

and that he should be also restrained from allowing his name to be used in connection with any such business for the balance of the said term within the said limits. The plaintiffs will also be entitled to their costs of the action. I will grant a stay of thirty days after I find on the other question.

The principal issues in this case were disposed of at the hearing. The only question reserved was whether the metallic strip used by the defendant after the plaintiffs had threatened to take action against him was an infringement upon either of the patents assigned to the plaintiffs by Peace. This strip is I am satisfied identical with that which Peace sought unsuccessfully to have patented in 1902. It may infringe upon Dominion of Canada Patent No. 99076—a point which it is not necessary for me to determine as in that patent the plaintiffs have no interest. But it does not in my opinion infringe upon the patents acquired by the plaintiffs and the defendant at their instance cannot be prohibited from using it. Otherwise judgment as at trial—stay of 30 days.

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