

happens that there are cumulative errors which require to be corrected, and this is done by adjusting the thickness of the correcting ring (filing it down, for example), so as to get it of exactly the right size for the particular machine. That collar so adjusted cannot be used in any other machine without making the like appropriate adjustment.

In the later patent, the preliminary adjustment of a new machine is attained by making the correction upon the lower face of a collar forming part of the leg of the fulcrum bracket. Apart from and in addition to this, in the later patent there is the standard gauge bolster placed between the leg of the fulcrum bracket and the casing of the machine. That is a distinct and separate factor, by changing which, according to the capacity required, different capacities of tubes can be used in the same machine without any need of going back to the machine-shop.

I think the addition of the gauge bolster to the former combination patented by the same inventor is not an obvious thing to the ordinary workman. There is inventive insight displayed, which appears to be accentuated in this case by contrasting the evidence of a witness given for the attack upon the patent at the first hearing and the evidence given by the same witness at the adjourned trial of the case.

I pointed out at the close of the evidence wherein I thought the two patents were distinguishable, and I see no reason to withhold making effective the terms of the judgment then indicated.

Judgment was accordingly pronounced restraining the defendants from using the words "Hancock" or "Hancocks" or "inspirators" in connection with locomotive injectors not manufactured by the plaintiffs; for \$50 damages for the improper use by the defendants of the plaintiffs' trade name; restraining the defendants from infringing the plaintiffs' patent; for \$300 damages for infringement, or, at the election of either party, a reference to ascertain the damages; and dismissing the defendants' counterclaim. The defendants to pay the costs of the action and counterclaim. In case of a reference, the defendants are to pay the damages found by the Master forthwith on confirmation of his report.