

## CLARK v. NORTHERN SHIRT CO.

ON APPEAL FROM THE EXCHEQUER COURT OF CANADA.

1918  
Oct. 31  
Nov. 18*Patent—New invention—Adaptation of old device—Seam in overalls.*

APPEAL from the judgment of the Exchequer Court of Canada (1), in favour of the plaintiff (respondent).

The action was brought by respondent to set aside a patent for “an alleged new and useful improvement in methods of producing overalls.” The claims presented for the invention are set out in the report of the decision of the Exchequer Court and are, shortly, for constructing the side openings in overalls between the front and back legs by slitting the front leg in advance of the seam and applying a band to the edges of the slit. The object was to overcome the difficulty of sewing over the thickness of the seam.

The Exchequer Court and the Supreme Court of Canada held that a similar device had existed in reference to shirt sleeves and that the alleged invention was merely the application of this old device to overalls and was not patentable.

*Appeal dismissed with costs.*

*Lafleur K.C.* and *Russell Smart* for the appellant.

*E. K. Williams* for the respondent.

(1) 17 Ex. C.R. 273; 38 D.L.R. 1.