

No. 20-74

IN THE
Supreme Court of the United States

UNITED STATES OF AMERICA,
Petitioner,
v.

IMAGE PROCESSING TECHNOLOGIES LLC, ET AL,
Respondents.

On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Federal Circuit

**MEMORANDUM FOR RESPONDENT MERCK
SHARP & DOHME CORP.**

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QUESTIONS PRESENTED

1. Whether, for purposes of the Appointments Clause, 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 the court of appeals erred by adjudicating Appointments Clause challenges that had not first been presented to the agency.

(i)

RULE 29.6 DISCLOSURE STATEMENT

Respondent Merck Sharp & Dohme Corp. is a subsidiary of Merck & Co., Inc., which owns 10% or more of respondent's stock.

TABLE OF CONTENTS

	<u>Page</u>
QUESTIONS PRESENTED	i
RULE 29.6 DISCLOSURE STATEMENT	ii
TABLE OF AUTHORITIES.....	iv
INTRODUCTION.....	1
STATEMENT	3
ARGUMENT	6
I. THIS PETITION RAISES THE SAME QUESTIONS AS <i>ARTHREX</i>	6
II. THIS COURT SHOULD REVERSE THE FEDERAL CIRCUIT'S JUDGMENT IN <i>ARTHREX</i> , AND THEN GRANT, VACATE, AND REMAND THIS CASE	8
CONCLUSION	11

TABLE OF AUTHORITIES

	<u>Page(s)</u>
CASES:	
<i>Arthrex, Inc. v. Smith & Nephew, Inc.</i> , 941 F.3d 1320 (Fed. Cir. 2019)	<i>passim</i>
<i>Bedgear, LLC v. Fredman Bros. Furniture Co.</i> , 783 F. App'x 1029 (Fed. Cir. 2019).....	7
<i>Edmond v. United States</i> , 520 U.S. 651 (1997).....	8
<i>Fairbank v. United States</i> , 181 U.S. 283 (1901).....	7
<i>In re DBC</i> , 545 F.3d 1373 (Fed. Cir. 2008)	9
<i>NLRB v. Noel Canning</i> , 573 U.S. 513 (2014).....	9
<i>Polaris Innovations Ltd. v. Kingston Technology Co.</i> , 792 F. App'x 820 (Fed. Cir. 2020).....	<i>passim</i>
<i>Regan v. Time, Inc.</i> , 468 U.S. 641 (1984).....	7
<i>Trading Techs. Int'l, Inc. v. IBG LLC</i> , 771 F. App'x 493 (Fed. Cir. 2019), <i>cert. de- nied</i> , 140 S. Ct. 955 (2020).....	10
<i>United States v. L. A. Tucker Truck Lines, Inc.</i> , 344 U.S. 33 (1952).....	10
STATUTES:	
5 U.S.C. § 7513(a)	3
35 U.S.C. § 1(a)	3
35 U.S.C. § 2(a)(1).....	3

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