



Insights: Publications

The Resale Price Maintenance Two-Step

For The Defense

October 1, 2017

In 2007, the U.S. Supreme Court abolished the per se rule against minimum resale price agreements and held that they were to be judged instead under the more lenient rule of reason standard. *Leegin Creative Leather Products, Inc. v. PSKS, Inc.*, 551 U.S. 877, 877 (2007). But 10 years later, the combined effect of a disconnect between *Leegin* and certain states' laws and a lack of dispositive court decisions providing substantive guidance has placed manufacturers competing in nationwide markets in the unenviable position of weighing the benefits of rationalizing their retail distribution channels against unpredictable litigation risks.