located in an aggregation may themselves, if new, amount to separate inventions, but assembling these elements, unless there is interaction, can produce no new result, and there can, therefore, be no invention. For example, in *Reckendorfer* v. *Faber* (1875), 92 U.S. 347, a rubber eraser was placed on the end of a pencil and a patent claimed for the alleged combination. The Supreme Court of the United States held that the pencil and eraser each continued to perform its own duty and nothing else. No effect was produced; no result followed from the use of the two and consequently the union was an aggregation and not invention. (See also *Williams* v. *Nye* (1890), 7 R.P.C. 62; *Thompson* v. *James* (1863), 32 Beav. 570, 55 E.R. 224; *Rushton* v. *Crawley* (1870), L.R. 10, Eq. 522.)

The test of combination is the presence of a result different from the individual results of its elements. Buckley, L.J., in *British United Shoe Machinery* v. *Fussell* (1908), 25 R.P.C. at p. 631, thus states the rule:—

"For this purpose a combination, I think, means not every collocation of parts, but a collocation of intercommunicating parts so as to arrive at a desired result, and to this, I think, must be added that the result must be what, for the moment, I will call a simple and not a complex result. . . . It is not every combination of parts which is for this purpose a combination."

For other English authorities see *Crane* v. *Price* (1840), 1 W.P.C. 377; *Cannington* v. *Nuttall* (1871), L.R. 5 H.L. 205; *Huddart* v. *Grimshaw* (1803), 1 W.P.C. 86; *Bovill* v. *Keyworth* (1857), 7 El. & Bl. 725, 119 E.R. 1415; *Minter* v. *Wells* (1834), 1 Cr. M. & R. 505; *Anti-Vibration Incandescent Lighting Co.* v. *Crossley* (1905), 22 R.P.C. 441, 445; *British United Shoe Machinery Co. Ltd.* v. *Fussell* (1908), 25 R.P.C. 257; *Williams* v. *Nye* (1890), 7 R.P.C. 62; *Newton* v. *Grand Junction R. Co.* (1850), 5 Exch. 331, 334; *Boulton* v. *Bull* (1795), 2 H. Bl. 463; *Lister* v. *Leather* (1858), 8 El. & Bl. 1004, 120 E.R. 373; *Morton* v. *Middleton* (1863), 1 Macph. (Ct. of Sess.) 718; *Marconi* v. *British Radio Telegraph & Telephone Co.* (1911), 28 R.P.C. 181; *British Westinghouse* v. *Braulik* (1910), 27 R.P.C. 209.

The same distinction was drawn in *Hunter* v. *Carrick* (1885), 11 Can. S.C.R. 300, where it was held that a mere aggregation of parts not in themselves patentable and producing no new result due to the combination itself, was not invention, and consequently it could not form the subject of a patent.

For Canadian cases see *North* v. *Williams* (1870), 17 Gr. 179; *Walmsley* v. *Eastern Hat & Cap Mfg. Co.* (1909), 43 N.S.R. 432; *Smith* v. *Goldie* (1882), 9 Can. S.C.R. 46; *Dompierre* v. *Baril* (1889), 18 Rev. Leg. 597; *Wisner* v. *Coulthard* (1893), 22 Can. S.C.R. 178; *Copeland-Chatterson* v. *Lyman Bros.* (1907), 9 O.W.R. 908, 912; *Yates* v. *Great Western* (1877), 2 A.R. (Ont.) 226; *Woodward* v. *Oke* (1906), 17 O.W.R. 881; *Toronto Telephone Mfg. Co.* v. *Bell Telephone Co. of Canada* (1885), 2 Can. Ex. 495; *Robert Mitchell* v. *The Handcock Inspirator Co.* (1886), 2 Can. Ex. 539; *Griffin* v. *Toronto Railway* (1902), 7 Can. Ex. 411; *Mattice* v. *Brandon Machine Works Co.*, 17 Man. L.R. 105; *Emery* v. *Hodge* (1861), 11 U.C.C.P. 106; *Summers* v. *Abell* (1869), 15 Gr. 532.

For United States authorities see *Gill* v. *Wells*, 89 U.S. 1; *Electric* v. *Hall*, 114 U.S. 87; *Prouty* v. *Ruggles*, 16 Pet. 336; *McCormick* v. *Talcott*, 20 How. 402; *Vance* v. *Campbell*, 1 Black 427; *Dunbar* v. *Myers*, 94 U.S. 187; *San Francisco* v. *Keating*, 68 Fed. 351; *Hailes* v. *Van Wormer*, 20 Wall 353; *Reckendorfer* v. *Faber*, 192 U.S. 347; *American* v. *Helmstetter*, 142 Fed. 978; *National* v. *Aiken*, 163 Fed. 254.

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