



Dunlop Holdings, Ltd. v. Ram Golf Corp., 524 F.2d 33 (7th Cir. 1975)

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PROCEDURAL HISTORY

Dunlop sued Ram for infringement. The district court held the patent invalid. Dunlop appealed.

CASE FACTS

- The patent covers a durable golf ball. Golf balls made of Surlyn infringe the patent.
- The earliest date which Dunlop can claim is February 10, 1965.
- Wagner came up with the same invention before February 10, 1965, and did not abandon the invention.
- Wagner provided potential customers with Surlyn covered golf balls.
- Wagner did not disclose the ingredient to the public.

ISSUE

Is Dunlop's patent invalid because the invention was made and sold by Wagner who had not disclosed the ingredient?

HOLDING

Yes because Wagner did not suppress nor conceal his invention.

ANALYSIS

- The balls were in wide public use; that is, Wagner's conduct constitutes a noninforming public use.
- A noninforming use prevents the finding of suppression or concealment because (3 reasons):
 - Such a use gives the public the benefit of the invention.
 - Eventually competitors will uncover the secret ingredient.
 - The inventor is under no duty to apply for a patent; he is free to contribute his idea to the public, either voluntarily by an express disclosure, or involuntarily by a noninforming public use.