

1918

Oct. 24, 25
Nov. 18

FRIESEN & SON v. ALSOP PROCESS CO.

ON APPEAL FROM THE EXCHEQUER COURT OF CANADA.

Patent—Process—Importation.

APPEAL from the judgment of the Exchequer Court of Canada (1), in favour of the plaintiffs (respondents).

The respondents by their action claimed damages for infringement of their patent for the process of bleaching flour and an injunction. The defendants alleged that the patent was void for importation of the invention.

The invention was for bleaching flour by subjecting it to a specified oxidising agent and what was imported was a machine for making this agent. The Exchequer Court held that this was not importation of the invention.

The Supreme Court of Canada after argument reserved judgment and eventually affirmed the judgment of the Exchequer Court.

Appeal dismissed with costs.

Fetherstonagh K.C. and *Russell Smart* for the appellants.

McKay K.C. for the respondents.

(1) 16 Ex. C.R. 507; 35 D.L.R. 353.