

UNITED STATES v. ALBANY CHEMICAL COMPANY.

**IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE SOUTHERN DISTRICT OF NEW YORK**

In Equity No. 20-232.

UNITED STATES OF AMERICA, PETITIONER,

VS.

**ALBANY CHEMICAL COMPANY, GUSTAVUS MICHAELIS &
WYATT T. MAYER, DEFENDANTS.**

FINAL DECREE

This cause came on to be heard at this term, and upon consideration thereof, and upon motion of the petitioner by Francis G. Caffey, United States Attorney for the Southern District of New York, its attorney, and by Henry A. Guiler, Special Assistant to the United States Attorney, and Ryland W. Joyce, Special Assistant to the United States Attorney, of counsel, for relief in accordance with the prayer of the petition, and no testimony or evidence having been taken, and all the defendants therein having appeared by their attorneys, Lampke & Stein, and having consented thereto in open court;

Now, therefore, it is ORDERED, ADJUDGED and DECREED as follows, viz:

I. That the defendants, and each of them, and their officers, agents, servants and employees, and all persons acting under, through, by or in behalf of them or either of them or claiming so to act, be and hereby are ordered and directed to withdraw any and all applications filed with the Secretary or other officer of any state in the United States for trade mark or other registration of the word "aspirin" separately or associated with any other word or words or symbol, to cause to be cancelled in the office of the Secretary or other officer of every state of the United States any record made in the office of the said Secretary or officer based upon an application made by them or either of them for such trade mark or other registration of the word "aspirin" separately or associated

with any other word or words or symbol, or to surrender to said Secretary of State or other officer any certificate of such registration of the word "aspirin" or other authority issued to any of the defendants.

II. That the defendants and each of them, and their officers, agents, servants and employees, and all persons acting under, through, by or in behalf of them or either of them, or claiming so to act, be and hereby are perpetually enjoined, restrained, and prohibited, directly or indirectly, from

(a) Representing, referring to or using in any manner whatsoever the word "aspirin" as a trade mark or claiming any right therein as a trade mark.

(b) Intimidating or preventing individually or collectively purchasers or prospective purchasers of aspirin, or others, from purchasing or using the product of competitors.

(c) Issuing or circulating through the mails or otherwise, letters, circulars or advertising matter containing any statement, intimation or suggestion that the word "aspirin" separately or associated with any other word or words or symbol is a trade mark of the defendants, or that the defendants have any right therein as a trade mark.

III. It is further ordered that the defendants shall be allowed a period of three months from the filing hereof, in which to comply with the terms of this decree.

FRANK S. DIETRICH,
United States District Judge.

Dated, New York, January 10, 1921.