

# Death By Patent

SHREDDED WHEAT COMPANY, A CORPORATION OF NEW YORK

METHOD OF MARKING SHREDDED WHEAT BISCUIT.

Application filed May 17, 1918, Serial No. 235,144. Renewed August 3, 1926.

Patented Mar. 22, 1927.

1,621,863

## UNITED STATES PATENT OFFICE.

SHREDDED WHEAT COMPANY, A CORPORATION OF NEW YORK  
METHOD OF MARKING SHREDDED WHEAT BISCUIT.  
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means for carrying out the invention.

Figure 2 is a perspective view of the product.

Figure 3 is a diagrammatic vertical view of a shredding machine, showing a modified means for carrying out the invention.

The invention has relation to a method of superficially marking shredded wheat biscuits, with the idea of distinguishing the product, as to source origin of the biscuit, and it consists in the novel construction and combination of parts, as set forth in the appended claims.

In the accompanying drawings, illustrating a preferred means for carrying out the invention, the numeral 1 designates a gang of shredding machines, being four bands 2 of woven material upon a moving carrier as set forth in the patent to H. D. Parry, 961,604, dated August 25, 1910, for machine cutting machines, and P. H. Harris, No. 1,007,763, dated May 26, 1932, for grain shredding machines.

At one end of the gang of shredding machines a shredding machine 3 is provided, shown as of smaller size than the machines 1, and the rollers 7 of which are of the usual character.

The narrow band of shredded material 8, fed down from the machine 3 upon the top of the compressible band 1 for the biscuit proper, is designed to be of the thickness of one third only, and will not materially or appreciably increase the thickness of the biscuit, which can be packed as usual, with no appreciable increase in weight.

The narrow band 8 of shredded material is suitably colored, for instance by chloride

of iron, so that the biscuits which will be suitably recognized, corresponding with the color of the top of the biscuit, and the edibility of the biscuit being in no way impaired thereby. This transverse band 8 appears as a lump or projection embossed or in relief upon the top of the biscuit.

A modification of the invention consists in providing a biscuit the top layer of which is of the usual thickness, but nevertheless, having one transverse portion, on the central portion thereof, suitably colored before being laid down or baked, and the balance, or the transverse side portions, of natural color, the advantage being that a shredding machine having rolls of full size may be employed, and further in that the resulting product will be of the customary form, having no unusual protuberance or projection upon its top surface.

A means for carrying out this modification involves the use at one end of the gang of shredding machines of a shredding machine 10 of which is divided by suitable partitions 11 into two or more chambers 12, into one of which grain suitably colored in fact, and into the other or others of which grain of natural color is fed.

I claim:

1. A method of marking and distinguishably colorably marking shredded cereal biscuit, consisting in laying down superposed bands of shredded cereal to form a composite band of the proper thickness, treating cereal material with a coloring agent and laying down from the same a distinctively colored top band upon said composite band and finally dividing the composite band and said top band unevenly to form biscuits.

In testimony whereof I affix my signature.

GEORGE H. ANTONSON.

## **Death By Patent**

**Singer Mfg. Co. v. June Mfg. Co., 163  
U.S. 169 (1896)**

“The Singer machines were covered by patents, some fundamental, some accessory, whereby there was given to them a distinctive character and form which caused them to be known as the **Singer machines** . . . .”

# Death By Patent

Patented May 19, 1931

1,806,485

## UNITED STATES PATENT OFFICE

ALFONSO FLORES MIMAFUNYER, OF GUADALUPE, MEXICO

MUSICAL TOY

Application filed May 17, 1930. Serial No. 453,331.

This invention relates to musical toys and more particularly it relates to spinning toys and devices which are adapted to give forth musical tones when operated.

5 Devices of this type have been given the name of "Yo-Yo." The "Yo-Yo" is a device which, instead of being mounted on a projecting axis to rotate on a stationary bearing surface, is suspended to a cord or string.

10 The string is wound around a central shaft

the device is allowed to fall, the string rapidly unrolls and in so doing imparts rotary motion to the device. When the "Yo-Yo" reaches the limit of its downward fall, it will, owing to the rotary motion, wind the string again on the shaft. To aid in the rewinding a slight upward pull must be given to the string at the proper moment.

20 The device will then alternately fall and rise as the cord is held in the hand.

Originally devices of this kind were carved from wood and were in the form of a substantially spherical object with an annular groove cut in the central portion thereof.

Later the "Yo-Yo" was constructed of metal by placing basins or dished members against each other with their hollow surfaces facing, a small space being provided between the two rims of the dishes forming a passage for the string which was secured to the shaft connecting the dishes. A small pebble or bead of hard material was enclosed within the device to produce a ringing sound when the "Yo-Yo" was in operation.

The main disadvantages of devices of this character and construction was that the head member would frequently become stuck or wedged between the edges of the dished members, interfering with the movement of the string. Where the device was provided with inner discs, these discs have usually been given a curved bell-shape conforming substantially to the end of the bell of a trumpet. It is apparent that in such a construction there is nothing to prevent the head from becoming wedged between the discs. As will later be pointed out, the ap-

plicant's improved structure is not subject to these and other disadvantages.

The general object of this invention is to provide a "Yo-Yo" of the improved type which will produce musical bell-like sounds.

Another object of the invention is to provide a device of the type mentioned which may be easily and cheaply manufactured to be sold at a low cost, and quickly assembled for operation.

As a further object this invention aims to provide a device in which the means for producing the musical tones will not in any way interfere with the winding and unwinding of the cord or string when the "Yo-Yo" is in operation.

These and other objects of the invention will become apparent from the following specification when read in connection with the accompanying drawings and will be pointed out in the appended claims.

In the drawings:

Fig. 1 represents an end view of the device.

Fig. 2 represents an end view of the device, the assembled parts being shown in cross-section.

Fig. 3 shows the parts in unassembled position.

Fig. 4 is a plan view of one of the inner discs.

As represented in the drawings, the "Yo-Yo" is constructed of two basins or dished members 2 of resonant material. In assembled position, these dished members are placed with their concave surfaces facing but not touching and are secured together at their axes by means of a pin or shaft 4. The pin or shaft acts as an axle and may be riveted or soldered to the concave surfaces of the dished members to secure them in position. In practice and as illustrated in the drawings, one end of the pin is fixed to the inner concave surface of one of the dished members as at 6. The other dished member is provided with a threaded recess 3 for engaging the free end of the pin which is threaded.

One end of a string 10 is secured to a small drum member 12 having an aperture

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5 Devices of this type have been given the name of "Yo-Yo." The "Yo-Yo" is a top, which, instead of being mounted on a projecting axis to rotate on a stationary bearing surface, is suspended to a cord or string.

10 The string is wound around a central shaft.

## Death By Patent

### DuPont Cellophane Co. v. Waxed Products Co., 85 F.2d 75 (C. A. 2 1936)

“The expiration in 1928 of United States patents No. 991,267 and No. 1,002,634 to Bradenberger for processes for manufacturing and drying films *terminated any right the complainant had to the exclusive use of the name cellophane* so far as it had become merely descriptive of the product itself.”

## **Death By Patent**

**Bayer Co. v. United Drug Co., 272 F.  
505 (D.C.N.Y. 1921)**

“Probably what really happened was that the plaintiff awoke to the fact that on the expiration of the patent its trade-mark would be questioned . . . .”

## Death By Patent

Haughton Elevator Company v. Seeberger  
(Otis Elevator Company Substituted), 85  
U.S.P.Q. 80 (Comm.Pat. & T.M. 1950)

“[I]t appears, and it does not seem to be disputed, that the term “escalator” is recognized by the general public as the name for a moving stairway and not the source thereof. It further appears that Respondent has used the term . . . in a number of patents which have been issued to them . . .” (Emphasis added.)

## Death By Patent

Linoleum Manufacturing Co v Nairn, (1877-78) L.R. 7 Ch. D. 834 Chancery Division 1878-01-30

“[His Lordship then referred to . . . the *patents* taken out by the company as shewing [sic] that they used the word ‘Linoleum’ merely as descriptive . . .]

. . .

“the word ‘Linoleum’ *did bear that meaning which [the inventor] put upon it*, namely, solidified or oxidised oil; that solidified or oxidised oil may be made by the Defendants if they are minded to make it; and *if they are minded to call it by the only name which it bears, I think they are at liberty so to do.*”