

1928
*Mar. 27, 28.
*April 24.

DETROIT RUBBER PRODUCTS, INC. } APPELLANT;
(PLAINTIFF)

AND

REPUBLIC RUBBER COMPANY } RESPONDENT.
(DEFENDANT)

ON APPEAL FROM THE EXCHEQUER COURT OF CANADA

*Patent—Invalidity—Lack of invention—Anticipation—Channel rubber
runways for slidable windows*

APPEAL from the judgment of the Exchequer Court of
Canada (Audette J.) (1) dismissing the plaintiff's action

*PRESENT:—Anglin C.J.C. and Duff, Mignault, Rinfret and Smith JJ.

(1) [1928] Ex. C.R. 29.

for infringement of its patent (for certain "new and useful improvements in channel rubber runways for slidable windows"), on the ground of invalidity of the patent.

The appeal was heard on March 27 and 28, 1928, and on April 24, 1928, the Court delivered judgment (written reasons being given by Smith J., with whom the other members of the Court concurred) dismissing the appeal with costs, the ground of the decision being that the patent was invalid, because of lack of invention sufficient to form the basis of a patent, and because, in any event, there had been anticipation of every feature of the device in question.

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 DETROIT
 RUBBER
 PRODUCTS,
 INC.
 v.
 REPUBLIC
 RUBBER Co.

Appeal dismissed with costs.

W. D. Herridge for the appellant.

O. M. Biggar K.C. and *R. S. Smart K.C.* for the respondent.
