12-873 LEXMARK INTERNATIONAL, INC. V. STATIC CONTROL COMPONENTS, INC.

DECISION BELOW: 697 F.3d 387

LOWER COURT CASE NUMBER: 09-6287, 09-6288, 09-6449

QUESTION PRESENTED:

Whether the appropriate analytic framework for determining a party's standing to maintain an action for false advertising under the Lanham Act is (1) the factors set forth in *Associated Gen. Contractors of Cal., Inc. v. Cal. State Council of Carpenters* ("AGC") , 459 U.S. 519, 537-45 (1983), as adopted by the Third, Fifth, Eighth, and Eleventh Circuits; (2) the categorical test, permitting suits only by an actual competitor, employed by the Seventh, Ninth, and Tenth Circuits; or (3) a version of the more expansive "reasonable interest" test, either as applied by the Sixth Circuit in this case or as applied by the Second Circuit in prior cases.

CERT. GRANTED 6/3/2013