

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

IN THE
Supreme Court of the United States

UNITED STATES OF AMERICA, *Petitioner*,

v.

ARTHREX, INC., ET AL., *Respondents*.

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

AMICUS CURIAE BRIEF OF ECOMP CONSULTANTS
IN SUPPORT OF PETITIONER

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December 2, 2020

QUESTIONS PRESENTED

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.

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.

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