

IN THE SUPREME COURT OF THE UNITED STATES

Nos. 19-1434, 19-1452, 19-1458

UNITED STATES, PETITIONER

v.

ARTHREX, ET AL.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

MOTION FOR LEAVE TO DISPENSE WITH
PREPARATION OF A JOINT APPENDIX

Pursuant to Rule 26.8 of the Rules of this Court, the Acting Solicitor General, on behalf of the United States, respectfully seeks leave to dispense with the requirement of a joint appendix in this case. The questions presented are questions of law: (1) whether, for purposes of the Appointments Clause, U.S. Const. Art. II, § 2, Cl. 2, administrative patent judges of the U.S. Patent and Trademark Office are principal officers who must be appointed by the President with the Senate's advice and consent, or "inferior Officers" whose appointment Congress has permissibly vested in a department head; and (2) whether, if administrative patent judges are principal officers, the court of appeals properly cured any Appointments Clause defect in the current statutory scheme prospectively by severing the application of 5 U.S.C. 7513(a) to those judges. The opinion of the court of appeals and relevant

decisions of the U.S. Patent and Trademark Office are included in the appendix to the government's petition for a writ of certiorari. In our view, no other portion of the record merits special attention such as would warrant the preparation and expense of a joint appendix, and preparation of a joint appendix would not materially assist the Court's consideration of the case. We are authorized to state that counsel for all other parties agree that a joint appendix is not necessary.

Respectfully submitted.

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Acting Solicitor General
Counsel of Record

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