

No. \_\_\_\_\_

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**In the Supreme Court of the United States**

RETURN MAIL, INC.,

*Applicant,*

v.

UNITED STATES,

*Respondent.*

On Application for Extension of Time to File Certiorari Petition

**APPLICATION FOR EXTENSION OF TIME TO FILE PETITION  
FOR WRIT OF CERTIORARI TO THE FEDERAL CIRCUIT**

Cameron T. Norris  
*Counsel of Record*  
Taylor A.R. Meehan  
Thomas S. Vaseliou  
CONSOVOY MCCARTHY PLLC  
1600 Wilson Blvd., Ste. 700  
Arlington, VA 22209  
cam@consovoymccarthy.com

May 1, 2024

*Counsel for Applicant*

## **PARTIES TO THE PROCEEDING & RELATED PROCEEDINGS**

The parties to the proceeding below are:

Applicant is Return Mail, Inc. It was plaintiff in the claims court and appellant in the court of appeals.

Respondent is the United States. It was defendant in the claims court and appellee in the court of appeals.

The related proceedings below are:

1. *Return Mail, Inc. v. United States*, No. 2022-1898, 2024 WL 562455 (Fed. Cir. Feb. 13) – order affirming decision below; and
2. *Return Mail, Inc. v. United States*, No. 11-130C, 159 Fed. Cl. 187 (Apr. 6, 2022) – order granting summary judgment.

## **CORPORATE DISCLOSURE STATEMENT**

Return Mail, Inc. has no parent company or publicly-held company with a 10% or greater ownership interest in it.

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

Applicant seeks a 60-day extension to file its certiorari petition, moving the  
deadline from May 13, 2024, to July 12, 2024.

1. Applicant will ask this Court to review the Federal Circuit’s decision in  
*Return Mail, Inc. v. United States*, 2024 WL 562455 (Feb. 13). That decision, and the  
decision of the Court of Federal Claims that it affirms, are attached as Exhibits A  
and B.

2. This Court has certiorari jurisdiction over the Federal Circuit’s judg-  
ment under 28 U.S.C. §1254(1).

3. Good cause exists for a 60-day extension for three main reasons.

4. First, this case presents important questions of patent law. It’s already  
been up to this Court once, where the Court held that the validity of Applicant’s pa-  
tent must be decided by a court, not an administrative agency. *Return Mail, Inc. v.*  
*U.S. Postal Serv.*, 139 S. Ct. 1853 (2019). But on remand, the courts largely rub-  
berstamped the agency’s invalid decision. Along the way, they incorrectly decided im-  
portant questions about the abstract-idea exception to patentability in 35 U.S.C.  
§101. A Justice of this Court, as well as the United States itself, has flagged these  
questions as certworthy. *See, e.g.*, CVSG in *Tropp v. Travel Sentry, Inc.*, No. 22-22  
(Apr. 5, 2023) (urging certiorari because “the Federal Circuit has repeatedly divided  
in recent years over the content of the abstract-idea exception”); CVSG in *Interactive*  
*Wearables, LLC v. Polar Electro Oy*, No. 21-1491 (Apr. 5, 2023) (same); CVSG in *Am.*  
*Axle & Mfg., Inc. v. Neapco Holdings LLC* (May 24, 2022) (urging certiorari because

the “[o]ngoing uncertainty has induced every judge on the Federal Circuit to request Supreme Court clarification”); *Tropp*, 143 S. Ct. 2483 (“Justice Kavanaugh would grant the petition”); *Interactive Wearables*, 143 S. Ct. 2482 (same).

5. Second, Applicant just hired Consovoy McCarthy PLLC to represent it before this Court. Though the Consovoy firm is experienced with Supreme Court litigation, it has not previously served as counsel in this case. Applicant’s new counsel needs more time to meet with existing counsel, visit Applicant’s facilities, review the record, research the caselaw, and prepare a clear and concise petition.

6. Third, Applicant’s Supreme Court counsel has other pending matters that conflict with the existing schedule. Among other obligations, counsel must

- prepare for and attend an argument on May 7 in *Carman v. Yellen*, No. 23-5662 (6th Cir.);
- prepare for and argue an appeal on May 15 in *Green Rock LLC v. IRS*, No. 23-11041 (11th Cir.);
- draft an expedited motion, to be filed imminently, in *Alabama v. Cardona*, No. 24-cv-533 (N.D. Ala.);
- conduct ongoing discovery in *Mississippi v. Becerra*, No. 22-cv-113 (S.D. Miss.);
- conduct ongoing discovery in *Students for Fair Admissions v. U.S. Naval Academy*, No. 23-cv-2699 (D. Md.);
- draft complaints for two cases that will be filed in late May;
- prepare for and attend a status conference on May 30 in *Students for Fair Admissions v. U.S. Military Academy* (S.D.N.Y.); and
- draft an opposition to a likely motion to dismiss by June 17 in *Beba LLC v. SEC*, No. 24-cv-153 (W.D. Tex.).

An extension of time will ensure that counsel’s other matters do not hinder Applicant’s ability to file an effective petition in this case.

7. For all these reasons, Applicant requests an extension of time, up to and including July 12, 2024, to file its certiorari petition.

Respectfully submitted,

Cameron T. Norris  
*Counsel of Record*  
Taylor A.R. Meehan  
Thomas S. Vaseliou  
CONSOVOY MCCARTHY PLLC  
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