THE COMMISSIONER OF PATENTS....RESPONDENT.

ON APPEAL FROM THE EXCHEQUER COURT OF CANADA

Patent—Refusal by Commissioner of Patents of application for patent— Want of invention—Improvements in coke ovens.

APPEAL from the judgment of Maclean J., President of the Exchequer Court of Canada (1) dismissing the present appellant's appeal from the decision of the Commissioner of Patents refusing an application for patent made by the appellant's assignor; the alleged invention relating to improvements in coke ovens.

<sup>\*</sup>Present:-Duff, Mignault, Newcombe, Lamont and Smith JJ.

<sup>(1) [1927]</sup> Ex. C.R. 218.

On conclusion of the argument of counsel for the appellant, the Court retired for consideration of the case, and on returning to the Bench, without calling on counsel for the respondent, delivered judgment dismissing the appeal, on the ground that the Court could see no reason for disagreeing with the view of the learned President of the Exchequer Court that there was no satisfactory evidence of invention. With regard to the other points in dispute, the Court pointed out that it must be distinctly understood that it expressed no opinion thereon.

Appeal dismissed with costs.

R. S. Smart K.C. for the appellant.

A. W. Anglin K.C. and C. P. Plaxton K.C. for the respondent.

SEMET-SOLVAY CO.

COMMISSIONER OF PATENTS.