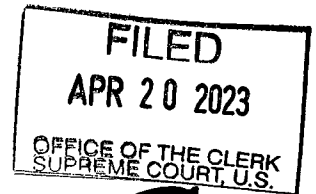


No. 22-794



IN THE

Supreme Court of the United States

EURICA CALIFORNIAA,
Petitioner,

v.

KATHERINE K. VIDAL,
Under Secretary of Commerce for Intellectual
Property and Director of the United States Patent
and Trademark Office,
Respondent.

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

PETITION FOR REHEARING

EURICA CALIFORNIAA
Pro Se
57 CIRCLE WAY
MAHOPAC, NY 10541-1736
(310) 804-0727
amb@juridic.org

APRIL 2023

Petitioner Eurica California respectfully petitions for rehearing of this Court's Order of March 27, 2023 denying the petition for a writ of certiorari.

REASONS FOR GRANTING REHEARING

The Court denied the petition for certiorari in the most dismissive fashion possible—by refusing to request a response—as if no one need be bothered further. Ironically, the Court now finds itself faced with a related question from an intervening case within the meaning of Supreme Court Rule 44.2, namely, *Danco Laboratories, LLC, Applicant v. Alliance for Hippocratic Medicine, et al.*, No. 22A901, docketed April 14, 2023.

For the reasons stated below, it would serve the Court better to address the issues presented by *Danco*, now and in the future, by rehearing the present petition.

First, as explained in the petition for certiorari, pp. 4-9, neither this Court nor the profession of obstetrics and gynecology has ever proposed legal abortion without also expressing a willingness to accept harmful compromises to women's health, including in tandem with forced sterilization and forced abortion. Nowhere is this compromise more evident than in the words of Justice Douglas, *Doe v. Bolton*, 410 U.S. 179, 220-221 (1973):

In short, I agree with the Court that endangering the life of the woman or seriously and permanently injuring her health [at the hands of incompetent physicians given free rein to practice under a safe haven] are standards too narrow for the right of privacy that is at stake.

Hence, in view of the sordid history of our medical and legal professions, it is unreasonable to assume that the U.S. Food and Drug Administration (FDA) approved Danco's abortion drug without willingness to accept the sorts of compromises that could harm women's health.

Second, as explained in the petition for certiorari, pp. 9-11, just like African-Americans, the unborn are constitutionally entitled to equal justice under law, given that the Fourteenth Amendment could exist verbatim even if the Thirteenth Amendment had abolished abortion instead of slavery. Hence, logical interpretation of the Constitution requires the Court to prohibit the use of Danco's abortion drug for the lethal execution of a child.

Third, in denying certiorari the Court fails to honor the profound role played by new technology in solving difficult problems. For example, an issue in *Danco* is the FDA's approval of Danco's abortion drug for use in lethal executions up to 70 days of gestation. In contrast, the subject patent teaches how to manage life-threatening pregnancies without homicide. Hence, the Court should show a vigilant preference for the latter technology which addresses a complex medico-legal problem in a non-homicidal manner, unlike courts below that carelessly cheated petitioner out of the full patent term.

For the reasons stated above, rehearing will not only answer the questions of *Danco* and future cases like it, but also remedy the oversight shown for the subject patent. Importantly, unlike the piecemeal approach offered by *Danco*, rehearing will fully serve the rights of the unborn to equal justice under law while promoting their proper medical care with due respect for new technology.

CONCLUSION

The petition for rehearing should be granted.

Respectfully submitted,

Eurica California
Pro Se
57 Circle Way
Mahopac, NY 10541-1736
(310) 804-0727
amb@juridic.org

Petitioner

April 2023

CERTIFICATE OF PETITIONER

Pursuant to Supreme Court Rule 44.2, I, Eurica Californiaa, hereby certify that the petition for rehearing is restricted to the grounds specified in Rule 44.2. I further certify that the petition for rehearing is presented in good faith and not for delay.

Eurica Californiaa