

District Court, S. D. New York**HOUGHTON MIFFLIN COMPANY v. STACKPOLE SONS, INC., et al.**

No. 2-256 Decided Feb. 28, 1939

On motion for preliminary injunction.

Reversed at 42 USPQ 96.

HINES, REARICK, DORR & HAMMOND, New York, N. Y., for plaintiff.**PHILIP WITTENBERG, New York, N. Y., for defendants.**

COXE, District Judge.—I do not think that this case is sufficiently clear to warrant the issuance of a preliminary injunction. The defendants have raised questions of title and validity [of the copyright] which are not free from doubt; the facts are in dispute; and the issues cannot properly be determined on affidavits. It may be that the plaintiff will succeed at the trial, but on the present showing I cannot say that it will do so with the degree of certainty required for the issuance of a preliminary injunction.

The motion of the plaintiff for a preliminary injunction is denied.

District Court, S. D. New York**OTTINGER v. GENERAL MOTORS CORPORATION**

Equity No. 87-352 Decided Apr. 5, 1939

On motion for summary judgment.

ARMAND E. LACKENBACH (OTTO C. SOMMERICH and RAYMOND T. HEILPERN of counsel) all of New York, N. Y., for plaintiff.**DRURY W. COOPER (THOMAS J. BYRNE and DRURY W. COOPER, JR., of counsel) all of New York, N. Y., for defendant.**

LEIBELL, District Judge.—This is a motion for summary judgment, under Rule 56 of the Federal Rules of Civil Procedure. Plaintiff, a citizen and resident of New York, moves for summary judgment with respect to the first cause of action and for a partial summary judgment on the second cause of action, pleaded in the bill of complaint. Both