

# Article summary and reaction paper

Law



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Stare decisis al affiliation The Supreme Court held that it would use a case about a spider-man gadget to consider overruling a precedent established more than 50 years ago, which bars individuals from collecting royalties on expired patents. The current case involves Mr. Kimble who invented a web shooting toy and Marvel enterprises. Mr. Kimble obtained a patent for the toy in 1991.

In 1997, he sued Marvel for patent infringement and he two sides settled in 2001. The patent expired in 2010; however, the agreement between the two did not contain an expiry date. The lack of the expiry date on the patent is where the courts precedent comes into play. Marvels claim was that its obligations to pay royalty for the patent ceases when the patent expires. Marvel relied on an earlier Supreme Court decision in *Brulote v Thys Co.*, which found that agreements are not enforceable when patents expire. Mr. Kimble asked the court to overrule its previous decision (Kendall, 2015).

The principles of stare decisis provide that courts should adhere to previous precedents of earlier cases. Stare decisis is an important aspect of a common law system and follows that once a court answers a question, subsequent questions to the court should be answered in a similar manner (Anderlini, Felli, & Riboni, 2014). The courts should seek to follow precedents to maintain the stability of the law. The courts should rarely overrule its precedents unless there are strong reasons because doing so sets a new interpretation of a legal issue (Waldron, 2012). In the current case, the court considered overruling the precedent established in *Brulote v Thys Co.* The article showed that the doctrine of stare decisis is binding on subsequent decisions by the court and that a court may only overrule its precedent if

there are good reasons to do so.

#### Reference list

Anderlini, L., Felli, L., & Riboni, A. (2014). Why Stare Decisis?. *Review of Economic Dynamics*, 17(4), 726-738.

Kendall, B. (2015). The Supreme Court, Spider-Man and ' Stare Decisis'. *WSJ*. Retrieved 30 March 2015, from <http://blogs.wsj.com/law/2014/12/12/the-supreme-court-spider-man-and-stare-decisis/>

Waldron, J. (2012). Stare decisis and the rule of law: a layered approach. *Mich. L. Rev.*, 111, 1.