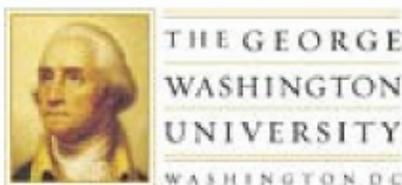


The Burger Court Opinion Writing Database

General Motors Corp. v. Devex Corp.
461 U.S. 648 (1983)

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
JUSTICE Wm. J. BRENNAN, JR.

May 10, 1982
11:54 AM of 1982 58

RE: Nos. 81-1661, 1718 and 1865 General Motors
Corporation v. Devex

Dear Byron:

Please join me.

Sincerely,



Justice White

cc: The Conference

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To: The Chief Justice
Justice Brennan
Justice Marshall ✓
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: Justice White

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

GENERAL MOTORS CORPORATION v.
DEVEX CORPORATION ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 81-1661. Decided May —, 1982
with whom Justice Brennan joins,
JUSTICE WHITE, dissenting.

In this case, the Court of Appeals for the Third Circuit recognized that its decision to award prejudgment interest for patent infringement under 35 U. S. C. § 284 without a finding of special circumstances conflicts directly with the holding of the Court of Appeals for the Seventh Circuit in *Wahl v. Carrier Manufacturing Co.*, 511 F. 2d 209 (1975). Its approach also conflicts with that announced in *Radiator Specialty Co. v. Micek*, 395 F. 2d 763 (CA9 1968); *Wm. Bros. Boiler & Mfg. Co. v. Gibson-Stewart Co.*, 312 F. 2d 763 (CA6 1953); *Russell Box Co. v. Grant Paper Box Co.*, 203 F. 2d 177 (CA1 1953), cert. denied, 346 U. S. 821, rehearing denied, 346 U. S. 905. Moreover, its reading of language in *Aro Manufacturing Co. v. Convertible Top Co.*, 377 U. S. 476 (1976), is inconsistent with that of other circuits. See *Wahl, supra*, *Wm. Bros. Boiler & Mfg. Co., supra*, *Georgia-Pacific Corp. v. Plywood-Champion Papers, Inc.*, 446 F. 2d 295 (CA2 1971), cert. denied, 404 U. S. 870; *Maloney-Crawford Tank Corp. v. Sauder Tank Co., Inc.*, 511 F. 2d 10 (CA10 1975). Because it is this Court's duty to resolve conflicts among the circuits, I respectfully dissent from denial of certiorari.

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