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The following is the decision rendered by Judge Grier on the twenty-second (22) day of September, 1803, in the United States Circuit Court at Philadelphia. The case was arranded three days by Charles M. Keller of New York, B. F. Lucas and S. A. Purviance of Pittsburgh, for defendants, and George Harding of Philadelphia, and George H. Christy, of Pittsburgh, for plaining.

OPINION OF JUDGE GRIER.

Pittsburgh, for plaintiff.

OPINION OF JUDGE GRIER.

As I write with difficulty I can only state the conclusions to which my mind has come after a careful careful of the complainant has exhibited a patent dated 25th of April, 1856. This is prima fache evidence of a good title, and puts on the respondents the burden of proof that the patent is void or worthless.

I need not repeat my tenures in the case of Goodycar vs. Day (2 Wall, C. C. Reg. 229.) but now adopt them as allording a role of decision which applies clearly to true present case.

As the infringement of the patent is admitted, the only question will be as to the validity of complainants patent of April 25, 1858.

"It was after speculation has been reduced to practice," and after repeated experiments, that the complainant succeeded in overcoming the preducte and ignorance of the people on the subject, and persuading the public that his invention was useful; after he had established the great utility and value, and "when his genius and patient perseverance, in spite of sneers and scoffs," were completely successful, that Reed, who had before made experiments on the same subject, and was unsuccessful, imbelied that he had the best right to the invention, and stree purchasing one or more complainant's terp pedoces, he applied on the list of November, 1867, for a patent for substantially the same combinations of devices and nachine contained in company or curporation called "The Reed Torpedo Company," for the purpose of pirating, the companison's invention, and supporting the expense of Hisgation, and thus defraud him of the fruits. They have per severed, even "fer the preiminary hydraction very properly granted by the District Judge.

Let a decree be emered for complainant for a perpetual injunction, and a saster appointed to take an account according to the prayer of the bill.

R. C. Gittleit, Judge.

an account according to the prayer of the bill.

R. C. Gitten, Judge.

Note.—The passage referred to by Judge Grier in his former decision, 3 Wallace, p. 209, adopted as applicable to this case was as follows:

"It is usually the case, when any valuable discovery is said, or any new medicae of great mility is invented, that the attention of the public has been inract to that subject prevously, and that many persons have been making researches and experiments. Philosophers and mechanicians may have in some in sair emilicipated in their speculations the possibility or probability of such discovery or invention; many experiments have been successfully titled, coming very mear, yet failing short of the aside result. They have produced nothing henceficial. The invention when perfected may truly be said to be the culminating point or many experiments, and only by the inventors, but by many otheors, if may have profited indirectly by the innest caseful experiments and failures of others, but it gives them no right to clearn a share of the honor of the product of the successful inventor. It is when speculation has been reduced to practice, when experiment has resulted in discovery and when that discovery has been perfected by patient and continued experiments, when some new compound, art, manufacture, or machine has been the produced which is useful to the public, that the party making it becomes a public benefactor and entitled to a patent. "And yet when genius and pakint perseverance have at length succeeded, in spite of savers and scoffs, some valuable invention or Clear cry, how seldom is it followed by reward! Envy making: benomes a public benefactor and entitled to a patent. "And yet when genius and pakint perseverance have at length succeeded, in spite of savers and scoffs, some valuable invention or Clear cry, how end not summons worse, or Blanchard, or Woodworth to prove tent this is the usual history of over y great discovery or invention.

"The preservances adds another chapter to this long and uniform histo

CAUTION.

The public is autioned against employing any ut the regulart, authorized Agents of the Compais, since the Roberts. Patent cover the use of the
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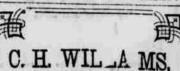
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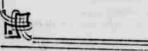
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