

No. 15-1293

IN THE
Supreme Court of the United States

MICHELLE K. LEE, UNDER SECRETARY OF
COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR, UNITED STATES PATENT AND
TRADEMARK OFFICE,
Petitioner,

v.

SIMON SHIAO TAM,
Respondent,

*ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT*

**BRIEF FOR AMANDA BLACKHORSE, MARCUS
BRIGGS-CLOUD, PHILLIP GOVER, JILLIAN
PAPPAN AND COURTNEY TSOTIGH AS AMICI
CURIAE IN SUPPORT OF PETITIONER**

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QUESTIONS PRESENTED

Section 2(a) of the Lanham Act provides that a mark is not eligible for federal registration if it “[c]onsists of or comprises . . . matter which may disparage . . . persons, living or dead . . . or bring them into contempt, or disrepute.” 15 U.S.C. § 1052(a).

1. Does the disparagement provision of Section 2(a) violate the First Amendment?
2. Is the disparagement provision void for vagueness under the Due Process Clause?
3. Should the disparagement provision be interpreted according to its plain language?*

* The Government’s Petition for a Writ of Certiorari presented the first question. Respondent Simon Tam’s Opposition raised the latter two questions.

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