

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

FILED

August 30, 2007

No. 04-41243

Charles R. Fulbruge III
Clerk

PSKS, INC., doing business as Kay's Kloset ... Kay's Shoes;
TONI COCHRAN L.L.C., doing business as Toni's,

Plaintiffs-Appellees,

versus

LEEGIN CREATIVE LEATHER PRODUCTS, INC.,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before BARKSDALE and CLEMENT, Circuit Judges, and ENGELHARDT,
District Judge*.

PER CURIAM:

Our court upheld application of the antitrust *per se* rule to Leegin Creative Leather Products, Inc.'s imposing a vertical minimum price-fixing agreement on its retailer, PSKS, Inc., doing business as Kay's Kloset ... Kay's Shoes. *PSKS, Inc. v. Leegin Creative Leather Prods., Inc.*, 171 F. App'x 464 (5th Cir. 2006). The Supreme Court reversed, holding "[v]ertical price restraints are to be judged according to the rule of reason" and "remanded for

* District Judge of the Eastern District of Louisiana, sitting by designation.

proceedings consistent with [its] opinion". *Leegin Creative Leather Prods., Inc. v. PSKS, Inc.*, 127 S. Ct. 2705, 2725 (2007). Accordingly, this action is **REMANDED** to district court for proceedings consistent with the Supreme Court's opinion.

REMANDED