

1900
 *Oct. 24.
 *Dec. 7.
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THE FEDERATION BRAND SALMON CANNING
 COMPANY v. SHORT.

*Patent of invention—Combination of known devices—Novelty—New result
 —Infringement.*

APPEAL from the judgment of the Supreme Court of British Columbia (1), reversing the judgment at the trial by which the plaintiff's action was dismissed with costs.

The action was for damages and an injunction for alleged violation of the plaintiff's patent of invention for soldering oval cans by causing them to revolve with regularity and to be evenly dipped in a bed of solder. The defence was that defendant was making use of another patent with the consent and license of the patentee and that the machine so used possessed advantages superior to the plaintiff's patent. The judgment appealed from reversed the decision of Drake J. at the trial in favour of the defendant, granted the injunction and condemned the defendant for nominal damages.

After hearing counsel for the parties the court reserved judgment and on a subsequent day dismissed the appeal with costs.

Appeal dismissed with costs.

C. Wilson Q.C. for the appellant.

Ridout for the respondent.

*PRESENT :—Taschereau, Gwynne, Sedgewick, King and Girouard JJ.