

No. 15-777

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

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SAMSUNG ELECTRONICS CO., *et al.*,  
*Petitioners,*

v.

APPLE INC.,  
*Respondent.*

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

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**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?

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