



TraFFix Devices, Inc. v. Mktg. Displays, Inc., 532 U.S. 23

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CASE HISTORY

The 6th Circuit reversed the district court's decision for TraFFix. TraFFix appeals to the Supreme Court.

CASE FACTS

- MDI's patent: dual-spring stand to keep signs upright despite adverse wind condition
- After MDI's patents expired, TraFFix copied MDI's product and sold its products.
- MDI sued TraFFix under trade dress infringement.

ISSUE

Whether the functional aspect of MDI's product which was covered by expired utility patents can be protected under trade dress?

HOLDING

No

ANALYSIS

- Functional aspects are not protected by trade dress.
- MDI's utility patents suggest that the dual-spring mechanism is functional.
 - The dual-spring mechanism is the main feature claimed in the patents.
 - There is lots of evidence to support the functionality in the patent disclosure.
- The dual-spring design is the essential feature of the trade dress.
- The person who asserts trade dress has to prove that the subject matter is not functional.
 - MDI did not, or cannot, prove that.
- Once the functionality has been established, whether MDI's dual-spring design has acquired secondary meaning need not be considered.

