

Brief a case

Business



Brief a case *Sindell v. Abbott Laboratories* Sindell's mother took a drug manufactured and marketed by approximately 200 companies that led to Sindell developing cancer during her adulthood. Since she could not identify the company that manufactured the drug that she ingested before she was born, she decided to sue the five main companies that were involved with the manufacturing and the marketing of the drug. According to her claim, these companies were negligent in the manufacturing and marketing of the drug since adequate tests had not been done prior to its distribution. The court dismissed the plaintiff's claims simply because she could not identify the company that distributed the drug. She appealed to the Supreme Court California, which reversed the sentence.

The legal question presented to the Supreme Court was if it was known that a certain group of defendants was negligent but not clear specifically who was directly responsible, can a plaintiff sue the main companies involved as per the market share statistics? The Supreme Court determined that the plaintiff could recover against the manufacturers that are already known with respect to the market share concept. The Supreme Court added that for such a case to suffice, the plaintiff must present a number of the main distributors. However, if the defendant could prove that they were not responsible for the harm caused, then they could be dismissed from the case. The reasoning used here was that the defendants should not be let off simply because the plaintiff does not have a way of identifying those responsible. In addition, in such sensitive cases as medication, the consumer is deemed helpless to protect themselves from any harm that may come from the drugs that they take. The defendants would also be in a better position to bear the cost of an injury that results from manufacturing of a <https://assignbuster.com/brief-a-case/>

defective drug.

2. Coca-Cola Co. v. Koke Co. of America

This was a trademark infringement case where Coca-Cola Company was seeking to enjoin Koke Company of America from continuing to use the word 'Koke' in their products. On the defense, Koke maintained that using Coca-Cola name in its brands the Coca-Cola Company represented usage of cocaine in its products. From the side of the Coca-Cola Company, it should retain the usage of this name. This came as a result of increased sales by the Coca-Cola Company implying that this company did not want to share any work which sounded similar to the one it used (Clarkson et al. 157). The case was ruled against Coca-Cola Company, which appealed to the U. S Supreme Court.

The legal question presented before the Supreme Court was whether the word in dispute could be used by any other company especially considering that a radio advert could not show the spelling difference. The Supreme Court determined that this word could not be used by any other company irrespective of its spelling. The reasoning behind this ruling was that when the word coke was read aloud, it was associated with the Coca-Cola Company. This implied that any other company using a word with a similar pronunciation could not be allowed. Therefore, this name was reserved for the Coca-Cola Company.

Works Cited

Clarkson, Kenneth W., Miller, Roger L. and Cross, Frank B. Business Law: Text and Cases. Stamford: Cengage Learning, 2015. Print.