

1 JUSTICE BREYER: What about Lemley's --

2 MR. FEIGIN: What we're here about --

3 JUSTICE BREYER: What about Lemley's test on
4 page 17 of his brief? As I -- as I read it, as I read
5 it and I thought -- and I'm sure you've read it -- and
6 it seemed to me that it does say that a two-dimensional
7 picture of a three-dimensional piece of clothing is not
8 entitled to copyright because it is not a design of
9 anything but a utilitarian object, the clothes, whether
10 they are beautiful clothes, ugly clothes, cheerleader,
11 or anything else.

12 MR. FEIGIN: Well, Your Honor, I think I --
13 we disagree that you can't take the aesthetic aspects of
14 the cheerleading uniform and put them in a different
15 medium.

16 JUSTICE BREYER: But do you agree with
17 Lemley's statement, which, I mean, it's such an -- all
18 the professors are there --

19 MR. FEIGIN: No. Your Honor --

20 JUSTICE BREYER: -- and that's why I thought
21 probably you've read it. And it's from all over the
22 country, and I wanted to get your opinion of it.

23 MR. FEIGIN: Your Honor, as you've
24 characterized the statement, we don't agree with it. We
25 do think that the two-dimensional artwork here is

1 separable from the garment, the cut and shape of which
2 is not copyrightable. Let me just make a couple of
3 points.

4 One is about the act and what it's doing
5 overall. The act overall is drawing a distinction
6 between the kinds of aesthetic communicative expressive
7 functions that are traditionally protected by copyright
8 and the kinds of mechanical, pragmatic, utilitarian
9 functions that are exclusively the domain of a "useful
10 article." And the kinds of functions that Mr. Bursch is
11 talking about here are fundamentally expressive
12 functions.

13 First of all, conveying the information that
14 someone is a cheerleader. When someone is wearing a
15 particular piece of clothing intended to convey that
16 they're a member of a particular group or that they hold
17 a particular belief, that is the kind of expressive
18 function that copyright traditionally protects.

19 And, indeed, there is an express exception
20 in the definition of a "useful article" for conveying
21 information. And I think this is indistinguishable from
22 putting a sports team logo on a T-shirt to identify
23 someone as a Washington Capitals fan, for instance.

24 JUSTICE KAGAN: Well, what do you do in
25 Mr. Bursch's examples of military uniforms or police

1 officer uniforms, something like that?

2 MR. FEIGIN: So, Your Honor, those also are
3 conveying information. Now, if someone were trying to
4 assert a copyright in the design of a policeman uniform
5 in such a way that it turned out there were, say, only a
6 limited number of ways to identify someone as a
7 policeman and a copyright were being asserted to prevent
8 identification of someone as a policeman, then the
9 defenses that we discuss at pages 39 to 40 of our brief,
10 the "merger" doctrine, the "scènes à faire" doctrine,
11 would apply to prevent what would effectively be
12 monopolization of that idea.

13 So if that were really happening in this
14 case -- and there are some reasons to think that's not
15 actually happening in the cheerleading realm, and we
16 discuss those in our brief -- if that were happening,
17 those defenses would apply.

18 JUSTICE GINSBURG: What about the Galiano
19 case? That was the casino uniform. Why is that
20 different from the cheerleader uniform?

21 MR. FEIGIN: Well, Your Honor, we -- we
22 don't agree with the result in the Galiano case. To the
23 extent there was some sort of unique, two-dimensional
24 elements that some casino wanted to put on its uniforms
25 to identify its employees, that artwork would be

1 copyrightable and -- just like the cheerleading uniforms
2 in this case.

3 I also want to address the argument --

4 JUSTICE BREYER: Well, before you get away
5 from that, one thing very quick, because maybe I really
6 agree with you.

7 MR. FEIGIN: I hope so.

8 JUSTICE BREYER: I had looked at page 22 of
9 your brief at figure 8. And what I had seen there when
10 I took the arms away was a picture of a thing that was a
11 picture of the cut and style and not just a picture of
12 chevrons. And so -- but if that's what it is, then you
13 would agree and I would agree that it's not -- everybody
14 would agree, I guess, it's not copyrightable.

15 MR. FEIGIN: The point of figure 7 and 8 in
16 our brief, Your Honor, is that everything you see in
17 figure 7 that's also in figure 8 is not copyrightable.
18 That's the cut and shape of the dress. It's the stripes
19 and the coloration, the lines and the design in this
20 particular arrangement.

21 JUSTICE BREYER: So what happens if when you
22 look at the picture that they submit to the Copyright
23 Office and try to figure out if it's separable what you
24 see is a picture of a dress that goes around a woman
25 which does look like, you know, shape and cut and so

1 forth?

2 MR. FEIGIN: So they have generally checked
3 a box, as they did here, that says two-dimensional
4 artwork, and the Copyright Office understands all
5 they're trying to protect is the surface imagery of the
6 garment, and that, they'll register.

7 I do want to address this idea that making
8 the viewer look different is somehow the kind of
9 non-expressive function that is associated with the
10 "useful article" -- with a "useful article." And I
11 think that approach would be contrary to congressional
12 intent and completely inadministrable.

13 If you look at page 55 of the House report,
14 you'll see that Congress believed that two-dimensional
15 designs on fabric or on wallpaper would be separable and
16 thus copyrightable. But that wouldn't be true under the
17 approach petitioner is urging.

18 Under that approach, you'd have to look at a
19 particular two-dimensional design on wallpaper and try
20 to assess whether and to what degree it might make the
21 room look bigger or brighter or smaller or darker. I'm
22 not aware of any scientific reliable or consistent way
23 --

24 JUSTICE KAGAN: Well, that seems a problem.
25 But on the other hand, it seems a little bit strange

1 that, you know, take a garment designer who wants to do
2 a design that is slimming. And if -- there are all
3 kinds of structural things you can do that are slimming,
4 and those would not be copyrightable.

5 MR. FEIGIN: Correct.

6 JUSTICE KAGAN: Then you're saying that
7 the -- that the placement of stripes or color, that is
8 copyrightable, even though the garment designer is
9 really trying to do the same thing through color and
10 through graphic design as he was doing through the shape
11 of the article.

12 MR. FEIGIN: So, Your Honor, I definitely
13 think there is a spectrum here, but let me try to
14 explain why I think this is on the expressive side of
15 the line, not the non-expressive side of the line.

16 If I were to wear a shirt that said "Please
17 focus on my very nicely toned arms. I've worked very
18 hard on them," I think we'd all understand the message
19 conveyed by that shirt to be expressive and separable
20 from the non-expressive functions that the shirt
21 performs covering my body.

22 Now, what -- the kinds of things that we're
23 talking about here are essentially sending that same
24 message, albeit in a nonverbal, more subconscious way,
25 but they're still fundamentally expressive because

1 they're about how the wearer is trying to portray
2 themselves and their appearance to the world, and that's
3 all that's being copyrighted. That's traditionally
4 within the domain of copyright. It is not copyrighting
5 a particular functionality.

6 JUSTICE KENNEDY: Is the domain of copyright
7 to copyright the way people present themselves to the
8 world?

9 MR. FEIGIN: The way that someone
10 expresses -- the way that someone expresses an idea to
11 the world -- in this case, the idea would be how they
12 look -- is something that is very akin to traditional
13 expression that's protected by copyright.

14 Again, here we're just talking about
15 two-dimensional artwork. If we were -- if we adopted
16 petitioner's view, the Copyright Office, when it looks
17 at a particular two-dimensional design, would have to
18 figure out what effect it would have in all sorts of
19 contexts on various "useful articles," which would
20 really --

21 CHIEF JUSTICE ROBERTS: The whole point of
22 the case is we're not just talking about two-dimensional
23 artwork. We're talking about two-dimensional artwork
24 applied to a -- the fabric in a way that conveys a
25 utilitarian function. It's not just -- your friend

1 concedes that if you want to put a picture of this on a
2 lunchbox or whatever that you have a copyright in that.
3 It's only when you apply it to a garment -- because it
4 is what makes that garment a cheerleading outfit as
5 opposed to somebody else; it serves that utilitarian
6 function -- that you don't have a copyright.

7 MR. FEIGIN: Your Honor, I think our
8 fundamental disagreement is whether this is actually
9 performing utilitarian functions. If I could just --

10 CHIEF JUSTICE ROBERTS: Sure.

11 MR. FEIGIN: -- finish my response.

12 And I think one -- I think one problem with
13 the approach you've just articulated is it really
14 divorces Section 101 and 113(a) because you could get a
15 copyright in the illustration, and then he would say
16 it's not copyrightable in certain applications, and that
17 doesn't make much sense.

18 Thank you.

19 CHIEF JUSTICE ROBERTS: Thank you, counsel.

20 Mr. Bursch, six minutes.

21 REBUTTAL ARGUMENT OF JOHN J. BURSCH

22 ON BEHALF OF THE PETITIONER

23 MR. BURSCH: Thank you, Mr. Chief Justice.

24 I want to start with that final point that
25 the government makes, that if you had a statement that

1 says look at my arms on your shirt that somehow that
2 would be conveying the same message. That -- that's not
3 what this is doing. No one is saying, look at my arms.
4 Like with camouflage, you're not saying, look, you can't
5 see me.

6 The camouflage is actually doing work when
7 it's put in connection with the garment that it was
8 designed for. That's the point.

9 And on that point, Justice Kagan, I just
10 want to make clear about the functionality that we are
11 claiming here with respect to these designs. It's not
12 just that the lines follow the figure of the human body.
13 It's that they actually make the human body appear to
14 look different than it would if they were not wearing
15 those designs. It's just like camouflage.

16 JUSTICE SOTOMAYOR: But the colors do. I
17 mean, the colors are just colors. You can -- what he is
18 saying is you can achieve the same thing with probably
19 most colors and stripes and whatever else is in these
20 designs.

21 MR. BURSCH: Well, they are not claiming
22 copyright in the colors. They -- they can't --

23 JUSTICE SOTOMAYOR: No, they are not.

24 MR. BURSCH: -- the arrangement.

25 And I would say even as to color, this Court

1 in the Qualitex case, that was a trademark case, you
2 said that black, the color black has the ability to make
3 a motor look smaller than it actually is. It has a
4 function that makes it ineligible for trademark
5 protection, and, really, that's the same thing that we
6 are talking about here. That you can use graphic design
7 like camouflage --

8 JUSTICE SOTOMAYOR: Before we are going much
9 further, you're now saying that any -- you're saying
10 there is no copyright on those things.

11 MR. BURSCH: Oh, no. We are saying --

12 JUSTICE SOTOMAYOR: On those pictorial
13 representations --

14 MR. BURSCH: Yes.

15 JUSTICE SOTOMAYOR: -- because they can
16 always be applied in a way that has a function.

17 MR. BURSCH: That -- that's not correct,
18 because if you took the sports logo that the government
19 mentioned, that's a perfect example of something that
20 doesn't require the garment for its functionality,
21 because, just like we were discussing earlier, you could
22 take the logo, and you could put it on your hat or your
23 socks or your lunch pail or on your -- your mitten that
24 you hold up when the folks hit the home run, right,
25 because it doesn't rely at all for the article on which

1 it's appeared for its functionality.

2 But here, these designs rely entirely --

3 JUSTICE SOTOMAYOR: Certain kinds make you
4 look fatter --

5 MR. BURSCH: Right. Exactly.

6 JUSTICE SOTOMAYOR: You believe that --

7 MR. BURSCH: And if --

8 JUSTICE SOTOMAYOR: So you're saying none --
9 even if you find a color rainbow of some weird elk that
10 could never be copyrighted, because --

11 MR. BURSCH: They -- they could have the
12 copyright in the two-dimensional design, but if there
13 was an application where it would create functionality
14 when paired with a garment, then, yes, their copyright
15 would not extend to prevent --

16 JUSTICE SOTOMAYOR: How about the gorilla, a
17 gorilla's hand around your -- one of the pictures in --

18 MR. BURSCH: Right. That -- that's a much
19 closer case than this one.

20 For starters, if we're walking through the
21 analysis, first you look at the identified separately,
22 and, here, when you look at the arrangements of the
23 stripes and the color blocks and the chevrons, you --
24 you see the cheerleader uniforms.

25 And this is Justice Breyer's point about

1 page 17 of the Lemley brief, right, that the aesthetic
2 elements exist only as part of a cheerleader uniform.
3 There's nothing to extract. That's why this case is
4 different than the gorilla case.

5 So then what you have to ask is if the --
6 the -- the T-shirt in that case was less functional
7 without the design, and I think that's a -- a close
8 call.

9 But -- but this case is like the camouflage
10 because it's -- it's doing the work of changing the way
11 the body is perceived just the way camouflage changes
12 the way the body is perceived, and just like military
13 uniforms, having an identifying function which is
14 extremely important.

15 So I -- I bring this all back to what the
16 Chief Justice said, isn't it the test, if it's the
17 design that makes the article what it is, then you can't
18 copyright it. And I would say that that's almost
19 exactly right.

20 They can copyright the design and prevent
21 reproduction of the two-dimensional design on the
22 notebook or the lunchbox, but if it's the design that
23 makes the article what it is, you can't manufacture --

24 JUSTICE GINSBURG: How do we decide that
25 it's -- how do we decide that it's the design that makes

1 it what it is, as opposed to the cut of the garment, the
2 shape, the pleats or whatever, the tightness of the top?
3 What -- why should we say that -- that this
4 two-dimensional design, which could be put on many
5 things, is what makes this article utilitarian?

6 But what do you do about the shape?

7 MR. BURSCH: Well, here it's more than just
8 the shape. If we go back and look at page --

9 JUSTICE GINSBURG: But we -- everybody
10 agrees that the shape, the cut of the dress, that the
11 garment itself is not copyrightable, right?

12 MR. BURSCH: Correct. Everyone agrees.

13 JUSTICE GINSBURG: So we are talking about
14 the -- the design.

15 MR. BURSCH: Yes.

16 JUSTICE GINSBURG: So why -- why is this
17 close to a fabric design?

18 MR. BURSCH: Because, again, the fabric
19 designs work anywhere, anyplace, no matter how you move
20 them. If we are looking at page 5 and you've got the
21 waist narrowing Vs, which are not the shape of the dress
22 but they -- they make the illusion that the shape of the
23 dress is cutting in to make you slimmer, those only work
24 in that particular place on this article.

25 If you put those on the lunchbox, they don't

1 make the person look narrower. They don't even make the
2 lunchbox look narrower.

3 The designs, the shape of the designs work
4 just like the shape of the garment itself, and -- and
5 that's why this is different than that flowered print
6 that we were talking about in the -- the Folio case.

7 You know, in -- in conclusion, I want to go
8 back to what Justice Breyer and what Justice Sotomayor
9 said: That if you recognize their -- their
10 two-dimensional copyright extends to prohibit the
11 manufacture of actual three-dimensional cheerleader
12 uniforms, then -- then you're giving them 100-year of
13 copyright monopoly, and that school can't go anywhere
14 else. And that's really ironic because you have to keep
15 in mind that --

16 JUSTICE KAGAN: Well, can't the school just
17 go to somebody who puts the zigzag where the chevron
18 was, or the chevron where the zigzag was, or makes it a
19 couple of different colors or adds another stripe?

20 I mean, there's this -- my clerk found --
21 I'm sorry. Just add that --

22 CHIEF JUSTICE ROBERTS: No, you can --

23 JUSTICE KAGAN: I'm done with my question.

24 MR. BURSCHE: Yeah, as my -- as my friend on
25 the other side said, it -- it would still be a copyright

1 problem because they would claim that it was too close
2 to the original.

3 And you can see from the last two pictures
4 that we have in our reply brief, that there are only
5 certain places that these stripes and chevrons and color
6 blocks can go, otherwise it doesn't look like a
7 cheerleader uniform anymore. It doesn't identify the
8 person. Certainly doesn't have the slimming effect, the
9 making taller effect, and all the other things that
10 camouflage do.

11 So we respectfully request that you not
12 grant a 100-year copyright monopoly in design.

13 CHIEF JUSTICE ROBERTS: Thank you, counsel.

14 The case is submitted.

15 (Whereupon, at 12:09 p.m., the case in the
16 above-entitled matter was submitted.)

17

18

19

20

21

22

23

24

25

A	51:6,13,13,14 agreed 38:6 39:6 agreeing 12:22 agrees 17:17,24 39:5 60:10,12 akin 54:12 AL 1:6 albeit 53:24 alike 44:2 Alito 38:8,16,19 38:25 40:20 alive 8:11 allowing 18:14 37:14 allows 16:7 21:4 amici 6:7 amicus 1:22 2:10 41:17 45:13 amply 32:9 analysis 42:24 43:17 58:21 analyzed 3:18 anesthetic 41:8 answer 37:5 41:10 46:24 anymore 6:22 62:7 anyplace 60:19 apologize 11:21 12:8 apparel 9:16 39:19 appear 8:4 20:6 23:6 28:20 36:25 37:1 56:13 appearance 16:21,23 21:24 22:7 41:1 47:9 54:2 APPEARAN... 1:15 appeared 58:1 appears 28:17 35:13 36:12,24 44:9	Appendix 29:9 33:17 36:4 application 58:13 applications 55:16 applied 4:14 6:4 19:5 26:23,24 26:24 27:7 29:25 31:7,21 40:22,24 46:9 46:11 54:24 57:16 applies 40:9 apply 15:17 47:1 50:11,17 55:3 applying 22:14 approach 52:11 52:17,18 55:13 area 5:10 44:3 argument 1:13 2:2,5,8,12 3:3 3:6 9:9 24:20 25:3 26:18 40:21,22,23 42:7,9,18 43:7 43:8 45:8,12 51:3 55:21 arguments 24:25 arms 51:10 53:17 56:1,3 arrangement 5:20 44:24,25 51:20 56:24 arrangements 58:22 art 24:14 26:23 26:23,24,24 27:7 35:13 36:6,8 38:10 40:15 41:24,25 article 5:16 8:1 8:8,15 10:16 14:15 15:20 16:15,17,19,21 16:25 17:2,4,6	17:10,11 20:6 21:5,11,16,22 21:24 22:16,17 22:18 23:16 26:11,12,24 28:16,19,22 30:1,11,11,21 30:23 31:9 32:3,16 37:16 42:1 45:18 47:4 49:10,20 52:10,10 53:11 57:25 59:17,23 60:5,24 article's 3:22,24 articles 29:15 31:21 44:9,10 54:19 articulated 55:13 artist's 37:23 artistic 27:14 arts 41:15 artwork 4:2 36:12 45:18 48:25 50:25 52:4 54:15,23 54:23 ASG's 35:17 aside 30:7 asked 9:22 aspect 17:8 31:10 32:3 37:21 41:5 aspects 3:22 4:25 8:1 13:7 14:15 17:6,11 21:16,20 22:16 22:18 24:12 25:25 32:15 40:2,14 47:4 48:13 assert 50:4 asserted 50:7 asserting 43:19 46:12 assess 52:20	Assistant 1:20 associated 52:9 assume 12:18 38:11 assumes 38:15 assuming 20:20 37:15 Athletica 1:3 3:4 attach 30:20 attractiveness 7:19 attributes 32:15 available 33:14 avoid 45:5 avoiding 30:19 aware 52:22
			B	
			back 11:4,4 13:9 19:18 21:7 59:15 60:8 61:8 backpacks 28:6 bad 35:7 balance 26:15 barring 17:15 basic 25:3 beautiful 48:10 began 38:19 behalf 1:16,18 2:4,7,14 3:7 26:19 55:22 belief 49:17 believe 34:11 58:6 believed 52:14 belong 41:3 belonging 33:5 best 4:18 31:14 41:10 43:7 better 8:3 42:2,3 42:8 big-time 34:21 bigger 41:22 42:5 52:21 billion 34:11 bit 52:25	

<p>black 20:15 33:4 34:1,2 57:2,2 block 18:20,21 blocks 5:21 6:9 18:21 28:19 29:11 30:5 58:23 62:6 blue 16:13 17:23 18:7,9 19:14 19:14 44:18,19 body 32:17 35:21 39:15,20 42:14 53:21 56:12,13 59:11 59:12 boiling 47:3 bottom 17:22 18:11 19:12 bottoms 6:15 box 5:25 52:3 brand-new 27:24 Brands 1:6 3:4 breadth 8:24 Breyer 24:3,8,18 24:21,24 25:3 25:6,13,17,19 25:23 26:9 34:3,22,25 35:15,23,24 36:7,15,18,21 37:3,22 39:4 47:10,18,21 48:1,3,16,20 51:4,8,21 61:8 Breyer's 58:25 brief 5:13 6:7 7:2 9:12 16:13 17:23 18:7,9 20:15 23:19 35:11,17 41:17 48:4 50:9,16 51:9,16 59:1 62:4 brighter 52:21 bring 11:4 59:15 broad 22:6</p>	<p>Buccafusco 7:2 41:18 Bursch 1:16 2:3 2:13 3:5,6,8 4:15 6:17 7:16 7:21 8:17,22 9:13,20 10:7 10:10,22 11:3 11:18,25 12:3 12:9,13,20,25 13:11,14,18,21 14:1,12 15:4 15:21 16:2 18:5 19:6,18 19:22,25 20:3 20:11,14,23 21:1,18 22:11 23:7,11,14 24:7,17,19,23 25:2,5,7,16,18 25:20,24 26:10 39:13 49:10 55:20,21,23 56:21,24 57:11 57:14,17 58:5 58:7,11,18 60:7,12,15,18 61:24 Bursch's 39:13 49:25 buy 32:20 33:6</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>C 2:1 3:1 Caledonia 1:16 call 59:8 camouflage 4:18 10:14 22:21 23:2,3,9,17 24:2 27:17,18 27:19,25 28:5 28:12,16 40:22 40:24 41:1,6 45:25 46:1,4,6 46:13 56:4,6 56:15 57:7 59:9,11 62:10</p>	<p>camouflaged 23:22 capable 24:11 27:10 Capitals 49:23 captures 8:14,15 careful 14:13 carrying 8:6 case 3:4,25 4:11 5:12 17:12 27:17 28:4,12 28:17 31:8 33:1 34:13 36:24 39:9 45:17 47:2 50:14,19,22 51:2 54:11,22 57:1,1 58:19 59:3,4,6,9 61:6 62:14,15 cases 7:18 casino 50:19,24 catalogue 11:16 11:24 29:9 catalogued 35:11 cause 19:16 causing 16:4 center 5:22 century-long 3:11 cert 43:15 certain 22:5 23:6 33:5 43:20,21 55:16 58:3 62:5 certainly 27:19 32:16 33:8 41:23,24 62:8 change 3:24 7:4 7:25 14:15 changed 45:6 changes 6:22 14:22 59:11 changing 59:10 characterized 48:24</p>	<p>checked 52:2 cheerleader 3:11 5:20 9:7 9:24,25 11:4 13:7,24 14:10 14:11,19 15:8 15:9,25 16:1 17:2 18:15,24 19:10,16 21:7 25:1 28:25 29:3,12,12 34:1,2 40:7,9 42:10,20,21 43:4,21,25 47:6,7 48:10 49:14 50:20 58:24 59:2 61:11 62:7 cheerleader's 4:5,13 15:25 cheerleader-u... 23:24 cheerleaders 15:10,12 cheerleading 6:14 29:2,21 29:24 30:5,6 30:25 31:1,5,5 32:11,22 33:5 33:9,15 42:15 44:4 48:14 50:15 51:1 55:4 chest 8:24 chevron 61:17 61:18 chevrons 4:3 5:21 28:18 29:10 30:4 38:2 39:17 51:12 58:23 62:5 Chief 3:3,8 10:17 19:3 26:16,20 27:16 27:21 28:1,8 28:21 29:1,6</p>	<p>29:19 30:18 31:6,23 32:10 40:25 42:7,13 42:18 43:23 45:9,10,11,15 45:24 46:9,20 46:23 54:21 55:10,19,23 59:16 61:22 62:13 choose 4:8 church 41:20 42:5 cite 7:24 civilians 15:15 claim 4:21,21 40:4 62:1 claiming 35:9 44:16 56:11,21 clarify 35:8 clear 3:16 16:3 47:22 56:10 clearly 11:9 Cleland's 15:10 clerk 61:20 close 59:7 60:17 62:1 closely 6:21 closer 58:19 clothes 34:7,8,12 34:16 35:1 47:12,13,14 48:9,10,10 clothing 5:16 37:24 38:1 48:7 49:15 codify 32:5 cognizable 29:13 collar 18:17 colleagues' 43:7 color 5:21 6:9 18:20,21,21 28:18,22 29:11 30:5 53:7,9 56:25 57:2 58:9,23 62:5</p>
--	---	--	--	--

coloration 51:19	connection 56:7	26:22 27:5,13	corresponds	dark 7:4
colors 33:4,12	consider 4:16	28:11 29:25	36:3	darker 52:21
45:6 56:16,17	17:11	30:8,15,19	costumes 25:1	decades 31:18
56:17,19,22	considered	31:17 32:6,23	counsel 26:16	46:2
61:19	16:12 22:6	33:3,25 34:10	45:9 55:19	decent 42:18
combination	46:17	35:3,6,22	62:13	decide 37:13
33:24,25	consistent 32:2	37:14 38:20	country 48:22	43:9 59:24,25
come 44:20	52:22	40:9 41:23,25	couple 43:4 49:2	decided 17:1
comes 26:25	contemplated	42:6,22 43:1,2	61:19	decision 17:9
common 47:23	31:14	44:17,22,23	course 30:3	32:6
communicative	contest 10:11,12	45:21 46:2,2,5	31:18 36:7	decisions 27:7
49:6	11:6	46:12,19 47:24	Court 1:1,13 3:9	decorates 41:25
companies 37:8	context 47:1	48:8 49:7,18	26:21 32:7	defenses 47:1
comparing	contexts 54:19	50:4,7 51:22	43:15 45:16	50:9,17
22:15	contract 5:15	52:4 54:4,6,7	56:25	define 17:19
competitors	contracts 32:20	54:13,16 55:2	Court's 32:6	18:16
33:16	contrary 52:11	55:6,15 56:22	courts 4:24	defines 18:12
completely 7:21	convenient	57:10 58:12,14	26:23 27:12	defining 17:23
8:14,15 25:21	30:12	59:18,20 61:10	42:25	definitely 53:12
52:12	convey 16:21	61:13,25 62:12	cover 18:18,24	definition 7:15
computer 29:22	42:14 49:15	copyright-elig...	21:2 29:16,22	7:16 16:15,16
concealment	conveyance	41:4,6,21	32:17 42:14	16:18 17:4,4
46:15,16	16:10	copyrightable	covering 18:13	27:1 40:13
conceals 41:9	conveyed 53:19	9:17 18:17	53:21	41:14 49:20
conceded 45:20	conveying 15:19	28:13 31:22	covers 28:6	degree 52:20
concedes 29:20	15:22,23 16:4	34:14 38:3	35:21	degrees 5:17 9:4
55:1	16:8,23 21:25	39:1,7 40:18	create 58:13	9:6
conceding 6:5	22:7 23:5	47:25 49:2	creates 7:10	deign 3:20
conceived 25:12	40:11 47:5	51:1,14,17	23:24	Department
conceptual	49:13,20 50:3	52:16 53:4,8	creating 23:18	1:21
34:19 37:4,10	56:2	55:16 60:11	creative 46:5	depicted 10:16
conceptualize	conveys 40:15	copyrighted	creativity 12:17	deposits 18:8,10
26:3	54:24	10:20 17:25	cube 36:9	description 25:8
conclusion 3:13	copied 8:16	27:15,19 28:5	curiae 1:22 2:10	desert 4:18
61:7	copies 30:10	29:20,23 31:10	45:13	design 3:12,23
confused 19:19	copy 11:8	33:14 34:7	curved 27:22	4:10,13,18,21
confusing 22:1	copyright 3:11	38:12,17 45:4	curvier 24:1	4:22,24 5:1,3
Congress 3:10	4:20,22,24 5:1	54:3 58:10	curvy 19:17	5:10,11,15,15
3:16 22:12,23	6:10 7:13	copyrighting	cut 4:7 35:9,16	6:4,22,22 8:4
26:22 30:14	10:11,12,14,15	54:4	38:5 47:24	9:22 10:11,12
31:12,14,18	10:19 11:10	correct 10:22	49:1 51:11,18	10:14,19,23
32:8 37:16	12:4,6,16,21	11:1 12:13	51:25 60:1,10	13:4,13,16,23
52:14	12:23,25 13:12	13:14 19:22	cutting 60:23	13:25 14:7,8,8
congressional	13:15,23 14:3	33:7 36:17		14:10,16,18
52:11	18:7 19:24,25	39:2 43:17	D	19:5,10 20:4
conjunction	20:2,3,20,25	53:5 57:17	D 3:1	20:16,17 22:22
23:16	21:12 24:15	60:12	D.C 1:9,18,21	23:15 24:9

26:5,11 27:22 28:16 29:14,21 29:23,25 30:3 30:10,21,22,23 30:25 31:9 33:3,20,23 34:6,8,8,15 35:18,19,25 36:2,19,24 37:15 38:4,9 38:16 39:7,10 39:10,14,16 42:9 44:8,13 44:15,18,24 48:8 50:4 51:19 52:19 53:2,10 54:17 57:6 58:12 59:7,17,20,21 59:22,25 60:4 60:14,17 62:12	different 4:9 7:5 9:10 16:8 18:3 18:4 19:4,4,8 23:4,5 35:25 40:2 41:7 42:10 45:1 48:14 50:20 52:8 56:14 59:4 61:5,19 differently 16:5 directed 26:22 directive 26:25 directives 27:4 disabuse 34:20 disagree 48:13 disagreement 55:8 discuss 50:9,16 discussing 57:21 dispositive 3:20 dispute 17:25 47:2 disqualification 12:17 distinction 39:22,23 49:5 distinctive 42:10 divorces 55:14 doctrine 42:19 42:23,25 50:10 50:10 doing 12:19 20:25 26:5 31:17,19 32:8 49:4 53:10 56:3,6 59:10 dollars 34:11 domain 49:9 54:4,6 dome 41:20,22 double 34:15 draw 10:20 drawing 19:13 49:5 dress 10:6 13:23 13:25 14:10,11 16:1 19:16	20:15 24:4,4,6 24:12,13 28:23 28:24 29:24 31:2 35:20,21 36:13,14,16,19 36:25 37:6,9 38:2 40:3 42:11 51:18,24 60:10,21,23 dresses 7:3 34:13 35:1 Duchamp 24:13 37:13 <hr/> E E 2:1 3:1,1 earlier 57:21 effect 8:5 54:18 62:8,9 effective 27:14 40:11,17 42:3 effectively 50:11 effects 5:23 eight 36:1,1,2 element 4:12 elements 33:24 44:24 45:7 46:5 50:24 59:2 eligibility 20:4 eligible 12:16 20:2 46:4 elk 58:9 embody 30:10 30:17 employees 50:25 enacted 30:15 encompass 21:20 encompasses 40:15 ended 24:10 enhances 21:10 enjoyed 34:10 entire 8:24 11:12 entirely 58:2	entitled 48:8 ERIC 1:20 2:9 45:12 especially 40:10 ESQ 1:16,18,20 2:3,6,9,13 essential 29:11 essentially 39:15 43:20 53:23 ET 1:6 everybody 39:5 51:13 60:9 evidence 31:15 exact 7:7 8:9 exactly 13:19 19:11 22:22 24:2,17 26:7 28:14 31:11 34:4 58:5 59:19 example 4:16 5:10 6:24 7:1 23:2 57:19 examples 29:5,9 33:17 41:15 49:25 exception 49:19 exclude 21:23 22:9 excluded 22:19 23:13 exclusively 49:9 exist 3:23 13:5 14:13 59:2 existence 33:12 44:10 existing 24:11 27:10 exists-indepen... 7:23 16:12 expand 5:14 8:24 expert 43:11,12 43:14 explain 20:17 47:9 53:14 explaining	31:18 express 49:19 expresses 54:10 54:10 expressing 42:20 43:2 expression 27:15 54:13 expressive 46:17 49:6,11,17 53:14,19,25 extend 10:15 28:11 30:13 58:15 extends 61:10 extent 6:20,23 28:13 43:8 50:23 extract 59:3 extremely 59:14 <hr/> F fabric 5:10,11 5:11 23:15 26:4,5 28:23 38:17,21 39:1 39:6,10 40:3 52:15 54:24 60:17,18 face 8:3 fact 8:15 22:24 29:5 42:3 43:8 facts 16:9 43:3 fail 24:24 faire 50:10 faithfully 27:5 fall 16:6 famous 38:11 fan 45:23 49:23 fashion 34:9 47:15 fatter 58:4 favor 37:14 fear 37:5 feature 7:25 14:14 features 3:21,23
--	--	---	---	--

<p>17:5 22:15 Feigin 1:20 2:9 45:11,12,15 46:1,11,21,25 47:20,22 48:2 48:12,19,23 50:2,21 51:7 51:15 52:2 53:5,12 54:9 55:7,11 figure 36:1,1,2,4 39:15 51:9,15 51:17,17,23 54:18 56:12 figures 16:9 final 55:24 find 36:4 58:9 findings 43:8 fine 26:23 41:15 41:25 finish 55:11 first 3:14 4:16 6:18 14:22 16:3,19 17:9 21:22 22:22 23:19 49:13 58:21 fit 39:19 five 4:9 15:3,4 18:4 30:4 flowered 61:5 flowers 5:11,14 focus 7:22 19:12 21:7 53:17 folders 38:5 Folio 5:12 61:6 folks 57:24 follow 56:12 follows 39:15 forever 32:24 33:21 Forget 24:3 form 7:17,18 43:22 forms 24:5 forth 52:1 found 9:17</p>	<p>61:20 frame 8:23 fresco 41:19 friend 28:15 29:19 38:6 39:6 45:20 54:25 61:24 friends 32:15 Fromer 7:2 41:18 function 15:14 15:25 16:2,20 19:9 22:17 23:4,9,12,15 26:7 29:13 31:13 42:11 43:22 46:15 49:18 52:9 54:25 55:6 57:4,16 59:13 functional 14:17 18:13 19:1 30:1 59:6 functionality 17:18 20:18 21:10 54:5 56:10 57:20 58:1,13 functionally 5:17 functions 6:1 16:24 17:8,13 21:21 22:20 24:2 46:18 49:7,9,10,12 53:20 55:9 fundamental 55:8 fundamentally 45:19 49:11 53:25 further 26:14 57:9</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>G 3:1 36:4 Galiano 50:18</p>	<p>50:22 garment 8:12 17:1,10 28:10 47:25 49:1 52:6 53:1,8 55:3,4 56:7 57:20 58:14 60:1,11 61:4 garments 6:19 6:21 35:10 general 1:21 31:8 generally 5:9 46:4 52:2 Ginsburg 3:25 4:16 5:9 10:13 15:2,19,24 18:2 50:18 59:24 60:9,13 60:16 give 18:8 given 29:4 gives 7:18 giving 61:12 go 13:8 19:14,18 37:6 38:10 40:3 60:8 61:7 61:13,17 62:6 goes 18:19 51:24 going 30:21 31:21 35:5 39:9 57:8 good 5:10 18:6 22:1,2 23:2 37:6 41:8 45:7 gorilla 58:16 59:4 gorilla's 58:17 government 9:10,21 17:15 55:25 57:18 government's 9:11 20:10 grant 3:10 62:12 graphic 4:12 16:14 27:2 28:18 30:9,16</p>	<p>53:10 57:6 graphics 3:15 great 7:1 38:10 ground 47:23 group 41:3 49:16 guess 10:17 21:13 31:3 51:14</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hand 52:25 58:17 hang 37:19 hanger 47:14 happening 50:13,15,16 happens 51:21 happier 8:4 happy 8:3 hard 53:18 hat 5:25 8:6 11:8 21:3 57:22 hear 3:3 held 21:23 help 41:16 hesitate 45:3 hide 23:9 history 4:19 31:15 47:19 hit 57:24 hold 49:16 57:24 holder 5:1 holistic 22:2 home 57:24 Honor 16:10 43:14 44:14 46:1 47:20,22 48:12,19,23 50:2,21 51:16 53:12 55:7 hope 51:7 House 31:16,20 31:23 32:4 52:13 human 39:15,20 56:12,13</p>	<p>hundred 22:24 34:8 hunter's 28:10 hypothetical 10:13 27:9 44:7</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>idea 27:19 34:1 41:24 42:22 43:3 50:12 52:7 54:10,11 ideas 46:7 identification 15:13,23 16:7 50:8 identified 3:21 13:5 24:19 27:11 40:1 44:8 58:21 identified-sep... 11:14 identifies 15:8 45:22 identify 15:11 15:16 16:1 24:9 49:22 50:6,25 62:7 identifying 17:13 19:9 22:19 29:12,13 47:5,7 59:13 ignore 25:16,18 25:20 illusion 7:10 14:23 15:23 19:8 23:18,25 60:22 illusions 15:22 16:3 illustrate 41:16 illustration 41:19 55:15 image 13:1,2 40:12 imagery 52:5 imagination</p>
---	--	---	--	---

25:19 imagine 25:11 imagining 25:9 immediately 23:20 impact 40:16 implement 27:3 implemented 27:5 important 5:4 7:22 59:14 Impressions 5:12 inadmissible 52:12 include 30:9 including 30:11 independent 25:21 independently 3:23 13:5 14:14 24:11 27:10 indistinguishable... 45:19 49:21 industry 34:9,10 35:6 ineligible 57:4 influenced 43:22 information 15:20,22 16:4 16:9,11,22,24 21:25 22:8 23:5 47:6 49:13,21 50:3 infringement 45:6 46:22 47:1 infringing 45:8 inquiry 22:8 27:10 inside 18:24 instance 16:19 49:23 intend 3:10 intended 20:6	22:23 49:15 intending 32:5 intent 52:12 interchangeable 4:9 intrinsic 16:20 17:7 22:16 introduce 43:11 43:12,13 involved 18:8 43:9 iPhone 28:6 29:16 ironic 61:14 issue 14:4 it'll 18:23 items 6:3 <hr/> J J 1:16,20 2:3,9 2:13 3:6 45:12 55:21 Jack 10:24 jacket 37:1 jackets 6:24 29:17,17 Jay 1:18 2:6 26:17,18,20 27:18,24 28:2 28:10 29:1,7 30:2 31:3,11 31:25 32:13,25 33:8,13,22 34:22 35:8,23 36:2,11,17,20 36:23 37:2,18 38:4,7,14,18 38:20 39:3,6 39:11,25 40:23 41:13 42:12,17 43:13 44:6,13 44:14,23 45:2 45:10 JOHN 1:16 2:3 2:13 3:6 55:21 joint 29:8,18 33:17 36:4	Judge 15:9,9 Justice 1:21 3:3 3:8,25 4:15 5:8 6:2 7:13,17 8:10,19 9:9,14 10:3,8,13,17 10:25 11:15,20 12:1,7,9,10,14 12:24 13:8,12 13:15,19,22 14:5 15:2,7,19 15:24 17:21 18:2 19:3,18 19:23 20:1,9 20:13,19,24 21:13,19 22:11 23:1,8,12 24:3 24:8,18,21,24 25:3,6,13,17 25:19,23 26:9 26:16,20 27:16 27:21 28:1,8 28:14,21 29:2 29:6,19 30:18 31:6,23 32:10 32:19,25 33:2 33:10,19,22,23 34:3,22,23,25 35:2,15,23,24 36:7,15,18,21 37:2,3,22 38:7 38:8,16,19,24 38:25 39:4,5,8 39:12 40:20,25 41:11 42:7,13 42:18 43:6,23 44:12,15,25 45:9,10,11,15 45:24 46:9,16 46:20,23 47:10 47:17,18,21 48:1,3,16,20 49:24 50:18 51:4,8,21 52:24 53:6 54:6,21 55:10 55:19,23 56:9	56:16,23 57:8 57:12,15 58:3 58:6,8,16,25 59:16,24 60:9 60:13,16 61:8 61:8,16,22,23 62:13 justified 32:9 <hr/> K Kagan 9:9,14 10:3,8,25 13:8 13:12,15,19,22 14:5 15:8 17:21 21:13,19 22:11 23:1,8 23:12 28:14 37:2 38:7,24 39:5,8,12 44:12,15,25 46:16 47:17 49:24 52:24 53:6 56:9 61:16,23 Kate 7:3 keep 61:14 KENNEDY 8:10,19 41:11 43:6 54:6 key 27:4,7 41:14 kill 35:6 killing 35:2,3 kind 5:9 14:4 30:11 31:11,13 39:10,14 49:17 52:8 kinds 22:5,10 49:6,8,10 53:3 53:22 58:3 Klee 8:11 knock-offs 35:3 knockoff 35:6 know 22:24 24:1 26:2 28:6 29:15 30:12 32:4,20,23 33:15,16,17	34:23 35:7 38:14,22,22 40:11,16 41:2 41:2,9,15 42:1 42:4 43:1,20 43:25 44:1 51:25 53:1 61:7 <hr/> L L.L.C 1:3 lack 12:17 law 14:3 31:24 35:4,6 43:20 lawyer 37:6 lay 17:14 laying 40:4 left 35:16,17,18 legal 43:16,18 legislation 22:25 legislative 31:15 Lemley 59:1 Lemley's 48:1,3 48:17 lesson 10:1,24 let's 8:2 11:3 15:5 19:2,12 licensed 8:12 limited 50:6 line 9:3 10:16 17:19 53:15,15 lines 6:24 7:4,6 7:12 8:21 9:1 9:14 10:5,9 14:25 15:1 51:19 56:12 list 15:5 little 19:19 20:15 52:25 locking 43:2 logo 29:4 45:21 49:22 57:18,22 long 20:4 24:15 longer 5:23 9:7 look 4:24 5:24 6:21 7:5 8:3 9:5,7 15:5 17:3
---	---	--	--	--

19:2 20:12,14 23:20 24:5 25:14 26:10,11 28:23 29:8 30:7 32:2 35:10,16 36:3 36:8,9 38:10 40:7 41:8,17 41:22 42:2,3,5 42:8,9 44:2,4 51:22,25 52:8 52:13,18,21 54:12 56:1,3,4 56:14 57:3 58:4,21,22 60:8 61:1,2 62:6 looked 51:8 looking 6:8 7:6 43:4 44:17 60:20 looks 24:6,12 35:19,20 36:8 37:7 38:2 39:18 54:16 lose 26:1 lost 26:7 lot 34:6 43:24 lunch 5:25 21:3 57:23 lunchbox 11:8 12:6 29:22 30:21,23,24,24 30:25 55:2 59:22 60:25 61:2	man 47:11 manner 46:13 manufacture 17:16 20:22 59:23 61:11 manufacturer 20:5 46:14 manufacturing 13:17,24 14:2 14:6,7 19:21 46:14 Marcel 24:13 37:13 matter 1:12 11:9 21:11 43:20 60:19 62:16 Mazer 32:6 McCartney 7:3 19:15 McKeague's 15:9 mean 5:24 10:18 22:1 36:9 40:24 41:13 43:9 48:17 56:17 61:20 meaning 31:16 40:14 means 8:16 14:14 21:22 25:21 meant 39:19 measuring 17:5 mechanical 49:8 medium 48:15 meet 38:15 member 42:15 45:22 49:16 members 15:16 men's 34:8 mentioned 57:19 merely 16:20 merger 42:19,23 42:25 50:10 message 40:16 41:3 42:14	53:18,24 56:2 Mich 1:16 military 4:17,18 5:2,2 15:14,15 15:16 17:13,14 22:21 28:9 45:25 46:10,11 49:25 59:12 mind 24:5 61:15 mine 34:25 minimum 16:6 minutes 55:20 mitten 57:23 mixed 15:15 mobility 32:18 Modern 38:10 moment 18:9 21:8 37:23 Monday 1:10 Mondrian 4:3 8:11,14,20 monopolization 50:12 monopoly 3:11 34:21 61:13 62:12 more-than-that 34:9 motor 57:3 move 9:4 60:19 Müller-Lyer 7:12 9:3 15:1 Museum 38:10	58:10 nicely 53:17 non-expressive 52:9 53:15,20 nonverbal 53:24 normal 42:11 47:11 notebook 8:6 11:7 12:6 21:2 59:22 notion 34:20 number 14:20 19:13 20:16 27:9 40:1 41:19 50:6	3:6 26:18 45:12 orange 33:4 34:1 order 9:16 28:3 original 6:11 27:24 28:5 38:14 62:2 outfit 55:4 outset 35:9 outside 18:23 overall 47:9 49:5,5 owner 30:8,15 38:20 43:1
<hr/> M <hr/> M 1:18 2:6 26:18 making 9:23,24 10:4,15 11:12 13:2 17:14 18:13 23:6 39:22 41:8 47:12 52:7 62:9	<hr/> M <hr/> man 47:11 manner 46:13 manufacture 17:16 20:22 59:23 61:11 manufacturer 20:5 46:14 manufacturing 13:17,24 14:2 14:6,7 19:21 46:14 Marcel 24:13 37:13 matter 1:12 11:9 21:11 43:20 60:19 62:16 Mazer 32:6 McCartney 7:3 19:15 McKeague's 15:9 mean 5:24 10:18 22:1 36:9 40:24 41:13 43:9 48:17 56:17 61:20 meaning 31:16 40:14 means 8:16 14:14 21:22 25:21 meant 39:19 measuring 17:5 mechanical 49:8 medium 48:15 meet 38:15 member 42:15 45:22 49:16 members 15:16 men's 34:8 mentioned 57:19 merely 16:20 merger 42:19,23 42:25 50:10 message 40:16 41:3 42:14	<hr/> N <hr/> N 2:1,1 3:1 name 29:3 names 33:6,9 narrower 61:1,2 narrowing 60:21 necessary 43:21 need 4:1 28:3 neither 13:4 29:10 nervous 25:8 never 17:25	<hr/> O <hr/> O 2:1 3:1 object 37:25 48:9 obvious 6:7,10 6:18 obviousness 12:17 October 1:10 office 4:20 26:22 27:5,13 31:17 32:6 43:1 47:24 51:23 52:4 54:16 Office's 46:3 officer 50:1 oh 28:24 57:11 okay 12:18,24 once 17:1 33:19 ones 4:9 22:17 40:7,7,17 43:9 opinion 48:22 opposed 31:1 55:5 60:1 opposite 21:14 22:22 optical 7:10 14:23 15:21,23 16:3 19:8 23:18,24 oral 1:12 2:2,5,8	<hr/> P <hr/> P 3:1 p.m 62:15 page 2:2 5:12 7:1 9:11 12:4 16:13 17:22 18:10 19:12 20:14 23:19 29:8 35:11,17 43:15 44:17 48:4 51:8 52:13 59:1 60:8,20 pages 18:6,9 33:18 50:9 pail 21:3 57:23 painted 41:19 painting 8:11,13 38:19,21 paintings 38:11 paired 58:14 pants 8:6 part 4:12,12 16:12 25:2,5,7 59:2 particular 9:15 10:8,9 19:21 29:21 30:3,4 31:4 33:24 34:24 39:19,20 40:8 41:2,3

<p>42:5,14 43:3 44:25 46:5 49:15,16,17 51:20 52:19 54:5,17 60:24 parties 47:23 patent 35:5 pattern 27:25 28:5 30:20 46:6 patterns 34:24 people 13:16,24 15:14 16:8 17:14 22:25 24:15 54:7 perceived 7:5 14:23 19:16 59:11,12 percent 44:4 perception 47:8 perfect 57:19 perfectly 32:2 perform 46:15 performing 55:9 performs 41:7 53:21 person 16:1,5 23:21 42:2 61:1 62:8 petition 43:15 petitioner 1:4,17 2:4,14 3:7 27:8 43:14 52:17 55:22 petitioner's 47:5 54:16 PGS 17:3 Picasso 8:10,13 8:18,20,23 9:5 9:6 pictorial 4:12 6:4 7:20 16:14 27:1 30:8,16 57:12 picture 6:9 8:12 20:2,4 23:19 24:4 35:21</p>	<p>36:13 37:7,12 37:25 48:7 51:10,11,11,22 51:24 55:1 pictures 3:15 6:21 11:16,23 18:6 58:17 62:3 piece 9:15 37:24 38:1 39:19 48:7 49:15 place 6:25 8:9 9:15 10:9 21:22 26:6 60:24 placement 53:7 places 35:12 62:5 plain 31:2 please 3:9 26:21 45:16 53:16 pleats 38:5 60:2 plus 32:21 point 6:3,12 10:7,10 15:9 15:10 19:19 20:12,13 24:21 24:22 34:3 39:13 41:16 51:15 54:21 55:24 56:8,9 58:25 points 3:12 6:18 24:23 49:3 police 49:25 policeman 50:4 50:7,8 policy 22:12 portion 24:20 portray 16:21 54:1 portraying 16:23 21:24 22:7 41:1 positing 46:16 position 6:8 13:1 20:10 28:17</p>	<p>possible 22:12 potentially 38:17 practical 34:17 37:5,9 practice 32:7 practices 46:3 pragmatic 49:8 premise 30:2 31:4,7 34:5 38:25 present 54:7 presume 33:4 presumed 32:7 presumption 32:8 pretty 22:1,2 prevent 5:2 9:23 10:15 11:11 13:16,24 20:5 22:20 43:1 46:13 50:7,11 58:15 59:20 prevents 10:3,4 price 34:15 primary 42:25 principles 27:8 46:7 print 19:9,11 21:2 61:5 printed 12:4 probably 48:21 56:18 problem 12:9 52:24 55:12 62:1 produce 21:4 37:7 producing 5:2 22:21 product 30:13 professors 41:18 48:18 prohibit 13:2 61:10 prong 16:12 proposed 22:25</p>	<p>protect 26:23 52:5 protectable 26:13 protected 46:2 49:7 54:13 protection 6:11 34:10 42:6 45:21 57:5 protective 46:18 protects 49:18 provide 32:18 provisions 27:3 pull 18:9 purchaser 7:19 pure 43:16,18 purpose 21:8 32:12,14 purposes 25:1 32:14 put 5:22,25 6:2 6:13,14,15 11:7,7,8 12:5 18:22 21:2,3 29:15,22 33:6 33:8 37:13 39:18 48:14 50:24 55:1 56:7 57:22 60:4,25 puts 18:15 61:17 putting 6:20,24 14:18 45:21,24 49:22</p>	<p>47:3 61:23 questions 3:20 26:14 quick 17:18 51:5 quickly 14:21</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R 3:1 rainbow 58:9 read 48:4,4,5,21 reading 21:15 real 43:18 really 9:14 21:14 34:6 47:2 50:13 51:5 53:9 54:20 55:13 57:5 61:14 realm 50:15 reason 5:8 11:12 13:3 23:1 42:5 47:11 reasons 4:15 28:13,15 50:14 REBUTTAL 2:12 55:21 recognize 61:9 red 18:21 19:13 44:19,20 referred 33:18 referring 5:9 14:24 reflect 46:3 register 31:19 52:6 register's 31:16 registration 27:7 35:12 36:3,5 rejects 27:8 relate 21:23 22:9 relates 21:25 reliable 52:22 rely 57:25 58:2 remain 31:21 remains 6:23</p>
<hr/> <p style="text-align: center;">Q</p> <hr/>				
<p>qualify 6:10 Qualitex 57:1 question 4:1,23 9:22 13:9 21:14 27:14 30:19,22 34:3 34:5,17,18,19 34:23 37:4,5 38:9 39:9 43:16,18 44:6 44:7,7 45:19</p>				

remove 26:7	9:3 10:7,22	52:3 56:1	53:19	simply 14:18
reordered 45:7	11:21 17:4	scene 15:15	separate 25:21	23:4,5 29:11
replicate 10:23	18:20 20:17	scènes 50:10	26:3 29:25	42:13
reply 5:13 23:19	23:14,18 24:8	school 33:4,11	44:10 46:17	singlets 15:11
62:4	25:2,4,6,16,23	33:20,20 61:13	separately 3:21	six 55:20
report 31:16,24	26:8 28:1	61:16	13:5 24:10,20	sketch 12:23
32:5 52:13	30:10,13,17	Schools 33:8	44:8 58:21	slimmer 7:11
reports 31:20	31:8,24 33:19	scientific 46:7	separates 18:20	19:17 23:25
representations	38:21 39:9,11	52:22	serve 32:11,14	60:23
57:13	46:24 57:24	sculptural 16:15	serves 42:4 55:5	slimming 5:23
reprint 5:12	58:5,18 59:1	27:2 30:9,16	set 34:7 35:12	7:4 14:24 53:2
reproduce 38:21	59:19 60:11	sculpture 37:20	sets 30:7	53:3 62:8
reproduced 4:14	rights 30:8,9	sculptures 3:15	setting 30:6	smaller 5:22
28:6,9 29:17	ROBERTS 3:3	seams 18:13,18	shape 4:7 7:5	52:21 57:3
reproducing	10:17 19:3	second 3:19,22	8:14 17:20,23	smooth 18:23
45:4	26:16 27:16,21	5:8 6:18 15:7	17:24 18:3,4	socks 57:23
reproduction	28:1,8,21 29:6	16:2 27:12	18:12,16 35:9	sold 34:12
45:17 59:21	29:19 30:18	Section 3:15,19	38:5 47:24	Solicitor 1:20
request 62:11	31:6,23 32:10	5:5 7:24 10:1,2	49:1 51:18,25	somebody 10:19
require 57:20	42:7,13 43:23	10:24 13:4	53:10 60:2,6,8	28:23 44:20
required 27:13	45:9,11,24	14:2 16:14	60:10,21,22	45:1,22 55:5
requirement	46:9,20,23	21:9 26:8 27:1	61:3,4	61:17
7:24 11:14	54:21 55:10,19	30:7 55:14	shirt 8:5 9:10,19	somebody's
14:13	61:22 62:13	see 4:25 16:4,13	10:19,20 11:1	43:25
requirements	robes 47:21	18:8 23:20	13:10,13,16	sorry 11:20 41:4
13:6	romantic 47:17	25:14 29:9	14:9,9 45:20	44:13 61:21
requires 11:13	room 41:25 42:2	35:11,15 36:5	53:16,19,20	sort 16:8 20:21
17:10 26:8	42:8 52:21	37:2 40:25	56:1	39:17 50:23
requisites 38:15	rotate 5:17 9:4	51:16,24 52:14	shirts 13:17	sorts 46:17
reserve 26:15	Rubik's 36:9	56:5 58:24	short 10:6	54:18
resist 30:2 31:4	rug 38:23 42:1	62:3	shovel 24:13	Sotomayor 6:2
resisting 31:7	rules 15:17	seen 51:9	37:19,20,23	7:13,17 11:15
respect 14:3	run 57:24	sell 12:11 32:22	shovels 24:16	11:20 12:1,7,9
19:8 56:11		33:16	show 15:6 43:24	12:10,14,24
respectfully	S	selling 12:2	shows 42:15	19:18,23 20:1
29:1 33:22	S 2:1 3:1	sending 41:2	side 9:1 14:25	20:9,13,19,24
62:11	sales 18:25	53:23	19:14,15 23:2	32:19,25 33:2
respond 6:17	satisfied 37:4,15	sense 9:16 22:6	29:20 34:11	33:10,19,23,23
Respondents 1:7	saying 4:6,8	55:17	43:13 53:14,15	35:2 56:16,23
1:19,23 2:7,11	10:5,25 19:20	separability	61:25	57:8,12,15
26:19 45:14	32:1,1,10,13	3:16,18 4:1 5:7	side's 43:19	58:3,6,8,16
response 55:11	35:7 39:13	17:3 21:9,17	side-by-side	61:8
rest 33:12	40:8 47:13	22:9,14 42:24	25:10	Sotomayor's
result 19:4	53:6 56:3,4,18	separable 25:14	sides 7:4,9 25:22	34:23
50:22	57:9,9,11 58:8	25:14 26:13	similar 6:23	space 24:6
retain 45:20	says 14:2 22:13	28:19 49:1	38:9	special 15:13
right 7:24 9:2,2	24:14 25:13	51:23 52:15	Similarly 7:8	24:3 25:1

<p>27:22 specialized 24:25 spectrum 53:13 sports 45:21 49:22 57:18 squad 42:15 squads 44:4 standing 23:21 Star 1:3 3:4 30:12 Star's 29:9 start 16:17 55:24 started 19:19 44:1 starters 58:20 starting 38:25 starts 34:5 statement 47:12 48:17,24 55:25 States 1:1,13,22 2:10 45:13 statute 11:5,12 17:10 21:15 22:1,3,4,13 26:25 29:14 30:14 31:12 32:16 statutory 7:23 13:6 14:13 Stella 7:3 19:15 stitch 19:11 stitched 18:22 19:4 stitches 18:23 stop 11:22 12:1 12:3,19 stopped 19:20 stopping 12:10 20:21 stops 10:16 20:25 strange 52:25 stretch 18:14 stripe 18:19,25 44:18,18,19,19</p>	<p>44:19,20 45:1 45:2 61:19 striped 28:18 30:4 stripes 5:21 6:9 18:16 19:14,15 29:10 39:17 51:18 53:7 56:19 58:23 62:5 stronger 18:14 structural 53:3 stuck 32:24 33:10 stuff 45:5 style 17:19 37:9 51:11 subconscious 53:24 subject 5:7 11:9 21:11 subjecting 3:14 subliminated 19:6 submit 4:20 51:22 submitted 4:2 62:14,16 submitting 4:5 substantive 27:2 suddenly 34:13 sue 24:15 37:8 suggest 46:23 suggested 38:25 suing 11:15,17 11:18,19 suit 37:7 suits 35:1 superimposed 4:13 supplier 33:11 support 3:12 supporting 1:22 2:11 45:14 suppose 8:10,11 38:9 supposed 40:2</p>	<p>Supreme 1:1,13 sure 10:18 13:9 21:9 31:25 33:8 44:16 48:5 55:10 surface 35:14 36:12 38:4,9 38:18 52:5 suspect 7:17 sweats 6:14</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>T 2:1,1 T-shirt 8:2 10:4 14:17 45:22 49:22 59:6 take 6:8 8:22 11:3,6 12:5 13:1 24:9 28:21 29:21 37:6,11,11,19 37:24 48:13 53:1 57:22 taken 6:4,13 29:15 talk 6:6 23:17 25:8 talked 19:7 talking 5:19 9:24 14:16,18 21:6,16 35:25 36:1 37:22,23 40:6 42:24 49:11 53:23 54:14,22,23 57:6 60:13 61:6 talks 9:11 taller 5:24 9:7 23:25 62:9 tapestry 38:23 team 29:3,4 45:21,22 49:22 teams 33:6 techniques 41:21 tell 6:6 9:21</p>	<p>39:22 tells 15:17 terms 21:17 test 3:16 17:3 21:9,17 22:9 22:14 25:10 26:2 31:8 48:3 59:16 testimony 31:17 43:11,12,14 44:3 text 3:19 7:23 11:5 21:7 textiles 38:22 Thank 3:8 26:16 45:9,10,15 55:18,19,23 62:13 theory 38:3 they'd 42:18 45:7 thin 46:5 thing 7:7 14:7 16:25 17:17 18:1 20:21 21:4 26:12 35:22 36:10 37:16 41:2 51:5,10 53:9 56:18 57:5 things 4:4 14:24 17:18 18:25 21:23,24 22:5 22:10,19 23:13 24:3 25:11 27:22 37:15,20 38:1 43:21,22 53:3,22 57:10 60:5 62:9 think 6:5 9:21 12:11 15:14,21 15:22 16:7 19:24 20:2,3 20:11,24 27:18 28:2,3,4,11,11 28:14 29:4 30:18 31:11,14</p>	<p>32:4,7,8 34:4 34:16 40:3,18 40:19,25 41:9 41:14 43:18 44:1,11 45:7 47:2,4,15 48:12,25 49:21 50:14 52:11 53:13,14,18 55:7,12,12 59:7 thinner 7:11 9:8 thought 15:19 18:2 27:23 48:5,20 thousands 27:6 27:6 three 3:12 three-dimensi... 3:17 5:6 9:25 13:3 17:20 36:10 48:7 61:11 thrust 34:17 tick 14:21 15:4 tightness 60:2 time 18:6 26:15 told 43:14 toned 53:17 top 18:11,16 60:2 tops 6:15 trademark 35:4 57:1,4 traditional 54:12 traditionally 46:18 49:7,18 54:3 transposed 12:7 treat 39:9 tree 23:21 tried 22:25 24:9 Trompe-l'oeil 41:24 true 23:17 26:9 26:9 42:17</p>
---	---	--	--	--

52:16 try 24:15 44:1 51:23 52:19 53:13 trying 13:23 22:4 39:4 50:3 52:5 53:9 54:1 turn 17:2 18:6 turned 9:6 50:5 tuxedo 9:10,19 9:23 10:19,20 10:23 11:1 13:10,13,13,16 13:17 14:2,6,8 14:9,16 45:20 two 4:15 12:7 17:18 18:10,21 24:23 25:11 27:4,7 47:5 62:3 two- 36:7 two-dimensio... 3:14,17 4:2 5:5 5:6 10:21 31:20 35:13,19 35:20 36:6,8,9 36:11,13 37:12 37:25 45:18 48:6,25 50:23 52:3,14,19 54:15,17,22,23 58:12 59:21 60:4 61:10 twofold 3:20	understanding 22:2 understands 52:4 understood 21:20 uniform 3:11 4:6,7,7,13,17 4:18,21,22 5:1 5:3,20,22 6:14 8:25 9:24,25 11:4,12 13:3,7 14:19 17:2,14 17:24 19:10,21 20:22 26:3 28:9 29:3,21 29:24 30:5,6 30:25 31:1,5,5 32:21 33:20 34:2,2 40:4,9 42:10,21 45:25 46:10,12,14,15 48:14 50:4,19 50:20 59:2 62:7 uniform's 17:19 22:19 uniforms 7:7,9 11:23 12:11 15:5,7,13,16 17:13,16 21:7 22:21 29:10 32:11,23 33:5 33:9,15 49:25 50:1,24 51:1 58:24 59:13 61:12 unique 50:23 United 1:1,13,22 2:10 45:13 university 32:19 32:22 urging 52:17 use 7:14 8:12 30:17 35:6 37:8 57:6 useful 3:21,24	8:1 10:16 15:20 16:15,17 16:18,25 17:2 17:4,10,17 20:6 21:5,11 21:22 22:17 23:16 26:24 28:16,19,22 30:11,20,23 31:21 32:3 37:16 40:10 42:1,1 45:18 47:4 49:9,20 52:10,10 54:19 uses 5:3 41:21 usually 45:3 utilitarian 3:22 3:24 4:25 8:1 13:6 14:15,20 16:20,24 17:6 17:8,8,11 21:15,20,21 22:6,15,16,18 23:4,9,14 24:12 25:24 26:6 31:10,13 32:3,12,14,15 32:17 37:21,25 40:2,14,14,21 40:21,23 41:5 41:13 42:23 47:3 48:9 49:8 54:25 55:5,9 60:5 utility 7:14,15 18:13 26:1 28:15 31:12	vice 43:19 view 32:2 39:23 43:19 46:3 54:16 viewer 52:8 viewer's 47:8 violated 44:22 virtually 31:20 37:14 visual 27:14 30:15 40:7,15 40:16 visualize 25:11 Vs 7:9 9:2 14:25 60:21	21:15 23:6,23 24:2 27:22 39:20 40:8 41:8 42:25 43:5 50:5 52:22 53:24 54:7,9,10,24 57:16 59:10,11 59:12 ways 42:20 43:2 43:4,24 44:5 50:6 we'll 3:3 34:15 we're 6:8 9:23 11:18 40:4 48:2 53:22 54:14,22,23 58:20 we've 23:18 29:4 42:24 wear 10:1 47:21 53:16 wearer 5:24 7:10 14:22 54:1 wearer's 47:8 wearing 8:5 15:11 42:21 47:12 49:14 56:14 wears 42:3 weird 58:9 whatsoever 5:16 white 18:20 28:23,24 29:2 44:18,19 WILLIAM 1:18 2:6 26:18 wings 35:16 Winslet 7:3 wishes 47:11 withhold 42:6 woman 47:10,14 51:24 woman's 35:21 women's 34:7 34:11,16
<hr/> U <hr/>			<hr/> W <hr/>	
ugly 48:10 ultimately 29:14 41:9 44:6 uncopyrighted 33:14 underlying 46:7 understand 5:4 13:9 14:5 23:3 31:7 39:12 43:7 44:16 53:18		v 1:5 3:4 variants 33:14 33:15 various 54:19 Varsity 1:6 3:4 10:11 11:6 25:10 28:4 33:16	waist 60:21 waist-narrowi... 7:9 14:25 waistband 18:14 wait 37:3 walking 58:20 wall 24:14 37:13 37:19 wallpaper 38:23 52:15,19 want 8:15 19:20 21:7 22:8 30:14 35:22 37:17 39:22 51:3 52:7 55:1 55:24 56:10 61:7 wanted 43:11,12 43:13 48:22 50:24 wants 53:1 war 15:17 warm-up 29:16 warm-ups 29:17 warmup 6:24 warmups 37:1 Washington 1:9 1:18,21 49:23 way 6:5 10:5 19:11 21:10,14	

<p>woods 23:10 word 41:13,14 words 23:8 work 8:7 24:2 24:14 26:5,12 27:15 30:9,16 30:16 35:13 36:6,8 40:15 40:18 41:25 45:4 46:8 56:6 59:10 60:19,23 61:3 worked 53:17 works 5:17 16:15 23:15,16 27:2 world 4:19 54:2 54:8,11 worn 29:3 worth 34:12 wouldn't 5:24 5:25 9:22 10:12 52:16 wrestling 15:11 write 31:12</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p>x 1:2,8</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>Yeah 20:14 23:7 61:24 year 34:12 years 22:25 27:6 32:21 34:9 yellow 34:2</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zigzag 4:8 17:21 18:12 61:17,18 zigzags 39:17</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 10:24 23:19 10 9:11 100-year 61:12</p>	<p>62:12 101 3:16 5:5 7:25 13:4 16:14 21:9 26:8 27:1 55:14 101's 3:19 102(b) 42:22 11:07 1:14 3:2 113 10:2 113(a) 55:14 113(b) 14:2 113A 30:7 12:09 62:15 15-866 1:4 3:4 17 48:4 59:1 1950s 29:6</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 16:13 2016 1:10 21 7:1 22 20:14 35:17 51:8 225 34:11 23 20:15 26 2:7 299A 17:22 18:11 299B 17:22 18:11</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 2:4 31 1:10 34 29:8 39 50:9</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 17:22 18:6,9 18:10 44:17 40 43:15 50:9 45 2:11 5:17 9:4 9:6 46 36:5</p> <hr/> <p style="text-align: center;">5</p> <hr/>	<p>5 18:6,9 19:12 60:20 55 2:14 52:13</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>60 35:11</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 5:12 51:15,17 76 31:19</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 51:9,15,17 815 19:13 20:16</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>95 44:3 99 32:21</p>		
---	---	---	--	--