# Supreme Court Decides Costco v. Omega

December 13, 2010

On December 13, 2010, the Supreme Court issued its highly-anticipated decision in the *Costco v. Omega* case. The decision, however, probably was not what most were anticipating. In a one-line per curiam affirmance, the Court ruled that "[t]he judgment is affirmed by an equally divided Court" (Justice Kagan recused herself from hearing the case). The affirmance means that Omega's extraterritorial sale of its watches did not exhaust its U.S. copyright in the same watches, and thus Costco cannot successfully defend against Omega's copyright infringement claims on exhaustion grounds.

Please click here to view the Supreme Court decision.

Please click here to read Banner & Witcoff's client alert on the Supreme Court oral argument.

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