ARE Patent Law Alert:
The Supreme Court Denies Cert in favor of First Quality

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(January 23, 2011) On January 23, 2011, the U.S. Supreme Court agreed with First Quality Baby Products, LLC and First Quality Retail Services, LLC (“First Quality”) and denied a request for writ of certiorari by Kimberly-Clark Worldwide, Inc. and Kimberly-Clark Global Sales, LLC (“K-C”). K-C in its petition was seeking review by the Supreme Court of the June 1, 2011 decision of the U.S. Court of Appeals for the Federal Circuit reversing a preliminary injunction entered against First Quality with respect to three K-C patents.

On September 29, 2011, the Federal Circuit rejected K-C's petition for rehearing and rehearing en banc.

Partners Kenneth P. George, Ira E. Silfin, Charles R. Macedo and Senior Counsel, Brian A. Comack, of Amster, Rothstein & Ebenstein LLP represent First Quality before the Supreme Court along with D. Michael Underhill and Eric Mauer of Boise Schiller & Flexner LLP. Michael V. Solomita, former Partner of Amster, Rothstein & Ebenstein, also represented First Quality in this case.

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