

Per Curiam.

## SPEVACK v. STRAUSS ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE DISTRICT OF COLUMBIA CIRCUIT.

No. 339. Argued March 5, 1959.—Decided March 23, 1959.

It appearing upon oral argument that in the normal course the fee for petitioner's United States patent must be paid by May 25, 1959, and that the patent will issue shortly after payment of the fee, the case is remanded to the District Court with instructions.

Reported below: 103 U. S. App. D. C. 204, 257 F. 2d 208.

*Carleton U. Edwards II* and *Joseph Y. Houghton* argued the cause for petitioner. With them on the brief was *Bernard Margolius*.

*Leonard B. Sand* argued the cause for respondents. With him on the brief were *Solicitor General Rankin*, *Assistant Attorney General Doub*, *Samuel D. Slade*, *Lionel Kestenbaum*, *Loren K. Olson* and *Roland A. Anderson*.

Briefs of *amici curiae* urging reversal were filed by *Elisha Hanson*, *Arthur B. Hanson* and *Calvin H. Cobb, Jr.* for the American Chemical Society, and by *Carlton S. Dargusch* and *Carlton S. Dargusch, Jr.* for Engineers Joint Council, Inc.

PER CURIAM.

Upon oral argument, it appeared that in the normal course the fee for petitioner's United States patent must be paid by May 25, 1959, and that the patent will issue shortly after payment of the fee. Accordingly, the case is remanded to the District Court and that court is instructed: (1) If petitioner has by May 25, 1959, paid the patent fee for his patent, and has not requested a suspension or delay in the issuance thereof, or has withdrawn any such request theretofore made, to continue the

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case and the restraining orders entered herein by THE CHIEF JUSTICE until the patent issues, and then to dismiss the complaint as moot; (2) otherwise, on May 25, 1959, to dismiss the complaint on the ground that, apart from the merits of the controversy, the grant of the extraordinary equitable relief of an injunction at that stage of the proceedings would not be warranted. Upon the fulfillment of either of these conditions, the proceedings heretofore had in the two lower courts are vacated.

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PAGE *v.* UNITED STATES.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

No. 155, Misc. Decided March 23, 1959.

Certiorari granted; judgment vacated; case remanded for further consideration.

Petitioner *pro se*.

*Solicitor General Rankin, Assistant Attorney General Anderson, Beatrice Rosenberg and Kirby W. Patterson* for the United States.

PER CURIAM.

The motion for leave to proceed *in forma pauperis* and the petition for certiorari are granted. Upon consideration of the entire record and in view of the suggestions of the Solicitor General in his memorandum, the judgment of the United States Court of Appeals for the Eighth Circuit is vacated and the case is remanded to that court for further consideration, including reconsideration of petitioner's right to appeal *in forma pauperis* from his 1954 conviction on the basis of a transcript of the record at the trial.