

AMERICAN PATENTS IN ENGLAND.

AN IMPORTANT DECISION IN ENGLISH PATENT LAW.

A CASE of considerable interest to American inventors holding English patents was decided in the British High Court of Chancery on July 29th, ult. Judging from the copious reports of the trial in the English photographic journals, the case is regarded as of unusual importance from every point of view. The action in question was that of the Graphic Arts Co., of Philadelphia, against Hunters Ltd., of London, for infringement of the English patent on the Acid-Blast etching process.

The phase of the matter which is of general interest is presented by the fact that the judgment dismissing the action with costs was rendered on the specific ground that one of the claims of the patent was considered to be too wide, the decision being thus based on an expressly stated legal technicality without regard to the question which was really at issue. The conclusion of the judgment, as rendered by Mr. Justice Neville and reported in full in the *Process Engravers' Monthly* for August, is as follows:

"I have been invited to read the whole of the first ten claims, as each claiming the whole of the invention described from different points of view, but the words will not, I think, allow of it. The claims appear to me to be addressed to different combinations of the various parts of the process. I am informed that, according to American law, the invalidity of one or more claims does not invalidate the rest. This may possibly explain the character of the claims. Be this as it may, I think Claim I is too wide and on this ground that the letters patent cannot be supported. The action must be dismissed with costs."

This is in sharp contrast with the principle laid down by the Courts of the United States in similar cases, as appears from a recent decision in an action for infringement of the Gathright Tabulator patent. The United States Circuit Court of Appeals for the Second District, Judges Lacombe, Townsend and Coxe, in sustaining this patent, declared:

"In construing the claims consideration should be given to

the character of the improvements and the change in the art which is attributable to them. . . . In short, we are constrained to say that to this inventor belongs the credit of constructing the first commercially successful tabulator. The changes introduced by him seem simple and obvious in the light of the present . . . but his device was an improvement of such vital nature that the art, when considered from a practical and commercial point of view, began with him. He converted a theory into a fact. His invention belongs to that large class which has ever been treated with liberality by the Courts, when the inventor by an apparently simple change, addition or transposition of parts, has converted imperfection into completeness."

The practice of the English Courts in this respect, as evinced in the judgment above cited, is to be carefully noted by all who have any interest in British patents. W. J. WILLIAMS.

Use of Ferrotitanium in Bessemer Rails. P. H. DUDLEY. (*J. Ind. Eng. Chem.*, ii, 299.)—Ferrotitanium augments the toughness and ductility of the Bessemer rails containing 0.5 per cent. carbon and 0.096 per cent. phosphorus, which were designed for the N. Y. Central lines. The first severe tests were very satisfactory, and these results have now been further verified by two winters' service. While the plain Bessemer rails, in a 6-inch, 100-lb. section, had developed a number of fractures, those containing ferrotitanium, under the same experimental conditions passed through the unusually severe winter of 1909 without a single failure. The use of ferrotitanium improved the setting of the ingots, and helped to purify the metal. Acting as a subsidiary deoxidizer, in addition to reducing a large percentage of iron oxides in the steel, the ferrotitanium also reduced a portion of the nitrogen, thus decreasing the brittleness and increasing the toughness of the metal. For the same carbon content the ductility averages higher and runs more uniformly for a large number of heats when ferrotitanium is used than with ordinary Bessemer steel. Plotting the elongation under the drop-test (2000 lbs. falling 20 ft.) and the ductility, has been found to be of great value in guiding rail manufacture for high-speed trains.

Decomposition of Thorium Sulphate by Water. BARRE. (*Comptes rend.*, cli, 70.)—On heating thorium sulphate solution it gradually splits up into a fibrous mass of basic sulphate and free acid, decomposition beginning about 55°C. The basic salt slowly changes into a second, very crystalline basic sulphate. The first salt is obtained when thorium sulphate is added to sufficient water to ensure complete decomposition.