No. 20-7407

In the Supreme Court of the United States

ALBERTO SOLAR-SOMOHANO,

Petitioner

v.

THE COCA-COLA COMPANY

UNITED STATES,

Respondents.

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

PETITION FOR REHEARING

/ALBERTO SOLAR-SOMOHANO
Petitioner
(561) 595-8547
solar@coca.life

July 7th, 2021

PREAMBLE

Pursuant to Rule 44.2 of this Court, Petitioner ALBERTO SOLAR-SOMOHANO respectfully moves for rehearing before a full nine-Member due intervening circumstances of a substantial controlling effect of this case [1] appointment clause challenge *question proposed Ryder preserved* denied review before *Arthrex* decision that did not address same clause challenge after Court granted review on the question for nothing at all not *Ryder* preserved.

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1 The denial of discretionary review was compounded further when the Government filed waiver although they intervene at the Federal Court of Appeals in which Petitioner moved by filing motion for Govt. response but never docket clerk refusing the motion saying not allowed by rule. Appendix (A). What rule says not allowed the rule says motion which means whatever relief it seeks. Thus, also grounds for rehearing *"to other substantial grounds not previously presented"* and related to why rehearing will not be granted unless response order by the Court in the first place. Rule 44.3

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TABLE OF AUTHORITIES

PETITION FOR REHEARING

Since as early as 2013 through the years in (17) oppositions proceedings at the Trial Trademark Appeal Board (TTAB) Petitioner made the following constitutional challenge objection:

"pursuant to Ryder v. U.S., 515 US 182 (2003); In re Alappat, 33 F.2d 1526 (Fed. Circuit 1994) en banc, interjecting Constitution objection to the present all related against all USPTO Appeal Board proceedings panel members consisting of quorum of Administrative Judges none appointees of the President as principle officers, thus, Titles 15, USC §1067(b) and 35, USC §3, are Unconstitutional"

At the Federal Court of Appeals, Petitioner declared an appointment clause challenge *proposing the question* in reverse why the appointment clause problem:

"Whether the 2002 Intellectual Property High Technology Technical Amendments Act be repealed-the enrolled bill was missing the section that made the entire act inoperable-that is why 2008 Amendment 35 USC 6/ 15USC 1067 Act which is why appointment clause problem"

The Federal Court of Appeals certified the question however later did not decided the question instead stay the case until *Arthrex* decision.

On May 17th, 2021, this Court denied review to the following *Ryder preserve* constitutional challenge question:

> *"Whether the 2002 Intellectual Property High Technology Technical Amendments Act be repealed-the enrolled bill was missing the section that made the entire act inoperable-that is why 2008 Amendment 35 USC 6/ 15USC 1067 Act which is why appointment clause problem"*

On June 21st, 2021, this Court decided *Arthrex* w/o deciding the question granted review:

> *"Whether, for purposes of the Appointments Clause , U.S. Const. Art. II, § 2, Cl. 2, administrative patent judges of 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."*

REASONS GRANTING REHEARING

"We think that one who makes a timely challenge to the constitutional validity of the appointment of an officer who adjudicates his case is entitled to a decision on the merits of the question and whatever relief may be appropriate if a violation indeed occurred" Ryder v. US, 515 US 717 (1995)

The Court granting rehearing is bound by *Field v. Clark* 143 US 649 (1892) and should answer the following questions as follow:

Whether the appointment clause problem was cause for the enrolled bill of 2002 Property High Technology Technical Amendments Act was not the engrossed bill passed by both houses.

Whether Field v. Clark 143 US 649 (1892) can no-longer stand if the enrolled bill is not the engrossed bill that was passed by both houses.

Whether this Court w/o jurisdiction to even issue any remedy at all for only belonging to Congress to fix for the law that was passed by Congress was not the law signed enacted by the President

CONCLUSION

Field v. Clark 143 US 649 (1892) controls the *Ryder preserved appointment clause challenge* in reverse as to why the appointment clause problem which is why 5 of 4 concluded Administrative Judges Congress wanted them acting like principle officer but not appointed by the President when Congress wanted them to appointed by the President in the first place.

Filed July 7th, 2021