

No. 22-704

IN THE SUPREME COURT OF THE UNITED STATES

---

KATHERINE K. VIDAL, UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY  
AND DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE, PETITIONER

v.

STEVE ELSTER

---

**CERTIFICATE OF SERVICE**

It is hereby certified that all parties required to be served have been served with copies of the **REPLY BRIEF FOR THE PETITIONER** via email and by first-class mail, postage prepaid, this 5<sup>TH</sup> day of October, 2023.

[See Attached Service List]

As required by Supreme Court Rule 33.1(h), I certify that the document 5991 words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d). I declare under penalty of perjury that the foregoing is true and correct. Executed on October 5, 2023.

---

**Elizabeth B. Prelogar**  
**Solicitor General**  
**Counsel of Record**  
**Department of Justice**  
**Washington, D.C. 20530-0001**  
**(202) 514-2218**

**October 5, 2023**

Due to the continuing delay in receiving incoming mail at the Department of Justice, in addition to mailing your brief via first-class mail, we would appreciate a fax or email copy of your brief. If that is acceptable to you, please fax your brief to Charlene Goodwin, Supervisor, Case Management Specialist, Office of the Solicitor General, at (202) 514-8844, or email at [SupremeCtBriefs@USDOJ.gov](mailto:SupremeCtBriefs@USDOJ.gov). Ms. Goodwin's phone number is (202) 514-2218. Thank you for your consideration of this request.

22-0704

VIDAL, KATHERINE K., UNDER SECRETARY OF  
COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR, UNITED STATES PATENT AND  
TRADEMARK OFFICE  
STEVE ELSTER

JAMES D. CROWNE  
12102 LERNER PLACE  
BOWIE, MD 20715  
301-602-4934  
JDCROWNE@OUTLOOK.COM

SAMUEL F. ERNST  
ASSOCIATE DEAN AND PROFESSOR OF LAW  
GOLDEN GATE UNIVERSITY SCHOOL OF  
LAW  
536 MISSION STREET  
SAN FRANCISCO, CA 94105  
650-302-2504  
SERNST@GGU.EDU

SUSAN J. KOHLMANN  
JENNER & BLOCK LLP  
1155 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036  
212-891-1600

PAUL ALAN LEVY  
PUBLIC CITIZEN LITIGATION GROUP  
1600 20TH ST., N.W.  
WASHINGTON, DC 20009  
202-588-1000  
PLEVY@CITIZEN.ORG

CHRISTOPHER G. MICHEL  
QUINN EMANUEL URQUHART & SULLIVAN,  
LLP  
1300 I STREET, NW  
SUITE 900  
WASHINGTON, DC 20005  
202-538-8000  
CHRISTOPHERMICHEL@QUINNEMANUEL.CO  
M

JONATHAN E. MOSKIN  
FOLEY & LARDNER LLP  
90 PARK AVENUE  
NEW YORK, NY 10016  
212-682-7474  
J MOSKIN@FOLEY.COM

BRIAN A. ROSS  
ROSS LEGAL CORPORATION  
16133 VENTURE BLVD.,  
PENTHOUSE SUITE  
ENCINO, CA 91436  
818-906-9667  
BRIAN@ROSSLEGALCORP.COM

JONATHAN ELLIS TAYLOR  
GUPTA WESSLER PLLC  
2001 K STREET NW  
SUITE 850  
WASHINGTON, DC 20006  
202-888-1741  
JON@GUPTAWESSLER.COM