No. 15-777

In The
Supreme Court of the United States

Samsung Electronics Co., *et al.*,
Petitioners,

v.

Apple Inc.,
Respondent.

**On Writ of Certiorari to the
United States
Court of Appeals for the
Federal Circuit**

**Brief *Amicus Curiae* of the
Software Freedom Law Center
in Support of Petitioners**

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QUESTION PRESENTED

1. Can Congress constitutionally award "total profits" damages for infringement of design patents, where 35 U.S.C. §171 contains none of the constitutionally required safeguards for First Amendment protected speech this Court has held are required for constitutional exercise of the Article I, §8 power?

i

TABLE OF CONTENTS

ii

TABLE OF AUTHORITIES

Cases

Constitutions, Statutes, and Regulations

Other Materials

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