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NEWS DEPARTMENT.

As I write with difficulty I can only state the conclusions to which my mind has come after a long examination of this case.

The complaint has exhibited a patent for the year 1919. This is prima facie 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 remarks in the case of the year 1919. Day 12 Wallace, v. Day, 229, but I adopt them as applying a rule of decision which is clearly to the present case.

As the infringement of the patent is admitted, the only question will be as to the validity of the claimant's patent of April 25, 1915.

It was after speculation had been reduced to practice, and after repeated experiments, that the claimant succeeded in covering the principle and ignorance of the people on the subject of the patent, his invention, was not adopted, he had established his great utility and value when his genius and patient perseverance, spite of snobs and scoffs, were completely successful. That need, who had before made experiments on the same subject, and was unsuccessful, after purchasing one or more complete patents, he applied on the 1st of November, 1914, for a patent for substantially the same construction of device and machine contained in the claimant's patent. On the 16th of the same month the respondents formed themselves into a company or corporation called "The Reed Torpedo Company" for the purpose of paying the claimant's invention, and supporting the expenses of litigation and defending claims of the fruits. They have succeeded, even after the preliminary injunction has been properly granted by the District Judge.

Let a decree be entered for a preliminary injunction, and a Master, appointed to take an account according to the prayer of the bill.

R. C. GRILL, Judge.

Note.—The passage referred to by Judge Gillet in his former decision, 3 Wallace, p. 290, Superior Court, is usually the case, when any valuable discovery is made, or any new machine of great utility is invented, that the attention of the public has been called to that subject previously, and that many persons have been making researches and experiments. Philosophers and mechanics may have some measure anticipated in their speculations the possibility or probability of such discovery, but usually many experiments have been attempted, failing, coming very near, but falling short of the desired result. They have produced nothing beneficial. The invention when perfected may not be said to be the culminating point of many experiments, not only by the inventor, but by many others. He may have profited indirectly by the successful experiments and failures of others, but does not have the right to claim a patent on the profit of the successful inventor. It is the speculation that has been reduced to practice, which has resulted in discovery, and when the discovery has been perfected by patient and continued experiments, when some new compound, mechanism, or machine has been thus produced, which is useful to the public, that the party who has become a public benefactor and entitled to a patent.

And it is the inventor who has been successful, who has at length succeeded, in spite of snobs and scoffs, some valuable invention or discovery, which seldom is followed by reward. Every one who rates his bill of the profits. Every successful experimenter who did or did not come out with anything, has an interest in the success of the inventor who claims a right to the original discovery. We need not sum up worse, or blayndly, or worth to prove that this is the usual history of every great discovery or invention.

The present case affords another chapter to this long and unuse history.—J. Wallace, C. C. 129 parts p. 290.

# CAUTION.

The public is cautioned against employing any but the regular authorized Agents of the Company, since the Roberts' Patent covers the use of the Torpedo and all explosive materials for all wells, and the use of such materials by other parties is a direct infringement of their rights. Any party who has been directed by an agent of the Company, or any other party, to use the Torpedo, or any other explosive material, without the consent of the Company, or any other party, is liable to a fine and imprisonment. The following named persons have been appointed Agents and Assistant Agents for the Oil Region of Pennsylvania and West Virginia.

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