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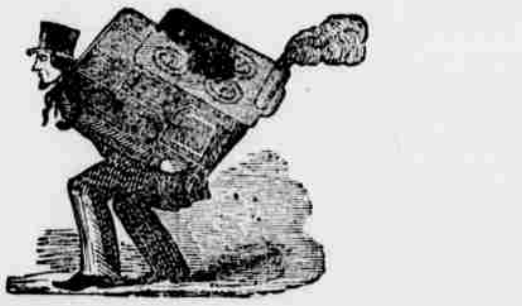

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THE

TORPEDO PATENT SUITS.

Roberts vs. Nicholas Geyer.

The following is the decision rendered by Judge McKennan, at May Term of the Circuit Court in the above case:

In the Circuit Court of the United States, in and for the Western District of Pennsylvania.—E. A. L. Roberts vs. Nicholas Geyer.—No. 1.—May Term 1873.—In Equity.

November 21, 1872. Bill filed and subpœna issued.

Subpœna and notice of application for preliminary injunction served.

December 13, 1872. Motion for preliminary injunction issued, and the Court being duly advised in the premises; the injunction awarded as prayed for, and decree filed.

January 14, 1873. Injunction issued, order the 29th day of January indictment served personally and by copy.

May 22, 1873. Rule issued for defendant to show cause why attachment should not issue for contempt in violating injunction and duly served.

June 23, 1873. Rule for attachment in this case came on to be heard, and after argument of counsel pro and con, the Court being full advised in the premises, the Rule is made absolute and the sentence of the Court is, that the said defendant, Nicholas Geyer, be imprisoned in the common jail of Allegheny County for and during the term of ten days, and that he pay the costs of this proceeding.

June 26, 1873. Committment issued.

The injunction in this case was for infringement of the Roberts' patent of No—, called the Roberts' Torpedo, for increasing the productiveness of oil wells. The act of infringement for which the defendant was committed for contempt, consisted in sinking Alexandria line, r in exploding torpedoes in a well, being the same act of infringement for which Hamar was also committed in the case No. 3, November Term, 1866, as before stated.

The Court McKennan, J., after delivering his opinion in the Hamar case, proceeded to sentence Nicholas Geyer for contempt, and delivered the following oral opinion:

In the case of Nicholas Geyer charged with the same offense, I am entirely satisfied that there was fluid present, in the Beals well at least. *As I have intimated to the counsel in the course of the argument, the presence of fluid in the well, whether desired or not, is an infringement of the patent, and a breach of the injunction of the Court.*

Mr. Roberts, by his patent uses as one of the principal elements of his invention fluid tamping, and wherever there is fluid sufficient in a well, at the time of the explosion of a torpedo, to operate as tamping, whether it gets there naturally or is put there artificially, his patent is infringed. This was clearly the case in regard to the Beals well.

But Mr. Geyer seems to have been misled by Hamar, who told him that he merely wanted to make an experiment; and I do not think this being the first time, that he ought to be very severely punished.

He also is adjudged guilty of contempt and ordered to pay the costs of this proceeding and undergo an imprisonment in the county jail for ten days—I hope this will be the last of these cases; because, if the matter comes to our notice again we will be constrained to impose such punishment as will tend to make the decree of the Court effectual.

June 17-1m.

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