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Trademark case: Flexible Steel Lacing Co. v. Conveyor Accessories, Inc., USA

Cheryl Beise (Wolters Kluwer Legal & Regulatory US) · Wednesday, April 22nd, 2020

Expired utility patent described the advantages of product configuration trade dress for “a beveled scalloped upper edge of a metal fastener.”

The federal district court in Chicago properly determined trade dress for the design of conveyor belt fasteners owned by Flexible Steel Lacing Company (Flexco) was invalid as functional and could not be asserted against a competing fastener manufacturer, the U.S. Court of Appeals for the Seventh Circuit has held. An expired utility patent owned by Flexco disclosed the utilitarian advantages of Flexco’s registered trade dress for “a three-dimensional configuration of the curved beveled scalloped upper edge of a metal fastener.” Further, Flexco’s own advertisements, internal communications, and statements to the USPTO touted the functional advantages of the claimed design. In view of clear functionality, there was no need to consider alternative designs. The district court’s grant of summary judgment in favor of Conveyor Accessories, Inc. (CAI), was affirmed (Flexible Steel Lacing Co. v. Conveyor Accessories, Inc., April 7, 2020, Ripple, K.).

Case date: 07 April 2020

Case number: No. 19-2035

Court: United States Court of Appeals, Seventh Circuit

A full summary of this case has been published on [Kluwer IP Law](#).

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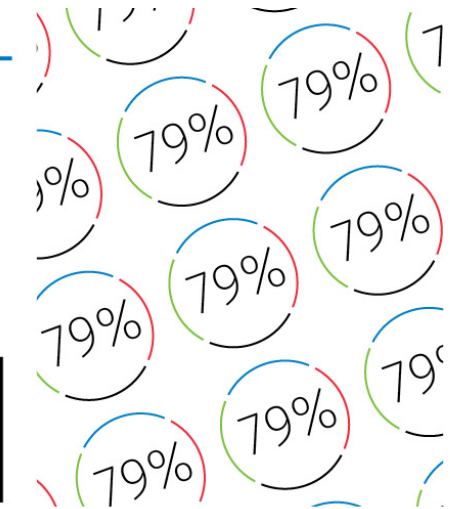
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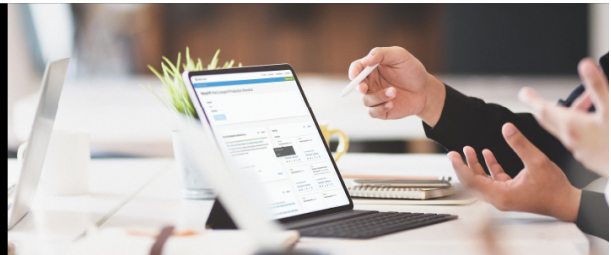
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