

MS-641: Harry A. Toulmin's Wright Company Patent Litigation Volumes

Collection Number: MS-641

Title: Harry A. Toulmin's Wright Company Patent Litigation Volumes

Dates: 1909-1913

Creator: Toulmin, Harry A. (Harry Aubrey), 1858-1942

Summary/Abstract:

The collection consists of nine bound volumes of patent litigation records for the lawsuits that the Wright Company brought against the Herring-Curtiss Company and Glenn H. Curtiss, Louis Paulhan, and Claude Grahame-White. These are the personal copies of the Wrights' lawyer, Harry A. Toulmin, and the books contain many handwritten notes.

Quantity/Physical Description: 1.0 linear foot (9 bound volumes)

Language(s): English

Repository:

Special Collections and Archives, University Libraries, Wright State University, Dayton, OH 45435-0001, (937) 775-2092

Restrictions on Access: There are no restrictions on accessing material in this collection.

Restrictions on Use:

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Preferred Citation:

[Item #, Description of item, Date], MS-641, Harry A. Toulmin's Wright Company Patent Litigation Volumes, Special Collections and Archives, University Libraries, Wright State University, Dayton, Ohio

Acquisition:

The majority of the collection was donated to Special Collections and Archives, Wright State University Libraries, by Don Roettele, a relative of the Toulmin family, via Walt Hoy, in November 2011. One volume was donated by Stephen Wright in October 2018.

Existence and Location of Copies:

The content of most volumes is available online in CORE Scholar, Wright State University's Campus Online Repository, at: https://corescholar.libraries.wright.edu/wright_litigation/. Also, Toulmin presented Katharine Wright with a set of *Transcript of Records, Vol. I-III*, which is part of MS-1. The online instance of these volumes is from Katharine Wright's copy, not Toulmin's.

Other Finding Aid:

The finding aid is available on the Special Collections & Archives, Wright State University Libraries web site at <https://www.libraries.wright.edu/special/collectionguides/files/ms641.pdf>. It is also available in the OhioLINK Finding Aid Repository at <http://ead.ohiolink.edu/xtf-ead/>.

Related Material:

[MS-1: Wright Brothers Collection](#), including a presentation copy of the *Transcript of Record, Volumes I-III* (same as items 6-8) given to Katharine Wright by Harry A. Toulmin.

[MS-418: Glenn Curtiss Collection of Early Aviation Photographs](#).

Processed by:

Finding aid written according to DACS standards by Lisa Rickey, October 2018.

Arrangement:

The volumes are arranged alphabetically by title.

Biographical/Historical Note:

In May 22, 1906 Wilbur and Orville Wright were issued a patent for “Flying Machines” by the United States. Ownership of this patent became the basis for the Wright Company to file patent infringement lawsuits against other aviators and aviation companies.

The Wright Brothers, intent on protecting their invention, filed suits in patent courts for infringement against the Herring-Curtiss Company and Glenn H. Curtiss. They also filed suits not only in the United States but Europe as well. The Wrights also brought litigation against aviators such as Louis Paulhan from France and Claude Grahame-White from England. The documentation generated by the attorneys on both sides of these cases was voluminous, exhaustive, and complex.

The Wright brothers won their initial case against Curtiss in February 1913, but the decision was appealed. In January 1914, a U.S. Circuit Court of Appeals upheld the verdict in favor of the Wrights against the Herring-Curtiss Company.

Scope and Content Note:

The collection consists of nine bound volumes of patent litigation records for the lawsuits that the Wright Company brought against the Herring-Curtiss Company and Glenn H. Curtiss, Louis Paulhan, and Claude Grahame-White. These are the personal copies of the Wrights’ lawyer, Harry A. Toulmin, and the books contain many handwritten notes. The volumes date from 1909 to 1913. The contents include briefs, evidence abstracts, complainant’s and defendant’s records, testimony, and trial transcripts. Some volumes also include photographs and diagrams.

Subject Terms**Persons/Families**

Curtiss, Glenn Hammond, 1878-1930

Grahame-White, Claude, 1879-
Paulhan, Louis
Toulmin, Harry A. (Harry Aubrey), 1858-1942
Wright, Orville, 1871-1948
Wright, Wilbur, 1867-1912

Organizations/Corporate Names

Herring-Curtiss Company
Wright Company

Subjects (General)

Aeronautics -- History
Aeronautics -- Patents
Airplanes -- History
Patent suits
Wright Flyer (Airplane)

Material Types

Legal proceedings

Occupations

Inventors

Collection Inventory

<u>Item</u>	<u>Description</u>	<u>Date</u>
1	<p>The Wright Company vs. Herring Curtiss Company and Glenn H. Curtiss, In Equity No. 400 United States District Court, Western District of New York Brief for Complainant and Abstract of Evidence on Motion for Preliminary Injunction H. A. Toulmin, Solicitor and of Counsel for the Complainant (Handwritten notes and marks)</p> <p><i>Read content online in CORE Scholar:</i> https://corescholar.libraries.wright.edu/wright_litigation/2/</p>	1909 Dec
2	<p>The Wright Company vs. Herring Curtiss Company and Glenn H. Curtiss, In Equity No. 400 United States District Court, Western District of New York Complainant's Record H. A. Toulmin, Solicitor and of Counsel for the Complainant (Handwritten notes)</p> <p><i>Read content online in CORE Scholar:</i> https://corescholar.libraries.wright.edu/wright_litigation/4/</p>	1912 Oct
3	<p>The Wright Company vs. Herring Curtiss Company and Glenn H. Curtiss, In Equity No. 400 United States District Court, Western District of New York Defendants' Record, Volume I Emerson R. Newell, Solicitor and Counsel for Defendants (Handwritten notes)</p> <p><i>Read content online in CORE Scholar:</i> https://corescholar.libraries.wright.edu/wright_litigation/3/</p>	1912 Apr
4	<p>The Wright Company vs. Herring Curtiss Company and Glenn H. Curtiss, In Equity No. 400 United States District Court, Western District of New York Defendants' Record, Volume II Emerson R. Newell, Solicitor and Counsel for Defendants (Handwritten notes, photos)</p> <p><i>Read content online in CORE Scholar:</i> https://corescholar.libraries.wright.edu/wright_litigation/9/</p>	1912 Apr

<u>Item</u>	<u>Description</u>	<u>Date</u>
5	<p>The Wright Company vs Herring-Curtiss Company and Glenn H. Curtiss, In Equity No. 400 Testimony for the Defendants (Original typed transcript, some handwritten notes)</p> <p><i>Read content online in CORE Scholar:</i> https://corescholar.libraries.wright.edu/wright_litigation/8/</p>	1911
6	<p>The Wright Company vs. The Herring-Curtiss Company and Glenn H. Curtiss United States District Court of Appeals for the Second District Transcript of Record, Volume I Appeal from the District Court of the United States for the Western District of New York (Toulmin's name is written on first page of index, may be signature; handwritten notes) (This volume was donated by Stephen Wright.)</p> <p><i>Read content online in CORE Scholar, from Katharine Wright copy:</i> https://corescholar.libraries.wright.edu/wright_litigation/7/</p>	1913
7	<p>The Wright Company vs. The Herring-Curtiss Company and Glenn H. Curtiss United States District Court of Appeals for the Second District Transcript of Record, Volume II Appeal from the District Court of the United States for the Western District of New York (Toulmin's name is written on first page of index, may be signature; handwritten notes)</p> <p><i>Read content online in CORE Scholar, from Katharine Wright copy:</i> https://corescholar.libraries.wright.edu/wright_litigation/6/</p>	1913
8	<p>The Wright Company vs. The Herring-Curtiss Company and Glenn H. Curtiss United States District Court of Appeals for the Second District Transcript of Record, Volume III Appeal from the District Court of the United States for the Western District of New York (Toulmin's name is written on first page of index, may be signature; handwritten notes)</p>	1913

<u>Item</u>	<u>Description</u>	<u>Date</u>
	<i>Read content online in CORE Scholar, from Katharine Wright copy: https://corescholar.libraries.wright.edu/wright_litigation/5/</i>	
9	Wright Briefs Bound volume containing multiple briefs (listed individually below) (Extensive handwritten notes in back) <i>Read content online in CORE Scholar: https://corescholar.libraries.wright.edu/wright_litigation/1/</i>	1910-1913
(9a)	The Wright Company vs. Louis Paulhan In Equity United States Circuit Court, Southern District of New York Brief for Complainant on Motion for Injunction H. A. Toulmin, Solicitor and of Counsel for the Complainant	1910 Feb
(9b)	The Wright Company vs. Herring-Curtiss and Glenn H. Curtiss In Equity, Appeal from Judge Hazel's Order United States Circuit Court of Appeals, for the Second District Brief for Complainant-Appellee, and Abstract of Evidence, On Appeal From An Order Granting A Preliminary Injunction H. A. Toulmin, Counsel for Complainant	1910 May
(9c)	The Wright Company vs. Louis Paulhan In Equity, Appeal from Judge Hand's Order United States Circuit Court of Appeals, for the Second District Brief for Complainant-Appellee, and Abstract of Evidence, On Appeal From An Order Granting A Preliminary Injunction H. A. Toulmin, Counsel for Complainant-Appellee	1910 May
(9d)	The Wright Company vs. Louis Paulhan In Equity, Appeal from Judge Hand's Order United States Circuit Court of Appeals, for the Second District Brief for Complainant-Appellee, and Abstract of Evidence, On Appeal From An Order Granting A Preliminary Injunction H. A. Toulmin, Counsel for Complainant-Appellee	1910 May
(9e)	The Wright Company vs. Claude Graham-White In Equity United States Circuit Court, Southern District of New York Brief for Complainant on Final Hearing H. A. Toulmin, Counsel for Complainant	1911 Nov

<u>Item</u>	<u>Description</u>	<u>Date</u>
(9f)	<p>The Wright Company vs. Herring-Curtiss and Glenn H. Curtiss In Equity No. 400 United States District Court, Western District of New York Brief and Digest of the Evidence for Complainant on Final Hearing H. A. Toulmin, Solicitor and of Counsel for the Complainant</p>	1912 Oct
(9g)	<p>The Wright Company vs. Herring-Curtiss and Glenn H. Curtiss In Equity, Appeal from the District Court of the United States for the Western District of New York, Judge Hazel United States Circuit Court of Appeals, for the Second District Brief for Complainant-Appellee H. A. Toulmin, Solicitor and of Counsel for the Complainant</p>	1913 Oct