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BY E-FILING

The Honorable Scott S. Harris
Clerk, United States Supreme Court
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

Re: *Arthrex, Inc. v. Smith & Nephew, Inc.*, No. 19-1204

Dear Mr. Harris:

Pursuant to this Court's Rule 15.5, petitioner Arthrex, Inc. expressly waives the 14-day waiting period for distribution to the Court. Arthrex intends to file a reply in support of its petition by June 19, 2020.

The petition in this case concerns whether retroactive application of the America Invents Act's inter partes review procedure violates the Fifth Amendment. As the Government notes in its brief in opposition (at 9 n.1), this Court is already considering three other petitions raising the same issue: *Collabo Innovations, Inc. v. Sony Corp.*, No. 19-601 (filed Nov. 4, 2019); *Celgene Corp. v. Peter*, No. 19-1074 (filed Feb. 26, 2020); and *Enzo Life Sciences, Inc. v. Becton, Dickinson & Co.*, No. 19-1097 (filed Mar. 3, 2020). Although the Court previously rescheduled those three cases for consideration at a later conference, yesterday the Court reinstated the cases for consideration at this week's conference on June 18, 2020. The Court may also further consider the petitions at next week's conference on June 25, 2020.

Because Arthrex's petition presents the same question as those other three petitions, the Court may wish to consider all four cases together. To allow the Court to do so, Arthrex respectfully requests that its petition be scheduled for consideration at the same conference as the three petitions identified above.

Thank you very much for your time, attention, and assistance. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely yours,

/s/ Jeffrey A. Lamken

Jeffrey A. Lamken

cc: All Counsel of Record
Service list attached

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