

IN THE SUPREME COURT OF THE UNITED STATES

No. A-_____

OASIS TOOLING, INC.,
APPLICANT

v.

SIEMENS INDUSTRY SOFTWARE INC.,

GLOBALFOUNDRIES U.S. INC.

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

To the Honorable John G. Roberts, Jr., Chief Justice of the
United States and Circuit Justice for the Federal Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Rules 13.5, 22, and 30 of
this Court, Applicant Oasis Tooling, Inc.,¹ respectfully requests
a 60-day extension of time, to and including October 12, 2026, in
which to file a petition for a writ of certiorari. Unless an
extension is granted, Applicant's deadline for filing the petition
will be August 13, 2026. This application is timely because it is
made at least ten days before the petition would be due. No prior

¹ Rule 29.6 Statement: Applicant Oasis Tooling, Inc., has no parent
corporation, and no publicly held company owns 10% or more of its
stock.

application has been made in this case. In support of this request, Applicant states the following:

1. The United States Court of Appeals for the Federal Circuit issued an opinion and entered judgment on February 26, 2026 (Exhibit A). The court of appeals denied Applicant's timely petition for panel rehearing and rehearing en banc on May 15, 2026 (Exhibit B). The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1).

2. This case arises from a judgment of non-infringement entered by the district court and affirmed by the court of appeals. Applicant sued Siemens Industry Software Inc. ("Siemens") and GlobalFoundries U.S. Inc. ("GlobalFoundries") for infringement of U.S. Patents Nos. 7,685,545 and 8,266,571. The patents are directed to a process that converts semiconductor chip-design files – often written in mutually unintelligible programming languages – into a format from which practitioners can identify meaningful functional changes across multiple design files. Slip. op. 2-3. The district court granted summary judgment in favor of Siemens and GlobalFoundries, concluding that the patents were directed to an abstract idea under this Court's decision in Alice Corp. Pty. Ltd. v. CLS Bank Int'l, 573 U.S. 208 (2014). The court of appeals affirmed that judgment. In its estimation, the patents were directed to "analyzing data to identify similarities and differences between design data for semiconductor chips," a

process “that can be performed in the human mind and is therefore directed to an abstract idea.” Slip op. 5 (citation and internal quotation marks omitted).

3. Section 101 of the Patent Act provides that a patent may be obtained for any “new and useful” process. 35 U.S.C. § 101. This Court has long read into § 101 an implicit exception that bars patenting an “abstract idea,” Alice, 573 U.S. at 216, and the Federal Circuit has held that claims directed to a “mental process” – something that can be performed in the human mind – are directed to an abstract idea. In applying this mental-process exception, the Federal Circuit has deemed patent ineligible claims that use a computer to perform a “process previously used by” humans. McRo, Inc. v. Bandai Namco Games Am. Inc., 837 F.3d 1299, 1314 (Fed. Cir. 2016). But, consistent with this Court’s decision in Alice, the Federal Circuit has repeatedly held that claims employing a computer “to perform a distinct process to automate a task previously performed by humans” – like the patents at issue here – remain patent eligible. Ibid. (emphasis added). The petition for a writ of certiorari will argue that the Federal Circuit has misapplied this doctrine, distorting this Court’s Alice decision and creating an intra-circuit split on a frequently recurring issue of exceptional importance.

4. There is good cause for the requested extension. This case presents complex and important legal issues that implicate

patent subject matter eligibility under § 101, an area of the law that is critical to inventors' investment-backed expectations. Furthermore, Applicant's counsel has substantial obligations in the interim period, including numerous deadlines, oral arguments, and hearings stretching from July until October. These deadlines have made and will continue to make it difficult to seek this Court's review by August 13, 2026. Counsel's competing deadlines and hearing dates include:

- July 9, 2026: oral argument in Satius Holding, LLC v. Samsung Electronics Co., Ltd., No. 2025-1446 (Fed. Cir.);
- July 16, 2026: opening brief and joint appendix in United States v. Tanoh, No. 26-4157 (4th Cir.);
- August 12, 2026: appellees' brief in Alpine Funds v. Toronto Dominion Bank, No. 26-1146 (3d Cir.);
- August 14, 2026: opening brief and joint appendix in Guntert & Zimmerman Const. Div., Inc. v. Godbersen-Smith Construction Co., Nos. 26-1785, 26-1786 (Fed. Cir.);
- August 27, 2026: claim construction hearing in Lemko Corp. v. AT&T Inc., No. 25-cv-00305 (E.D. Tex.);
- September 10, 2026: pretrial conference in W&Wsens Devices Inc. v. Samsung Electronics Co., Ltd., No. 24-cv-00854 (E.D. Tex.);

- September Term, 2026: oral argument in New York State Supreme Court, Appellate Division, in Chirico v. 352 Capital ABS Fund LLC et al., No. 2025-04136 (1st Dept.);
- October 5, 2026: jury trial in W&Wsens Devices Inc. v. Samsung Electronics Co., Ltd., No. 24-cv-00854 (E.D. Tex.).

5. Given this press of other matters, an extension is needed to ensure that counsel have sufficient time to draft a petition that best assists this Court in determining whether to grant review.

For the foregoing reasons, Applicant requests that the time for filing a petition for a writ of certiorari in this case be extended by 60 days, to and including October 12, 2026.

Respectfully submitted.

PAUL J. ANDRE
LISA KOBIALKA
JAMES R. HANNAH
HERBERT SMITH FREEHILLS
KRAMER (US) LLP
333 Twin Dolphin Drive,
Ste. 700
Redwood Shores, CA 94065
(650) 752-1800

DANIEL N. LERMAN
Counsel of Record
ZACHARY N. FERGUSON
HERBERT SMITH FREEHILLS
KRAMER (US) LLP
2000 K Street NW, 4th Fl.
Washington, DC 20006
(202) 775-4500
daniel.lerman@hsfkramer.com

AARON FRANKEL
HERBERT SMITH FREEHILLS
KRAMER (US) LLP
1177 Avenue of the Americas
New York, NY 10036
(212) 715-8000