

The Burger Court Opinion Writing Database

Sakraida v. AG Pro, Inc.
425 U.S. 273 (1976)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

April 14, 1976

Re: 75-110 - Sakraida v. Ag Pro, Inc.

Dear Bill:

I join your April 1 circulation in this case.

Regards,

WB

Mr. Justice Brennan

Copies to the Conference

To: The Chief Justice
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist
Mr. Justice Stevens

From: Mr. Justice Brennan

Circulated: 4/1/56

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 75-110

Bernard A. Sakraida,
Petitioner,
v.
Ag Pro, Inc. } On Writ of Certiorari to the United
States Court of Appeals for the
Fifth Circuit.

[April —, 1976]

MR. JUSTICE BRENNAN delivered the opinion of the Court.

Respondent Ag Pro, Inc., filed this action against petitioner Sakraida on October 8, 1968, in the District Court for the Western District of Texas for infringement of United States Letters Patent 3,223,070, entitled "Dairy Establishment," covering a water flush system to remove cow manure from the floor of a dairy barn. The patent was issued December 14, 1965, to Gribble and Bennett, who later assigned it to respondent.

The District Court's initial grant of summary judgment for petitioner was reversed by the Court of Appeals for the Fifth Circuit. 437 F. 2d 99 (1971). After a trial on remand, the District Court again entered a judgment for petitioner. The District Court held that the patent "does not constitute invention, is not patentable, and is not a valid patent, it being a combination patent, all of the elements of which are old in the dairy business, long prior to 1963, and the combination of them as described in the said patent being neither new nor meeting the test of non-obviousness." The Court of Appeals again reversed and held the patent valid. 474 F. 2d 167 (1973). On rehearing, the court remanded "with directions to enter a judgment holding the patent valid, sub-

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

April 5, 1976

Re: No. 75-110, Sakraida v. Ag Pro, Inc.

Dear Bill,

I am glad to join your opinion for the
Court in this case.

Sincerely yours,

P.S.
P

Mr. Justice Brennan

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

April 2, 1976

Re: No. 75-110 - Sakraida v. Ag Pro, Inc.

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Brennan

Copies to Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

April 1, 1976

Re: No. 75-110 -- Sakraida v. Ag Pro, Inc.

Dear Bill:

Please join me.

Sincerely,



T. M.

Mr. Justice Brennan

cc: The Conference

✓
Supreme Court of the United States
Washington, D. C. 20542

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

April 2, 1976

Re: No. 75-110 - Sakraida v. Ag Pro, Inc.

Dear Bill:

Please join me.

Sincerely,

Harry

Mr. Justice Brennan

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

April 1, 1976

No. 75-110 Sakraida v. Ag Pro, Inc.

Dear Bill:

Please join me.

Sincerely,

Lewis

Mr. Justice Brennan

1fp/ss

cc: The Conference

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

April 6, 1976

Re: No. 75-110 - Sakraida v. Ag Pro

Dear Bill:

Please join me.

Sincerely,

W. H. Rehnquist

Mr. Justice Brennan

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

April 1, 1976

Re: No. 75-110 - Sakraida v. Ag Pro, Inc.

Dear Bill:

Please join me.

Respectfully,



Mr. Justice Brennan

Copies to the Conference