

1906

*March 19.

THE CHAMBERLAIN METAL WEATHER
STRIP CO. ET AL.

v.

PEACE ET AL.

Patent of Invention—Infringement—Prior foreign patent.

APPEAL from the judgment of the Exchequer Court of Canada(1), dismissing the plaintiffs', appellants', action with costs.

The action was for an alleged infringement of a Canadian patent of invention held by the plaintiffs for improvements in weather strips and guides for windows. It appeared that the defendants had manufactured metallic weather strips in Canada which were more nearly similar to those described in an American patent of a date prior to the Canadian patent owned by the plaintiffs than it was to any of the forms shewn and described in the Canadian patent. The court below held that, if the plaintiffs' patent was good, it was good only for the forms of weather strips particularly specified therein of which the evidence failed to shew any infringement by the defendants, and the action was dismissed with costs.

After hearing counsel on behalf of the appellants and without calling upon counsel for the respondents,

*PRESENT:—Sedgewick, Girouard, Davies, Idington, and Mac-lennan JJ.

the Supreme Court of Canada dismissed the appeal with costs.

Appeal dismissed with costs.

Masten for the appellants.

Staunton K.C. and *Logie* for the respondents.

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