

08-1423 COSTCO WHOLESALE CORPORATION V. OMEGA, S.A.

DECISION BELOW: 541 F.3d 982

LOWER COURT CASE NUMBER: 07-55368, 07-52606

QUESTION PRESENTED:

Under the Copyright Act's first-sale doctrine, 17 U.S.C. § 109(a), the owner of any particular copy "lawfully made under this title" may resell that good without the authority of the copyright holder. In *Quality King Distribs., Inc. v. L'Anza Research Int'l, Inc.*, 523 U.S. 135, 138 (1998), this Court posed the question presented as "whether the 'first sale' doctrine endorsed in § 109(a) is applicable to imported copies." In the decision below, the Ninth Circuit held that *Quality King* (which answered that question affirmatively) is limited to its facts, which involved goods manufactured in the United States, sold abroad, and then re-imported. The question presented here is:

Whether the Ninth Circuit correctly held that the first-sale doctrine does not apply to imported goods manufactured abroad.

JUSTICE KAGAN TOOK NO PART
CERT. GRANTED 4/19/2010