

No. _____

IN THE

Supreme Court of the United States

CAO LIGHTING, INC.,

Applicant,

v.

WOLFSPEED, INC., CREE LIGHTING USA LLC F/K/A IDEAL INDUSTRIES
LIGHTING LLC, LEDVANCE LLC, GENERAL ELECTRIC COMPANY,
CONSUMER LIGHTING (U.S.), LLC, DBA GE LIGHTING, CURRENT
LIGHTING, SOLUTIONS, LLC, OSRAM SYLVANIA, INC.,
FEIT ELECTRIC COMPANY, INC.,

Respondents.

ON APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR
WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

APPLICATION TO EXTEND TIME TO FILE PETITION FOR WRIT OF CERTIORARI

RONALD E. CAHILL
HEATHER B. REPICKY
BARNES & THORNBURG LLP
One Marina Park Drive, Suite 1530
Boston, Massachusetts 02210

TODD G. VARE
Counsel of Record
BARNES & THORNBURG LLP
11 South Meridian Street
Indianapolis, Indiana 46204
todd.vare@btlaw.com
(317) 231-7735

Counsel for Applicant

RULE 29.6 STATEMENT

Applicant CAO Lighting, Inc. (“CAO Lighting”) is a wholly-owned subsidiary of CAO Group, Inc. No public company owns 10% or more stock in CAO Group, Inc.

TO THE HONORABLE JOHN G. ROBERTS, CHIEF JUSTICE OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE FEDERAL CIRCUIT:

Pursuant to this Court’s Rules 13.5, 22, 30.2, and 30.3, Applicant CAO Lighting, Inc. (“CAO Lighting”) respectfully requests a 30-day extension of time, up to and including March 6, 2025, to file a petition for a writ of certiorari to the United States Court of Appeals for the Federal Circuit to review that court’s decision in *CAO Lighting, Inc. v. Wolfspeed, Inc., et al.*, Nos. 2024-1194, 2024-1221, 2024-1222, 2204-1223 (Fed. Cir. Sept. 5, 2025). The jurisdiction of this Court will be invoked under 28 U.S.C. 1254(1).

1. The appeal to the Federal Circuit arose from Final Written Decisions issued by the Patent Trial and Appeal Board (“PTAB”): *Wolfspeed, Inc. et al. v. CAO Lighting, Inc.*, IPR2022-00847 (PTAB Sept. 28, 2025), and *Wolfspeed, Inc. et al. v. CAO Lighting, Inc.*, IPR2022-00848 (PTAB Sept. 28, 2025). Pursuant to Federal Circuit Rule 36, the Federal Circuit summarily affirmed the Final Written Decisions of the PTAB on September 5, 2025 (Appx. 1a) and denied rehearing and rehearing *en banc* on November 6, 2025 (Appx. 4a).

2. Absent an extension of time, the petition for writ of certiorari would be due on February 4, 2025.

3. This case presents substantial and important questions of federal law relating to whether the Federal Circuit may invoke its own procedural rules allowing for summary affirmance to insulate a violation of due process committed by the PTAB or, where a due process violation is raised on appeal and there is a conflict between

the PTAB and an Article III court on an issue of law, the Federal Circuit must address those issues and conflicts in a written opinion pursuant to 35 U.S.C. § 144. At its core, this case involves two recurring institutional practices that have created a crisis of accountability, lack of uniformity, and undue deference to agency decisions on legal questions involving patents: first, the PTAB’s pronouncement of dispositive legal interpretations without providing notice or opportunity to be heard in violation of the Administrative Procedure Act; and second, the Federal Circuit’s use of summary affirmance to improperly defer to and shield an agency’s legal findings contrary to Congress’s statutory mandate and constitutional principles.

4. “For good cause, a Justice may extend the time to file a petition for writ of certiorari for a period not exceeding 60 days.” Rule 13.5. Good cause exists for an extension of 30 days to and including March 6, 2026 for Applicant CAO Lighting to file a petition for writ of certiorari.

5. Undersigned counsel of record for Applicant CAO Lighting has substantial deadlines and commitments in several other pending matters, including depositions of multiple expert witnesses, briefing, and oral arguments in the following cases: *Abbott Laboratories v. Miracor Medical SA*, IPR2025-00096, 2025-00112, 2025-00113, 2025-00114, 2025-00115, and 2025-00116, United States Patent and Trademark Office before the Patent Trial and Appeal Board; *Corteva Agriscience LLC et al. v. Inari Agriculture, Inc. et al.*, C.A. No. 23-1059, U.S. District Court for the District of Delaware (JFM); and *Fortress Iron, L.P. v. Digger Specialties, Inc.*, Case No. 2024-2313 (Fed. Cir.). The obligations in these other matters involve

substantial attorney preparation and travel and further must be coordinated with witness schedules and preexisting court deadlines.

6. This case also involves an extensive record spanning over 20 years, including six *inter partes* and *ex parte* reexaminations before the USPTO, multiple district court litigations in different jurisdictions (including a jury trial in the District of Delaware in February 2023), and the recent combined *inter partes* reviews.

7. Given the extensive record in this case and foregoing commitments in other pending cases, Applicant CAO Lighting requests an extension of time of 30 (thirty) days to properly evaluate and research the relevant legal and factual issues and prepare a petition that fully addresses the reasoning and consequences of the PTAB's Final Written Decisions and the Federal Circuit's summary affirmance of those decisions in a manner that will be most helpful to this Court.

8. Accordingly, Applicant respectfully requests that an extension of time to file a petition for writ of certiorari be granted, extending CAO Lighting's time to file for 30 days until March 6, 2026.

Dated: January 21, 2026

Respectfully submitted,

/s/ Todd G. Vare _____

TODD G. VARE

Counsel of Record

BARNES & THORNBURG LLP

11 S. Meridian Street

Indianapolis, Indiana 46204

(317) 231-7735

todd.vare@btlaw.com

RONALD E. CAHILL

HEATHER B. REPICKY

BARNES & THORNBURG LLP

One Marina Park Drive, Suite 1530

Boston, Massachusetts 02210

Counsel for Applicant

APPENDIX

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NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

CAO LIGHTING, INC.,
Appellant

v.

**WOLFSPEED, INC., CREE LIGHTING USA LLC
F/K/A IDEAL INDUSTRIES LIGHTING LLC,
LEDVANCE LLC, GENERAL ELECTRIC
COMPANY, CONSUMER LIGHTING (U.S.), LLC,
DBA GE LIGHTING, CURRENT LIGHTING
SOLUTIONS, LLC, OSRAM SYLVANIA, INC., FEIT
ELECTRIC COMPANY, INC.,**
Cross-Appellants

2024-1194, 2024-1221

Appeals from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in Nos. IPR2022-
00847, IPR2023-00123, IPR2023-00129.

CAO LIGHTING, INC.,
Appellant

v.

WOLFSPEED, INC., CREE LIGHTING USA LLC

F/K/A IDEAL INDUSTRIES LIGHTING LLC,
Cross-Appellants

2024-1222, 2024-1223

Appeals from the United States Patent and Trademark Office, Patent Trial and Appeal Board in No. IPR2022-00848.

JUDGMENT

RONALD E. CAHILL, Barnes & Thornburg LLP, Boston, MA, argued for appellant. Also represented by HEATHER B. REPICKY; PAUL B. HUNT, JOSHUA PAUL LARSEN, TODD VARE, Indianapolis, IN.

JOHN C. ALEMANNI, Kilpatrick Townsend & Stockton LLP, Raleigh, NC, argued for all cross-appellants. Cross-appellants Cree Lighting USA LLC, Wolfspeed, Inc. also represented by MATIAS FERRARIO, Winston-Salem, NC; ANDREW N. SAUL, Atlanta, GA.

KEVIN P. MARTIN, Goodwin Procter LLP, Boston, MA, for cross-appellants Consumer Lighting (U.S.), LLC, Current Lighting Solutions, LLC, General Electric Company, LEDVANCE LLC, Osram Sylvania, Inc. Also represented by BRIAN DRUMMOND, SRIKANTH K. REDDY; SANJEEET DUTTA, Redwood City, CA. Cross-appellants Consumer Lighting (U.S.), LLC, General Electric Company also represented by CATHERINE GARZA, Norton Rose Fulbright US LLP, Austin, TX; ARTHUR P. LICYGIEWICZ, Dallas, TX. Cross-appellant Current Lighting Solutions, LLC also represented by FRANK A. ANGILERI, THOMAS W. CUNNINGHAM, JOHN P. RONDINI, Brooks Kushman PC, Royal Oak, MI.

Cross-appellant Osram Sylvania, Inc. also represented by MARK A. HANNEMANN, Troutman Pepper Locke LLP, New York, NY.

RYAN DYKAL, Boies Schiller Flexner LLP, Washington, DC, for cross-appellant Feit Electric Company, Inc. Also represented by MARK SCHAFER; MAXWELL C. MCGRAW, Shook, Hardy & Bacon, LLP, Kansas City, MO; AMELIA ELIZABETH MURRAY, Chicago, IL.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (LOURIE, TARANTO, and CUNNINGHAM,
Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT



September 5, 2025
Date

Jarrett B. Perlow
Clerk of Court

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

CAO LIGHTING, INC.,
Appellant

v.

**WOLFSPEED, INC., CREE LIGHTING USA LLC
F/K/A IDEAL INDUSTRIES LIGHTING LLC,
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2024-1194, 2024-1221

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**WOLFSPEED, INC., CREE LIGHTING USA LLC
F/K/A IDEAL INDUSTRIES LIGHTING LLC,**
Cross-Appellants

2024-1222, 2024-1223

Appeals from the United States Patent and Trademark Office, Patent Trial and Appeal Board in No. IPR2022-00848.

**ON PETITION FOR PANEL REHEARING AND
REHEARING EN BANC**

Before MOORE, *Chief Judge*, LOURIE, DYK, PROST, REYNA, TARANTO, CHEN, HUGHES, STOLL, CUNNINGHAM, and STARK, *Circuit Judges*.¹

PER CURIAM.

O R D E R

CAO Lighting, Inc. filed a combined petition for panel rehearing and rehearing en banc. The petition was first referred as a petition to the panel that heard the appeal, and thereafter the petition was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

It Is Ordered That:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

FOR THE COURT



November 6, 2025

Date

Jarrett B. Perlow
Clerk of Court

¹ Circuit Judge Newman did not participate.