

The Supreme Court - March 21, 2017

The Supreme Court of the United States issued decisions in three cases today:

SCA Hygiene Products Aktiebolag v. First Quality Baby Products, LLC, No. 15-927:

Petitioner SCA Hygiene Products Aktiebolag (“SCA”) brought a patent infringement action against respondent First Quality Baby Products (“First Quality”). The suit was filed within the Patent Act’s 6-year statute of limitations period, but the District Court granted summary judgment based on laches and equitable estoppel. The *en banc* Federal Circuit affirmed, notwithstanding the Supreme Court’s decision in *Petrella v. Metro-Goldwyn-Mayer, Inc.*, 572 U.S. ____ (2014) while the appeal was pending, which held that laches cannot preclude a claim for damages incurred within the Copyright Act’s 3-year limitations period. Today, the Court vacated and remanded, holding that *Petrella*’s reasoning applies to the similar provision of the Patent Act, 35 U.S.C. §286.

The Court’s decision is available [here](#).

NLRB v. SW General, Inc., No. 15-1251: The general counsel of the National Labor Relations Board (“NLRB”) must be appointed by the President with advice and consent of the Senate (“PAS”). In 2010, the NLRB’s general counsel resigned. President Obama directed Lafe Solomon to temporarily serve as NLRB’s acting general counsel, and in early 2011, also nominated Solomon to serve as general counsel on a permanent basis. The Senate did not take up the confirmation. During this period of time the NLRB issued a complaint against respondent SW General, Inc., and an Administrative Law Judge found SW General had committed unfair labor practices. The D.C. Circuit, on SW General’s petition for review, vacated the Board’s order, finding that the Federal Vacancies Reform Act of 1998 (“FVRA”), foreclosed all acting officers from performing the duties of general counsel after having been nominated to fill that position. The Court today affirmed, holding that the FVRA’s prohibition on certain persons serving as acting officers if the President has nominated them to fill the vacant office permanently does not only apply to first assistants who have automatically assumed acting duties, but also applies to PAS officers and senior employees serving as acting officers at the President’s

Related Capabilities

- Appellate

behest.

The Court's decision is available [here](#).

Manuel v. Joliet, No. 14-9496: Petitioner Elijah Manuel was arrested and held in custody on drug-related charges for possessing pills that field testing and laboratory testing both showed did not contain any controlled substances. Manuel filed a §1983 suit against the City of Joliet and several of its police officers, contending that the City violated his Fourth Amendment rights by arresting him without reason and detaining him in police custody for almost seven weeks based on made-up evidence following a probable cause determination by a judge. The District Court dismissed, holding that the suit was untimely under the two year statute of limitations period, and that Seventh Circuit precedent foreclosed a Fourth Amendment claim for pretrial detention following the start of legal process. The Seventh Circuit affirmed. The Court today reversed and remanded, holding that pretrial detention may be challenged on the ground that it violated the Fourth Amendment even after the start of legal process in a criminal case (*i.e.*, the judge's probable cause determination), and remanding for a determination of timeliness, with instructions that the trial court should be guided by common-law tort principles.

The Court's decision is available [here](#).