

IN THE
Supreme Court of the United States

CLEMENTE PROPERTIES, INC., *et al.*,

Petitioners,

v.

PEDRO R. PIERLUISI-URRUTIA, *et al.*,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

SUPPLEMENTAL BRIEF

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SUPPLEMENTAL BRIEF

Petitioners submit this supplemental brief under Rule 15.8 to call the Court’s attention to a speech delivered by the Director of the United States Patent and Trademark Office (USPTO) after Petitioners filed their reply brief. *See* John A. Squires, Under Sec’y of Commerce for Intellectual Prop. & Dir., U.S. Patent & Trademark Office, Remarks at the USC Gould School of Law Annual Washington, D.C. Conference (Sept. 15, 2026).¹

The Director described the First Circuit’s decision precisely as Petitioners do: the panel below “held that trademarks lack the full set of constitutional protections afforded physical property rights because trademarks are ‘intangible property.’” The Director explained that this case is “certainly a matter of substantial interest to many people” in the USPTO. After all, intangible property rights are not only “deserving of full constitutional protections as property,” but are “essential to a modern, 21st-century economy.”

That is no surprise. On the “trademark side of [the USPTO’s] operations, new applications to protect brands and Name Image and Likeness are skyrocketing.” The USPTO—for the first time ever—“participated in the NFL Draft in Pittsburgh to work with student athletes and others about the legal right to their name, image, and likeness.”

1. <https://www.uspto.gov/about-us/news-updates/remarks-john-squires-2026-usc-gould-school-law>. All quotations in this supplemental brief are from the speech.

Intangible assets account for roughly “92% of total market value of the S&P 500 companies.” IP-intensive industries “directly employ almost 50 million Americans,” and account for over 11 trillion dollars in GDP—almost equal to the *combined* GDPs of Germany, Japan, and France.

Given the importance of this Court’s intervention not only to the family of Roberto Clemente, but also to Americans throughout our Nation, this Court should grant the Petition. If the Court is disinclined to grant the Petition outright, however, it should call for the views of the Solicitor General given the significant federal interests at stake. “[I]ntellectual property has become the most dominant and most important asset, not only of companies—but of nations” such as the United States.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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