

NOTICE OF RELATED CASE

May 4, 2023

Scott S. Harris  
Clerk of the Court  
Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543-0001

**Re: *California v. Vidal*, No. 22-794**

Dear Mr. Harris,

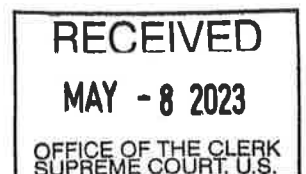
The above-stated case arises from the United States Court of Appeals for the Federal Circuit and asks, *inter alia*, “Whether 37 C.F.R. § 1.704(c)(10) lawfully reduces the patent term for an applicant’s refusal to surrender stewardship of the specification claims to the Examiner in deference to an unauthorized claim amendment contained in a notice of allowance?” Though petitioner had argued that respondent’s agency decision was entitled to no more than *Skidmore* deference, courts below ruled in favor of *Chevron* deference. However, on May 1, 2023, the Court agreed to hear a case arising from the United States Court of Appeals for the District of Columbia, *Loper Bright Enterprises v. Raimondo*, No. 22-451, which asks it to overrule *Chevron*. Consequently, the Court should not deny rehearing in the above-stated case before it has ruled on *Loper Bright Enterprises*.

Respectfully submitted,



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