ance is good, and can be supported if the new use involves practical difficulties which the patentee has been the first to see and overcome by some ingenuity of his own. An improved thing produced by a new and ingenious application of a known contrivance to an old thing, is a manner of new manufacture within the meaning of the statute."

For other cases see *Lane-Fox* v. *Kensington & Knightsbridge Electric Lighting Co.* (1892), 9 R.P.C. 416; *Losh* v. *Hague* (1838), 1 W.P.C. 200; *Kay* v. *Marshall* (1841), 8 Cl. & Fin. 245; *Ralston* v. *Smith* (1865), 11 H.L. Cas. 223; *Wills* v. *Dawson* (1863), 1 New Rep. 234; *Main* v. *Ashley & Co.* (1911), 28 R.P.C. 492; *Thermos Ltd.* v. *Isola Ltd.* (1910), 27 R.P.C. 388; *Crane* v. *Price* (1842), 1 W.P.C. 393; *Stepney Spare Motor Wheel Co.* v. *Hall* (1911), 28 R.P.C. 381; *British Liquid Air Co.* v. *British Oxygen Co.* (1909), 26 R.P.C. 509, H.L.; *Blackett* v. *Dickson & Mann* (1909), 26 R.P.C. 120; *Marconi* v. *British Radio Telegraph Co.* (1911), 28 R.P.C. 181.

The leading American case of *Potts* v. *Creager*, 155 U.S. 597, deals with the transfer of a device from one branch of industry to another as follows:—

"But where the alleged novelty consists in transferring a device from one branch of industry to another, the answer depends upon a variety of considerations. In such cases we are bound to enquire into the remoteness of relationship of the two industries, what alterations were necessary to adapt the device to its new use, and what the value of such adaptation has been to the new industry. If the new use be analogous to the former one the court will undoubtedly be disposed to construe the patent more strictly and to require clearer proof of the exercise of the inventive faculty in adapting it to the new use particularly if the device be one of minor importance in its new field of usefulness. On the other hand, if the transfer be to a branch of industry but remotely allied to the other, and the effect of such transfer has been to supersede other methods of doing the same work, the court will look with a less critical eye upon the means employed in making the transfer. Doubtless the patentee is entitled to every use of which his invention is susceptible, whether such use be known or unknown to him, but the person who has taken his device and by improvements thereon has adapted it to a different industry, may also draw to himself the quality of inventor." (See also *Pensylvania* v. *Locomotive*, 110 U.S. 480; *Ansonia* v. *Electrical*, 144 U.S. 11; *Fisher* v. *American*, 71 Fed. 523; *Loom Co.* v. *Higgins*, 105 U.S. 580; *Topliff* v. *Topliff*, 145 U.S. 156; *National* v. *Interchangeable*, 106 Fed. 693.)

In *Bicknell* v. *Peterson* (1897), 24 A.R. (Ont.) 427, it was held that the application to a new purpose of an old mechanical device out of the track of its former use and not in nature naturally likely to suggest itself to one skilled in the art was patentable. The case related to the application of rolling contact to an oil pump. Rolling contact was old but its use in a pump for the purpose of avoiding friction was held to be new.

This case was followed in *Woodward* v. *Oke* (1906), 7 O.W.R. 881. In the judgment it was stated, "No doubt the swivel is an old mechanical device, but the application to a new purpose of an old mechanical device is patentable when the new application lies so much out of the track of its former use as not naturally to suggest itself to a person turning his mind to the subject, but requires thought and study." *Abell* v. *McPherson* (1870), 17 Gr. 23,