

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF WISCONSIN  
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4 ACTIVATED SLUDGE, INC.,  
5 Plaintiff,  
6 vs.  
7 CITY OF MILWAUKEE,  
8 Defendant.

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11 EQUITY NO. 2323.  
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FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

13 This cause having been heard at final hearing upon the  
14 record and proceedings herein, counsel for the respective parties  
15 having been heard and the Court being fully advised in the premises  
16 and having rendered an opinion containing findings of fact and  
17 conclusions of law, which is made a part hereof, the Court files  
18 the following findings of fact and conclusions of law in accord-  
19 ance with Equity Rule 70½:

20 FINDINGS OF FACT

21 (1) That Walter Jones was the original, first and sole  
22 inventor of the subject matter of the following United States  
23 Letters Patent in suit:

24 (a) No. 1,247,540, filed October 9, 1914, issued  
25 November 20, 1917, for Purification of Sewage and  
Analogous Liquids;

26 (b) No. 1,282,587, filed November 7, 1916, issued  
27 October 22, 1918, for Purification of Sewage and  
Analogous Liquids;

28 (c) Reissue No. 15,140, original filed October 18,  
29 1915, original Letters Patent No. 1,247,543, filed Nov-  
30 ember 20, 1917, reissue dated July 5, 1921, for Purifi-  
cation of Sewage and Analogous Liquids;

31 (d) No. 1,247,542, filed October 18, 1915, issued  
32 November 20, 1917, for Purification of Sewage and  
Analogous Liquids.

2 Reissue 15,140 and 1,241,542, were assigned by mesne assignments  
3 to the plaintiff, Activated Sludge, Inc., and that the said plain-  
4 tiff is the owner of the Letters Patent in suit and of all rights  
5 of action for infringement thereof.

6 (3) That the plaintiff, Activated Sludge, Inc., is a  
7 corporation organized and existing under and by virtue of the laws  
8 of the State of Delaware, having its principal place of business  
9 in Chicago, Cook County, Illinois.

10 (4) That the defendant, the City of Milwaukee, is a  
11 corporation organized and existing under and by virtue of the laws  
12 of the State of Wisconsin and an inhabitant of Milwaukee County,  
13 Wisconsin, within the Eastern District of Wisconsin.

14 (5) That the defendant, the City of Milwaukee, without  
15 authority, built and operated the Jones Island Activated Sludge  
16 Sewage Disposal Plant identified in Plaintiff's Exhibit 220,  
17 "Description of Milwaukee's Activated Sludge Sewage Disposal  
18 Project", and Plaintiff's Exhibit 226, "Jones Island".

19 (6) That prior to the filing of the bill of complaint,  
20 the plaintiff, Activated Sludge, Inc., gave notice of, and the  
21 defendant, the City of Milwaukee, had notice of the Letters Patent  
22 in suit and of plaintiff's charge of infringement thereof.

23 (7) That the plaintiff has committed no act against  
24 defendant cognizable herein under defendant's counterclaim or  
25 available to defendant as an equitable defense.

26  
27 CONCLUSIONS OF LAW

28 (1) That this Court has had during the pendency of this  
29 suit and still has, jurisdiction of the matter in controversy.

30 (2) That the plaintiff, Activated Sludge, Inc., is the  
31 owner of United States Letters Patent No. 1,247,540, granted  
32 November 20, 1917, No. 1,282,587, granted October 22, 1918,

3 Sewage and Analogous Liquids, the inventions disclosed in the  
4 said Letters Patent, including all rights of recovery for past  
5 infringement of said Letters Patent.

6 (3) That the said Letters Patent granted to Walter Jones,  
7 Nos. 1,247,540, 1,282,587, Reissue 15,140, and 1,247,542, are good  
8 and valid in law.

9 (4) That the alleged anticipatory matter set up by the  
10 defendant does not anticipate any of the claims in suit, to-wit,  
11 claims 2, 3, 7, 11 and 13 of Patent No. 1,247,540, claims 2 and 8  
12 of Patent No. 1,282,587, claims 3, 7, 8, 9 and 10 of Reissue  
13 Patent No. 15,140, and claims 5, 8 and 9 of Patent No. 1,247,542.

14 (5) That the defendant, the City of Milwaukee, has  
15 infringed claims 2, 3, 7, 11 and 13 of Patent No. 1,247,540,  
16 claims 2 and 8 of Patent No. 1,282,587, claims 3, 7, 8, 9 and 10  
17 of Reissue patent No. 15,140, and claims 5, 8 and 9 of Patent  
18 No. 1,247,542, by the construction and operation of the Jones  
19 Island Activated Sludge Sewage Disposal Plant identified in  
20 Plaintiff's Exhibit 220, "Description of Milwaukee's Activated  
21 Sludge Sewage Disposal Project", and Plaintiff's Exhibit 226,  
22 "Jones Island", and thereby violated the rights of the plaintiff  
23 under the said Letters Patent.

24 (6) That the plaintiff is entitled to a writ of per-  
25 manent injunction enjoining and restraining the defendant, the  
26 City of Milwaukee, its officers, agents, employees, associates  
27 and confederates, from using the Jones Island Activated Sludge  
28 Sewage Disposal Plant as identified in Plaintiff's Exhibit 220,  
29 "Description of Milwaukee's Activated Sludge Sewage Disposal  
30 Project", and in Plaintiff's Exhibit 226, "Jones Island", or any  
31 other apparatus, plant, equipment, method or system embodying the  
32 inventions of claims 2, 3, 7, 11 and/or 13 of Patent No. 1,247,540,

N

3 patents 201, 202, 203, and from aiding or abetting or in any way  
4 contributing to the infringement of any of said claims of said  
5 patents.

6 (7) That the plaintiff is entitled to recover from the  
7 defendant, the City of Milwaukee, the profits which the said  
8 defendant has made and the damages which the plaintiff has suffered  
9 by reason of the defendant's infringement of the Letters Patent in  
10 suit, and to recover its costs and disbursements of this proceed-  
11 ing in accordance with the statutes and rules in such cases made  
12 and provided.

13 (8) That the plaintiff is entitled to a dismissal of  
14 defendant's counterclaim and any equitable defense set up by the  
15 defendant, with costs to the plaintiff.

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18 *D. J. [Signature]*  
19 United States District Judge.  
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