

No.

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IN THE  
**Supreme Court of the United States**

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RANGE OF MOTION PRODUCTS, LLC,  
*Petitioner,*

*v.*

ARMAID COMPANY INC.,  
*Respondent.*

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**APPLICATION FOR A 42-DAY 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**

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Application to the Honorable Chief Justice John Roberts,  
as Circuit Justice for the Federal Circuit

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Pursuant to Supreme Court Rule 13.5, Applicant Range of Motion Products, LLC, hereby requests a 42-day extension of time, to and including December 21, 2026, within which to file a petition for a writ of certiorari.

1. The decision below is *Range of Motion Products, LLC v. Armaid Company Inc.*, No. 23-2427 (Fed. Cir. 2026). The Federal Circuit issued its opinion on February 2, 2026. App. A. The decision denying the Petition for Rehearing en banc issued on August 11, 2026. App. B. Unless extended, Applicant's time to seek certiorari in this Court expires November 9, 2026. Applicant is filing this application at least ten days before that date. *See* S. Ct. R. 13.5. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1). Respondent does not oppose this extension request.

2. This case presents two important questions regarding design-patent law. The first is whether the Federal Circuit’s test for design-patent infringement, originating in *Egyptian Goddess, Inc. v. Swisa, Inc.*, 543 F.3d 665 (Fed. Cir. 2008) (en banc), conflicts with the test for design-patent infringement that this Court set out in *Gorham Manufacturing Co. v. White*, 81 U.S. (14 Wall.) 511 (1871). While this Court established in *Gorham* that the infringement inquiry asks only whether an ordinary observer would find the appearance of two designs “substantially the same,” 81 U.S. at 528, the Federal Circuit’s tests asks first whether the appearance of two designs is “plainly dissimilar,” 543 F.3d at 678. The Federal Circuit split over this question twice—first in a panel decision, and then in denying rehearing en banc. *See* App. A; App. B. The second question is whether Federal Circuit precedent holding that judges, rather than juries, should resolve factual disputes regarding at claim construction over whether features are functional or ornamental conflicts with the Seventh Amendment jury-trial right and *Markman v. Westview Instruments, Inc.*, 517 U.S. 370 (1996). This question too has divided the Federal Circuit. *See* App. B Op. at 4-9; App. B Dissent at 5-13.

3. Good cause exists for a 42-day extension. An extension is justified by the press of business on numerous other pending matters. Counsel for Range of Motion are responsible for: an opening brief due November 2, 2026, in *Syntel Sterling Best Shores Mauritius Ltd. v. The Trizetto Grp., Inc.*, No. 26-1430 (2d Cir); an opening brief due November 3, 2026, in *Micron Technology, Inc. v. Yangtze Memory Technologies Company, Ltd.*, No. 26-2001 (Fed. Cir.); a response and cross-appeal brief due

November 9, 2026, in *Yangtze Memory Technologies Company, Ltd. v. Micron Technology, Inc*, No. 26-1161, -1336 (Fed. Cir.); a response brief due November 9, 2026, in *Yangtze Memory Technologies Company, Ltd. v. Micron Technology, Inc*, No. 26-1961 (Fed. Cir.); a response brief due November 13, 2026, in *Yangtze Memory Technologies Company, Ltd. v. Micron Technology, Inc*, Nos. 26-1502, -1503 (Fed. Cir.); a reply brief due November 18, 2026, in *Micron Technology, Inc. v. Yangtze Memory Technologies Company, Ltd.*, No. 26-1596 (Fed. Cir.); a merits-stage reply due November 23, 2026, and oral argument on December 9, 2026, in *Grand v. City of University Heights*, No. 25-965 (U.S.); a reply brief due November 23, 2026, in *Meeks v. Ray*, No. 25-40542 (5th Cir.); a reply brief due November 30, 2026 in *Micron Technology, Inc. v. Yangtze Memory Technologies Company, Ltd.*, Nos. 26-1649, -1650 (Fed. Cir.); a reply brief due December 9, 2026, in *Yangtze Memory Technologies Company, Ltd. v. Micron Technology, Inc*, No. 26-1600 (Fed. Cir.); an opening brief due December 11, 2026, in *Yangtze Memory Technologies Company, Ltd. v. Micron Technology, Inc*, Nos. 26-26-2223, -2228 (Fed. Cir.); an opening brief due December 14, 2026, in *Yangtze Memory Technologies Company, Ltd. v. Micron Technology, Inc*, No. 26-2236 (Fed. Cir.); and a reply brief due December 21, 2026, in *Propel Fuels v. Philipps 66*, No. A175015 (Cal. App.).

4. A 42-day extension would move the due date for the petition from November 9 to December 21, 2026.

5. The requested extension would cause no prejudice to Respondent, who has advised that it does not oppose the extension.

6. For the foregoing reasons, Applicant hereby requests that an extension of time be granted, up to and including December 21, 2026, within which to file a petition for certiorari.

Respectfully submitted,

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