

No. 19A\_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

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IN RE: CHARLES T. FOTE,

*Applicant.*

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**APPLICATION TO THE HONORABLE JOHN G. ROBERTS, JR. FOR  
AN EXTENSION OF TIME TO FILE A PETITION  
FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

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## APPLICATION FOR EXTENSION OF TIME

In accordance with Rules 13.5, 22, and 30.3 of the Rules of this Court, Applicant Charles T. Fote respectfully request a 30-day extension of time, to and including March 11, 2020, within which to file a petition for a writ of certiorari to the United States Court of Appeals for the Federal Circuit to review the judgment in this case. The court of appeals entered its judgment on November 12, 2019. Unless extended, the time within which to file a petition for a writ of certiorari will expire on February 10, 2020. The jurisdiction of this Court would be invoked under 28 U.S.C. 1254(1). The decision of the court of appeals (attached as Exhibit A) is unreported.

1. In the decision below, an appeal from a decision of the Patent Trial and Appeal Board that found proposed patent claims patent-ineligible, the Federal Circuit summarily affirmed without providing a written opinion per Federal Circuit Rule 36, “Judgment of Affirmance Without Opinion.”

2. Applicant and Petitioner Charles T. Fote plans to challenge the propriety of a federal court of appeals affirming, without opinion, an administrative agency’s decision that presents difficult questions of patent eligibility under 35 U.S.C. § 101.

3. The petition for certiorari will contend that in cases like this one, where the administrative agency arguably erred in its analysis of the proposed patent claims and failed to properly apply the law, the use of one-word summary affirmances under Federal Circuit Rule 36, which effectively prevents review of the merits of the panel decision en banc or by this Court, is impermissible.

4. Applicant respectfully requests a 30-day of extension of time to prepare and print the petition in this case. Between the Federal Circuit's judgment and the current deadline of February 10, 2020, Applicant's counsel have had numerous other pressing professional and personal obligations.

5. In compliance with Rule 13.5, Applicants make this application more than 10 days before the due date

6. No prejudice would result from granting the extension.

For all these reasons, Applicant respectfully requests that the due date for his petition for writ of certiorari be extended by 30 days, to and including March 11, 2020.

Respectfully submitted,

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