or not the assignment of an exclusive right to make and use, and to vend to others, planing-machines, within a given territory only, authorizes the assignee to vend elsewhere, out of the said territory, the plank, boards, and other materials, the product of said machines.

The court have no doubt but that it does; and that the restriction in the assignment is to be construed as applying solely to the using of the machine. There is no restriction, as to place, of the sale of the product. Certificate accordingly to court below.

Order.

This cause came on to be heard, on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and on the points and questions on which the judges of the said Circuit Court were opposed in opinion, and which were certified to this court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by counsel. On consideration whereof, it is the opinion of this court:—

1. That, by law, the extension and renewal of the said patent granted to William Woodworth, and obtained by William W. Woodworth, his executor, did not inure to the benefit of said defendant to the extent that said defendant was interested in said patent before such renewal and extension; but the law saved to persons in the use of machines at the time the extension takes effect the right to continue the use.

2. That an assignment of an exclusive right to use a machine, and to vend the same to others for use, within a specified territory, does authorize an assignee to vend elsewhere, out of the said territory, plank, boards, and other materials, the product of such machine.[1]

It is therefore now here ordered and decreed by this court, that it be so certified to the said Circuit Court.

JAMES G. WILSON, COMPLAINANT AND APPELLANT, v. JOSEPH TURNER, JUNIOR, AND JOHN C. TURNER, DEFENDANTS. [*712

[1]The decision of the court in the two preceding cases, namely, that where a patent is renewed under the act of 1836, an assignee under the old patent has a right to continue the use of the machine which he is using at the time of the renewal, again affirmed.

THIS case came up, by appeal, from the Circuit Court of the United States for the District of Maryland, sitting as a court of equity.

The bill was filed by Wilson, as the assignee of William W. Woodworth, the administrator of Woodworth, the patentee, as stated in the report of the preceding case. It set out the patent and assignment, and then prayed for an injunction and account.

The answer referred to the mutual assignment made between Woodworth and Strong on the one part, and Toogood, Halstead, Tyack, and Emmons of the other part, which was recited in the preceding case, and traced title regularly down from these latter parties to the defendants.

A statement of these facts was agreed upon by counsel, and all the documents set forth at length; and upon this statement, together with the bill and answer, the cause was argued.

At April term, 1845, the court dismissed the bill, and from this decree the case was brought up, by appeal, to this court.

It was argued by *Mr. Phelps* and *Mr. Webster*, for Wilson, the appellant, and *Mr. Schley*, for the appellees, who were the defendants below.

Mr. Justice NELSON delivered the opinion of the court.

The judgment of the court in the previous case of *Wilson* v. *Rousseau et al.*, disposes of the questions in this case, and affirms the decree of the Circuit Court.

WILLIAM W. WOODWORTH, ADMINISTRATOR, &C., AND E. V. BUNN, ASSIGNEE, COMPLAINANTS AND APPELLANTS, *v.* JAMES, BENJAMIN, AND ALPHEUS WILSON.

An objection to the validity of Woodworth's patent for a planing-machine, namely, that he was not the first and original inventor thereof, is not sustained by the evidence offered in this case.

Nor is the objection well founded, that the specifications accompanying the application for a patent are not sufficiently full and explicit, so as to enable a mechanic of ordinary skill to build a machine.

An assignee of an exclusive right to use ten machines within the city of Louisville, or ten miles round, may join his assignor with him in a suit for a violation of the patent right, under the circumstances of this case.[1]

*713] *THE bill was filed in this case, in the Circuit Court for the District of Kentucky, by the complainants,

[1] CITED. *Nelson* v. *McMann*, 4 Bann. & A., 211.