United States Court of Appeals for the Federal Circuit

April 28, 2017
ERRATA

Appeal No. 2015-5084

REOFORCE, INC., THEODORE SIMONSON, RONALD STEHN,
Plaintiffs-Appellants

v.

UNITED STATES,
Defendant-Appellee

Decided: March 17, 2017
Precedential Opinion

Please make the following changes:

On page 4, lines 4-13, delete:

> Once established, a mining claimant receives "a 'patent,' that is, an official document issued by the United States attesting that fee title to the land is in the private owner." *Kunkes v. United States*, 78 F.3d 1549, 1551 (Fed. Cir. 1996). A patented mining claim is "a property right in the full sense." *Union Oil Co. v. Smith*, 249 U.S. 337, 349 (1919).

> Until a patent issues, the mining claimant has an "unpatented" mining claim, a "unique form of property." *Best*, 371 U.S. at 335–36.

Replace the deleted language with this paragraph:

> The Mining Law allows the holder of a valid mining claim to apply for "a 'patent,' that is, an official document issued by the United States attesting that fee title to the land is in the private owner." *Kunkes v. United States*, 78 F.3d 1549, 1551 (Fed. Cir. 1996). **[insert footnote 1]** Until a patent issues, however, the mining claimant has an "unpatented" mining claim, a "unique form of property." *Best*, 371 U.S. at 335–36; *see also Union Oil Co. v. Smith*, 249 U.S. 337, 349 (1919) (an unpatented mining claim is "a property right in the full sense").

Insert Footnote 1, as indicated above, to read:

> "Since 1994, Congress has imposed a moratorium on the processing of new patent applications. *See* Interior and Related Agencies Appropriations Act of 1995, Pub. L. No. 103-332, 108 Stat. 2499 (1994)."

The following paragraph should start with the sentence currently at page 4, line 13:

> "An unpatented claim…"