*

A very detailed note setting out at the head of this account the circumstances attending the formation of the English company, and showing how the American company was merely in effect a trustee for the English company, is here omitted.

Dr.	EXPENDITURE.	£. s. d.		£. s. d.		RECEIPTS.		Cr.	
		£.	s.	d.	£.	s.	d.	£.	s.
1889						Eighth year			
Mar. 16	Paid to Dr. H. in respect of option of purchase, proportion appertaining to English patent. (See Appendix C.)	171	16	4		1889—nil			
Apl. 6	Paid to Dr. H. on agreement to purchase, proportion appertaining to English patent. (For explanation see Appendix C.)	2148	7	9					
June 10	Patent fees for renewal of English patent	10	0	0					
June 29	Retaining Profs. F. & K. and consultation fees	117	17	0					
	Office expenses for half year. (For explanation see Appendix C.)	515	0	0	2963	1	1		
1890						Ninth year			
Mar. 16	Paid to Dr. H. in respect of first instalment of purchase-money, proportion appertaining to English patent. (See Appendix C.)	2148	7	9		1890—nil			
June 27	Patent fees for renewal of English patent	15	0	0					
Sept. 22	Messrs. N. & Co.'s charges, re license to St. P. Vestry	32	9	0					
Nov. 19	Messrs. A. & I., re declaration of trust	3	3	0					
	Office expenses for one year. (See Appendix C.)	1030	0	0	3228	10	9		

NOTE.—During the years 1889 and 1890 the petitioning company were using every endeavour to introduce the invention, but central station lighting was just being introduced, and was in the hands of wealthy companies, who repudiated the patent rights of the petitioning company, and it was not until the following year that the petitioning company were able to procure the adoption of their patented invention.

1891					
Feb. 28	Paid to Messrs. A & I., re declaration of trust	45	4	7	
May 5					
Mar. 16	Paid to Dr. H. in respect of second instalment of purchase-money, proportion appertaining to English patent. (See Appendix O.)	2148	7	0	
July 22					
	Patent fees for renewal of English patent	15	0	0	
Sept. 22	Messrs. N. & Co.'s bill of costs to date, re 3-wire patent	00	4	4	
Dec. 31	Messrs. F. & O.'s costs, re patent action against P. M. Co.	101	4	0	
	Office expenses for one year. (See Appendix B.)	1030	0	0	
		<u>3430</u>	<u>1</u>	<u>5</u>	
	Carried forward	£9622	2	3	

Tenth year				
1891	Royalties received. (See Appendix A.)	880	0	0
		<u>880</u>	<u>0</u>	<u>0</u>
	Carried forward	£880	0	0

Accounts similar to the above were also presented for the later years of the Letters Patent, shewing a loss of nearly £6000 to the petitioning company.

The following Appendices were annexed to the accounts in this case: Appendix A. "Details of Royalties received by the Petitioning Company;" Appendix B. dealing with office expenses chargeable against English patent; and Appendix C. shewing separate values of the English and German patents. Tabulated statements shewing the receipts from the German and American patents were also annexed; also summaries shewing (1) profits of the patentee from the English patent; (2) Joint profits of the patentee and the petitioning company from the English patent; (3) Joint profits of the patentee and the company from the English, German, and American patents.



Forms.**C.—ACTION FOR INFRINGEMENT.**

No. 29.

**Indorsement on Writ.**

In the High Court of Justice, 1892, W. No.  
Chancery Division.

Mr. Justice

Between W. R. & Company, Limited,  
and J. D. . . . . Plaintiffs

and

T. P. . . . . Defendant.

The plaintiffs' claim is for:—

1. An injunction to restrain the defendant, his servants and agents, from infringing the Letters Patent, No.        of 18   , granted to J. D. the younger, for "Improvements in the Extracting Mechanism of Drop-down Small Arms," which patent, by an assignment dated the        day of        and duly registered, is now vested in the plaintiff, J. D.

2. An account of profits, or, at the option of the plaintiffs, an enquiry as to damages.

3. Delivery up by the defendant of all guns or portions of guns made in infringement of the plaintiffs' rights.

4. Costs. (a)

No. 30.

**Indorsement on Writ.**

In the High Court of Justice, 1891, L. No.  
Chancery Division.

Mr. Justice

Between W. L. . . . . Plaintiff

and

F. G. E. M. and

W. W. . . . . Defendants.

The plaintiff's claim is:—

1. For an injunction to restrain the defendants, their servants and agents, from infringing the plaintiff's Letters Patent, numbered       , of the year 1880.

(a) *Westley Richards & Co. v. Perkes.*

2. For damages for such infringement, or, at the option of the plaintiff, an account of all profits derived by the defendants from such infringement. Forms.

3. For the delivery up to the plaintiff or the destruction of all articles in the possession of the defendants made in such infringement.

4. For costs. (a)

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No. 31.

**Indorsement on Writ.**

In the High Court of Justice,  
Queen's Bench Division.

1894, T. No.

Between J. A. T. and

H. L. T. . . . Plaintiffs.

and

A. R. . . . Defendant.

The plaintiffs' claim is for an injunction restraining the defendant, his servants or agents, from infringing the Letters Patent granted to , and now vested in the plaintiffs, dated 1891, and numbered , and for damages, or, alternatively, an account, and costs. (b)

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No. 32.

**Indorsement on Writ.**

In the High Court of Justice,  
Chancery Division.

Mr. Justice

Between the P. T. Company, Limited, and

the D. P. T. Company, Limited . Plaintiffs

and

the T. P. T. and C. H., Limited,

J. B. D. H. H., Junr.,

and C. H. & Company, Limited . Defendants.

The plaintiffs' claim is for:—

1. An injunction to restrain the defendants and their respective servants and agents from infringing the Letters Patent owned by the plaintiff companies.

2. Damages, or, at the option of the plaintiffs, an account of profits.

(a) *Lyon v. Goddard.*

(b) *Thierry v. Rielmann.*



**Forms.**

3. Delivery up by the defendants of all tyres and parts of tyres made in infringement of the said Letters Patent or either of them.

4. Costs as between solicitor and client. (a)

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No. 33.

**Statement of Claim.**

[Insert Heading as in Form No. 29.]

Statement of Claim.

1. The plaintiff, J. D., by virtue of an assignment dated the day of                      and duly registered, is the owner of certain Letters Patent, No.                      of 18                      , granted to J. D. the younger for "Improvements in the Extracting Mechanism of Drop-down Small Arms," of which the said J. D. the younger is the first and true inventor. The plaintiffs, W. R. & Company, Limited, are the sole licensees under the said Letters Patent.

2. The defendant is a gun manufacturer, carrying on business at                      , in the County of Middlesex.

3. The said Letters Patent are valid, and of full force and effect.

4. The defendant has for some time past manufactured and sold both guns and gun actions fitted with ejecting mechanism made in infringement of the plaintiffs' Letters Patent.

The plaintiffs claim:—

1. An injunction to restrain the defendant, his servants and agents, from making, using, and vending guns containing an ejector mechanism, or portions thereof, made in infringement of the plaintiffs' Letters Patent, or made so as to be a colourable imitation of the invention therein contained.

2. An account of profits, or, at the option of the plaintiffs, an enquiry as to damages.

3. Destruction of, or delivery up, by the defendant to the plaintiffs of all guns or portions of guns made in infringement of the plaintiffs' rights.

4. Costs.

(Signed)

Delivered, etc.

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No. 34.

**Another Form of Claim.**

[Insert Heading as in Form No. 30.]

Statement of Claim.

The defendants have infringed the plaintiff's Patent, No.                      , A.D. 1880, granted for the term of fourteen years from the                      day of                      ,

(a) *Pneumatic Tyre Co. v. Tubeless Pneumatic Tyre and Others.*

, 1880, for "Certain Improvements in the Construction and Arrangement of Apparatus for Purifying, Disinfecting, Drying, and Heating," whereof the plaintiff was the first inventor.

Forms.

The plaintiff claims—

1. An injunction to restrain the defendants from further infringement.
2. An enquiry as to the damages sustained by the plaintiff by reason of the infringement, or, at plaintiff's option, an account of profits made by the defendants.
3. That the defendants may be ordered to pay the plaintiff the amount so found to be due.
4. That the defendants may be ordered forthwith to deliver up to the plaintiff, to be destroyed, all machines or apparatus made in infringement of the plaintiff's patent.
5. Costs.

(Signed)

Particulars of breaches are delivered herewith and annexed hereto.

Delivered, etc.

No. 35.

### Another Form of Claim.

[Insert Heading as in Form No. 31.]

#### Statement of Claim.

1. The plaintiffs, J. A. T. and A. L. T., carry on business at No. , Street, London, as boot manufacturers, and are the owners of Letters Patent, No. , of A.D. 1891, granted to them for an "Improvement in Eyelets," and of which they are the original and true inventors.

2. The defendant carries on business at 59 Street, London, E.C., as agent for the F. C. E. Company, of S., Massachusetts, United States of America.

3. The said Letters Patent are valid and of full force and effect.

4. The defendant has infringed the plaintiffs' Letters Patent, No. , of A.D. 1891, as set forth in Particulars of Breaches delivered herewith.

The plaintiffs claim—

1. An injunction restraining the defendant, his servants and agents, from selling eyelets manufactured in infringement of the Letters Patent granted to, and now vested in, the plaintiffs, dated 1891, and numbered .
2. An account of all profits derived by the defendant from such infringement, or, at the plaintiffs' option, an enquiry as to damages sustained by such infringement.



Forms.

3. Delivery up to the plaintiffs or destruction of all eyelets made in infringement of plaintiffs' Letters Patent, No. , of A.D. 1891.

4. Costs.

(Signed)

Delivered, etc.

No. 36.

**Another Form of Claim.**

[*Insert Heading as in Form No. 32.*]

Statement of Claim.

1. The plaintiffs are the proprietors of the following Letters Patent, that is to say, No. , of 1888, granted to J. B. D. for "An Improvement in Tyres of Wheels for Bicycles, Tricycles, or other Road Cars;" No. , of 1890, granted to W. E. B. for "Improvements in Tyres or Rims for Cycles and other Vehicles," and No. , of 1890, granted to W. G. for "Improvements in Rubber Tyres and Rims, or Felloes for Wheels of Velocipedes and other Light Carriages."

2. All the aforesaid Letters Patent are good and valid, and the respective persons therein stated to be the true and first inventors thereof respectively were the true and first inventors.

3. The said Letters Patent, No. , of 1890, granted to W. E. B., were certified to be valid by Mr. Justice Romer on the day of , 1894.

4. The defendants have infringed all the said Letters Patent in the manner appearing in the Particulars of Breaches delivered herewith, and threaten to continue to infringe the same by the manufacture and sale of tyres made according to the inventions in respect of which the said Letters Patent were granted.

The plaintiffs' claim—

An injunction restraining the defendants, their servants, agents, or workmen, from infringing the said Letters Patent, No. , of 1888, No. , of 1890, and No. , of 1890.

That an enquiry may be made as to the damage sustained by the plaintiffs by the wrongful acts of the defendants as aforesaid, and that the defendants may be ordered to pay the amount thereof to the plaintiffs, or, at the option of the plaintiffs, that an account may be taken of all profits made by the defendants by such wrongful acts as aforesaid, and that the defendants may be ordered to pay the amount so ascertained to the plaintiffs.

That the defendants may be ordered to deliver up to the plaintiffs all tyres made according to the said inventions which may be in the possession, or under the control of any or either of them.

That the defendants may be ordered to pay the costs of this

action, and that the costs may be as between solicitor and client, in respect of the Letters Patent, No. , of 1890. Forms.

(Signed)

Delivered, etc.

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No. 37.

**Statement of Defence.**

[*Insert Heading as in Form No. 29.*]

Defence.

Delivered, etc.

1. The said defendant denies that he has infringed the said Letters Patent as alleged, or at all.

2. The said J. D. the younger was not the first and true inventor of the invention described in the specification to the said Letters Patent.

3. The said Letters Patent are void, by reason that the invention was not new at the date of the said Letters Patent. Particulars of prior user and prior publication are delivered herewith.

4. The specification to the said Letters Patent does not sufficiently describe and ascertain the nature of the said invention, and the manner in which the same is to be performed in the following respects. Referring to page 4, lines 44 to 53, and to the illustrations, figures 1, 2, 10, and 11, the arrangements of the sliding rod "G" with the rocking arm "l" and the spring "m" is unworkable and incapable of being put in practice, and there is no alternative method shewn or described by which the sliding rod "G" could be actuated in the desired manner. The alternative arrangement described in page 5, lines 49 to 54, and claimed in the last claim, is unworkable, and could not be put in practice.

5. The said specification does not distinguish what is old from what is new in the following respects:—

The combination set forth in the first, second, and third claims were old at the date of the said Letters Patent for the reasons set forth in the Particulars of Objection.

(Signed)

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No. 38.

**Another Form of Defence.**

[*Insert Heading as in Form No. 30.*]

Statement of Defence.

1. The defendants deny that they have infringed the plaintiff's Letters Patent in the manner set forth in the Particulars of Breaches, or at all.



**Forms.**

2. The defendants deny that the plaintiff was the first and true inventor of the improvements referred to in the first paragraph of the Statement of Claim.

3. The said Letters Patent are invalid for the reasons given in the Particulars of Objections which are delivered herewith.

(Signed)

Delivered, etc.

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No. 39.

**Another Form of Defence.**

*[Insert Heading as in Form No. 31.]*

Defence.

Delivered, etc.

1. The defendant denies that he has infringed the Letters Patent in the Statement of Claim mentioned, and he further denies that the plaintiffs were the true and first inventors of the invention for which the said Letters Patent were granted.

2. The said Letters Patent are not now, nor were they ever, valid, or of any effect.

3. Particulars of Objections on which the defendant means to rely are delivered herewith.

(Signed)

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No. 40.

**Another Form of Defence.**

*[Insert Heading as in Form No. 32.]*

Statement of Defence.

Delivered, etc.

1. The defendants do not admit that the plaintiff companies, or either of them, are the proprietors of the Letters Patent, No. , of 1888, No. , of 1890, and No. , of 1890, in the Amended Statement of Claim mentioned, or any of them.

2. All the said Letters Patent are invalid for the reasons stated in the Particulars of Objections delivered herewith, and the persons therein respectively stated to be the true and first inventors thereof were not the true and first inventors.

3. The defendants have not, nor has any of them, infringed the said Letters Patent, or any of them, in the manner alleged in the Particulars of Breaches, or at all, and the defendants do not, nor does any of them, threaten or intend to infringe the said patents, or any of them, as alleged in paragraph 4 of the Amended Statement of Claim, or at all.

4. The defendants deny that the plaintiff companies, or either of them, have sustained any damage, or are entitled to payment of any profits by reason of any of the alleged acts by the defendants, or any of them, of which the plaintiffs complain.

Forms.

Particulars of Objections are delivered herewith.

(Signed)

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No. 41.

Reply.

[*Insert Heading as in Form No. 29.*]

Reply.

As to the statement of defence the plaintiffs say that they join issue save in so far as the allegations made in the Statement of Claim and Particulars of Breaches are admitted.

(Signed)

Delivered, etc.

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No. 42.

Another Form of Reply.

[*Insert Heading as in Form No. 30.*]

The plaintiff joins issue on the defence herein as contained in the Defence and Particulars of Objections delivered therewith.

Delivered, etc.

(Signed)

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No. 43.

Another Form of Reply.

[*Insert Heading as in Form No. 32.*]

Delivered the        day of        , by        of        , the plaintiffs' solicitor.

The plaintiffs join issue except in so far as the same contains admissions with the defendants on the defences raised by them in their Defence and Particulars of Objections and amended and re-amended Particulars of Objections.

The plaintiffs will also contend, as to paragraphs B 4 and C 5 of the Objections, that the grant of Letters Patent to B. therein referred to was a grant in respect of an invention which is in no wise the same as the inventions for which the Letters Patent,        , of 1890, and        , of 1890 (patents sued on in this action) were granted.

(Signed)



Forms.

No. 44.

**Particulars of Breaches.***[Insert Heading as in Form No. 29.]***Particulars of Breaches**

Delivered by the plaintiffs with the Statement of Claim, the        day  
of        ,        .

The following are the Particulars of the Breaches complained of by  
the plaintiffs in this action, that is to say:—

1. That the defendant has at divers times previously to the commencement of this action, infringed the plaintiffs' Letters Patent, No.        , A.D. 18        , by making, using, and applying in or to the extracting mechanism of drop-down small arms certain mechanism, being the same as the mechanism described in the Queen's printers' copy of the specification filed under the said Letters Patent, and claimed in claiming clauses 1 and 2 thereof, and by manufacturing and selling for his own profit, guns and gun actions having therein the mechanism aforesaid.

2. The plaintiffs complain in particular of the sale of a side-lever, hammerless ejector gun, No.        , by the defendant to one, S. W. C., of        , in the County of Middlesex, on the day of        ,        .

3. The precise number, dates, and amounts of the defendant's infringements are not at present known, but the plaintiffs will claim to recover from the defendant full compensation in respect of all such infringements.

Delivered, etc.

No. 45.

**Another Form of Particulars of Breaches.***[Insert Heading as in Form No. 30.]***Particulars of Breaches.**

The following are the Particulars of the Breaches complained of in  
this action:—

That the defendants have at divers times since the        day of  
December, 1886, and prior to the commencement of this action,  
infringed the plaintiff's Letters Patent and the claim thereof in manner  
following, that is to say—

That the defendants have, subsequently to the date of the plaintiff's  
patent, manufactured, in accordance with the provisions of certain  
alleged Letters Patent, No.        , of A.D. 1886, certain apparatus for  
disinfecting by steam articles of all descriptions that are infected by  
germs of disease, and have sold the said apparatus, in which said  
apparatus there are arranged and combined together inner and outer  
chambers substantially in the improved manner described and claimed

in the Queen's printers' copy of the complete specification filed prior to the grant of the said Letters Patent as therein recited.

The defendants sold disinfecting apparatus infringing the plaintiff's Letters Patent—

To the Corporation of L., in the county of S., about November, 1887.

To the Borough Fever Hospital, L., in the county of L., during 1887.

To the Corporation of L., in the county of Y., on or about the day of June, 1890.

To the Corporation of B., in the county of C., about the month of October, 1890, and

To the Corporation of D., about the month of April, 1891.

The exact number and dates of the defendants' infringements, save as hereinbefore mentioned, are not at present known to the plaintiff, but the plaintiff will claim to recover from the defendants full compensation in respect of all such infringements.

(Signed)

Delivered, etc.

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No. 46.

### Another Form of Particulars of Breaches.

[Insert Heading as in Form No. 31.]

The following are the Particulars of Breaches complained of by the plaintiffs in this action, that is to say—

1. The defendant has at various times, previous to and since the commencement of this action, infringed plaintiffs' Letters Patent, No. , of A D. 1891, by making, using, and selling, or offering for sale at 59, Street, London, E.C., and elsewhere, eyelets made in the manner described in the Queen's printers' copies of the specification of the said Letters Patent, without the leave or license of the plaintiffs.

2. By the admission of the defendant that he is making and selling eyelets made in the manner described in the Queen's printers' copies of the specification filed under the plaintiffs' Letters Patent, contained in a letter written by the defendant on , 1894, and sent to the plaintiffs.

3. The precise dates and amounts of the defendant's infringements are not at present known to the plaintiffs, but the plaintiffs will claim to recover from the defendant full compensation in respect of all infringements.

Delivered, etc.

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Forms.

No. 47.

**Another Form of Particulars of Breaches.***[Insert Heading as in Form No. 32.]***Particulars of Breaches**

Delivered with the Statement of Claim in this Action by, etc.

The defendants have infringed all the Letters Patent in the Statement of Claim mentioned, by the manufacture and sale of tyres made according to the inventions in respect of which the said Letters Patent were granted.

The plaintiffs complain in particular of the manufacture and sale by the defendants of certain tyres now in the plaintiffs' possession, marked A, B, C, D, E, F, and G respectively, which tyres can be seen by the defendants at the offices of John B. Purchase, 11, Queen Victoria Street.

The plaintiffs cannot give further particulars of the infringements of the defendants until after discovery, but will claim to recover in respect of all infringements by the defendants, or any of them.

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 No. 48.
**Particulars of Objections.***[Insert Heading as in Form No. 29.]***Particulars of Objections**

Delivered the        day of       , 1892, by Messrs.       , of       , the above-named defendant's solicitors.

1. The inventions claimed by the first, fourth, and fifth claims of the specification of J. D., junior, [No.       ] of 18       , are anticipated by the specification of the defendant's patent [No.       ] of 18       , particularly with reference to the fourth claim and to the description and illustrations referring to that part of the defendant's therein-described invention.

2. The invention described in the second, fourth, and fifth claims was anticipated by one, L. E. H., at       , in the County of London, between October        and November       ,       , by making a gun with ejecting mechanism similar in every respect to that described and claimed in the said second, fourth, and fifth claims to the said J. D.'s specification.

(Signed)

*[Insert Heading as in Form No. 29.]***Further Particulars of Objections**

Delivered pursuant to Order dated       , 1892, by Messrs.        of       , defendant's solicitors.



1. The meaning of paragraph 4 of the Statement of Defence is that the ejecting mechanism when made in accordance with D.'s specification is unworkable, and not that D.'s specification does not sufficiently describe the invention to allow the same to be put in practice by a skilled workman.

2. The reference "to the fourth claim, and to the description and illustrations referring to that part of the defendant's therein-described invention" in paragraph 1 of the Particulars of Objections, means the fourth claim in the specification of the defendant, No.            of 18   , and the whole of the fourth claim is relied upon.

3. The fifth paragraph of the Defence refers to both paragraphs of the Particulars of Objections, that is to say, with reference to the first claim to the matters alleged in the first paragraph only, with reference to the second claim to the matters alleged in the second paragraph only, and with reference to the fourth claim to the matters alleged in both paragraphs of the said Objections.

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No. 49.

**Another Form of Particulars of Objections.**

[*Insert Heading as in Form No. 30.*]

**Amended Particulars of Objections**

Delivered pursuant to Order, dated the            day of           , 1892.

The defendants, besides denying that they have infringed the Letters Patent in the Statement of Claim mentioned, rely, in support of their defence to this action, on the following objections to the validity of the said Letters Patent:—

1. That the plaintiff was not the first and true inventor of the alleged invention comprised in the said Letters Patent.

2. That the alleged invention was not useful.

3. That the said alleged invention was not new at the date of the said Letters Patent.

4. That the said alleged invention was, previously to the date of the said Letters Patent, published within this realm in the following specifications respectively filed in the Patent Office as hereinafter mentioned, that is to say:—

(a) The specification of F.'s Patent, No.           , of 1876. The whole final specification is relied on.

(b) The specification of F. & A.'s Patent, No.           , of 1877, the complete specification, page           , and lines            to page            and the drawings, are relied on.

(c) The whole provisional specification of W. L., dated the day of           , 1879, and numbered           .

5. That the alleged invention was used before the date of the said Letters Patent by the several persons at or in the several places following, that is to say:—

Forms.

- (a) Messrs. S. & Sons at R., Nottingham, in the year 1872.
- (b) The defendants, at their works at Nottingham, from the year 1872 down to the present time.
- (c) Messrs. H., at their works at Nottingham, during the year 1870, and for some months prior and subsequent thereto.
- (d) Messrs. S., at their works at Nottingham, in the year 1872, and for some months prior and subsequent thereto.
- (e) The A. Laundry, at their works at Aberdeen, early in 1879.
- (f) Messrs. J. P. & Co., at their works at York, during the year 1872, and subsequently thereto, till the date of the plaintiff's Letters Patent.

6. That the plaintiff, in his specification, pointed out and claimed no sufficient improvement on the then state of public knowledge to make his alleged invention good subject-matter for valid Letters Patent.

7. The plaintiff's invention has been publicly known and used in lace factories in the neighbourhood of Nottingham for a period of thirty years.

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No. 50.

**Another Form of Particulars of Objections.**

[Insert Heading as in Form No. 31.]

**Particulars of Objections**

Delivered with the Statement of Defence in this action by Messrs.  
of \_\_\_\_\_, the defendant's solicitors.

The following are the Particulars of Objections upon which the  
Defendant will rely at the trial of this action with respect to  
the Letters Patent in the Statement of Claim mentioned.

1. That the specification filed in pursuance of the application for the said Letters Patent does not sufficiently describe or ascertain the nature of the said alleged invention or the manner in which the same is to be performed.

2. That the said alleged invention, as claimed in the said specification, was not new at the date of the said Letters Patent, but had been published within the realm before the said date in and by the publication following:—

- (a) The specification of an invention for which Letters Patent No. \_\_\_\_\_, of 1889, were granted to W. H. S. The whole is relied on.
- (b) The specification of an invention for which Letters Patent, No. \_\_\_\_\_, of 1890, were granted to W. H. S. The whole is relied on.
- (c) The specification of an invention for which Letters Patent, No. \_\_\_\_\_, of 1882, were granted to J. L. J. in the United States of America. The whole is relied on.



(d) The specification of an invention for which Letters Patent, No. , of 1889, were granted to W. H. S. in the United States of America. The whole is relied on. Forms.

No. 51.

**Another Form of Particulars of Objections.**

[Insert Heading as in Form No. 32.]

Particulars of Objections

Delivered by the defendants the        day of       , 1897, by Messrs.        of       , London, agents for        of       , solicitors for the defendants.

The defendants, besides denying that they have infringed any of the Letters Patent in the Amended Statement of Claim mentioned, rely in support of their defence to this action on the following objections to the validity of the said Letters Patent respectively :—

A. As to D.'s Patent No.       , of 1888.

1. The said J. B. D. was not the true and first inventor of the alleged invention comprised in the said Letters Patent and claimed by the complete specification thereof as amended.

2. The said alleged invention so claimed was not new at the date of the said Letters Patent, but previously thereto was published within the realm ; (a) in the specification of Letters Patent, No.       , of 1845, granted to R. W. T., upon the whole of which specification and the drawings thereto the defendants rely ; (b) in a description of a carriage fitted with tyres made according to an improved form of T.'s invention, published in Vol.       (1851) of the *Mechanics' Magazine* at page       . The description relied on commences with the words—

3. The said alleged invention claimed by H.'s amended complete specification is not proper subject-matter for Letters Patent.

4. The said alleged invention claimed as aforesaid is not useful.

5. The alleged invention claimed as aforesaid is not the same as the invention (if any) described in the provisional specification filed on the application for the said Letters Patent, and is, moreover, a different invention from the invention claimed by the said complete specification before amendment.

6. The provisional specification does not describe the nature of the alleged invention, or of any invention.

7. The said complete specification as amended does not sufficiently describe and ascertain the nature of the alleged invention, or in what manner the same is to be performed.

B. As to B.'s Letters Patent, No.       , of 1890, the defendants say that if the invention comprised therein be held, upon the true construction of the complete specification of the said patent, to include the tyres alleged to



Forms.

be infringements thereof in this action, the said patent is invalid for the following reasons, viz. :—

1. The said W. E. B. was not the true and first inventor of the alleged invention comprised in the said Letters Patent.

2. The said alleged invention was not new at the date of the said Letters Patent, but previously thereto was published within this realm in the following publications :—

The specifications of the following Letters Patent.

[*The List of Anticipating Patents is here omitted.*]

3. The said alleged invention is not proper subject-matter for valid Letters Patent.

4. The said Letters Patent are invalid by reason of the prior grant of the patent of B., No. , of 1890, above mentioned.

5. The complete specification claims an invention different from, and larger than, the invention described in the provisional specification, if, on the true construction thereof, the thickening of the edges of the cover, or the holding of the cover to the rim by any dovetailing or hooking action, are part of the invention claimed, inasmuch as the provisional specification in no way describes such thickening or any such action.

C. As to G.'s Patent, No. , of 1890.

1. The said W. G. was not the true and first inventor of the alleged invention comprised in the said Letters Patent.

2. The said alleged invention was not new at the date of the said Letters Patent, but previously thereto was published within this realm (a) in the publications hereinbefore stated, as anticipating B.'s Patent; and (b) by the manufacture, or sale, or exhibition, or user, by the said W. E. B., and by the N. B. R. Company, of tyres made according to B.'s specification, No. , of 1890, in the months of , 1890, and by the publication by the said B. and the said company in the same months of circulars describing tyres according to the said specification; and (c) by an article on page in the issue of , 1890, of "B. News," beginning with the words

down to , and by the three diagrams at the top of the sheet facing page in the same issue. By an article in the "S. C.," dated , 1890, beginning with the words on page down to on page . By an article on page of the "C. T. C. M. G." of , 1890, beginning with the words down to , and by three diagrams on the top of page . These defendants rely on the said publications and prior users as anticipating claiming clauses 1 to 7 inclusive, of G.'s complete specification.

3. The said alleged invention is not useful.

4. The said alleged invention is not proper subject-matter for Letters Patent.

5. The said Letters Patent are invalid by reason of the prior grants of the patents of B. No. , of 1890, and No. , of 1890, above mentioned.

6. If according to the true construction of G.'s complete specification

the same in any way describes or claims the fastening of the metal rim by means of lugs, projections, or thickened edges of a tyre, such as the tyres of which the plaintiffs are complaining as infringements in this action, or of a tyre consisting of an inner tube with a detachable cover, the invention described and claimed in G.'s complete specification is not the same as the invention described in his provisional specification, but differs therefrom in that such provisional specification in no way describes or indicates tyres of either of the forms above referred to.

7. If on the true construction of G.'s complete specification and Fig. 3 thereof, the same be held to include tyres consisting of an inner air tube and detachable cover held in a flanged or grooved rim, his patent is invalid by reason of the Crown having, prior to the date of his complete specification, validly granted to one N. by Letters Patent, dated        and numbered       , the sole right of manufacturing, using, and selling tyres so constructed and operating, the same not being included in G.'s provisional specification.

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No. 52.

**Interrogatories in an Action for Infringement. (a)**

*[Insert Heading in Action.]*

**Interrogatories**

On behalf of the above-named Plaintiff for the examination of the above-named Defendant.

1. Have the defendants or any and which of them at any time or times since the        day of       , and when, caused to be manufactured and whether or not sold and whether or not delivered to the purchasers thereof in this country and whether or not exported for sale fasteners or clips for the purpose of securing card clothing to the flats of carding engines and whether or not were such fasteners or clips constructed of strips or bands of sheet metal bent near to and along both edges and whether or not applied for securing clothing to the flat bars of carding engines in such manner that one bent portion of the strip or band tightly held the foundation fabric of the clothing while the other bent portion of the strip or band gripped along the back of the bar and whether or not were the edges or selvages of the foundation fabric secured to the bars by such fasteners and whether or not enclosed by such fasteners and whether or not encased by such fasteners and whether or not were the edges of the bars enclosed by such fasteners and whether or not encased by such fasteners, whereby the necessity for perforating or nicking the bars or using rivets, pins, prongs of the fasteners and the like was avoided and whether or not were such fasteners or clips constructed and applied substantially according to the invention described and claimed in the specification of the patent of the        day of       , No.        in the Statement of Claim mentioned, and in what respect or particulars did such fasteners or clips differ therefrom?

(a) *Tweedale v. Ashworth.*



**Forms.**

2. Have the defendants or any and which of them at any time or times since the            day of            , an            then, manufactured or used or sold or applied fasteners or clips for the purpose of attaching clothing to carding engine flats constructed and applied substantially as described in the specification of a patent dated the            day of            , No.            , and granted to the defendants in this action? Let the defendants set forth by reference to the said specification which of the several figures in sheets 1 and 2 of the drawings accompanying the said specifications, such fasteners or clips so made or used or sold or applied as aforesaid substantially resembled in their construction and in the manner in which they were applied for attaching the clothing of carding engines to the flats thereof.

3. Have the defendants or any and which of them at any time or times since the            day of            , and when, manufactured or sold or offered for sale or used or applied or caused to be manufactured or used or sold or offered for sale or applied fasteners or clips for the purpose of attaching clothing to carding engine flats constructed and applied substantially as described in the specification of a patent dated            , No.            , and granted to the defendants in this action? Let the defendants set forth by reference to the said specification which of the several figures in the drawings accompanying the said specification such fasteners or clips as aforesaid substantially resembled in their construction and mode of application.

4. Did not the defendants construct and manufacture and whether or not sell and whether or not deliver any and what number of flat carding engines or parts of carding engines wherein the carding clothing was fastened to the flats by means of fasteners or clips such as are mentioned in these interrogatories or the answers thereto to Messrs. F. of            or to some and what other person as the purchaser thereof, and when and where did the defendants so deliver the same?

5. Have the defendants or any and which of them now in his or their possession, power, and control any and what number of fasteners or clips such as are mentioned in these interrogatories or the answers thereto, and when were the same made and where are the same or any, and which of them, now deposited and to be seen?

6. Let the defendants set forth fully and particularly the names and addresses of the persons respectively to whom the defendants have, since the            day of            , sold and delivered such fasteners or clips as aforesaid, and the respective dates at which such fasteners or clips were respectively so sold and delivered, and have the defendants granted any license or licenses under the said patents, No.            of            , and No.            of            , or either of them, to any and what person or persons, and when have the same been granted?

7. Let the defendants set out by reference to the specification of the plaintiff's patent, No.            of            , in what respects or particulars the said specification does not sufficiently describe or ascertain the nature of the plaintiff's said invention, or the manner in which the same is to be performed, as alleged by the defendants in paragraph            of their Particulars of Objections delivered in this action.

8. Specify the inventions which you allege in paragraph            of your Particulars of Objections to be not comprised in plaintiff's provisional specification, but to be described and claimed in his complete



specification, and point out by reference to the said specification the parts thereof on which you rely in support of such allegation.

9. Specify the inventions claimed in plaintiff's complete specification which you allege in paragraph        of your Particulars of Objections to be not comprised in the title of plaintiff's said patent, and point out by reference to the said specification the parts on which you rely in support of such allegation.

Each of the defendants is required to answer all the foregoing interrogatories.

Delivered, etc.

No. 53.

**Defendants' Answers to Interrogatories. (a)**

*[Insert Heading in Action.]*

The Answer of the above-named Defendants to the Interrogatories for their Examination by the above-named Plaintiff.

In answer to the said interrogatories, we        and        ,  
the above-named defendants, make oath and say as follows:—

1. Both the defendants have, since the        day of        , upon divers dates manufactured or caused to be manufactured, and have sold and delivered to the purchasers thereof in this country, but have not exported for sale fasteners clamps or clips for the purpose of securing card clothing to the flats of carding engines. Such fasteners clamps or clips were constructed of strips or bands of sheet metal bent to nearly right angles near to and along both edges; such fasteners clamps or clips were applied for securing clothing to the flat bars of carding engines in such manner that one limb of the clamp pressed the foundation fabric upon the face of the bar, whilst the other limb of the clamp bore and abutted upon the back of the bar. The margins of the strips of card clothing were secured or clamped to the bars by such fasteners, but such strips of card clothing or foundation fabric were without selvages. All such fasteners clamps or clips made by the defendants as aforesaid were in all respects the same as those mentioned in the Particulars of Breaches as having been supplied to Messrs. F., and by the use of such fasteners clips or clamps as aforesaid the necessity for perforating or nicking the bars or using rivets pins and prongs of the fasteners and the like was avoided. Such fasteners or clips or clamps as aforesaid were not constructed and applied substantially according to the invention described in the specification of the patent, dated        , No.        , in the Statement of Claim mentioned, but were all of them constructed as above mentioned.

2. In answer to the second interrogatory the defendants say that they have both of them, since the        day of        , manufactured or used or sold or applied, or caused to be manufactured or used or sold or applied, fasteners or clips or clamps for the purpose of attaching

(a) *Tweedale v. Ashworth.*

Forms. clothing to carding engine flats constructed and applied substantially as illustrated by the several figures and of the sheets of drawings accompanying the specification of Letters Patent, dated , No. , granted to the defendants in this action.

3. In answer to interrogatory 3, the defendants have not manufactured or sold or offered for sale or applied fasteners or clips for any purpose constructed according to the specification mentioned in this interrogatory.

4. In answer to the fourth interrogatory, the defendants have constructed, manufactured and sold and delivered, eighteen carding engines or thereabouts having revolving flats wherein the card clothing was fastened to the flat by means of fasteners or clips resembling such as are mentioned in the answer to the first and second interrogatories as having been applied by the defendants hereto to machines for Messrs. F. of .

5. In answer to the fifth interrogatory, the defendants have in their possession, power and control fasteners, clips and lamps similar to those mentioned in the answer to the first and second interrogatories as having been made and sold by the defendants all of which have been made since the day of , and some of which were made prior to the issue of the writ in this action. The same are now deposited in our works at .

6. In answer to the sixth interrogatory, the defendants decline at the present stage of the proceedings to give the names and addresses of their customers. With reference to the second paragraph the defendants say that it is wholly immaterial to the present issue to state whether the defendants have or have not granted any license or licenses to work the patents referred to in this interrogatory.

7. In answer to the seventh interrogatory, the defendants say that if the invention described in the specification therein mentioned be so ascertained that the specification contains a claim to such fasteners as those made by them as above mentioned it would claim an invention which is not described, and the defendants say that the mechanism described in the plaintiff's specification at line to line , both inclusive, on page , and illustrated by the second and third sheets of drawings to the said specification do not sufficiently describe or ascertain the manner in which the plaintiff's invention is to be performed.

8. In answer to the eighth interrogatory the defendants say that if the complete specification be construed to contain a claim to such fasteners as those made by them above mentioned, an invention will be claimed in the complete specification which is in no way referred to in the provisional specification.

9. In answer to the ninth interrogatory the defendants will not contend that the plaintiff's specification claims certain alleged inventions which are not comprised in the title.

10. The defendants decline to answer any of the above interrogatories further, on the ground that they are immaterial at this stage of the action and irrelevant and relate to matters of argument and construction.

Sworn, etc.



No. 54.

Forms.

**Order Permitting Amendment of Particulars of Objections.***[Insert Heading in Action.]*

Upon hearing the solicitors on both sides, it is ordered that the defendant be at liberty within seven days to amend his Particulars of Objections delivered 27th December, 1894, and to deliver to the plaintiffs further Particulars of Objections with respect to the Letters Patent mentioned in the Statement of Claim herein mentioned, in seven days, and that the plaintiffs have fourteen days after delivery thereof to elect if they will continue or discontinue this action. If the plaintiffs discontinue, it is ordered that the defendant pay to the plaintiffs their taxed costs of action since the 27th December, 1894, and that the plaintiffs do pay to the defendant his taxed costs up to that date; the Taxing Master to certify the amount due from and to be paid to either party in respect of such taxation. If the plaintiffs elect to continue the action it is ordered that their costs of this application and of and occasioned by amendment be their costs in any event. And it is ordered that the plaintiffs have three weeks after delivery of amended Particulars to deliver their reply. (a)

Dated, etc.

No. 55.

**Order Permitting Amendment of Particulars of Objections.***[Insert Heading in Action.]*

Upon hearing, etc., it is ordered that the defendants be at liberty to amend their Particulars of Objections as advised within seven days, the costs of and occasioned by such amendment to be the plaintiffs' in any event. The plaintiffs to be entitled to elect to discontinue the action within six weeks from the date of this order on giving notice to the defendants, in which event the defendants are to be at liberty to tax their costs up to and including the day of (b), and the plaintiffs are to be at liberty to tax their costs of this action subsequently to that date, and the Master is to set off the plaintiffs' costs against the defendants' and certify the balance payable by either party. (c)

No. 56.

**Notice of Motion for an Interlocutory Injunction.***[Insert Heading in Action.]*

Take notice that this Hon. Court will be moved on the day of at 10.30 o'clock in the forenoon, or so soon thereafter as

(a) *Thierry v. Rielmann.*  
 (b) Date at which the original Particulars of Objections were delivered.

(c) See *Wilson v. Wilson*, 16 R. P. C. 315.



**Forms.** counsel can be heard, by counsel on behalf of the above-named plaintiff, that the defendant, his servants, agents, and workmen may be restrained by the order and injunction of this Hon. Court until judgment in this action or further order from infringing the plaintiff's Letters Patent, No.            of           , by manufacturing *lamps* according to the method described in the complete specification of the plaintiff's said Letters Patent, or in any manner only colourably differing therefrom, and from selling, offering for sale, supplying, or using any *lamps* so made as aforesaid in infringement of the plaintiff's said Letters Patent, or that such other order may be made in the premises as to the Court may seem meet.

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No. 57.

**Another Form of Notice of Motion.**

[*Insert Heading in Action.*]

Take notice that this Court will be moved before his Lordship Mr. Justice            on            the            day of            at            o'clock, or so soon thereafter as counsel can be heard, by Mr.           , as counsel for the above-named plaintiffs, that the defendant            his and each of his servants, workmen, and agents may be restrained by the order and injunction of this Hon. Court from making and selling or offering for sale *pneumatic tyres* made in infringement of the plaintiffs' Letters Patent No.            of A.D.           , or from making, selling, or using any *pneumatic tyres* made in colourable imitation of the invention described and claimed in the specification filed under the said Letters Patent until the trial of this action, or until further order.

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No. 58.

**Order for an Interlocutory Injunction.**

[*Insert Heading in Action.*]

Upon Motion this day made unto this Court by counsel for the plaintiffs, and upon hearing counsel for the defendants, and upon reading the writ of summons issued on the            day of           , an affidavit of C. K. W., an affidavit of H. C., an affidavit of J. B. P., and an affidavit of E. H., all filed the            day of           , 1896, and an affidavit of R. E., filed the            day of           , 1896, and the exhibits therein respectively referred to, and the affidavit of A. C., filed the            day of           , 1896, and the plaintiffs by their counsel undertaking to abide by any order the Court may make as to damages in case the Court shall hereafter be of opinion that the defendants shall have sustained any by reason of this order which the plaintiffs ought to pay:

This Court doth order that R. E. and J. T. S., trading as the L. P. T. & A. V. Company, their servants and agents, be restrained until judgment in this action or further order, from infringing the Letters Patent, No.            of A.D.           , granted to C. K. W., of which

the plaintiffs are owners, by manufacturing and selling pneumatic tyres of the same construction as those described in the specification of the said Letters Patent or only colourably differing therefrom. (a)

Forms.

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No. 59.

**Order Refusing an Interlocutory Injunction,  
Defendant Keeping an Account.**

[*Insert Heading in Action.*]

Upon Motion this day made unto this Court by counsel on behalf of the above-named plaintiff that the above-named defendants might be restrained, etc., etc., and upon hearing counsel for the defendants, and upon reading the plaintiff's Statement of Claim and Particulars of Breaches and the affidavit of                      etc., etc.: And the defendants undertaking by their counsel until the trial of this action or the further order of this Court to keep an account of all the etc. alleged to be an infringement of the plaintiff's aforesaid Letters Patent made or sold by them, this Court doth not think fit to make any order on the said motion other than that the costs of the said motion be costs in the action.

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No. 60.

**Order for Discovery of the Names and Addresses of  
Defendant's Customers**

In aid of Enquiry as to Damages.

[*Insert Heading in Action.*]

Upon Motion, etc., it is ordered that the defendants do within four days after service of this order make and file an affidavit or affidavits, stating the number of brick-cutting machines made or caused to be made by them since                      , the date of the plaintiff's Letters Patent mentioned, etc., and the names and addresses of the persons to whom the same respectively have been sold or for whom the same have been purchased, and the number of machines now in course of construction, and of the licenses granted by the said defendants, or either of them, to any persons to make or use the said machines, with the names and addresses of the said persons to whom such licenses have been granted, and the number of licenses granted by the defendants, or either of them, to any persons to use the said machines, together with their names and addresses, and the places where the said machines are respectively licensed to be used, and the amount of royalties to be received by or for the use of the said defendants, or either of them, for the granting of such licenses in respect thereof. (b)

(a) *Pneumatic Tyre Co. v. Leicester.* on Decrees, 567.

(b) *Murray v. Clayton.* See Seton





schedule hereto on their examinations taken orally before this Court upon the several days set opposite their names in the second column of the said schedule, and the several documents and other exhibits produced to such persons on their said examinations set forth in the third column of the said schedule opposite to the names of such persons respectively, and what was alleged by counsel on both sides :

This Court doth order that this action do stand dismissed out of this Court, with costs to be taxed by the Taxing Master. And it is ordered that the plaintiffs, the P. T. Company, etc., do pay to the defendants, the T. P. Company, etc., the amount of their said costs when taxed, Mr. \_\_\_\_\_, of the firm of \_\_\_\_\_, the solicitor for the defendants, personally undertaking, in the event of this order being reversed on appeal, to abide by any order which this Court may make as to their refunding to the plaintiffs the costs of this order directed to be paid to them by the plaintiffs, and this Court certifies, pursuant to Section 29 of the Patents, etc., Act, 1883, that the Particulars of Objections of the defendants to D. & G.'s Patents are reasonable and proper. (a)

Schedule.

No. 64.

**Judgment for Plaintiffs Directing an Enquiry as to Damages.**

[*Insert Heading in Action.*]

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 1895.

This action having, on the \_\_\_\_\_ and \_\_\_\_\_ days of \_\_\_\_\_, 1895, been tried before the Honourable Mr. Justice \_\_\_\_\_ without a jury, in the County of Middlesex, and the said Mr. Justice \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 1895, having ordered that judgment be entered for the plaintiffs with costs, and granted an injunction restraining the defendant, his servants, or agents, from infringing the Letters Patent granted to and now vested in the plaintiffs, numbered \_\_\_\_\_, of 1891, and granted his certificate that the validity of the said Letters Patent came in question, and also directed that an enquiry be had before one of the referees as to what sum of money is fit to be awarded to the plaintiffs in respect of the losses and injury sustained by them by reason of the infringements of the defendant: And that the defendant pay to the plaintiffs such sum of money as shall be certified as fit to be awarded to the plaintiffs, within twenty-one days after the filing of the certificate or report in answer to such enquiry, and further directed that the defendant deliver up to the plaintiffs, within one month, any eyelets in his possession made in infringement of the said Letters Patent, and that the injunction and enquiry and order for delivery up be stayed for three weeks, and if an appeal be entered by the defendant within that time, be further stayed until such appeal is decided, the defendant undertaking to keep an account of the sale of any eyelets in the meantime; the costs when taxed to be paid to the

(a) *Pneumatic Tyre Co. v. Tubeless Tyre, etc., Ltd.*



**Forms.** plaintiffs' solicitors upon their giving the usual undertaking to return them if so ordered. It is this day ordered and adjudged that the defendant, his servants, or agents, be, and they are, hereby restrained from infringing the Letters Patent granted to, and now vested in, the plaintiffs, dated 1891, and numbered : And it is further adjudged that an enquiry be had before one of the official referees as to what sum of money is fit to be awarded to the plaintiffs in respect of the loss or injury sustained by them by reason of the infringements of the defendant: And that the defendant, A. R., do pay to the plaintiffs such sum of money as shall be certified as fit to be awarded to the plaintiffs within twenty-one days after the filing of the certificate or report in answer to such enquiry. And it is also ordered and adjudged that the defendant deliver up to the plaintiffs, within one month, any eyelets in his possession made in infringement of the said Letters Patent: And it is ordered that the injunction and enquiry and order for delivery up of eyelets be stayed for three weeks, and if an appeal be entered by the defendant within that time, be further stayed until such appeal is decided, the defendant undertaking to keep an account of the sale of any eyelets in the meantime.

And it is ordered that the defendant pay the costs of the plaintiffs of this action, to be taxed, the plaintiffs solicitor giving the usual undertaking to return them if so ordered. (a)

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No. 65.

**Judgment for Plaintiffs Ordering an Account.—Q.B.D.**

[*Insert Heading in Action.*]

Dated and entered the                      day of                      .

This action having on the                      days of                      been tried before the Hon. Mr. Justice                      without a jury, in the County of Middlesex, and the said judge on the                      day of                      having ordered that judgment be ordered for the plaintiff, and that the defendants, their servants and agents, be restrained during the continuance of the Letters Patent, No.                      , of 18                      , from manufacturing, selling, letting on hire, supplying, or using any machine or apparatus for disinfection manufactured according to or in the manner described in the specification filed in pursuance of such Letters Patent, or in any manner only colourably differing from the same: And the judge having further directed that an account should be taken before one of the official referees of all machines or apparatus for disinfection made in infringement of the said Letters Patent which have been manufactured, or sold, or let for hire by or by the order, or for the use or profit of the defendants, and also of the gains and profits made by the defendants by reason of such manufacture, sale, or letting for hire: and that the defendants do within seven days after the service upon them of the Official Referee's report of the result of such account, pay to the plaintiff the amount of such gains and profits, the defendants by their counsel undertaking to bring into the said account

(a) *Thierry v. Riekmann.*

all such machines or apparatus for disinfection as aforesaid as are now in their possession, custody, or power, whether completed or in process of manufacture, and to give notice of appeal, and enter the same within three days from the service of this judgment upon them.

The judge further directed that the injunction, so far as relates to the machines or apparatus comprised in the said undertaking, be suspended until the said appeal has been heard and determined, and the judge further directed that the defendants do pay to the plaintiff the costs of this action, such costs to be taxed.

It is therefore adjudged that the defendants, their servants and agents, be restrained during the continuance of the Letters Patent, No. of 18 , from manufacturing, selling, letting on hire, supplying, or using any machine or apparatus for disinfection manufactured according to or in the manner described in the specification filed in pursuance of such Letters Patent, or in any manner only colourably differing from the same.

And it is ordered and adjudged that an account be taken before one of the official referees of all machines or apparatus for disinfection made in infringement of the said Letters Patent which have been manufactured, or sold, or let for hire, by or by the order or for the use or profit of the defendants, and also of the gains and profits made by the defendants by reason of such manufacture, sale, or letting for hire: And that the defendants do within seven days after the service upon them of the Official Referee's report of the result of such account, pay to the plaintiff the amount of such gains and profits: And the defendants, by their counsel, undertaking to bring into the said account all such machines or apparatus for disinfection as aforesaid as are now in their possession, custody, or power, whether completed or in process of manufacture, and to give notice of appeal and enter the same within three days from the service of this judgment upon them:

It is ordered that the Injunction, so far as relates to the machines or apparatus comprised in the said undertaking, be suspended until the said appeal has been heard and determined.

And it is also further adjudged that the defendants do pay to the plaintiff the costs of this action, such costs to be taxed. (a)

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No. 66.

**Order for an Inquiry as to Infringing Articles and their Destruction.**

*[Insert Heading in Action.]*

Upon moving, etc., etc., Let an inquiry be made whether the defendants, or any of them, have in their possession or power any, and what articles manufactured in violation of the plaintiff's patent, and let all articles which shall be certified to have been so manufactured, and to be in the possession of the defendants, or any of them, be destroyed in the presence of C., the plaintiff's manager, and K., the

(a) *Lyon v. Goddard.*





## Notice of Appeal.

Forms.

Take Notice, that this Hon. Court will be moved by counsel for the above named plaintiffs on the      day of      , or so soon thereafter as counsel can be heard, for an order setting aside or reversing the judgment of Mr. Justice      , delivered in this action on the      of      , whereby he directed that this action should be dismissed with costs :

And for an order to restrain the defendants from infringing the plaintiffs' Letters Patent      of 1890, and giving such other relief as is prayed for in respect of the said Letters Patent in the Statement of Claim :

Or that such other order may be made as this Hon. Court shall deem fit.

Dated, etc.

(Signed)

Solicitors for the Plaintiffs, the Appellants.

No. 70.

## Notice of Appeal.

By the Defendant.—Q.B.D.

[*Insert Heading.*]

Take Notice, that this Hon. Court will be moved by counsel on behalf of the defendant, on the      day of      , at 10.30 of the clock, or so soon thereafter as counsel can be heard, that the judgment of Mr. Justice      , dated the      day of      , may be reversed, and that judgment may be entered for the defendant with costs, together with the defendant's costs of this appeal, or that such other order may be made as to the Court of Appeal shall seem just.

Dated this      day of

(Signed)

No. 71.

## Another Form of Notice of Appeal.

[*Insert Heading.*]

Take Notice, that this Hon. Court will be moved, on Monday, the      day of      , or so soon thereafter as counsel can be heard, on the part of the appellants, that the whole of the judgment delivered in this action on the      day of      , by Mr. Justice      , may be reversed, and it may be ordered that judgment be entered for the appellants, that the said action be



**Forms.** dismissed with costs, and that such other relief may be granted as to this Hon. Court may seem fit.

Dated the            day of

(Signed)

Appellant's Solicitors.

To the Respondent and            , his Solicitors.

No. 72.

### Order of the Court of Appeal

Affirming Judgment below.

[*Insert Heading.*]

Upon Motion by way of Appeal this day made into this Court by counsel for the above-named plaintiffs from the judgment of Mr. Justice            , dated the            day of            , and for an Order to restrain the defendants from infringing the plaintiffs' Letters Patent of A.D.            , and giving such other relief as is prayed for in respect of the said Letters Patent in the Statement of Claim, and upon hearing counsel for the defendants, and upon reading the said judgment, dated            :

This Court doth order that the said judgment, dated            , be affirmed.

And it is ordered that the plaintiffs, the P. T., etc., etc., do pay to the defendants, the T. P., etc., etc., their costs occasioned by this Appeal, such costs to be taxed by the Taxing-Master, Mr.            of the firm of            , the solicitors for the defendants, personally undertaking, in the event of this Order being revised on Appeal, to abide by any Order which the House of Lords may make as to the defendants refunding to the plaintiffs the costs by this Order directed to be paid to them by the plaintiffs, and having signed the registrar's book accordingly. (a)

No. 73.

### Order of the Court of Appeal.

Another Form.

[*Insert Heading.*]

Upon hearing Mr.            , Q.C., of counsel for the defendant, and Mr.            , Q.C., of counsel for the plaintiffs, on the defendants' Notice of Appeal, dated the            day of            , from the judgment of the Hon. Mr. Justice            , dated the            day of            :

(a) *Pneumatic Tyre Co. v. Tubeless Tyre, Ltd.*

It is ordered that the defendant's appeal herein be dismissed with costs to be taxed and paid by the said defendant to the said plaintiffs or their solicitors. (a) Forms.

No. 74.

**Order of the Court of Appeal**

Granting a Stay of the Injunction Pending Further Appeal.

[Insert Heading.]

Upon hearing Mr. \_\_\_\_\_, Q.C., of counsel for the defendants, and Mr. \_\_\_\_\_, Q.C., of counsel for the plaintiffs, upon the defendants' notice of Appeal, dated \_\_\_\_\_, from the judgment of the Hon. Mr. Justice \_\_\_\_\_, dated \_\_\_\_\_, at the trial without a jury at \_\_\_\_\_:

It is ordered that the Appeal of the defendants herein be dismissed with costs to be taxed and paid by the said defendants to the said plaintiffs or their solicitors.

And it is further ordered that upon the defendants paying to the plaintiffs' solicitors the taxed costs herein, upon such solicitors undertaking to return the same should an Appeal be successful, and also by their counsel undertaking to keep an account (from the date of the judgment herein) of all gains and profits made by the defendants by the manufacture, sale, and supply or advertising of the machinery and apparatus the subject of this action by the defendants or by any person or persons by the order or for the use of such defendants, and to pay the amount of such gains and profits to the said plaintiff as damages, the injunction granted to the plaintiffs to be stayed for three weeks, and if within that time an appeal be brought to the House of Lords, then such injunction be stayed until the hearing of such appeal. (b)

**E.—APPEAL TO THE HOUSE OF LORDS.**

No. 75.

**Notice of Appeal. (c)**

In the House of Lords.

From her Majesty's Court of Appeal (England).

Between A. R. . . . . Appellant,  
and

J. A. T. and A. L. T. . . . . Respondents.

We hereby give you notice that on the \_\_\_\_\_ day of \_\_\_\_\_, or so soon after as conveniently may be, the Petition of Appeal by the above

(a) *Thierry v. Rickmann.*

(b) *Morris v. Young.*

(c) *Thierry v. Rickmann.*



**Forms.** named appellant A. R., a correct copy whereof is served herewith (being a Petition of Appeal against the Order dated \_\_\_\_\_ of the Court of Appeal (England) made in an action wherein the respondents J. A. T. and A. L. T. were plaintiffs and the appellant A. R. was defendant), will be presented to the House of Lords on behalf of the appellant

To the respondents \_\_\_\_\_ and \_\_\_\_\_ and \_\_\_\_\_ their solicitors.

Dated \_\_\_\_\_

(Signed)  
Appellant's Solicitor.

No. 76.

**Petition of Appeal. (a)**

In the House of Lords.

On Appeal

From her Majesty's Court of Appeal (England).

To the Right Honourable the House of Lords.

The humble Petition and Appeal of A. R. of \_\_\_\_\_ in the City of London.

Your petitioner humbly prays that the matter of the Order set forth in the schedule hereto may be reviewed before her Majesty the Queen in her Court of Parliament, and that the said Order may be revised, varied, or altered: Or that the petitioner may have such other relief in the premises as to her Majesty the Queen in her Court of Parliament may seem meet, and that J. A. T. and A. L. T. mentioned in the schedule to the Appeal may be ordered to lodge such printed case as they may be advised and the circumstances of the case may require in answer to this Appeal: And that service of such Order on the solicitors in the cause of the said respondents may be deemed good service.

(Signed).

*Schedule referred to in the Foregoing Petition.*

From her Majesty's Court of Appeal (England).

In a cause wherein J. A. T. and A. L. T. were plaintiffs and A. R. was defendant.

The Order of the Court of Appeal (England), dated the \_\_\_\_\_ day of \_\_\_\_\_ appealed from is in the words following, that is to say:—

*In the Court of Appeal,*

*On Appeal.*

*From the High Court of Justice,*

*Queen's Bench Division.*

*Stamp £1.*

(a) *Thierry v. Rielmann.*

Monday the 9th day of December, 1895.

Forms.

1894 T. No. .

J. A. T. and A. L. T. . . . . Plaintiffs,

v.

A. R. . . . . Defendant.

Upon hearing Mr. . . . ., Q.C., of counsel for the defendant, and Mr. . . . ., Q.C., of counsel for the plaintiffs, on the defendant's notice of Appeal dated the . . . . day of July, 1895, from the judgment of the Hon. Mr. Justice Charles, dated the . . . . day of July, 1895:

It is ordered that the defendant's Appeal herein be dismissed, with costs to be taxed and paid by the said defendant to the said plaintiffs or their solicitors.

By the Court.

We humbly conceive this to be a proper case to be heard before your Lordships by way of Appeal.

(Signed).

#### F.—ACTION AGAINST A PATENTEE FOR THREATS.

No. 77.

##### Statement of Claim.

In the High Court of Justice, 1894, M. No.  
Chancery Division.

Mr. Justice . . . . .

Between M. A. & Company, Limited . . . . Plaintiffs,  
and

The H. R. F. Company, Limited . . . . Defendants.

##### Statement of Claim.

1. The plaintiff company carry on business as mechanical engineers at . . . . works . . . ., in the county of Nottingham. Since the year . . . . they have erected furnaces for burning the refuse of towns under Letters Patent No. . . . of . . . ., granted to A. F., of which the plaintiff company are owners.

2. The defendants are mechanical engineers carrying on business as a limited company at . . . ., in the city of . . . ., in the county of Yorkshire.

3. The said defendants have, in the month of . . . ., and subsequently to the issue of the writ in this action, written threatening letters both to the plaintiffs and their customers, threatening them with legal proceedings for an alleged infringement of certain Letters Patent, No. . . . of . . . ., granted to W. H.



**Forms.**

4. The said defendants, although making such threats, have not commenced an action for infringement of their above-mentioned Letters Patent.

5. The invention claimed in the said Letters Patent, No. of , is not good subject-matter for valid Letters Patent, and was not at the date of the said Letters Patent a novel invention.

6. The Plaintiff Company have not infringed the said Letters Patent, No. of .

7. The plaintiffs have suffered loss in their business by reason of the said threatening letters.

The plaintiffs claim :—

1. An injunction restraining the defendants, their officers, servants, and agents, from threatening the plaintiffs and their customers with legal proceedings for the alleged infringement by them of the defendants' Letters Patent, No. , of , granted to W. H. for "a new and improved construction of furnace for burning towns' and other refuse," and from, by letters, advertisements, or any other means whatever, circulating statements to the effect that "Destructor" or other furnaces erected by the plaintiffs, are constructed in infringement of the defendants' said Letters Patent.

2. Damages.

3. Costs.

(Signed)

Delivered, etc.

No. 78.

### Another Form of Statement of Claim

In an Action for Threats.

In the High Court of Justice, 1886 to No.  
Chancery Division.

Mr. Justice

Writ issued the day of

Between T. F. W. and L. J. M.

(trading as J. W. W.) . . . Plaintiffs,

and

S. C. . . . Defendant.

Statement of Claim.

Delivered, etc.

1. The plaintiffs and the defendant are respectively manufacturers of and dealers in lamps and similar articles, and there has existed, and still exists, a competition in trade between them.

2. The defendant claims to be the patentee of a certain alleged invention of improvements in candle-lamps and chandeliers, for which he has obtained Letters Patent, dated the day of , 1885,

and numbered . The said alleged invention was, and is in fact not an invention at all, and comprises no manner of manufacture which was new at the date of such Letters Patent. The said Letters Patent are in fact, and to the knowledge of the defendant, void for want of novelty and otherwise, and the same were applied for and obtained by the defendant, not for the protection of any invention, but for the purpose of enabling him by such threats as hereafter mentioned, to injure the trade of the plaintiffs and other competing manufacturers of, and dealers in such articles as aforesaid, for the defendant's own advantage.

3. The plaintiffs, before and at the time of the acts of the defendant herein complained of, had at considerable trouble and expense established a trade in a description of candle-lamps known as "Glow-worm" lamps, and known by that time to be of the plaintiffs' manufacture. The said lamps had become known in the trade, and had acquired a good reputation, and the said trade was of value to the plaintiffs. The said Glow-worm lamps did not involve any manner of manufacture which was in any respect an infringement of any legal rights of the defendant, or of the said Letters Patent, as described in the specification thereof.

4. In the course of their said business the plaintiffs have supplied their Glow-worm lamps to H. G. S., who carries on business in M. as a glass and earthenware dealer. On or about the , 1886, the defendant wrote and sent to the said H. G. S. a letter, which so far as material is in the words and figures following:—

"Mr. S.

1886,

"Dear Sir,

"Caution.—Walsh's Glow-worm lamps are an infringement  
"of my patent, and agents are now going through the  
"country to get all the evidence they can to take  
"legal proceedings against the vendors, that being the  
"course decided upon by my solicitors, Messrs. .

"Yours truly,

"S. C."

5. The defendant by circulars, advertisements, or otherwise, has threatened, and intends unless restrained by the Order of the Court, to continue to threaten, the plaintiffs and their customers with legal proceedings or liability in respect of the alleged infringement of his patent rights by the said Glow-worm lamps, manufactured and sold by the plaintiffs. The plaintiffs have requested the defendant to commence proceedings against them for the alleged infringement, but he has not done so, and refuses or neglects so to do.

6. The said threats of the defendant to the said H. G. S. and otherwise, have caused considerable damage to the plaintiffs in their said business, and the continuance of such threats will, unless restrained by the Order of the Court, cause the plaintiffs very great and irreparable loss and damage in their said business.

The plaintiffs' claim:—

1. An injunction to restrain the defendant, his servants and agents, from threatening any person or persons, by circulars, advertisements, or otherwise, with legal proceedings or liability in respect of



**Forms.** manufacture, sale, use, or purchase of the lamps made or sold by the plaintiffs, and known as Glow-worm lamps, on the allegation that such manufacture, use, sale, or purchase is an infringement of any Letters Patent belonging to the defendant.

2. Damages.

(Signed)

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G.—ASSIGNMENTS AND LICENSES.

No. 79.

**Form of Assignment of Letters Patent.**

This Indenture, made the        day of       , 1898, Between  
of        of the one part, and        Company  
of the other part, Whereas by an agreement made        day of  
expressed to be made between the said        of the one part,  
and the said Company of the other part, it was agreed that the said  
should sell to the Company, and the Company agree to  
purchase the Letters Patent hereinafter mentioned in the schedule  
hereto, and the rights and privileges thereby granted, and the inven-  
tion which is the subject of the said Letters Patent, for the sum of  
£       , to be satisfied by the issue to the said        of  
shares in the said Company of £        each: And the Company agreed  
that they would, on the assignment of the said Letters Patent, or  
within        days thereafter, allot to the said       , or his nominees,  
shares of £        each in the said Company, which shares  
should be deemed for all purposes to be fully paid up, and the said  
agreement now in recital has been filed with the Registrar of Joint  
Stock Companies: And Whereas the said shares have been duly  
issued and allotted to the said        as fully paid shares, and the  
same are declared by the parties hereto to be of par value: Now this  
Indenture Witnesseth that in consideration of the issue and allot-  
ment of the said shares to the said       , he, the said       ,  
Doth hereby Assign unto the said Company, and their successors  
and assigns, all the Letters Patent mentioned in the schedule here-  
under written, and the invention which is the subject thereof, and  
all the exclusive rights and privileges thereby granted and secured or  
expressed, or intended so to be, and the full benefit thereof, and all  
profits, emoluments, and advantages which can be in any wise had,  
made, gotten, or received from, or in respect of, the same, or from, or  
in respect of, the making, using, exercising, and vending under the  
said Letters Patent of the invention which is the subject thereof,  
including the right of obtaining whatever prolongation or extension  
can or may be obtained of the term of the said Letters Patent: To  
have, hold, use, exercise, and enjoy the said Letters Patent, and  
all and singular other the premises hereinbefore assigned or expressed,  
or intended so to be, unto the said Company, their successors and





**Forms.** licensees a license to make, use, exercise, and vend tyres in accordance with the said Letters Patent respectively, upon the terms hereinafter appearing, **Now this Indenture Witnesseth** that in pursuance of the said agreement, and in consideration of the Royalties hereinafter reserved, and the covenants on the part of the licensees hereinafter contained, the licensors **Do hereby grant** unto the licensees full liberty, license, power, and authority under the above recited Letters Patent, or either of them, to make, use, exercise, and vend tyres for the wheels of cycles and other vehicles made in accordance with the specification of the said Letters Patent, or either of them; to have, hold, exercise, and enjoy the said license unto and by the licensees in the United Kingdom for and during all the residues now to come and unexpired of the terms for which the said Letters Patent were granted respectively, and during any further term for which the said Letters Patent were granted respectively, and during any further term for which the said Letters Patent, or either of them, may be prolonged, yielding and paying unto the licensors quarterly, on every        day of January,        day of April,        day of July, and        of October for every tyre sold by the licensees hereunder in the quarter then ending respectively, the Royalty of        the first of such payments to be made on the        day of January next :

**And also** that they will during the said term keep at their place of business all proper books of account, and make true and complete entries therein at the earliest opportunities, of all particulars necessary or convenient for the purpose hereof, of all transactions relating to the sale of tyres manufactured by them hereunder, and will, at their own expense, obtain and give to them all such information as to any item or matter contained, or which ought to be contained therein, as shall be reasonably required, and also that they will at the end of each quarter aforesaid deliver or send to the licensors or their assigns a statement in writing of the sale in such quarter of the said tyres and the amount of royalties payable in respect thereof as aforesaid, and will, if required by the licensors, verify the same by a statutory declaration of a chartered accountant: **And also** that they will not during the continuance of this license dispute or object to the validity of the said Letters Patent, or either of them, or the novelty or utility of the inventions.

**In Witness** whereof the licensors have caused their common seal to be hereto affixed, and the licensees have hereto set their hands and seals the day and year first above written.

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No. 81.

#### Another Form of License.

**This Indenture**, made the        day of        Between        & Company, Limited (hereinafter referred to as the Company), of the one part, and        &        (hereinafter referred to as the licensees) of the other part, **Witnesseth** that in consideration of the payments, covenants, and agreements by and on the part of the licensees hereinafter contained and reserved, they, the Company, do hereby grant unto the licensees



license to make, use, and exercise: First, an invention for improvements in breech-loading small arms dated            and numbered            ; secondly, an invention for improvements in breech-loading small arms dated            and numbered            ; thirdly, an invention for improvements in the extracting or ejector mechanism of drop-down small arms dated            and numbered            (but to the extent only and in manner hereinafter set forth), and to sell and dispose of sporting guns, rifles, and breech actions containing the said inventions, to hold the same, with all benefits and advantages from the exercise thereof unto the licensee henceforth for the respective residues now unexpired of the term of years granted by the Letters Patent for the said inventions, if the licensees or the survivor shall so long live, subject, nevertheless, to the covenants, stipulations, restrictions, and conditions hereinafter contained, and on the part of the licensees to be observed and performed: And it is hereby mutually covenanted and agreed between and by the Company and the licensees as follows:—

1. The Company shall make for the licensees all the ejector mechanism in connection with the said respective Letters Patent and which is used in the fore ends of guns, in such quantities and at such times as the licensees shall require, and the licensees shall and will pay to the Company, their successors or assigns, for each and every ejector mechanism so made by them as aforesaid the sum of £            , which sum shall include all royalty to be paid by the licensees under this license or in respect thereof. Such sums shall be paid on            in every year during the continuance of this license, the first payment to be made on the            day of            next.

2. The licensees shall and will at all times during the continuance of this license keep or cause to be kept at his or their principal place of business accurate and regular accounts of all sporting guns, rifles, or breech actions containing the said inventions and of the sales thereof, such accounts to be made up on March 31st, June 30th, September 30th, and December 31st in every year, the first of such accounts being made up on the            day of            next, and such accounts shall be rendered to the Company, their successors or assigns, by the licensee within seven days after each successive respective days, and if necessary shall be verified by a statutory declaration to be made by the licensee (or one of them) at his (or their) own expense.

3. When the breech actions the subject of the said inventions shall have been completely fitted to the barrels of the guns or rifles they shall be sent by the licensee to the Company, their successors or assigns, at their principal place of business for the time being, for the purpose of being viewed and marked by the Company, their successors and assigns, in such manner and form as they may desire, the Company, their successors and assigns, hereby reserving to themselves the right of condemning any breech actions that may appear to them to be unsatisfactory.

4. The licensees shall not use or exercise the said invention otherwise than in accordance with this license.

5. The licensees shall not sell or allow to be sold any sporting gun, rifle, or breech action containing the said inventions without the same being previously marked by the Company, their successors or assigns, upon the body of the breech action.





agreement, and in consideration of the covenants and agreements on the part of the Company contained in the said Indenture of even date herewith, the patentee doth hereby grant unto the Company, their successors and permitted assigns, the full, sole, and exclusive liberty, right, license, power, and authority to make, use, and exercise the invention the subject of the said Letters Patent, and to sell and dispose of all                    manufactured under, or in accordance with, the said invention within the United Kingdom of Great Britain and Ireland and the Isle of Man: To have, hold, exercise, and enjoy the said premises unto and by the Company, their successors and permitted assigns, for and during the residue now to come and unexpired of the term of fourteen years granted by the said Letters Patent, or any renewal or extension thereof, but subject to the covenants, conditions, and agreements contained in the said Indenture of even date herewith: **And the Patentee hereby covenants with the Company that notwithstanding anything by the patentee done, omitted, or knowingly suffered, the patentee now has power to grant a license to use the said Letters Patent in manner aforesaid, and that the same shall be held, used, and enjoyed by the Company, without any interruption or disturbance, free from incumbrances: And that the patentee and every person claiming under, or in trust for him, will at all times, at the cost of the Company, execute and do all such assurances and acts for confirming the license hereby granted as by the Company may be reasonably required: And the Company hereby covenants with the Patentee that the Company and its successors will not assign or otherwise part with the benefit of the license hereby granted, without the covenant in writing of the patentee first had and obtained, but such consent shall not be withheld in the case of a responsible and respectable assignee.**

**In Witness** whereof said                    hath hereunto set his hand and seal, and the Company has caused its common seal to be hereunto affixed the day and year first above written.

---

No. 83.

### Agreement of Terms

To which the Preceding License refers.

This Indenture, made the                    day of                    , **Between** of                    (hereinafter called the patentee) of the one part, and the                    Company, Limited (hereinafter called the Company), of the other part: **Whereas** the patentee is the grantee named in the Letters Patent for the United Kingdom and the Isle of Man, dated                    , numbered                    , for "Improvements in, etc.": **And whereas** by an Indenture bearing even date with these presents, and made between the same parties, the patentee has granted to the Company the full, sole, and exclusive license to make, use, and exercise the invention the subject of the said Letters Patent, and to sell and dispose of all                    manufactured under or in accordance with the said invention within the United Kingdom of Great Britain and Ireland and the Isle of Man, but subject to the covenants, conditions, and agreements



**Forms.**

contained in an Indenture of even date herewith, meaning these presents: **Now this Indenture witnesseth** that it is hereby covenanted and agreed by the parties hereto as follows:—

*Royalties.*

1. The Company shall pay to the patentee, his executors, administrators, and assigns, during the residue now to come and unexpired of the term of fourteen years by the said Letters Patent granted, and during the continuance of any renewal or extension of such term, a royalty equal to        per cent. of the gross proceeds of sale received by the Company for or in respect of each and every        manufactured by the Company under or in accordance with the said Letters Patent.

2. The Company hereby covenants and guarantees that the net amount payable to the patentee, his executors, administrators, or assigns, for royalties hereunder shall be not less than £        for the period ending on the 30th day of September, 1900, which sum shall be payable on the execution of these presents; £        for the second year, payable on the 30th day of September, 1901; £        for the third year, payable on the 30th day of September, 1902; £        for the fourth year, payable on the 30th day of September, 1903, and £        for the fifth and each and every subsequent year, payable on the 30th day of September, 1904; and on the same day in each and every subsequent year of the term of fourteen years granted by the said Letters Patent, and any extension or renewal of such term.

3. The Company shall keep full, true, and accurate accounts, shewing the number of        manufactured or sold by it, together with the capacity of each such       , and the names and addresses of the persons to whom all such        shall be sold, which accounts shall, at all reasonable times, be open to the inspection of the patentee, or any person authorized by him. The Company shall, on or before the expiration of one month from the 31st day of March and the 30th day of September in each year, furnish to the patentee a statement shewing the total number of        manufactured or sold by the Company during the half year ending on the said dates respectively in each year, and the total invoice prices thereof, and the gross proceeds of sale received by the Company, and shall with each such account remit to the patentee the amount of royalty thereby shewn to be due to him. The Company shall, if so requested by the patentee, verify the accuracy of each such statement by a statutory declaration, to be made by the chairman and secretary, for the time being, of the Company.

4. If in any year the amount of royalty paid under the last preceding clause hereof shall not amount to the said minimum royalty, such deficiency shall be paid to the patentee yearly, within one month after the 30th day of September in each year, the first payment under this clause to be made within one month after the 30th day of September, 1901.

5. If at any time during the continuance of the said licence the said Letters Patent shall be declared to be invalid by a Court of competent jurisdiction, all royalties hereunder shall cease to be payable: Provided always, that if such decision shall be reversed on

appeal, or if the said Letters Patent shall be rendered valid by a sufficient amendment or disclaimer, all royalties hereunder shall forthwith again become payable, and the Company shall also forthwith pay to the patentee all sums due for royalties hereunder, as if this clause had not been inserted in these presents.

**Forms.**

*Patent Fees.*

6. The Company shall pay all future patent fees, and do and perform all such other acts, deeds, matters, and things as may be necessary for keeping the said Letters Patent on foot and in full force and effect, and shall be at liberty to deduct such fees from the amount of royalty payable to the patentee hereunder; and if at any time the said Letters Patent shall be openly infringed by any other person or persons whomsoever, the Company may take all such steps as may be necessary or convenient to fully and effectually restrain such infringement: And the patentee shall, at the request of the Company, and upon receiving a full and sufficient guarantee and indemnity to his satisfaction, authorize such proceedings to be brought in his name, but the conduct thereof shall remain in the hands of, and under the sole control of, the Company.

*Trade Regulations and Prices.*

7. The Company shall use its best endeavours, and take all such steps as may be necessary to extend and push the sale of manufactured under, or in accordance with, the said Letters Patent, and shall in all things obtain the best prices payable for all so sold by it.

8. The Company shall not let at a rental any manufactured under or in accordance with the said Letters Patent, or deal with or dispose of the same in any manner which may lessen the amount of royalty due to the patentee, as provided by these presents, or which may prejudicially affect his rights and interests hereunder, without the consent of the patentee,

9. The Company shall not, save as hereinafter provided by Clauses 11 and 12 hereof, during the term of fourteen years granted by the said Letters Patent, manufacture, sell, license, or otherwise deal or be interested in any other kind of which may be similar to made under or in accordance with the said Letters Patent, but shall in all things protect the rights and interests of the patentee hereunder in all respects.

10. The Company shall not sell, or supply, or license any made under or in accordance with the said Letters Patent for use outside the United Kingdom of Great Britain and Ireland and the Isle of Man and the British Colonies, nor shall the Company knowingly sell, supply, or license any such to any person, firm, or company within the limits aforesaid for export therefrom, and the Company shall take all reasonable steps and use its best endeavours to prevent the export of any manufactured by it to any foreign country or state.





## H.—COMPULSORY LICENSES.

No. 84.

Forms.

## Petition for Compulsory License. (a)

To the Lords of the Committee of Privy Council for Trade.

The Petition of L. Limited of \_\_\_\_\_ in the County of \_\_\_\_\_, Chemical Manufacturers, and of J. L., Managing Director of the said Company, being persons interested in the subject-matter of this Petition.

Sheweth as follows:—

A patent, dated the \_\_\_\_\_ day of \_\_\_\_\_, 1889, and numbered \_\_\_\_\_, was granted to O. I. of \_\_\_\_\_ London, Patent Agent, for an invention communicated to him by M. L. & B. of \_\_\_\_\_, in the German Empire, relating to the Production of Oxysulphonic Acids of Naphthalin. The said patent was by deed, dated the \_\_\_\_\_ day of \_\_\_\_\_, 1892, duly assigned by the said O. I. to M. L. & B., hereinafter called the patentees. The assignment so made was duly registered at the Patent Office on the \_\_\_\_\_ day of \_\_\_\_\_, 1892, and the patentees have been, from the date of the said registration, and still are, the duly registered patentees under the said grant. Another patent, dated the \_\_\_\_\_ day of \_\_\_\_\_, 1889, and numbered \_\_\_\_\_, was also granted to the said O. I. for an invention in like manner communicated to him by the patentees, relating to Improvements in the Production of Amidonaphtholmono-sulphonic Acids and the Manufacture of their Diazo Compounds and Azo Colouring Matters therefrom, which said patent was by deed, dated the \_\_\_\_\_ day of \_\_\_\_\_, 1892, duly assigned by the said O. I. to the patentees. The assignment so made was duly registered at the Patent Office on the \_\_\_\_\_ day of \_\_\_\_\_, 1892, and the patentees have been, from the date of the said registration, and still are, the duly registered patentees under the said grant. Both the said patents are now in force, having been duly maintained by due payment of all renewal fees accrued due in respect of the same.

2. The privileges granted to the said patentees by the said patents include, *inter alia*, the exclusive right to use within this realm the following processes of manufacture, that is to say:—

- (a) The production of oxynaphthalin-sulphoric acids by heating the naphtholdi- and tri-sulphuric acids with caustic alkalies.
- (b) The production of amidonaphthol-sulphonates by heating betanaphthylamine disulphonic acids with caustic alkalies, under or without pressure, to 200–280° C.

3. The patentees are manufacturing chemists, who carry on their manufacture at \_\_\_\_\_, in the German Empire aforesaid, and they there manufacture dye-stuffs by the processes above mentioned; but the patentees and the said O. I. have wholly failed to introduce the use of the said processes, or any of them, within the realm, and have not at any time attempted so to do. It is, on the contrary, the settled

(a) This is *Lerinstein's Petition*. See Gordon's *Compulsory Licenses*, p. 352.



**Forms.**

commercial policy of the patentees to prevent the introduction and use of their patented processes within this realm. They import and sell the products of these manufactures at prices greatly in excess of the prices at which they sell the same products to their customers in other countries, and they make use of their privileges under the said patent grants for no other purpose than to exclude other manufacturers, and to raise the prices of the said commodities in the British market. Dye-stuffs manufactured in accordance with the said processes are in large demand within this realm for the treatment of Manchester and other goods, some of which are intended for export to markets in which foreign manufacturers compete with British manufacturers; and the preference granted by the patentees to their foreign customers is a great hindrance to British trade in such foreign markets. Thus, by reason of the default of the patentees, the grants of privilege so as aforesaid made to them, are mischievous and cause hurt of trade, and are prejudicial and inconvenient to her Majesty's subjects in general.

4. Your petitioners are manufacturing chemists, carrying on their manufacture upon a large scale at \_\_\_\_\_, Works, Manchester, in the County of Lancaster, and they have great facilities for the carrying on of the said patented processes, and for the production of dye-stuffs thereby. They have, by themselves, and by the predecessors of the petitioning company in business, been a long time engaged in the production of colouring matters, and have conducted numerous and costly experiments, as the result of which they have introduced from time to time many improvements in the manufacture of such dye-stuffs, in connection with which they carry on an extensive manufacture and trade. They have recently discovered a process by which valuable new dye-stuffs can be manufactured, which dye-stuffs are an improvement upon the dye-stuffs so as aforesaid manufactured by the patentees in Germany, and by them imported and sold within this realm. Other similar improved dye-stuffs have similarly been discovered by your petitioners, and they are still conducting experiments, from which they hope that further discoveries of the same kind will result. But the valuable new dye-stuffs referred to can only be manufactured by employing the patented processes above mentioned, and your petitioners, L. Limited, did, therefore, apply to the patentees for a license to manufacture under their said patents. The patentees have refused to entertain the said application for a license, and still refuse to grant such license as is necessary to enable your petitioners to introduce the patented manufactures into use within this realm, and to work and use to the best advantage the said inventions of which your petitioners are possessed.

5. Your petitioners are well able to introduce and carry on the said manufacture if duly licensed so to do, and they will undertake to introduce and carry on the same according to their ability, provided that a proper license is accorded to them. The terms upon which it is submitted that the patentees may justly be ordered to grant such license as is desired by your petitioners, L. Limited, and their successors and assigns, are set out in the schedule appended hereto.

Your Petitioners therefore pray that an order may be made by the Board of Trade under Section 22 of the Patents, Designs, and Trade Marks Acts of 1883, that the patentees shall grant to your petitioners, L. Limited, a license under the two patents

hereinbefore mentioned, upon the terms set out in the schedule,  
or upon such other terms as may be just, and  
That the Petitioners may have such other relief in the premises as  
the Board of Trade may deem just.

(Sealed)                      L. Limited.                      (Signed)                      J. J.

*The Schedule*

containing the heads of proposed agreement is here omitted.

No. 85.

**Order of the Board of Trade**

**For a Compulsory License. (a)**

In the Matter of the Patents, Designs, and Trade Marks Acts,  
1883 to 1880 ; and

In the Matter of Letters Patent No.                      , of 1889, and of Letters  
Patent No.                      , of 1889 ; and

In the Matter of a Petition of L. Limited, of                      , Manchester,  
in the County of Lancaster, Chemical Manufacturers, and of  
J. L., Managing Director of the said Company (hereinafter  
called the Petitioners), to the Board of Trade for an Order for  
a Compulsory License under the said patents.

Whereas, by Section 22 of the Patents, Designs, and Trade Marks  
Act, 1883, it is enacted, "If on the petition of any person interested  
it is proved to the Board of Trade that by reason of the default of a  
patentee to grant licenses on reasonable terms—

"(a) The patent is not being worked in the United Kingdom ; or

"(b) The reasonable requirements of the public with respect to  
the invention cannot be supplied ; or

"(c) Any person is prevented from working or using to the best  
advantage an invention of which he is possessed,

"the Board may order the patentee to grant licenses on such terms as  
to the amount of royalties, security for payment, or otherwise, as the  
Board, having regard to the nature of the invention and the circum-  
stances of the case, may deem just, and any such order may be enforced  
by mandamus."

And whereas, on the                      day of                      , 1889, a patent, numbered  
                    , was granted to O. I. of                      , London, Patent Agent, for an  
invention communicated to him by M. L. & B. of                      , in the German  
Empire (hereinafter called the patentees), relating to the Production of  
Oxysulphonic Acids of Naphthalin ; And whereas, on the                      day of  
                    , 1892, the said patent was duly assigned by the said O. I. to the  
patentees, which said assignment was, on the                      day of                      , 1892,  
duly registered at the Patent Office ; And whereas, on the                      day of  
                    , 1889, another patent, numbered                      , was also granted to the  
said O. I. for an invention, in like manner communicated to him by

(a) Made in *Lerinstein's Petition*, see Gordon, p. 361.



**Forms.**

the patentees, relating to Improvements in the Production of Amido-naphthol-monosulphonic Acids, and the Manufacture of their Diazo Compounds and Azo Colouring Matters therefrom; And whereas, on the day of , 1892, the said patent was duly assigned by the said O. I. to the patentees, which said assignment was, on the day of , 1892, duly registered at the Patent Office; And whereas, the petitioners presented a petition to the Board of Trade, under the said section, for an order that the patentees under the said Letters Patent, No. , of the day of , 1889, and No. , of the day of , 1889, should grant to the petitioners a license under or in respect of the inventions described and claimed in and by the specifications of the said respective Letters Patent; And whereas, on consideration of the said petition, and of the matters therein mentioned, it has been proved to the Board of Trade that the said petitioners are persons interested in the matter of the said petition, and that by reason of the default of the patentees to grant licenses on reasonable terms the said patents are not being worked in the United Kingdom, and that by reason of the default aforesaid the said petitioners are prevented from working and using to the best advantage certain inventions of which they are possessed: Now, therefore, the Board of Trade, in exercise of the power conferred upon them by Section 22 of the Patents, Designs, and Trade Marks Act, 1883, and of all other powers enabling them in this behalf, do hereby order as follows:—

(1) That a license, to take effect from the date of this order, and in the form set forth in the schedule hereto, be forthwith granted by the patentees to the petitioners to make, use, exercise and vend within the United Kingdom the inventions described and claimed in and by the specifications of the said Letters Patent, Nos. and , of 1889, for the unexpired residues of the respective terms of the said Letters Patent, at a royalty of one halfpenny for each pound weight avoirdupois of products made by the licensees under the said Letters Patent or either of them, but so that in each year a minimum royalty of £250 per annum shall be paid by the licensees, and the patentees shall forthwith deposit such license, duly executed by them, with the Board of Trade. (2) The said petitioners, before the day of , 1898, shall execute and deposit with the Board of Trade a counterpart license in the form aforesaid, and in default of their doing so this order shall be of no effect.

Dated this 6th day of July, 1898.

(Signed)

COURTENAY BOYLE,

Secretary, Board of Trade.

No. 86.

### Compulsory License.

(Referred to in the above Order.) (a)

This Indenture, made the day of , between the and of in of (hereinafter called the patentees), of the one part, and of , in the County of (hereinafter called the licensees), of the other part; Whereas, by an Order of the Board

(a) See Gordon, p. 363.



of Trade, dated the 6th day of July, 1898, and made under Section 22 of the Patents, Designs, and Trade Marks Act, 1883, it was ordered that a license, to take effect from the date of the said Order, should be granted by the patentees to the licensees to make, use, exercise, and vend the inventions described in the Letters Patent hereinafter mentioned (to the benefit of which the patentees are entitled), in the form set out in the schedule to the said Order, being the form of these presents: Now, this Indenture witnesseth that, in pursuance of the said Order, the patentees do hereby grant to the licensees license within the United Kingdom to make, use, exercise, and vend the inventions described and claimed in and by the specifications of the Letters Patent Nos.            and           , of 1889, mentioned in the said Order, to hold, exercise, and enjoy the said license for and during all the residues now to come and unexpired of the respective terms of the said Letters Patent, and during any further term for which the said Letters Patent, or either of them, may be extended; and the licensees hereby covenant with the patentees that the licensees will, during the continuance of this license, pay to the patentees, half-yearly, on every 6th day of January and 6th day of July, royalties at the rate of a halfpenny for each pound weight avoirdupois of product made by the licensees under the said Letters Patent, or either of them, in the half-years then ending respectively; Provided always that if the royalties payable in any year ending on the 6th day of July shall not have amounted to the sum of £250, the licensees shall on such 6th day of July, pay to the patentees such further sum as with the said royalties shall amount to the said sum of £250, hereinafter called the yearly rent. The licensees do hereby also covenant with the patentees that the licensees will, during the continuance of the license, keep proper accounts in separate books containing full particulars of all products made by them under this license, and of all other things which may be material for the purpose of shewing the amounts payable to the patentees by way of royalty, and will at any time produce the same for the inspection of the patentees or any person appointed by them, who shall be at liberty to make copies from or extracts from any of the accounts or matters therein contained, and that the licensees will within ten days after each of the half-yearly days aforesaid deliver to the patentees an account in writing, shewing all the particulars and matters aforesaid with respect to the products made during the preceding half-year; And it is hereby agreed and declared that the patentees shall be at liberty at any time during the continuance of this license to enter upon any factory or place of business of the licensees in which the manufacture of the said products shall be carried on at any reasonable hour, with a view of obtaining all such information as may be material for the purpose of ascertaining the amount of royalty payable to them under this license; And it is hereby also agreed and declared, that if any payment of royalties or yearly rent under this license shall be in arrear for one month after the same shall have become due (whether payment thereof shall have been demanded by the patentees or not), or if the licensees shall make default in the performance of any obligation on their part herein contained, and shall not have made good the same within fourteen days after the patentees shall have by notice in writing required them to do so, then the patentees may, with the consent of the Board of Trade, by notice in writing to the licensees, revoke this license as from the date of such notice, without prejudice



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to the right of the patentees to recover any monies then due hereunder ; And it is hereby also agreed and declared that if the said Letters Patent, or either of them, shall become void, or shall be declared by a Court of Law to be void, the licensees may, with the consent of the Board of Trade, by notice in writing to the patentees revoke this license.

As witness, etc.

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## I.—SPECIFICATIONS OF INVENTIONS.

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No. 87.

### Provisional Specification

Of Mechanical Invention.

#### PROVISIONAL SPECIFICATION.

#### Improvements in Rubber Tyres and Metal Rims or Felloes of Wheels for Cycles and other Light Vehicles. (a)

I CHARLES KINGSTON WELCH of Fairmead Philip Lane Tottenham in the County of Middlesex Engineer, do hereby declare the nature of this invention to be as follows:—

My invention relates to improvements in the construction of rubber tyres and metal rims or felloes, and methods of securing the same one to the other for the wheels of cycles and other light vehicles.

The chief objects of my invention are easy running, reduction of vibration and security of the rubbers to the metal rims or felloes.

Hitherto the majority of rubber tyres used on cycle wheels have been round in section and of small diameter fitted in grooved rims or felloes which has not only rendered half of the rubber tyre of little or no use for reducing vibration but has also cut on the sharp edges of the rims or felloes thus destroying the tyre.

According to this invention the rubber tyres are soft and of larger form and are constructed to fit either wholly or partly outside the metal rims or felloes which may in some cases be of special shape as hereinafter described.

In constructing a light wheel for a cycle I may form the rim of a length of round or D-shaped weldless steel or other tube (say about  $\frac{5}{8}$  inch diameter) or I may form a hollow rim or felloe having shoulders of more or less extent at the sides, or I may form rims of the ordinary crescent-shaped steel turned the reverse way or any other suitable form having a more or less rounding surface outwardly (in section) for the rubber tyre, into any of these the spokes may be suitably secured.

(a) The specifications of the Welch Tyre Patent are given here as examples of specifications of a mechanical invention, as they have been closely scruti-

nized in all the Courts, and, although drawn by the inventor himself, without the assistance of a patent agent, finally upheld by the House of Lords.

The rubber tyres to fit the above described rims or felloes may be moulded (in section) saddle or arch shaped thickened in the crown thus forming a groove inside, into which is fitted the metal rim or felloe of the wheel. In order to secure the rubber tyre to the metal rim I may have two small holes through the rubber one on each side of the rim through each of which a suitable wire may be put and the ends may be connected with a nipple having a right and left hand thread, or I may put a thread on one end of the wires and a head on the other and connect it with a similar device, or I may use the well-known spring wire, the nipples may be of hexagon form or may be enlarged in any part in the form of a hexagon collar which may be turned by means of a suitable thin wrench pushed between the ends of the rubber or if the tyre is moulded in a complete ring, small apertures may be made for the purpose, thus the above described rubber tyres may be placed on either of the described metal rims or felloes one wire of which may be connected beforehand the ends of the other wire may then be connected after the tyre is in place and each drawn together with the wrench thus the rubber tyre would tighten on the rim or felloe and the sides would be slightly drawn in towards the centre of the wheel.

I may mould rubber tyres as above described in quite a different form (in section) from what they appear when on the rim or felloe, for instance the sides of the rubbers may nearly touch having in section somewhat the form of a closed horseshoe. In fitting a tyre thus moulded on to the metal rim it is obviously necessary to open the rubber which would not only hug the rim but also cause the outer surface of the rubber tyre which is subject to the most wear to be compressed laterally rendering it softer and more indestructible.

I may also make the rubber tyres larger in circumference and draw them into the rims or felloes by the wires, this would cause the surface of the rubber to be compressed generally making it still more indestructible and easy running. I may also line the inner and under portions of these rubbers with canvas or similar material either to give support to the wires or to prevent undue wear on the part or parts in contact with metal.

The outward form of these rubber tyres (in section) may be rounding or may be more or less flat as found in practice to be most advantageous in reducing vibration.

The inner surfaces or those in contact with the metal rim or felloe may be grooved or embossed for the purpose of either lightening the rubber, reducing vibration or for cementing to the rims, felloes or the like.

The above described improved rubber tyres are also applicable to cycle and other wheels in present use or made in the ordinary way in which case they may be fitted over the existing rubbers without necessarily making any alteration or I may substitute in place of the ordinary rubbers a lighter or cheaper material such as cork.

I may also fit this class of tyre to the ordinary rims by modifying the form of the inner surface of the rubbers in which case a hole through the centre may be an advantage for lightening the same.

In all cases these tyres may be cemented in addition to the wires described for either preventing the collection of dirt or dust or to help in keeping them in position.

Another method of securing the rubber tyres to the rims is to have thin pieces of metal such as brass stamped to fit the metal rims or



**Forms.** felloes and vulcanized on the inner surfaces of the rubbers these can either be fastened to the metal rims or felloes by small screws or soft soldered to the same.

The above described rubber tyres being outside the metal rims or felloes are free to expand laterally thus giving a more elastic contact with the ground and therefore reducing vibration more effectually.

In applying these improvements to wheels other than cycles it may in some instances be necessary to vary the details of construction.

Dated this 15th day of September, 1890.

CHARLES KINGSTON WELCH.

No. 88.

### Complete Specification

Of Mechanical Invention.

### COMPLETE SPECIFICATION.

#### Improvements in Rubber Tyres and Metal Rims or Felloes of Wheels for Cycles and other Light Vehicles.

I CHARLES KINGSTON WELCH of Fairmead Philip Lane Tottenham in the County of Middlesex, Engineer, do hereby declare the nature of this invention and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement:—

My invention relates to improvements in the construction of rubber tyres and metal rims or felloes and methods of securing the same one to the other, for the wheels of cycles and other light vehicles.

The chief objects of my invention are to produce rubber tyres that will be easy running, reduce vibration and also be securely fastened to the metal rims or felloes.

The rubber or elastic tyres hereinafter described are in most cases saddle or arched (when on the rims) in section and are made to fit either wholly or partly outside the metal rims or felloes which may in some cases be of special form as hereinafter described, I also construct this form of tyre to fit over other elastic tyres or wheels at present in vogue or made in the ordinary way, either for protecting securing, or reducing vibration. In all cases the method of securing renders the rubber tyre easily attachable or detachable for repairs etc.

Referring to the accompanying sheet of drawings throughout the several figures similar parts are marked with like letters of reference. Fig. 1 is a transverse section of a saddle or arched shape rubber or elastic tyre as fitted to a round weldless steel tubular rim. Fig. 2. is a transverse section and part side elevation of a similar tyre as fitted to a D-shaped tubular rim in which the spokes may be suitably secured. Referring to both figures *a.* is the rim. *c.* the saddle or arched shape elastic tyre through which two longitudinal holes are formed one on each side of the rim, these are lined with a strong canvas or insertion and vulcanized within the rubber *c.* as shown at *d.* these linings may be separate one from the other as in Fig. 1 or I may fold a piece of

canvas on each side and either stitch or otherwise fasten it together and vulcanize the same within the rubber tyre as shown at *d.* in Fig. 2.

In order to secure the rubber or elastic tyres to the rims I insert two wires or cores *e. e.* (which may be of steel brass, bronze or other sufficiently inelastic material to answer the purpose) one on each side of the rim, the ends of the wires may be connected with a nipple *f.* having a right and left hand thread screwed thereon, or I may put a thread on one end of the wires a head on the other and connect it with a similar device as shown with reference to Fig. 21 or in any other suitable way. The nipples may be of hexagon form or may be enlarged at any part in the form of a hexagon collar as shown at *f.* Fig. 2 which may be turned by a thin wrench as shown in Fig. 3 pushed between the ends of the rubber when the tyre is made of a straight length or if moulded in a complete ring small apertures may be made for the purpose as shown at *g.* Fig. 2. Thus the above described rubber tyres may be placed on either of the described metal rims or feloes one wire of which may be connected beforehand the ends of the other wire may then be connected after the tyre is in place and each drawn together with a wrench, thus the rubber tyre would tighten on the rim or felloe and the sides would be drawn in towards the centre of the wheel securing the same thereto, the under or inner portion of the tyre Fig. 1. is shown lined with canvas to strengthen the same, cement may be used in addition to the wires for either preventing the collection of dirt or dust or to help in keeping them in position, when the tyres may be grooved, serrated or embossed as shown in Fig. 2.

Fig. 4 shows in section a tyre of similar construction to that described with reference to Fig. 2, but is round in outward form and is fitted to a different section of rim, the inner surface of the rubber is shown at *h.* deeply grooved for either lightening the same or for reducing vibration.

Fig. 5 shows in transverse section a saddle or arched shaped rubber as fitted to an inverted crescent steel rim or felloe. *a.* is the rim. *c.* is the rubber tyre. *d.* is the canvas for supporting the wires and is shown double or formed of a flattened canvas tube. *e. e.* are the wires or cores for securing the same which may be applied in the same manner as described with reference to Figs. 1 and 2.

Figs. 6 and 7 are transverse sections Fig. 8 a longitudinal section of saddle or arched shaped rubber tyres of different outward form, fitted to hollow rims formed with an outward rounding surface having shoulders formed thereon of more or less extent at the sides.

The under or inner surfaces of the tyres are deeply embossed for the purpose of reducing vibration or for lightening the rubber. Referring to the above three figures *a.* shows the form of the rims. *c.* the construction of the rubber tyres. *d.* the manner of inserting the canvas or insertion within the tyres. *e. e.* are the wires or cores for securing the same. In connecting or disconnecting the wires on this form of rim the tyres may be lifted and held from the rim by any convenient tool such as a screwdriver. By making this form of rim very shallow I may connect both the wires beforehand and force the rubber into its place on the rim.

The above described improved rubber tyres are also applicable to other elastic tyres or wheels at present in vogue either in their construction or for protecting, securing, or reducing vibration. Figs. 9 and 10 show saddle or arched shaped tyres constructed and secured in



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the same manner as those described with reference to Figs. 1, 2, 4 and 5 but fitted over ordinary round rubbers. *a.* Fig. 9 shows an ordinary  $\frac{5}{8}$  in. hollow rim, *b.* an ordinary round rubber tyre. *c.* is the saddle or arched shaped elastic tyre. *d.* the canvas for supporting the wires *e. e.*, the under or inner surface of the tyre is grooved or serrated that it may the better grip the under rubber, or for the use of cement. Fig. 10 shows a rubber tyre having an embossed under surface similar and for the same purpose as those described with reference to Figs. 6, 7 and 8 fitted over an ordinary  $\frac{3}{4}$  in. rubber tyre cemented in an ordinary rim as in Fig. 9.

I may mould tyres herein described in quite a different form in section from what they appear when on the rims, felloes or tyres for instance the sides of the rubbers may nearly touch, having in section somewhat the form of a closed horse-shoe as shown in Figs. 11 and 12. In fitting a tyre thus moulded and vulcanized on to the metal rims or tyres, it is obviously necessary to open the rubber which not only hugs the rim, tyre or felloe but also causes the outer surface of the rubber tyre which is subject to the most wear to be compressed laterally thus rendering it the more indestructible. I may also make the rubber tyres slightly larger in circumference and draw them on to the rims, tyres or felloes by the wires or cores thus causing the surface of the rubber tyres to be compressed generally making it still less liable to cut. In all cases I prefer to line these tyres with canvas or other suitable material.

Fig. 14 shows an ordinary cushion tyre protected and secured by my improved form of tyre or outer covering. *a.* is the rim. *b.* is an ordinary cushion tyre. *c.* is a saddle or arched shaped tyre made much thinner in the crown than those before described. *d.* is the canvas lining. *e. e.* are the securing wires, the method of applying is similar as in the designs hereinbefore described.

Fig. 15 shows a transverse section of a saddle or arched shape rubber or elastic tyre constructed according to my invention for covering, protecting and securing tyres of wheels which are inflated with air as described in Thomsons Patent No. 10990—1845, and are now in present use. *a.* is a wide metal rim constructed with a rounding surface outwardly in the form of a shallow concave groove on each side of which the shoulders *k. k.* are formed the spokes may be secured in the rim in the ordinary way, this rim may also be made in a tubular form. *b.* is an ordinary inflatable tyre similar to that described in Thomson Patent hereinbefore mentioned and also in present use. *c.* is a saddle or arched shaped tyre similar to those before described but made larger as shown in the drawings, *d. d.* is a strong canvas lining made from a width of canvas or other suitable material folded over and sewn or otherwise secured as before described so as to form a strong support for the wires or cores, in some cases it may be desirable to double the canvas throughout, *e. e.* are the securing wires or cores which are inserted into the sides of the tyre or covering as in other cases hereinbefore described, the ends of the wires may be fastened by nipples similar to those before described or I may render the wires endless in this case by bevelling the ends of the wires for about 2 in. and braze them together, the tyre may then be made up on the wires or cores and vulcanized with the same. *l.* is a piece of canvas placed over the spoke heads to protect the inflatable tyre from undue wear. Fig. 16 shows a saddle or arched tyre of this class moulded or vulcanized



in a closed form in a similar manner and for the same purpose as those described with reference to Figs. 11 and 12, whereby the outer surface is rendered more indestructible. Fig. 17 shows another method of moulding or vulcanizing the same tyre, whereby the condition and shape of the rubber when on the ground may be the same or nearly the same as that when moulded or vulcanized thus rendering it less liable to cuts or punctures.

Fig. 18 is a transverse section of the complete tyre and rim as described with reference to Figs. 15, 16 and 17, showing the manner in which the tyre is attached or detached from the metal rim. *a.* is the metal rim. *b.* is an ordinary inflatable tyre or tube shown doubled up or in a collapsed form inside the closed tyre *c.* (see also Fig. 16). *e. e.* shows the wires or cores which are made smaller in circumference than the flanges of the rim. *m.* shows the ordinary tube for inflating in which is generally fitted a valve this projects through a hole in the rim *a.* through which the inner tyre is inflated in the ordinary way. To secure the whole on the rim the inflatable tyre is first placed within the outer or protecting tyre *c.* the wires or cores *e. e.* are then closed together allowing the tube *m.* to project between, this is then pushed through the hole in the rim *a.* and the two wires or cores are placed into the bottom of the concave groove for about two-thirds of the whole rim the remainder of the wires or cores with the tyre can then be lifted or sprung over the edge of the rim opposite the tube *m.* as shown in the drawing the inner tube or tyre *b.* may now be inflated with a small pump in the usual manner, this causes the wires or cores *e. e.* to part until finally they are pushed into place over the shoulders *k. k.* thus the wires being smaller in circumference than the edges of the rim, the inner tube or tyre may be pumped tight against the inner surface of the protecting tyre thus the whole is rendered secure on the rim as shown in Fig. 15, and also in dotted lines in Fig. 18. To detach the rubber tyre or outer covering from the rim the air must first be allowed to escape when the wires or cores may be pinched or closed together round the rim by the thumbs and fingers until the wires can be lifted over the edge of the rim; the whole can then be removed as shown in Fig. 18.

Fig. 19 shows a complete tyre constructed to fit the ordinary large sized rims. *a.* is the rim in which is fitted the rubber tyre *c.* constructed with a hole through the same for either lightening or reducing vibration. *d.* is the canvas for supporting the wires *e. e.* which are passed through the holes and drawn together in a similar manner to those described with reference to Figs. 1 and 2.

Fig. 20 shows a similar tyre constructed with a much larger hole through the centre this hole or space may be inflated through a suitable tube fitted with a valve in the ordinary manner. *a.* shows an ordinary hollow metal rim made with rounded edges. *c.* is a saddle or arched shaped tyre connected at the bottom by a web or band of rubber thus making a complete tube; *d.* is the canvas insertion which is vulcanized within the rubber in the form of a tube for strengthening the same and also to give support to the securing wires or cores *e. e.* which may be connected by the described nipples or the wires may be rendered endless by brazing the ends together as before described in which case they must be inserted before vulcanizing. *m.* is the valve-tube through which the tyre may be inflated in the usual manner. In order to secure the tyre in its place on the rim the tube *m.* is first pushed



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through the hole in the rim *a*. the rubber tyre is then pulled open as shown in dotted lines which allows it to be forced or pushed into its place, the tyre is then inflated which causes the web or band of rubber to be pressed down tightly into the concave grooved rim and thus preventing any displacement laterally, the tyre being held on each side by the wires or cores is therefore firmly secured to the rim.

To remove the tyre from the rim all that is necessary is to allow the air or gas to escape, the tyre can then be easily pulled laterally over the edge of the rim without disconnecting the securing wires or cores. In most cases these tyres may be cemented in addition to the described wires or cores for either preventing the collection of dirt or dust or to help in keeping them in position on the rims.

The above described rubber tyres being either wholly or partly outside the metal rims or felloes are free to expand laterally thus giving a more elastic contact with the ground and therefore reducing vibration more effectually.

It is obvious that I may fit these improvements to various other wheels and also vary the details of construction without however departing from my invention.

I would have it distinctly understood that I am aware that arched tyres have been used before also that wires and other cores have been applied in a variety of ways.

I am also aware that a tyre similar in form and fitted on to a similar rim to that described by me with reference to Fig. 1, is shown in Salamons Patent 17093<sup>81</sup> but is secured to the rim by cement only, or by shrinking.

Having now particularly described and ascertained the nature of my said invention and in what manner the same is to be performed I declare that what I claim is:—

1. A rubber or elastic tyre having the form of a saddle or arch in section in combination with two wires inserted through the sides of the same for securing it to the metal rims or felloes substantially as herein described.

2. The application of a rubber or elastic tyre to a metal rim or felloe in such a manner that the wires or cores inserted within the said rubber for securing the same are outside the rim or felloe substantially as herein described.

3. A rubber or elastic tyre having the form of a saddle or arch in section fitted with two wires or cores so arranged that the same may be easily attached or detached by a wrench from outside the rim, felloe or tyre substantially as herein described.

4. A rubber or elastic tyre having the form of a saddle or arch in section lined with canvas in combination with two wires or sufficiently inelastic cores for securing the same to the rims or tyres substantially as herein described.

5. The application of endless wires or cores to each side of a rubber or elastic tyre having a saddle or arched form in section in combination with a canvas insertion or insertions for supporting the same substantially as herein described.

6. The methods of securing the elastic tyres in combination with the form of rims substantially as herein described and shown in the drawings with reference to Figs. 6, 7 and 8.

7. Grooving or embossing a rubber or elastic tyre for the purpose of reducing vibration or for lightening the same in combination with the wires or cores for securing to the rim felloe or tyre substantially as described with reference to Figs. 4, 6, 7, 8 and 10 of the drawings.

8. The application of my improved rubber or elastic tyres to an ordinary rubber and rim substantially as herein described with reference to Figs. 9, 10 and 14 of the drawings.

9. A rubber or elastic tyre having the form of a saddle or arch in section provided with endless wires or cores fitted or vulcanized within each side for the purpose of securing the same to the rims in combination with an inflatable inner tyre or tube substantially as described and shown with reference to Figs. 15 and 18 of the drawings.

10. A rubber or elastic tyre having the form of a saddle or arch in section, lined with canvas and provided with endless wires or cores for covering, protecting and securing an inflatable inner tube or tyre, substantially as herein described.

11. Forming the inner surface or groove of a metal rim with shoulders in combination with the construction of tyre substantially as described and shown in the drawings with reference to Figs. 15 and 18.

12. Making the endless wires or cores for securing the covering or protecting tyre of smaller circumference than the edges of the rim or felloe in combination with an inner inflatable tyre whereby the wires or cores are placed and held in position by the pressure of air substantially as described with reference to Figs. 15, 16 and 17 of the drawings.

13. The method of placing the securing wires or cores with the tyres on the metal rim namely—by holding the two wires or cores together and placing them round the bottom of the concave groove until the remainder can be forced over the edge in combination with an inner inflatable tyre whereby the outer covering or protecting tyre is held or forced into its place on the rim substantially as herein described with reference to Figs. 15 and 18 of the drawings.

14. The methods of attaching or detaching the rubber or elastic tyres on or from the rims substantially as herein described and shown in the drawings with reference to Figs. 15, 16, 18 and 20.

15. The methods of moulding or vulcanizing rubber or elastic tyres substantially as described with reference to Figs. 11, 12, 16 and 17 of the drawings whereby the outer surfaces are rendered more indestructible.

16. A rubber or elastic tyre of a saddle or arch form in section but having a connecting web or band of rubber at the bottom or base in combination with two wires or cores for securing the same to the rim substantially as herein described with reference to Figs. 19 and 20.

17. An inflatable rubber or elastic tyre secured to a concave grooved rim by two endless wires or cores one on each side of the tyre in combination with a flexible band or web of rubber connecting the base and so constructed that the pressure on the inside when the tyre is inflated causes the said band to press tightly in the groove whereby it is firmly secured laterally substantially as herein described with reference to Fig. 20 of the drawings.



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18. The various methods of constructing rubber or elastic tyres in combination with the various metal rims, felloes or tyres and the manner of securing the same substantially as herein described with reference to the drawings.

Dated this 16th day of June, 1891.

C. KINGSTON WELCH.

No. 89.

**Provisional Specification**

Of Chemical Invention.

**PROVISIONAL SPECIFICATION.**

**Improvements in the Manufacture of Explosive Compounds.**

I, HIRAM STEVENS MAXIM, of Crayford Works, Crayford, in the County of Kent, Mechanical Engineer, do hereby declare the nature of this invention to be as follows :—

My invention relates to the manufacture of explosive compounds, and comprises improvements whereby I am enabled to so modify the explosive properties of such compounds that the said compounds will burn slowly and will act very efficiently in rifles or other fire-arms, that is to say, will impart a very high muzzle velocity to the projectile without at any time subjecting the gun-barrel to excessive pressure.

In the manufacture of explosive compounds according to my present invention, I mix dissolved gun-cotton or pyroxyline with nitro-glycerine, nitro-gelatine or similar material and with oil, preferably castor-oil.

I have discovered that the addition of oil to compounds of dissolved gun-cotton and nitro-glycerine, nitro-gelatine or the like, increases the toughness of the product and modifies the explosion thereof, whilst greatly diminishing its liability to deterioration by exposure to the atmosphere.

Various kinds of oil are useful for the purpose of my invention ; I prefer, however, to employ castor-oil because it is soluble by means of the solvents which are employed for dissolving the gun-cotton and nitro-glycerine or nitro-gelatine ; it combines with either of these substances, forming a compound which is unlike either of the said substances alone ; and, as it contains oxygen, it requires a smaller supply of oxygen from other sources to consume it and also has less tendency to produce smoke than other oils, while like them it modifies the explosion. Castor-oil, moreover, makes the explosive compound very tough, and of such nature that it may be easily cut and easily pressed, and prevents it from deteriorating under atmospheric influences.

I find that an explosive compound which is advantageous for various purposes is produced by mixing gun-cotton, nitro-glycerine and castor-oil in, or about in the following proportions, viz. :—from two to five per cent. of castor-oil, from ten to sixteen per cent. of nitro-glycerine, and the remainder of gun-cotton. I can thus make an explosive compound which, when cut into small pieces, answers very well as a smokeless powder for rifles, the oil effectually preventing detonation

and regulating or modifying as may be required the rapidity with which the said compound will burn.

My improved explosive compound is advantageously manufactured by first dissolving the gun-cotton in acetone or a similar solvent either in a liquid state or in the form of vapour, then adding the nitro-glycerine and after that the castor-oil, and thoroughly incorporating these substances. Or the castor-oil may be dissolved in a portion of the acetone or other solvent before the said solvent is added to the gun-cotton.

According to another method of manufacture, I take thoroughly dried gun-cotton, and place it in a rotary cylinder wherein it is tumbled with the nitro-glycerine and the oil, the oil and nitro-glycerine being first mixed with acetone or other solvent in such quantity that it will not dissolve the gun-cotton; the said cylinder is rotated until the fibres of the gun-cotton are uniformly wetted with the said mixture; in this condition the gun-cotton is not explosive. The gun-cotton thus mixed with the nitro-glycerine and oil is then placed in a closed cylinder or press, the air is exhausted from the said cylinder or press, and its place supplied by the vapour of acetone, ethylic acetate or other solvent. The product is then subjected to pressure in the said cylinder or press and thus forced out through small holes in the form of threads or thin strips, which may be cut into small pieces.

Instead of proceeding as above described, I sometimes dissolve the gun-cotton or tri-nitro-cellulose in acetone or ethylic acetate until it is brought to a sufficiently thin consistency, and then add the nitro-glycerine and oil.

I wish it understood, however, that I do not confine myself to any special method or process for the production of my improved compound of gun-cotton, nitro-glycerine or similar material and oil, as I may manufacture the said compound in various ways.

Dated this 14th day of March, 1889.

HASELTINE, LAKE & Co.,  
45, Southampton Buildings, London,  
Agents for the Applicant.

No. 90.

**Complete Specification  
Of Chemical Invention.**

**COMPLETE SPECIFICATION.**

**Improvements in the Manufacture of Explosive Compounds.**

I, HIRAM STEVENS MAXIM, of Crayford Works, Crayford, in the County of Kent, Mechanical Engineer, do hereby declare the nature of this invention and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement :—

My invention relates to the manufacture of explosive compounds, and comprises improvements whereby I am enabled to so modify the



Forms.

explosive properties of such compounds that the said compounds will burn slowly and will act very efficiently in rifles and other fire-arms, that is to say, they will impart a very high muzzle velocity to the projectile without at any time subjecting the gun-barrel to excessive pressure.

In the manufacture of explosive compounds according to my present invention, I mix dissolved gun-cotton or pyroxyline with nitro-glycerine, nitro-gelatine or similar material and with oil, preferably castor-oil.

I have discovered that the addition of castor-oil or other suitable oil to compounds of dissolved gun-cotton and nitro-glycerine, nitro-gelatine or the like, increases the toughness of the product and modifies the explosive properties thereof, whilst greatly diminishing its liability to deterioration by exposure to the atmosphere.

I prefer to employ castor-oil because it is soluble by means of the solvents which are employed for dissolving the gun-cotton and nitro-glycerine or nitro-gelatine; it combines with either of these substances, forming a compound which is unlike either of the said substances alone; and, as it contains oxygen, it requires a smaller supply of oxygen from other sources to consume it, and also has less tendency to produce smoke than other oils, while like them it modifies the explosion. Castor-oil, moreover, makes the explosive compound very tough, and of such nature that it can be easily cut and easily pressed, and effectually prevents its deterioration under atmospheric influences.

I produce an explosive compound which is advantageous for various purposes, by mixing the gun-cotton, the nitro-glycerine, nitro-gelatine or similar substance and the castor-oil in, or about in the following proportions, viz. :—from two to five per cent. of the castor-oil, from ten to sixteen per cent. of the nitro-glycerine or the like, and the remainder of gun-cotton. I can thus make an explosive compound which, when cut into small pieces, answers very well as a smokeless powder for rifles, the oil effectually preventing detonation and regulating or modifying as may be required the rapidity with which the said compound will burn.

My improved explosive compound is advantageously manufactured as follows, that is to say :—I first dissolve gun-cotton or tri-nitro-cellulose in acetone, ethylic acetate or a similar solvent, either in a liquid state or in the form of vapour, until the said gun-cotton is brought to a sufficiently thin consistency; and I then add to the dissolved gun-cotton, the nitro-glycerine or nitro-gelatine, and after that the castor-oil, and thoroughly incorporate these substances. Or the castor-oil may be dissolved in a portion of the acetone or other solvent before the said solvent is added to the gun-cotton.

According to another method of manufacture, I take thoroughly dried gun-cotton, and place it in a rotary cylinder wherein it is tumbled with the nitro-glycerine or nitro-gelatine and the oil, the said nitro-glycerine or nitro-gelatine and oil being first mixed with a quantity of acetone or other solvent insufficient to dissolve the gun-cotton; the said cylinder is rotated until the fibres of the gun-cotton are uniformly wetted with the said mixture; in this condition, the gun-cotton is not explosive. The gun-cotton thus mixed with the nitro-glycerine or nitro-gelatine and oil is then placed in a closed cylinder or press, the air is exhausted from the said cylinder or press, and its place supplied by the vapour of acetone, ethylic acetate or other solvent. When the mixture is sufficiently dissolved, it is

subjected to pressure in the said cylinder or press and thus forced out through small holes in the form of threads or thin strips, which may be cut into small pieces as described in the specification of former Letters Patent granted to me and dated 8th November A.D. 1888, No. 16,213, or in any other convenient manner.

I wish it understood, however, that I do not confine myself to any special method or process for the production of my improved compound of gun-cotton, nitro-glycerine or similar material and oil, as I may manufacture the said compound in various ways.

I sometimes treat the explosive compound in the manner described in the specification of Letters Patent granted to me and dated 20th December A.D. 1888, No. 18,663 for the recovery of the solvents used in the manufacture of the said compound.

Having now particularly described and ascertained the nature of my said invention and in what manner the same is to be performed, I wish it understood that I claim:—

First. An explosive compound consisting essentially of gun-cotton or pyroxyline mixed with nitro-glycerine, nitro-gelatine or similar material and with castor-oil or other suitable oil, for the purpose above specified.

Second. The manufacture of an explosive compound by first dissolving gun-cotton by means of acetone or other solvent and then incorporating with the dissolved gun-cotton, nitro-glycerine, nitro-gelatine or similar material and castor-oil or other suitable oil, substantially as hereinbefore described.

Third. The manufacture of an explosive compound by dissolving first castor-oil or other suitable oil and then gun-cotton by means of acetone or other solvent, and incorporating therewith nitro-glycerine, nitro-gelatine or similar material substantially as hereinbefore described.

Fourth. The manufacture of an explosive compound by first mixing nitro-glycerine, nitro-gelatine or similar material and castor-oil or other suitable oil with a small quantity of acetone or similar solvent, treating dried gun-cotton with this mixture in a rotary cylinder or chamber, and then subjecting the product, in a cylinder or chamber from which air is exhausted, to the action of vaporized acetone or other solvent and then to pressure, substantially as hereinbefore described.

Dated this 16th day of December, 1889.

HASELTINE, LAKE & CO.,  
45, Southampton Buildings, London,  
Agents for the Applicant.



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*Ex. J. B.*

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