The US Supreme Court continues to follow stare decisis on the outdated Brulotte rule, but notes work-arounds on same


Author(s): Charles R. Macedo, David Goldberg, Andrew Wong

Kimble v Marvel Entertainment, LLC, No 13-720, 192 L. Ed. 2d 463 (US 22 June 2015)

Abstract

The US Supreme Court declined to overrule its precedent in Brulotte v Thys Co., 379 US 29 (1964), which prohibits patent royalty payments for activities continuing after the expiration of the patent term. However, the court did specify several methods by which parties to a patent royalty agreement can work around Brulotte.