

No. 17-1246

In The
Supreme Court of the United States

—◆—
WHIRLPOOL CORPORATION,

Petitioner,

v.

HOMELAND HOUSEWARES, LLC,

Respondent.

—◆—
**On Petition For A Writ Of Certiorari
To The United States Court Of Appeals
For The Federal Circuit**

—◆—
BRIEF IN OPPOSITION
—◆—

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April 24, 2018

RULE 29.6 STATEMENT

Homeland Housewares, LLC (“Respondent”) is an independent, privately held company. Capital Brands, LLC and Call to Action, LLC are parent companies of Homeland Housewares, LLC. Both Capital Brands, LLC and Call to Action, LLC are privately held. No publicly held company owns 10 percent or more of Homeland Housewares, LLC’s stock.

OPINIONS BELOW

The Court of Appeals for the Federal Circuit’s order denying panel rehearing and rehearing *en banc* (Pet. App. 41a-42a) is unreported. The Federal Circuit’s opinion (Pet. App. 1a-24a) is reported at 865 F.3d 1372. The final written decision of the Patent Trial and Appeal Board (Pet. App. 25a-40a) is unreported.



JURISDICTION

The judgment of the Federal Circuit was entered on August 4, 2017. The Federal Circuit denied Whirlpool’s request for rehearing *en banc* on December 6, 2017. This Court’s jurisdiction is invoked under 28 U.S.C. § 1254(1).



REASON FOR DENYING THE PETITION

Whirlpool’s petition states that “[t]his case presents a question identical to the one that this Court will resolve in *Oil States*: whether extinguishing patent claims in *inter partes* review violates the Constitution.” (Pet. 7-8.) On April 24, 2018, this Court decided *Oil States*, holding that “inter partes review does not violate Article III or the Seventh Amendment.” *Oil States Energy Servs., LLC v. Greene’s Energy Grp., LLC*, No. 16-712, 2018 WL 1914662, at *12 (U.S. Apr. 24, 2018). Hence, the basis for Whirlpool’s petition has been decided against Whirlpool.



CONCLUSION

Therefore, since Whirlpool's petition is moot, the petition must be denied.

April 24, 2018

Respectfully submitted,

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