

No. 19-\_\_\_\_

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IN THE

**Supreme Court of the United States**

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SKC KOLON PI, INC. AND SKC, INC.,  
*Applicants-Petitioners*

v.

KANEKA CORPORATION,  
*Respondent*

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**APPLICATION OF SKC KOLON PI, INC. AND SKC, INC. FOR  
EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF  
CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE  
FEDERAL CIRCUIT**

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To the Honorable John G. Roberts, Jr., Chief Justice of the United States and  
Circuit Justice for the Federal Circuit:

Pursuant to Supreme Court Rules 13.5, 22, and 30 and 28 U.S.C. § 2101(c),  
Applicants SKC Kolon PI, Inc. and SKC, Inc. (collectively, “SKPI”) respectfully  
request a 60-day extension of time, up to and including Friday, November 15, 2019,  
to file a petition for a writ of certiorari to seek review of the decision of the  
U.S. Court of Appeals for the Federal Circuit in *Kaneka Corp. v. SKC Kolon PI, Inc.*,  
757 F. App’x 1013 (Fed. Cir. 2019). The case involves Kaneka’s allegations against  
SKPI of patent infringement regarding SKPI’s polyimide films. The case was  
resolved by a jury trial.

The Federal Circuit issued its judgment of affirmance on March 15, 2019. A  
copy of that decision is attached as Appendix A. On May 15, 2019, SKPI filed a

petition for panel and en banc rehearing, which the Federal Circuit denied on June 18, 2019. A copy of that decision is attached as Appendix B. The jurisdiction of this Court in this case will be invoked under 28 U.S.C. § 1254(1), and the time to file a petition for a writ of certiorari will otherwise expire on Monday, September 16, 2019. This Application for Extension of Time is timely because it has been filed more than ten days prior to the date on which the time for filing the petition is to expire.

SKPI has good cause for an extension of time. During the current period for preparing a petition, SKPI has been participating in multiple summary-judgment proceedings in another matter between the same parties and also preparing (until recent resolution of that matter in July 2019) for an August 2019 trial in that case. *See SKC Kolon PI, Inc. v. Kaneka Corp.*, No. 16-cv-05948-AG (C.D. Cal.). And with the entry of judgment in that case, SKPI has been and will be engaged in substantial post-judgment filings. SKPI's in-house and outside counsel in that matter overlap with counsel representing SKPI in the present case.

In addition, during the current period for preparing a petition, counsel for SKPI have substantial preexisting commitments, including:

- a. Jennifer L. Swize has a number of professional and personal obligations, including: preparing for a record-intensive oral argument held July 9, 2019, before the U.S. Court of Appeals for the Federal Circuit in *Idenix Pharmaceuticals LLC v. Gilead Sciences Inc.*, No. 18-1691; leading an appeal before the D.C. Court of Appeals in *Harvey v.*

*Maxwell*, No. 18-FM-0673, with a merits brief filed July 1, 2019, and related emergency filings in July 2019; and pre-planned family commitments July 11–17 and travel August 5–9, 2019.

- b. Stuart W. Yothers has a number of professional and personal obligations, including: preparing for and participating in a six-day trial July 23–31, 2019, before the U.S. District Court for the Southern District of New York in *Ferring B.V. et al v. Allergan Inc. et al.*, No. 12-cv-2650-PKC; and pre-planned family commitments and travel August 2–4 and August 30–September 7, 2019.
- c. Jihong Lou has a number of professional and personal obligations, including: preparing the opening brief in an appeal to the U.S. Court of Appeals for Veterans Claims in *Osborne v. Wilkie*, No. 18-7233, due on August 1, 2019; and pre-planned family commitments and travel June 18–23 and August 17–25, 2019.

WHEREFORE, SKPI respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari for 60 days, to and including November 15, 2019.

Dated: July 22, 2019

Respectfully submitted,

/s/ Jennifer L. Swize

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