

No. (1) *Lexmark* (exhaustion); No. (7) *Life Techs.* (extraterritoriality): **Cert?**

As early as June 20, 2016 (or otherwise June 27, 2016), it is expected that the Supreme Court will include in its Orders List an announcement as to whether it has granted or denied *certiorari* in Top Ten No. (1) *Impression Products v. Lexmark International* (international patent exhaustion) and Top Ten No. (7) *Life Technologies v. Promega* (patent extraterritoriality).

Conference June 16, 2016: Each case is scheduled for Conference on June 16, 2016. If no decision is announced on June 20th in either case, this would be an indication that the case is still very much alive with the prospect that after a second Conference *certiorari* might be granted in the final Conference of this Term. (It is now commonplace that where the Court in its Conference reaches a tentative conclusion that it should grant *certiorari* it does so in the Orders List following the subsequent Conference. The results from that subsequent Conference will be announced in the Orders List of June 27, 2016.)

Attached are the latest version of Top Ten Patent Cases and also a PowerPoint presentation, *Extraterritorial Infringement: Certiorari Petition In The Life Technologies Case*.

Regards,

Hal