

the plug, when the latch maintaining the closed circuit is thermostatically released.

The commercially exploited device, because of the differences in its structure from that shown by Mead, is the more compact and easily operated. Its utility as a lighter to be located on the dash of an automobile, which is said to be the merit of the Mead invention, is obvious. If the improvements resulting in such utility involved invention, it is not the invention of Mead. If they exhibited only the skill of the art, their success cannot be relied on to establish invention by Mead, who did not show or make them. The case is therefore not one for the application of the doctrine that commercial success or the manifest satisfaction of a felt need will turn the scale in favor of invention.

MR. JUSTICE FRANKFURTER joins in this opinion.

AUTOMATIC DEVICES CORP. *v.* SINKO TOOL &
MANUFACTURING CO.

CERTIORARI TO THE CIRCUIT COURT OF APPEALS FOR THE
SEVENTH CIRCUIT.

No. 6. Argued October 22, 1941.—Decided November 10, 1941.

Decided on the authority of *Cuno Engineering Corp. v. Automatic Devices Corp.*, ante, p. 84.

112 F. 2d 335, affirmed.

CERTIORARI, 312 U. S. 711, limited to the question whether claims 2, 3, and 11 of the Mead patent No. 1,736,544 are valid. In a suit for infringement, a judgment of the District Court holding the claims valid and infringed was reversed by the Circuit Court of Appeals, which held them invalid and not infringed.

Mr. Drury W. Cooper, with whom Messrs. Henry M. Huxley and Thomas J. Byrne were on the brief, for petitioner.

Messrs. Russell Wiles and Bernard A. Schroeder, with whom *Mr. George A. Chritton* was on the brief, for respondent.

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

This is a companion case to *Cuno Engineering Corp. v. Automatic Devices Corp.*, ante, p. 84. The court below held that claims 2, 3, and 11 of the Mead patent (No. 1,736,544) were invalid and not infringed. 112 F. 2d 335. We granted the petition for certiorari limited to the question of validity of those claims. For the reasons stated in *Cuno Engineering Corp. v. Automatic Devices Corp.*, supra, the judgment is

Affirmed.

FEDERAL LAND BANK OF ST. PAUL *v.* BISMARCK
LUMBER CO. ET AL.

CERTIORARI TO THE SUPREME COURT OF NORTH DAKOTA.

No. 76. Argued October 23, 1941.—Decided November 10, 1941.

1. As construed by the highest court of the State, the purchaser is liable for the sales tax imposed by North Dakota Laws of 1937, c. 249, and this construction is controlling. P. 99.
2. Section 26 of the Federal Farm Loan Act of 1916 exempts a federal land bank from the tax imposed by North Dakota Laws of 1937, c. 249, in respect of purchases, made by the bank from a retail dealer, of materials for the improvement of property theretofore acquired by the bank in the course of its operations. P. 99.
3. In the provision of § 26 that every federal land bank, "including the capital and reserve or surplus therein and the income derived therefrom," shall be exempt from state taxation, the words quoted do not delimit the scope of the exemption. P. 99.
4. Nothing in the legislative history of § 26, nor of similar exemption clauses in other statutes, requires a result contrary to that here reached. P. 100.