

The Supreme Court - May 30, 2017

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

Impression Products, Inc. v. Lexmark Int'l, Inc., No. 15-1189: Respondent Lexmark International owns patents for printer cartridge components. Petitioner Impression Products is a remanufacturer that acquires empty Lexmark cartridges from purchasers, refills them, and resells them at lower prices. Lexmark brought a patent infringement suit against Impression Products on the basis that cartridges purchased in the U.S. through Lexmark's "Return Program" prohibit transferring the cartridge to anyone other than Lexmark, and also that for Lexmark cartridges sold abroad and that Impression Products then imported into the U.S., Lexmark had never given anyone authority to import. Impression Products moved to dismiss under the patent exhaustion doctrine, which generally holds that when a patentee sells one of its products, the patentee can no longer control that item through the patent laws. On appeal, the Federal Circuit ruled for Lexmark. The Court today reversed, concluding that a patentee's decision to sell a product exhausts all of its patent rights in that item, regardless of any restrictions the patentee purports to impose or the location of the sale.

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

BNSF R. Co. v. Tyrrell, No. 16-405: Two employees brought suit against petitioner BNSF Railway Company for on-the-job injuries under the Federal Employers' Liability Act ("FELA"), 45 U.S.C. §51 et seq. The two employees filed their lawsuit in Montana state court, even though neither employee was injured in Montana or resided in that state. BNSF, for its part, was "doing business" in Montana when the suit commenced, but was not incorporated in Montana, nor was that State its principal place of business. BNSF moved to dismiss both suits for lack of personal jurisdiction, and on appeal, the Montana Supreme Court held jurisdiction existed. The Montana Supreme Court found jurisdiction under 45 U.S.C. §56, entitled "Actions; limitation; concurrent jurisdiction of courts," and also found that the due process limitations on general jurisdiction articulated in *Daimler AG v. Bauman*, 571 U.S. ___ (2014) did not control. Today, the Court reversed, holding

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that §56 does not address personal jurisdiction over railroads, and that, reaffirming *Daimler*, the Fourteenth Amendment's Due Process Clause does not permit a State to hale an out-of-state corporation before its courts when the corporation is not "at home" in the State and the episode-in-suit occurred elsewhere.

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

County of Los Angeles v. Mendez, No. 16-369: Respondents Angel Mendez and his wife, Jennifer Mendez, brought a Section 1983 lawsuit against the County of Los Angeles and two deputies. Respondents lived in a shack in the backyard of a Los Angeles County home owned by Paula Hughes. The two deputies were assisting a task force searching for a man, Ronnie O'Dell, with a felony arrest warrant and who was believed to be armed and dangerous. A confidential informant notified the task force that O'Dell had been seen on a bicycle at Ms. Hughes's home. While some officers approached and entered Hughes's home, the two deputies searched the backyard with guns drawn, entered the shack unannounced, and saw Mr. Mendez holding a BB gun that closely resembled a small caliber rifle. The deputies immediately opened fire and shot respondents. The District Court found the deputies liable for excessive force and awarded approximately \$4 million in damages. The Ninth Circuit affirmed as to excessive force. It concluded that the shooting itself was reasonable given the deputies' belief that a man was holding a firearm threatening their lives, but then applied a "provocation rule" to find that the deputies were nonetheless liable for the use of force on the theory that they had intentionally and recklessly brought about the shooting by entering the shack without a warrant in violation of clearly established law. Today, the Court vacated and remanded, holding that the Fourth Amendment provides no basis for a "provocation rule," and that a different Fourth Amendment violation cannot transform a later, reasonable use of force into an unreasonable seizure.

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

Esquivel-Quintana v. Sessions, No. 16-54: Petitioner Juan Esquivel-Quintana pleaded no contest in California state court to "unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator." Cal. Penal Code Ann. §261.5(c). At the time of the offense, Esquivel-Quintana was 21 and the minor was 17. Esquivel-Quintana is a native and citizen of Mexico. Following his conviction, the Department of Homeland Security initiated removal proceedings under the Immigration and Nationality Act ("INA"), which provides that the Attorney General can remove "[a]ny alien who is convicted of an aggravated felony after admission," with "aggravated felonies" including "sexual abuse of a minor." 8 U.S.C. §§1227(a)(2)(A)(iii), 1101(a)(43)(A). The Board of Immigration Appeals found the California law qualified as "sexual abuse of a minor" because the three-year age difference it required was meaningful, and the Sixth Circuit denied Esquivel-Quintana's petition for review. The Court today reversed, holding that in the context of statutory rape offenses focused solely on the age of participants, the generic federal definition of "sexual abuse of a minor" under §1101(a)(43)(A) requires the age of the victim to be less than 16.

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

The Supreme Court of the United States granted certiorari in one case today:

Husted v. Randolph Institute, No. 16-980: Does 52 U.S.C. §20507 permit Ohio's list-maintenance process, which uses a registered voter's voter inactivity as a reason to send a confirmation notice to that voter under the National Voter Registration Act of 1993 and the Help America Vote Act of 2002?