

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

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JEFFREY A. KILLIAN,

*Petitioner*

v.

KATHI VIDAL, DIRECTOR, UNITED STATES PATENT AND TRADEMARK  
OFFICE

*Respondent*

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APPLICATION FOR EXTENSION OF TIME IN WHICH TO FILE PETITION  
FOR WRIT OF CERTIORARI

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TO THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE OF THE  
UNITED STATES AND CIRCUIT JUSTICE FOR THE FEDERAL CIRCUIT:

NOW COMES petitioner, Jeffrey A. Killian, pursuant to Supreme Court Rule 13.5, and respectfully requests a thirty-five (35) day extension of time for filing a petition for a writ of certiorari to the Supreme Court. This application is submitted more than ten (10) days prior to the scheduled filing date for the petition, which is Monday, March 20, 2023. The requested extension would, if granted, set the due date to Monday, April 24, 2023.

In support of this application, Petitioner states the following:

1. The U.S. Court of Appeals for the Federal Circuit rendered its decision for *In re Jeffrey A. Killian*, Appeal 2021-2113, on August 23, 2022 (Exhibit 1), and denied a timely petition for rehearing on December 20, 2022 (Exhibit 2). This Court has jurisdiction under 28 U.S.C. §1254(1).

2. Petitioner's undersigned representative, Burman York Mathis, is a member of the Supreme Court bar.

3. Within two weeks after the denial of Petitioner's petition for rehearing, Mr. Mathis, diligently worked on producing a petition for certiorari. Despite Mr. Mathis having no staff or co-counsel to aid him in producing a petition for certiorari or any other aspect of his appellate work, a suitable petition was nearly complete as Mr. Mathis was in the process of making final revisions.

4. Unfortunately, on the night of February 27, 2023, a case containing Mr. Mathis' laptop computer with backup electronic media and latest revisions (on paper) was removed from Mr. Mathis' automobile, which was parked in Mr. Mathis' own driveway in rural West Virginia. Mr. Mathis was forced to dig through his trash to retrieve a small portion of his work.

5. While Mr. Mathis replaced his computer and has, to date, recreated the appendix and a portion of the petition, Mr. Mathis cannot totally recreate his work by the ninety (90) day deadline of March 20, 2023, especially in light of Mr. Mathis' other patent work and administrative duties.

6. Mr. Mathis has taken no vacation since January 1, 2023, and has no planned vacation for at least the next two months.

7. The requested extension is fully justified and necessary. The extension will give Mr. Mathis sufficient time to write the petition for a writ of certiorari in this case as well as complete his other work.

WHEREFORE, Petitioner respectfully requests that an order be entered extending the time for filing a petition for a writ of certiorari in this matter to and including Monday, April 24, 2023.

This the 7th day of March, 2023.

Respectfully submitted,

/s/ Burman York Mathis  
Burman York Mathis  
*Counsel for Jeffrey A. Killian*

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Attachment(s):

Exhibit 1: Opinion of the Federal Circuit for *In re Jeffrey A. Killian*, Appeal 2021-2113, decided August 23, 2022.

Exhibit 2: Federal Circuit denial of Rehearing en banc for *In re Jeffrey A. Killian* dated December 20, 2022