
THE NIEBLO MFG. CO. INC. *v.* REID ET AL

ON APPEAL FROM THE EXCHEQUER COURT OF CANADA

Patent—Invalidity—No patentable invention—Golfing tees

1928

*May 18.

APPEAL by the plaintiff from the judgment of the Exchequer Court of Canada (Audette J.) (1), dismissing its action for alleged infringement of its patent (for certain new and useful improvements in golfing tees) on the ground that the patent was invalid because of want of patentable invention.

At the conclusion of the argument for the appellant, and without calling on counsel for the respondent, the Court orally delivered judgment, dismissing the appeal with costs, on the ground that there was no patentable invention.

Appeal dismissed with costs.

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

Russel S. Smart K.C. for the respondent.

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

(1) [1928] Ex. C.R. 13.