

The Supreme Court - October 13, 2020

Today, the Supreme Court of the United States granted certiorari in the following consolidated cases:

United States v. Arthrex, Inc., No. 19-1434; **Smith & Nephew, Inc. v. Arthrex, Inc.**, No. 19-1452; **Arthrex, Inc. v. Smith & Nephew, Inc.**, No. 19-1458: 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.

Related Capabilities

- Appellate
- Intellectual Property
- Intellectual Property Litigation
- Patent Prosecution & Strategy