

special processes . . . knowledge and skill for the benefit of the company." Duryea has not in any way carried out this obligation. Upon the hearing, or rather during the argument, his counsel said that he was ready to do so. If he, within a time to be limited, makes the necessary disclosure to the company, so that the patents may be successfully operated, then the only question will be the damage already sustained by the company. These I assess at the sum of \$750, plus the loss of any royalty on this output. If he fails to make the disclosure, then he must answer in damages, and a substantial sum will be awarded. . . .

This clears the way for the consideration of the questions arising upon the agreement and patent in regard to glucose processes. . . .

As the result of Duryea's investigations, he determined to substitute modified starch for crude green starch in the glucose process, and in his patent of the 25th June, 1907, for a new and useful "process of manufacturing glucose," he describes his invention as "submitting a modified starch to the action of an acid to convert it into glucose and subsequently neutralising the acid and refining the product." . . .

It is quite clear that the only element of novelty, when this process is contrasted with the well-known mode of manufacture, is the use of a modified starch in the place of a crude green or mill starch.

There is no disclaimer of the neutralisation and refining as well-known processes, but I do not think this necessary; and, subject to what has to be said as to novelty and utility, this is a clear statement of what Mr. Duryea then intended to claim as his invention. The meaning of the term "a modified starch" will also have to be discussed.

This statement of invention is followed by a statement of the procedure in practice. Before considering this statement in detail, the claims should be referred to. They are : (1) "The process of manufacturing glucose, consisting in providing a purified thin boiling or modified starch, in a state of free flowing suspension in water, converting the mass by heating it with dilute acid under pressure neutralising the acid, and subsequently refining and concentrating the product." (2) "The process of manufacturing glucose, consisting in providing a thin boiling or modified starch, in a state of free flowing suspension in water, converting the mass by heating it with dilute acid under pressure neutralising the acid, and subsequently refining and concentrating the product so that, in the main, converting influences act concurrently and uniformly upon all the starch in any given conversion."