

U.S. – What does the Impression Products v. Lexmark decision mean for drug companies? 5 takeaways

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Last May, the U.S. Supreme Court issued a highly-anticipated decision in *Impression Products, Inc. v. Lexmark Int'l, Inc.*, reversing the Federal Circuit and holding that, when a patent holder sells a product, it exhausts all of its patent rights in the product, regardless of certain restrictions that the patent holder sought to impose on further resale. The Court held that exhaustion applies whether the product was sold internationally or within the United States, such that the patent holder may not bring an infringement claim for otherwise-infringing activities once the product has already been sold by the patent holder or its licensee authorized to do so.

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