

IN THE SUPREME COURT OF THE UNITED STATES

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No. 22-704

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

v.

STEVE ELSTER

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ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

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MOTION FOR LEAVE TO DISPENSE WITH  
PREPARATION OF A JOINT APPENDIX

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Pursuant to Rule 26.8 of this Court, the Solicitor General, on behalf of Katherine K. Vidal, Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (USPTO), respectfully seeks leave to dispense with the requirement of a joint appendix in this case. The question presented is whether the refusal to register a mark under 15 U.S.C. 1052(c) violates the Free Speech Clause of the First Amendment when the mark contains criticism of a government official

or public figure. The opinion and order of the court of appeals, the decisions of the USPTO's Trademark Trial and Appeal Board and examining attorney, and the trademark registration application are appended to the petition for a writ of certiorari. In our view, no other portion of the record merits special attention such as would warrant the preparation and expense of a joint appendix, and preparation of a joint appendix would not materially assist the Court's consideration of this case. We are authorized to state that counsel for respondent agrees that a joint appendix is not necessary.

Respectfully submitted.

ELIZABETH B. PRELOGAR  
Solicitor General  
Counsel of Record

JULY 2023