



Sears, Roebuck & Co. v. Stiffel Co., 376 U.S. 225

Author: Ken Aoki, Patent Agent, Japan

TOPIC

Supremacy clause, preemption

PROCEDURAL HISTORY

Appeal from 7th Circuit decision affirming the trial court's finding for Sears (defendant).

FACTS

- Stiffel's design and utility patents: upright standing "pole lamp"
- Sears copied and sold a substantially identical lamp.
- District court's holding:
 - Patents are invalid.
 - Sears are guilty of unfair competition under the Illinois state law.
- 7th Circuit affirmed

ISSUE

Whether a state's unfair competition law can prohibit the copying of unpatentable articles?

HOLDING

No, it conflicts with the federal patent laws.

ANALYSIS

- Supremacy clause, preemption.
- Conflict with the federal patent laws
 - Unpatentable articles, like an article on which the patent has expired, are in the public domain and may be made and sold by others.
 - A state may not, when the article is unpatented and uncopyrighted, prohibit the copying of the article itself or award damages for such copying.

