

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

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In The  
**Supreme Court of the United States**

—◆—  
UNITED STATES OF AMERICA,

*Petitioner,*

v.

ARTHREX, INC., ET AL.,

*Respondents.*

—◆—  
**On Writs Of Certiorari To The  
United States Court Of Appeals  
For The Federal Circuit**

—◆—  
**BRIEF FOR US INVENTOR INC. AS AMICUS  
CURIAE IN SUPPORT OF ARTHREX, INC.**

—◆—  
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SMITH & NEPHEW, INC., ET AL.,

*Petitioners,*

v.

ARTHREX, INC., ET AL.,

*Respondents.*

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ARTHREX, INC.,

*Petitioner,*

v.

SMITH & NEPHEW, INC., ET AL.,

*Respondents.*

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## 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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