

UNITED STATES CIRCUIT COURT  
EASTERN DISTRICT OF KENTUCKY,  
NO. 2553.

The Dr. Miles Medical Co., )  
Complainant. )  
-vs- ) DEMURRER  
John D. Park & Sons Co., )  
Defendant. )

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The demurrer of the defendant above named, John D. Park & Sons Company, to the bill of complaint of The Dr. Miles Medical Company, the above named complainant.

(1) This defendant, by protestation, not confessing or acknowledging all or any of the matters or things in the said bill of complaint contained to be true, in such manner and form as the same are therein set forth and alleged, doth demur to said bill, and for cause of demurrer sheweth, that the said complainant has not in and by said bill made or stated such a cause as doth or ought to entitle him in a Court of Equity to such relief from or against this defendant as is thereby sought and prayed for.

WHEREFORE, and for divers other errors and imperfections, and other good causes of demurrer appearing in the said bill, this defendant doth demur thereto and humbly prays the judgment of this Honorable Court whether it shall be compelled to make any answer to said bill, and to be hence dismissed with its costs and charges in this behalf most wrongfully sustained.

(2) And this defendant further, by protestation, not confessing or acknowledging all or any of the matters or things in said bill of complaint contained to be true, in such manner and form as the same are therein set forth and alleged, and not waiving its aforesaid demurrer to all of said bill, but wholly relying thereon, doth further demur as to so much and to such parts of said bill as charges and alleges that this defendant violates,

breaks, scratches off, destroys, obliterates, erases and defaces the labels and wrappers upon the proprietary medicines, remedies and cures of the complainant, obtained, purchased, acquired and owned by it and the serial identification numbers and letter press thereon, and the seals or cork labels thereof, and offers for sale and sells the same in that condition, and prays that this defendant, its agents etc. may be enjoined and restrained from in any way obliterating, defacing, mutilating, breaking, altering, removing, covering up or destroying the labels and wrappers upon the bottles containing the proprietary medicines, remedies and cures of the complainant, obtained, purchased, acquired and owned by this defendant, or from offering for sale or selling the same in that condition, and for cause of demurrer to such part of said bill showeth that the said complainant has not in and by said bill made or stated a cause entitling him in a Court of Equity to any such relief from or against this defendant as is thereby prayed for, or any part thereof, and this defendant humbly prays the judgment of this Honorable Court as to whether it shall be compelled to answer such part of the said bill so demurred to, and to be hence dismissed with its costs and charges in this behalf most wrongfully sustained. Dated November 18th, 1907.

  
Solicitor for Defendant.

UNITED STATES OF AMERICA, )  
SOUTHERN DISTRICT OF OHIO. ) SS:

AMBRO R. PARK being duly sworn deposes and says:

That he is the Vice President of JOHN D. PARK & SONS COMPANY,  
the defendant above named; that he has read the foregoing demurrer  
and knows the contents thereof and that the said demurrer is not  
interposed for delay.

Subscribed and sworn to )  
before me this 18th )  
day of November, 1907. )

Ambro R. Park

Harry C. Barnes

Notary Public in and for  
Hamilton County, Ohio.

*40¢ paid by  
defendant.*

I hereby certify that the foregoing demurrer is in my  
opinion well founded in point of law.

Dated, Cincinnati, Ohio, November 18th, 1907.

William J. Throde  
Counsel for the Defendant.

NO. 3558.

United States Circuit Court  
Eastern District of Kentucky.

The Dr. Miles Medical Co.,  
Complainant.

-vs-

John D. Park & Sons Co.,  
Defendant.

DEMURRER.

**FILED**

NOV 18 1907

JOB. C. FINNELL  
CLERK

*William J. Herod*  
Solicitor for defendant.