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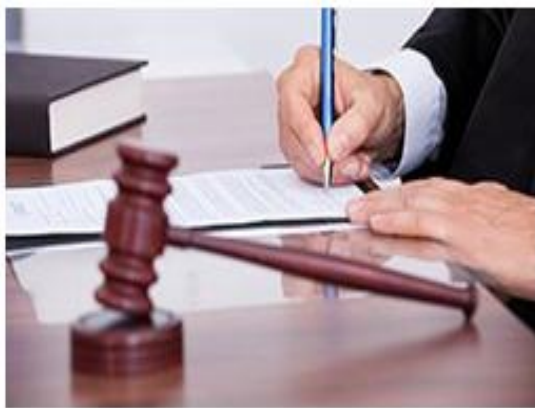
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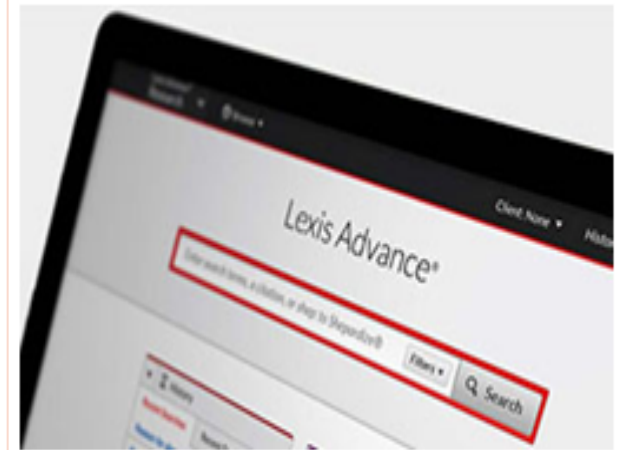
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針對英美法學課程之學習與研究，有效運用資料庫檢索功能及
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	strict compliance
	strickler v. greene, 527 u.s. 263
	wood v. strickland, 420 u.s. 308
	strict construction
	strawbridge v. curtiss, 7 u.s. 267
	strauder v. w. va., 100 u.s. 303
	stringer v. black, 503 u.s. 222
	martin v. struthers, 319 u.s. 141
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Content
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Jurisdiction
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In negligence and **strict liability** action against manufacturer and seller of shot blast machine, by ...

... a complete bar to recovery was not a defense; under **strict liability**, comparative fault could be applicable to some **strict liability** cases, on a case-by-case basis, but not to instant case ... In negligence and **strict liability** action against manufacturer of Mr. Big Tow nylon tow rope, ... relationship between a plaintiff's alleged negligence and a seller's alleged **strict liability**, trial court also properly struck manufacturer's affirmative defense that negligence of plaintiff's employer should proportionately reduce its **liability** to plaintiff and properly denied defendants' request to join employer ...

... which case contributory negligence would be defense to action for **strict products liability** and defect if any would be obvious to plaintiff (distinguishing between "**strict liability** in tort" or "**strict tort liability**," wherein action would accrue from time of sale, and "**strict products liability**," which is founded on a tortious wrong and thus ...

- 2. [Products liability: Proof of defect under doctrine of strict liability in tort](#)

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 1. 6 E. Asia L. Rev. 191

East Asia Law Review, ARTICLE: Civil Mediation in Taiwan: Legal Culture and the Process of Legal Modernization, Yun-Hsien Diana Lin *, 12928 words

Yun-Hsien Diana Lin *

* Yun-Hsien Diana Lin is an Associate Professor at the Institute of Law for ...

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Journals**Jurisdiction**

Pennsylvania

 2. 14 Asian-Pacific L. & Pol'y J. 1

Asian Pacific Law & Policy Journal, ARTICLE: Lesbian Parenting in Taiwan: Legal Issues and the Latest Developments, Yun-Hsien Diana Lin *, 13268 words

Yun-Hsien Diana Lin *

* Yun-Hsien Diana Lin is an Associate Professor at the Institute of Law for ...

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Hawaii

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3、法律主題

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1、各級管轄法院

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By Circuit

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- 4th Circuit
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- 6th Circuit
- 7th Circuit
- 8th Circuit
- 9th Circuit
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3、法律主題

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- International Trade Law
- Labor & Employment Law
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- Mergers & Acquisitions Law
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4、使用記錄與喜好

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All Content Types; All Jurisdictions; All Practice Areas & Topics



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Patent Law



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5、進階檢索---連接詞的運用

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Example

term1 and term2

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※接続詞検索範例

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patent /p economy /p development

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Treatises	538
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Expert Analysis	82
Practice Guides	62

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1. 44 Am. U.L. Rev. 2433

A REVIEW OF RECENT DECISIONS OF THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT: COMMENT: NOT ALWAYS THE BEST MEDICINE: BIOTECHNOLOGY AND THE GLOBAL IMPACT OF U.S. PATENT LAW, Amy E. Carroll *, 26434 words

... 20, at 155, 156 (noting that one benefit of U.S. **patent** system is "market edge" on global scale). Considering the global ...

... (examining and ultimately rejecting fundamental assumption of causal relationship between **patents** and **economic development**). Global **economic development** through **patent** law is not as easily achieved, and may not be ...

... stringently enforcing IP rights promotes growth and a strong domestic **economy** , 219 See Kirchanski, supra note 142, at 572 (explaining that according to western views, **patent** law system leads to **economic development** despite cost of royalties). developing nations have failed to appreciate ...

... that reciprocal arrangements between developed and developing countries to grant **patent** protections did not necessarily promote **economic development** in developing country). Despite these diverging views, many developing countries ...

... Id. must be present in the developing country for a **patent** system to justify its existence. Until this infrastructure is put in place, **patents** will actually impede a country's **economic development** . 271 Cf. Brenner-Beck, supra note 42, at 102 (noting ...

Content
Law Reviews and Journals

Jurisdiction
Dist. of Columbia

2. 35 Ariz. St. L.J. 117

三、瀏覽所有資料來源&法律主題

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ABA Administrative Law Review		
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四、全方位的呈現多元檢索結果

Results for: strict liability

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Administrative Codes and Regulations	1,706
Administrative Materials	7,925
Secondary Materials	10,000+
Forms	833
Briefs, Pleadings and Motions	10,000+
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Cases (10,000+)

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- 1. **Q** [Barker v. Lull Engineering Co., 20 Cal. 3d 413](#)

—In a **strict liability** action against the manufacturer of a high-lift loader by a ...
... trial court committed prejudicial error in instructing the jury that **strict liability** for
in design ... is based ...
... or consumer represents an undue restriction on the application of **strict liability**
principles, whether the defect in question is a manufacturing defect ...
... The challenged instruction reads in full: "I instruct you that **strict liability** for the
design of a product is based ...
... to the portion of the instruction which provides that " **strict liability** for the defect
of a product is based ...
... essential element that a plaintiff must establish in any product **liability** action.
... (citing Traynor, The Ways and Meanings of Defective Products and **Strict Liabi**
32 Tenn.L.Rev. 363 , 373).)
... product." (Traynor, The Ways and Meanings of Defective Products and **Strict Li**
supra , 32 Tenn.L.Rev. 363 , 366 .) ...

Overview: Under the strict product liability doctrine, whether a product was unrea
dangerous should not have been incorporated into appellant's burden of proof in his
liability action against respondents.
- 2. **Q** [Greenman v. Yuba Power Products, Inc., 59 Cal. 2d 57](#)

--Although **strict liability** of a manufacturer has usually been based on the theory ...
... its own responsibility for defective products make clear that the **liability** is not one
governed by the law of contract warranties but by the law of **strict liability** in tort.
... to one with whom he has had no dealings." (Prosser, **Strict Liability** to the Consumer ,
69 Yale L. J. 1099 , ...
Moreover, to impose **strict liability** on the manufacturer under the circumstances of this

Jurisdiction	California
Court	Supreme Court
Date	Jan 24, 1963

- Relevance
- Document Title (A-Z)
- Document Title (Z-A)
- Jurisdiction (A-Z)
- Jurisdiction (Z-A)
- Court (highest) by date (newest)
- Court (highest - lowest)
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- Date (oldest - newest)

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Document: *Kirtsaeng v. John Wiley & Sons, Inc.*, 133 S. Ct. 1351 | Actions ▾

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▲ *Kirtsaeng v. John Wiley & Sons, Inc.*, 133 S. Ct. 1351

Copy Citation

Supreme Court of the United States

October 29, 2012, Argued; March 19, 2013, Decided

No. 11-697

Reporter

133 S. Ct. 1351 | [185 L. Ed. 2d 392](#) | [2013 U.S. L. Wk. 41](#) | Copy. L. Rep. (CCH) P30,396 | 35 Int'l Trade & Com. L. Rep. 1441 | 24 Fla. L. Weekly Fed. S 87 | 2013 V. Supp. 100

SUPAP KIRTSANG, dba BLUECHRISTINE99, Petitioner

Notice: The LEXIS pagination of this document is slightly different from the published version.

Subsequent History: As Amended April 4, 2013.

Prior History: ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

[John Wiley & Sons, Inc. v. Kirtsaeng](#), 654 F.3d 210, 2021 O.S. App. LEXIS 10036 (2d Cir. 11/17/2011)

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No subsequent appellate history. Prior history available.

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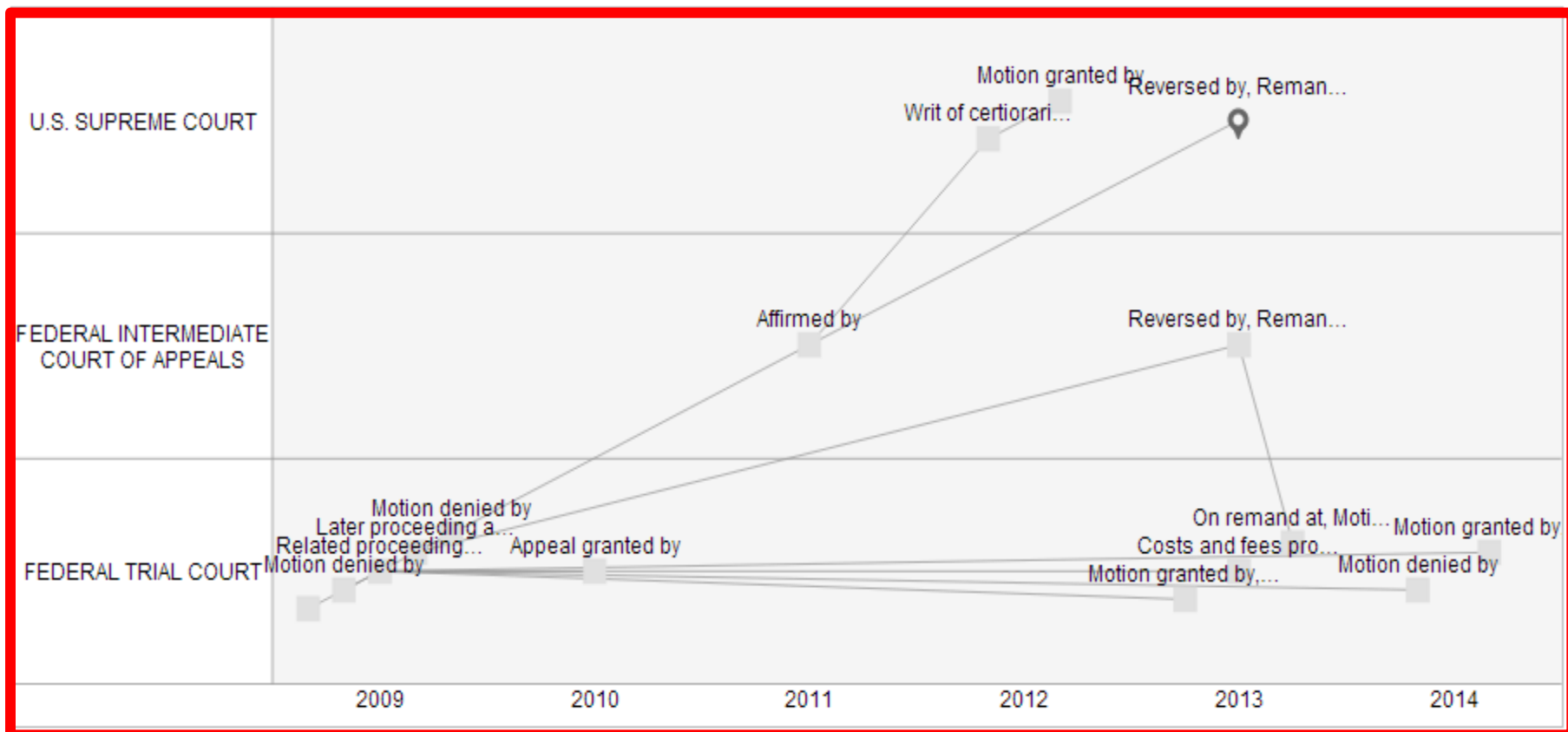
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U.S. Supreme Court

1. [B&B Hardware, Inc. v. Hargis Indus.](#) **A**

135 S. Ct. 1293, 191 L. Ed. 2d 222, 2015 U.S. LEXIS 2119, 83 U.S.L.W. 4176, 25 Fla. L. Weekly Fed. S 146, 113 U.S.P.Q.2d (BNA) 2045

■ **Cited in Dissenting Opinion at:** 135 S. Ct. 1293 p.1312 191 L. Ed. 2d 222 p.245
 These contradictory signals are not typically the stuff of which background rules of common law are made. Cf. [Kirtsaeng v. John Wiley & Sons, Inc.](#), 568 U.S. ___, ___, 133 S. Ct. 1351, 185 L. Ed. 2d 392, 407 (2013) (presuming that Congress intended to retain the "first sale" doctrine in copyright statutes based on that common-law doctrine's "impeccable historic pedigree").

Discussion

Headnotes
HN13

Court
U.S.

Date
2015

2. [Kumar v. Pearson Educ., Inc.](#) **A**

133 S. Ct. 1631, 185 L. Ed. 2d 614, 2013 U.S. LEXIS 2398, 81 U.S.L.W. 3539

■ **Cited by:** 133 S. Ct. 1631 p.1631 185 L. Ed. 2d 614 p.614
 ... to the United States Court of Appeals for the Second Circuit. Petition for writ of certiorari granted. Judgment vacated, and case remanded to the United States Court of Appeals for the Second Circuit for further consideration in light of [Kirtsaeng v. John Wiley & Sons, Inc.](#), 568 U.S. ___, 133 S. Ct. 1351, 185 L. Ed. 2d 392, 2013 U.S. LEXIS 2371 (2013). Justice Breyer took no part in the consideration or decision of this petition.

Discussion

Headnotes
HN14

Court
U.S.

Date
2013

3. [Liu v. Pearson Educ., Inc.](#) **I**

133 S. Ct. 1631, 185 L. Ed. 2d 614, 2013 U.S. LEXIS 2398, 81 U.S.L.W. 3539

Discussion

Narrow By

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Distinguished by 2

Positive 2

Followed by 2

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Opinion at 2

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Grid

Analysis by Court

Warning (0)																				
Questioned																				
Caution (2)							1	1												
Positive (2)			2																	
Neutral (7)	1		1				1	1	2	1										
Cited By (34)	2	1	9	1	2	1	3	2	4	1	3	1	1	1	1	2				
	U.S. Supreme	1st Circuit (1)	2nd Circuit	3rd Circuit (1)	4th Circuit (2)	5th Circuit (1)	6th Circuit (5)	7th Circuit (4)	9th Circuit (6)	D.C. Circuit	Fed. Circuit	Claims Court	Puerto Rico	Utah (1)	Virgin Islands					

Analysis by Date

Warning (0)			
Questioned			
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Positive (2)	2		
Neutral (7)	1	4	2
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2013

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Other Citations

- 1. [ARTICLE: Sales Gone Wrong: Implications of Kirtsaeng for the Federal Circuit's Stance on International Exhaustion](#)

24 Fed. Cir. B.J. 131

... the foreign market are generally priced lower than goods for the domestic market, gray market goods are sold in the United States at a lower price than the same goods that are manufactured in the United States. *Id.* of textbook sales. 4 [Kirtsaeng v. John Wiley & Sons, Inc., 133 S. Ct. 1351, 1356 \(2013\)](#). Ignoring the publishers admonishment against exportation of Asian books, he profited enormously 5 See *Stohr*, supra note 1, at para. 11 (estimating Kirtsaeng's profits ...

Date

2014

Content

Other Citations

Annotated Statutes

- 2. [17 USCS @ 106](#)

... manufactured abroad; thus, petitioner student could assert defense in respondent publisher's infringement action under 17 USCS §§ 106(3), 602, where student had others buy books in Thailand, send them to him, and he resold them at profit. [Kirtsaeng v John Wiley & Sons, Inc. \(2013, US\) 133 S Ct 1351, 185 L Ed 2d 392, 35 BNA Intl Trade Rep 1049, 41 Media L R 1441, 106 USPQ2d 1001, 24 FLW Fed S 87.](#)

Content
Statutes

- 3. [17 USCS @ 109](#)

... that 17 USCS § 104 said that works "subject to protection under this title" included unpublished works "without regard to nationality or domicile of author," and works "first published" in any nation that had signed copyright treaty with U.S. [Kirtsaeng v John Wiley & Sons, Inc. \(2013, US\) 133 S Ct 1351, 185 L Ed 2d 392, 35 BNA Intl Trade Rep 1049, 41 Media L R 1441, 106 USPQ2d 1001, 24 FLW Fed S 87.](#)

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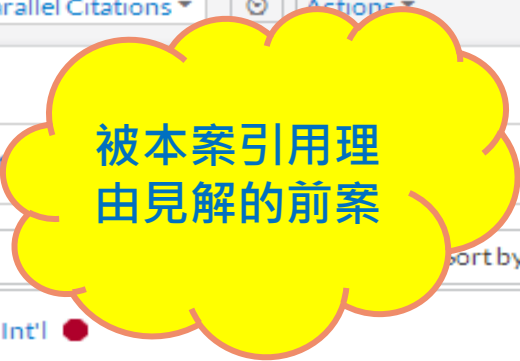
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1. [Quality King Distribs. v. L'anza Research Int'l](#) ●

523 U.S. 135, 118 S. Ct. 1125, 140 L. Ed. 2d 254, 1998 U.S. LEXIS 1606, 66 U.S.L.W. 4188, 11 Fla. L. Weekly Fed. S 383, 98 Cal. Daily Op. Service 1651, 1998 Colo. J. C.A.R. 1216, 98 D.A.R. 2291, Copy. L. Rep. (CCH) P27750, 19 Int'l Trade Rep. (BNA) 2281, 26 Media L. Rep. (BNA) 1385, 45 U.S.P.Q.2d (BNA) 1961

■ Overruling in part
■ Distinguishing
■ Concurring opinion explaining
■ Concurring opinion citing
■ Dissenting opinion citing

First Ref: 133 S. Ct. 1351 at p.1355

Discussion

Court
 U.S.
Date
 1998

2. [Kucana v. Holder](#) ▲

558 U.S. 233, 130 S. Ct. 827, 175 L. Ed. 2d 694, 2010 U.S. LEXIS 764, 78 U.S.L.W. 4056, 22 Fla. L. Weekly Fed. S 68, 53 A.L.R. Fed. 2d 589

■ Citing

First Ref: 133 S. Ct. 1351 at p.1359

Discussion

Court
 U.S.
Date
 2010

3. [Ardestani v. INS](#) ▲

502 U.S. 129, 112 S. Ct. 515, 116 L. Ed. 2d 496, 1991 U.S. LEXIS 7173, 60 U.S.L.W. 4035, 91 D.A.R. 15063, 9 Immigr. Law & Proc. Rep. A1-1

■ Dissenting opinion citing

First Ref: 133 S. Ct. 1351 at p.1359

Discussion

Court
 U.S.
Date
 1991

4. [Department of Revenue v. ACF Indus.](#) ▲

510 U.S. 332, 114 S. Ct. 843, 127 L. Ed. 2d 165, 1994 U.S. LEXIS 1141, 62 U.S.L.W. 4097, 7 Fla. L. Weekly Fed. S 729, 94 Cal. Daily Op. Service 467, 94 D.A.R. 847, 73 A.F.T.R.2d (RIA) 460, 94 TNT 16-1

■ Citing

First Ref: 133 S. Ct. 1351 at p.1362

Discussion

Court
 U.S.

※大量訴訟歷程範例

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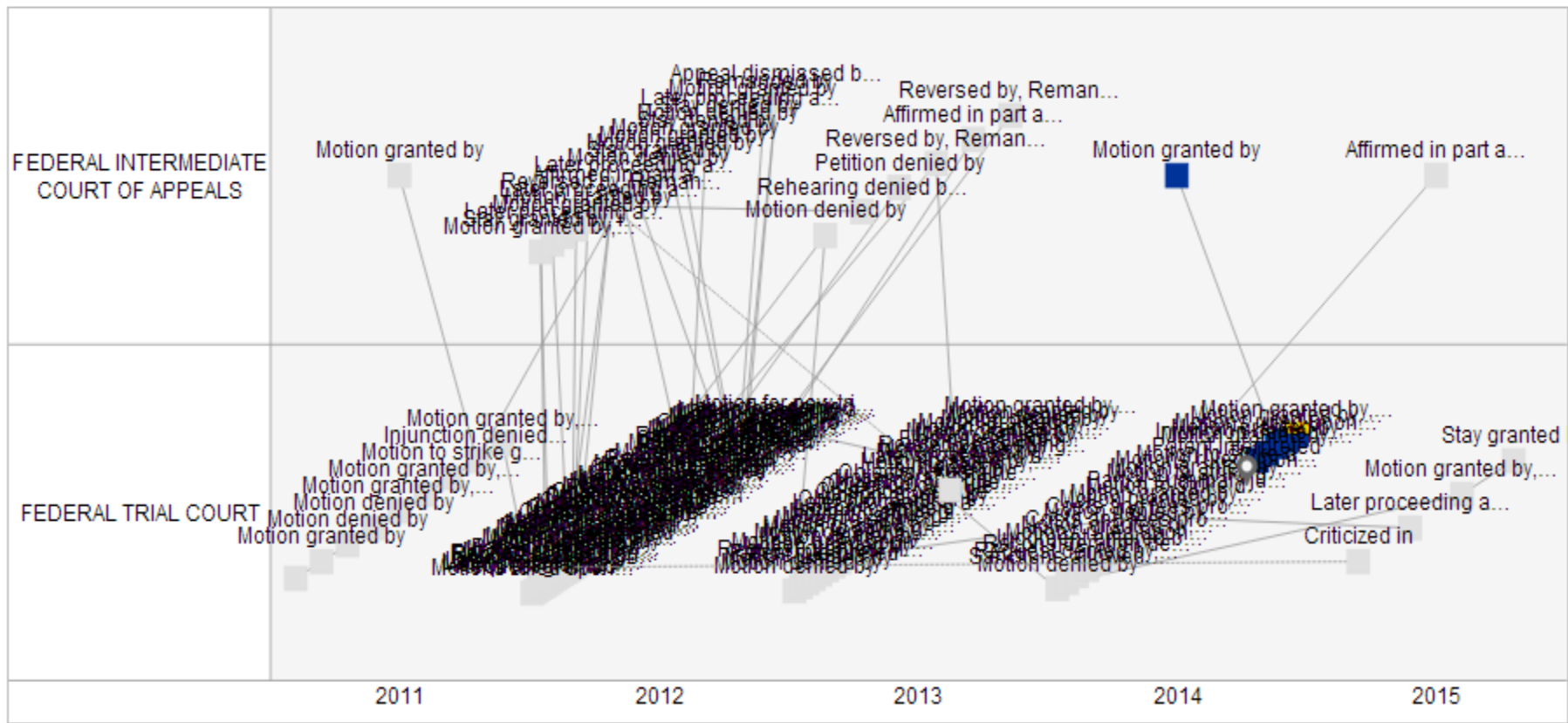
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▲ Apple, Inc. v. Samsung Elecs. Co., 2014 U.S. Dist. LEXIS 119963

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United States District Court for the Northern District of California, San Jose Division

August 27, 2014, Decided; August 27, 2014, Filed

Case No.: 12-CV-00630-LHK

Reporter

2014 U.S. Dist. LEXIS 119963 | [112 U.S.P.Q.2D \(BNA\) 1872](#)

APPLE, INC., a California corporation, Plaintiff, v. SAMSUNG ELECTRONICS CO., LTD, A Korean corporation; SAMSUNG ELECTRONICS AMERICA, INC., a New York corporation; SAMSUNG TELECOMMUNICATIONS AMERICA, LLC, a Delaware limited liability company, Defendants.

Subsequent History: Motion granted by, in part, Motion denied by, in part, Request granted [Apple, Inc. v. Samsung Elecs. Co., 2014 U.S. Dist. LEXIS 127972 \(N.D. Cal., Sept. 8, 2014\)](#)

Prior History: [Apple, Inc. v. Samsung Elecs. Co., 2014 U.S. Dist. LEXIS 43908 \(N.D. Cal., Mar. 28, 2014\)](#)

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
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❖ **Apple's** current motion follows multiple rulings regarding preliminary and permanent injunctions in the two patent lawsuits between **Apple** and Samsung in this Court, including three opinions from the Federal Circuit. In its March 6, 2014 order denying **Apple's** request for a permanent injunction in the first lawsuit, this Court summarized the relevant proceedings in both litigations, the appeals to the Federal Circuit regarding injunctions, and the Federal Circuit's guidance regarding the proper analysis for assessing injunctive relief in patent cases. See Order Denying **Apple's** Renewed Mot. for Permanent Injunction at 5-14, [Apple, Inc. v. Samsung Elecs. Co., No. 11-CV-01846-LHK, 2014 U.S. Dist. LEXIS 29721 \(N.D. Cal. Mar. 6, 2014\) \[87\]](#) (ECF No. 3015, "1846 Injunction Order").

❖ Of particular relevance are the Federal Circuit's opinions in "**Apple I**" ([678 F.3d 1314 \(Fed. Cir. 2012\)](#)), "**Apple II**" ([695 F.3d 1370 \(Fed. Cir. 2012\)](#)), and "**Apple III**" ([735 F.3d 1352 \(Fed. Cir. 2013\)](#)). 

Apple's current motion follows multiple rulings regarding preliminary and permanent injunctions in the two patent lawsuits between **Apple** and Samsung in this Court, including three opinions from the Federal Circuit. In its March 6, 2014 order denying **Apple's** request for a permanent injunction in the first lawsuit, this Court summarized the relevant proceedings in both litigations, the appeals to the Federal Circuit regarding injunctions, and the Federal Circuit's guidance regarding the proper analysis for assessing injunctive relief in patent cases. See Order Denying **Apple's** Renewed Mot. for Permanent Injunction at 5-14, [Apple, Inc. v. Samsung Elecs. Co., No. 11-CV-01846-LHK, 2014 U.S. Dist. LEXIS 29721 \(N.D. Cal. Mar. 6, 2014\) \[87\]](#) (ECF No. 3015, "1846 Injunction Order"). Of particular relevance are the Federal Circuit's opinions in "**Apple I**" ([678 F.3d 1314 \(Fed. Cir. 2012\)](#)), "**Apple II**" ([695 F.3d 1370 \(Fed. Cir. 2012\)](#)), and "**Apple III**" ([735 F.3d 1352 \(Fed. Cir. 2013\)](#)). 

Legal Issue Trail™: Apple, Inc. v. Samsung Elecs. Co., 2014 U.S. Dist. LEXIS 119963

❖ **Selected Passage:** Of particular relevance are the Federal Circuit's opinions in "Apple I" ([678 F.3d 1314 \(Fed. Cir. 2012\)](#)), "Apple II" ([695 F.3d 1370 \(Fed. Cir. 2012\)](#)), and "Apple III" ([735 F.3d 1352 \(Fed. Cir. 2013\)](#)). [1](#) ▲
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1. ● [Apple Inc. v. Samsung Elecs. Co., 695 F.3d 1370](#)

It is well established that as the party seeking emergency relief, Apple "must make a clear showing that it is at risk of irreparable harm, which entails showing a likelihood of substantial and immediate irreparable injury." *Apple, Inc. v. Samsung Electronics Co.*, 678 F.3d 1314, 1325 (Fed. Cir. 2012) (hereinafter *Apple I*) (citing *Winter*, 555 U.S. at 22; *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 311, 102 S. Ct. 1798, 72 L. Ed. 2d 91 (1982); *O'Shea v. Littleton*, 414 U.S. 488, 502, 94 S. Ct. 669, 38 L. Ed. 2d 674 (1974)); see also *Beacon Theatres, Inc. v. Westover*, 359 U.S. 500, 506-507, 79 S. Ct. 948, 3 L. Ed. 2d 988 (1959) ("The basis of injunctive relief in the federal courts has always been irreparable harm and inadequacy of legal remedies."). But in cases such as this—where the accused product includes many features of which only one (or a small minority) infringe—a finding that the patentee will be at risk of irreparable harm does not alone justify injunctive relief. Rather, the patentee must also establish that the harm is sufficiently related to the infringement.

Jurisdiction
U.S. Federal
Court
Federal
Circuit Court
of Appeals
Date
Oct 11, 2012

2. ▲ [Apple Inc. v. Samsung Elecs. Co., 735 F.3d 1352](#)

This court has previously issued two opinions in appeals involving these particular parties and the issue of injunctive relief. In *Apple Inc. v. Samsung Electronics Co.*, 678 F.3d 1314 (Fed. Cir. 2012), referred to here as *Apple I*, we resolved an appeal in this case arising from the district court's denial of a preliminary injunction with respect to four Apple patents, including three patents that are at issue in the current appeal. We affirmed the district court's denial of injunctive relief with respect to those three patents but vacated the denial of injunctive relief with respect to the fourth patent on the ground that the patent was likely not invalid. See *id.* at 1333.

Jurisdiction
U.S. Federal
Court
Federal
Circuit Court
of Appeals
Date
Nov 18, 2013

3. ● [Apple, Inc. v. Samsung Elecs. Co., 678 F.3d 1314](#)

Because the district court has not yet weighed the balance of hardships to the parties and the public interest factors, we do not have a sufficient basis for concluding that the failure to enter an injunction was an abuse of discretion. It is normally not appropriate for this court

Jurisdiction
U.S. Federal
Court

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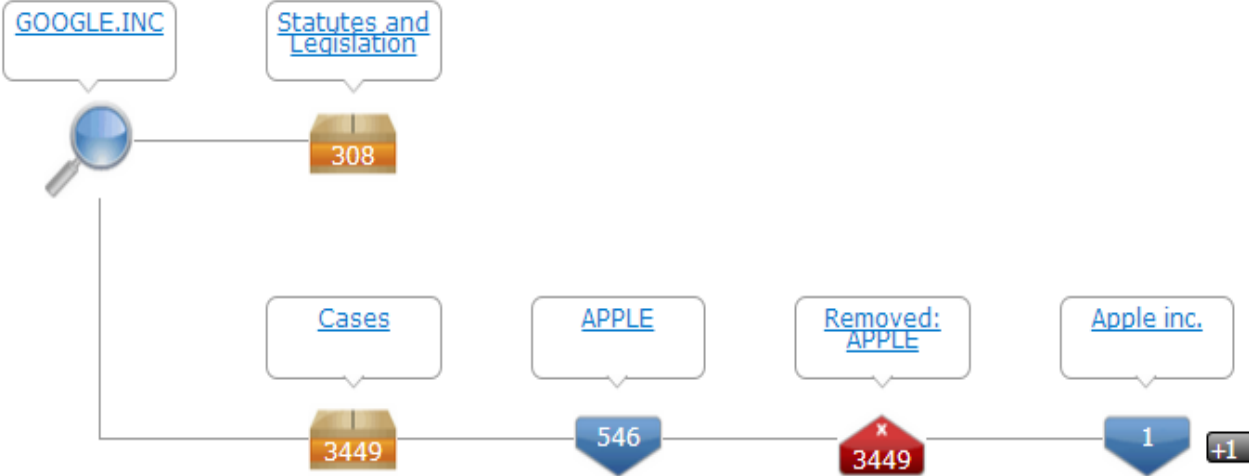
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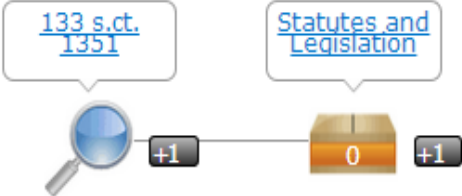
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Sample Text

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Search

- Include legal phrase equivalents with search
- Recognize and use legal entities when performing a search
- Retain search filters for future sessions

Results

Display search results in this category first

Cases

Preferred results set display

- Standard (Shows top results)
- Expanded (Shows all results)

Category Display

Case law

- Show Overview (Shows an editorial summary of the document)
- Show Terms (Shows the overview plus a view of search terms in context)
- Show Extract (Shows the overview plus a view of a section of the document)

Other categories

- Terms (Shows search terms in context)
- Extract (Shows a section of the document)

Narrow results

- Apply filters for subcategories [What's this?](#)

Sort 'Browse Sources' filter:

- By number of results (highest - lowest)
- Alphabetically (A - Z)

設定後會讓檢索結果主畫面先秀出Cases這一類別。

Snapshot	
Cases	2,506
Statutes and Legislation	853
Administrative Codes and Regulations	157
Administrative Materials	1,799
Secondary Materials	1,487
Forms	2
Briefs, Pleadings and Motions	4,863
Jury Instructions	2
Jury Verdicts and Settlements	250
Expert Witness Analysis	284
Dockets	Get
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Company and Financial	Get

Cases (2,506)

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Sort by: Relevance ▾

1.  **Chattanooga Mfg. v. Nike, Inc., 140 F. Supp. 2d 917**

In addition to the **JORDAN** mark, the Jumpman logo has been used continuously on **Michael Jordan**-endorsed Nike products since 1986. The Jumpman logo is a silhouette of an actual photograph of **Michael Jordan** in mid-air, about to make a slam dunk. In fact, all **Michael Jordan**-endorsed Nike products display indicia of **Michael Jordan**, including the Jumpman logo and one or more of the following: photographs of **Michael Jordan**, the initials MJ, and/or the number 23, sometimes depicted as ...

... First, it is undisputed that Nike very publicly advertised its **Michael Jordan** -endorsed products, highlighting the association between the man and the ...

... unsuccessful argument that only " sports media" used the term **JORDAN** to refer to **Michael Jordan** -endorsed Nike products. Defendants' unrefuted evidence amply demonstrates that the ...

... had due inquiry been made). Yet, despite its awareness of **Jordan's** growing popularity and the **Michael Jordan**-endorsed products, as well as the potential effect on its own ...

Overview: Blouse manufacturer was barred by doctrine of laches from bringing trademark infringement claims because it had not diligently protected its registered mark, resulting in extreme prejudice to sports company and well known sports figure.

Jurisdiction
U.S. Federal Court
Illinois Northern District Court
Date
Mar 16, 2001
2.  **MJ & Partners Restaurant Ltd. Pshp. v. Zadikoff, 10 F. Supp. 2d 922**

... liability company or other entity which one or more of **Michael Jordan** of the Chicago Bulls NBA team ("**Jordan**"), **Jordan** Affiliates, David Zadikoff and Jonathan Albert controls. "Control" means, ...


... that its "control" over the quality of the product at **Michael Jordan** 's Restaurant makes it the appropriate "source" of the product ...

Jurisdiction
U.S. Federal Court
Illinois Northern

Narrow By:

Clear | ☆ ✕

Jurisdiction

Cases 

Statutes and Legislation

Administrative Codes and Regulations

Administrative Materials

Secondary Materials

Forms

Briefs, Pleadings and Motions

Jury Instructions

Jury Verdicts and Settlements

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Category

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Topic

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**ARTICLE: Civil Mediation in Taiwan: Legal
Culture and the Process of Legal Modernization,
6 E. Asia L. Rev. 191**

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★ 案卷上的代碼是本案的引證號，分別隸屬於不同機關的判決彙編。
(* 代表本案在該彙編的起始頁數)

◆ U.S. 代表《美國判例彙編》 (聯邦最高法院官方出版---權威)

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*547 U.S. 586, *; 126 S. Ct. 2159, **;
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BOOKER T. HUDSON, JR., Petitioner v. MICHIGAN

No. 04-1360f

SUPREME COURT OF THE UNITED STATES

Doctrine of Stare Decisis 遵循先例原則

◆定義：

英美法最重要的法原則之一，意即遵循之前所做過的決定。當法院第一次作出相關的判決或決定時，意謂著它建立了一個法律先例，之後其他法院在審議類似案件時，須遵循這個先例所作出的判決理由。

◆例外：

不同層級法院在審理同一案件時，上級法院的判決對下級法院具有其約束力，因此上級法院可以推翻下級法院的判決。另外，在援用的過程中，有些案件會因為事實的發生或適用的法律有所不同而導致援用上變得不合理，法院可以改變甚至推翻這個先例。

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- 規章，包含聯邦行政法典
- 美國和州的憲法條文
- 法院規則，包括聯邦證據規則和聯邦民事程式規則
- 特定的法律出版物
- 單個美國專利
- 加拿大判例法

每個案例前面都會有特定的符號。

Cases (2,506)

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▲
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Analysis

Red	Warning
Orange	Questioned
Yellow	Caution
Green	Positive
Blue	Neutral
Light Blue	No phrase exists

Depth of Discussion

████████	Analyzed
███████	Discussed
█████	Mentioned
███	Cited





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- 『Employment Discrimination』 就業歧視

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> [35 USCS § 116](#)
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