

Ryder Vs. Holt

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Court : US Supreme Court

Decided On : Dec-10-1888

Appeal No. : 128 U.S. 525

Appellant : Ryder

Respondent : Holt

Judgement :

Ryder v. Holt - 128 U.S. 525 (1888)

U.S. Supreme Court Ryder v. Holt, 128 U.S. 525 (1888)

Ryder v. Holt

No. 76

Argued November 14, 1888

Decided December 10, 1888

128 U.S. 525

APPEAL FROM THE CIRCUIT COURT OF THE UNITED

STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

SYLLABUS

A circuit court of the United States has no jurisdiction over suits for the violation of a trademark if the plaintiff and defendant are citizens of the same state and the bill fails to allege that the trademark in controversy was used on goods intended to be transported to a foreign country.

The case is stated in the opinion of the Court.

MR. CHIEF JUSTICE FULLER delivered the opinion of the Court.

It was stipulated in the circuit court that this cause should abide the event of *Menendez v. Holt*, ante, [128 U. S. 514](#) , just decided, and the same decree in favor of complainants was therefore rendered in this as in that case. But it is now assigned for error that as defendant and complainants below were citizens of the same state, and the bill did not allege that the trademark in controversy was "used on goods intended to be transported to a foreign country," Act of March 3, 1881, c. 138, 11, 21 Stat. 502, the circuit court had no jurisdiction and the decree must be reversed for that reason. The objection is well taken, and the decree is accordingly

Reversed.