

05-130 EBAY INC. V. MERCEXCHANGE

DECISION BELOW: 401 F3d 1323

LOWER COURT CASE NUMBER: 03-1600, 03-1616

QUESTION PRESENTED:

Whether the Federal Circuit erred in setting forth a general rule in patent cases that a district court must, absent exceptional circumstances, issue a permanent injunction after a finding of infringement.

IN ADDITION TO THE QUESTION PRESENTED BY THE PETITION, THE PARTIES ARE DIRECTED TO BRIEF AND ARGUE THE FOLLOWING QUESTION: "Whether this Court should reconsider its precedents, including *Continental Paper Bag Co. v. Eastern Paper Bag Co.*, 210 U.S. 405 (1908), on when it is appropriate to grant an injunction against a patent infringer."

CERT. GRANTED 11/28/2005