

## INDEX

(Vol. 580 U. S.)

---

**AFFIRMATIVE DEFENSES.** See **Patent Act.**

**BANK FRAUD.** See **Criminal Law.**

**BANKRUPTCY ASSETS.** See **Bankruptcy Law.**

### **BANKRUPTCY LAW.**

*Chapter 11 structured dismissal—Deviation from ordinary priority rules governing asset distribution.*—Bankruptcy court may not, without consent of affected creditors, approve a structured dismissal of a Chapter 11 bankruptcy that deviates from ordinary priority rules governing distributions of bankruptcy estate assets. *Czyzewski v. Jevic Holding Corp.*, p. 451.

**CAPITAL SENTENCING.** See **Victim Impact Statements.**

**CERTIFICATE OF APPEALABILITY.** See **Habeas Corpus.**

**CHAPTER 11.** See **Bankruptcy Law.**

**CIVIL RIGHTS ACT OF 1871.** See **Qualified Immunity from Suit.**

**CONGRESSIONAL REDISTRICTING.** See **Constitutional Law.**

### **CONSTITUTIONAL LAW.**

#### **I. Double jeopardy.**

*Issue preclusion—Retrial of defendants following inconsistent jury verdicts.*—Issue-preclusion component of Double Jeopardy Clause does not bar Government from retrying defendants, like petitioners, after a jury has returned irreconcilably inconsistent verdicts of conviction and acquittal and convictions are later vacated for legal error unrelated to inconsistency. *Bravo-Fernandez v. United States*, p. 5.

#### **II. Due process.**

*Request to disqualify trial judge—Question of constitutionally tolerable bias.*—Where petitioner requested recusal of his trial judge, Nevada Supreme Court erred in not asking proper question: whether, considering all circumstances alleged, risk of bias was too high to be constitutionally tolerable. *Rippo v. Baker*, p. 285.

**CONSTITUTIONAL LAW**—Continued.**III. Equal protection of the laws.**

*Legislative redistricting—Race-based decisionmaking.*—District Court employed an incorrect legal standard in concluding race was not predominant factor in Virginia Legislature’s design for 11 of 12 challenged state legislative districts, but court did not err in concluding that lines for remaining district were constitutional because legislature’s use of race, though predominant, was narrowly tailored to achieve a compelling state interest. *Bethune-Hill v. Virginia State Bd. of Elections*, p. 178.

**IV. Fourth Amendment.**

*Legality of pretrial confinement—Timeliness.*—Petitioner may challenge legality of his pretrial confinement on Fourth Amendment grounds; on remand, Seventh Circuit should determine claim’s accrual date for statute-of-limitations purposes, unless it finds that city has previously waived its timeliness argument. *Manuel v. Joliet*, p. 357.

**COPYRIGHT LAW.**

*Copyright protection eligibility—Test for design features of useful articles.*—Test for determining whether a feature incorporated into design of a useful article is eligible for copyright protection—whether feature (1) can be perceived as a two- or three-dimensional work of art separate from useful article, and (2) would qualify as a protectable pictorial, graphic, or sculptural work, either on its own or fixed in some other tangible medium of expression, if it were imagined separately from useful article into which it is incorporated—is satisfied here. *Star Athletica, L. L. C. v. Varsity Brands, Inc.*, p. 405.

**CRIMINAL LAW.** See also **Constitutional Law; Securities Regulation; Victim Impact Statements.**

*Scheme to defraud bank customer.*—Title 18 U. S. C. § 1344(1), which makes it a crime to “knowingly execut[e] a scheme . . . to defraud a financial institution,” covers schemes to deprive a bank of money in a customer’s deposit account. *Shaw v. United States*, p. 63.

**DETENTION OF ARRESTED PERSON.** See **Constitutional Law.**

**DOUBLE JEOPARDY CLAUSE.** See **Constitutional Law.**

**DUE PROCESS.** See **Constitutional Law; Federal Sentencing Guidelines.**

**EDUCATION.** See **Individuals With Disabilities Education Act.**

**EQUAL PROTECTION OF THE LAWS.** See **Constitutional Law.**

**EXCESSIVE FORCE.** See **Qualified Immunity from Suit.**

**FALSE CLAIMS ACT.**

*Qui tam actions—Violation of Act's sealed document requirement—Abuse of discretion.*—False Claims Act does not mandate dismissal of a *qui tam* relator's complaint for a violation of Act's requirement that a complaint be sealed for a specified period of time; nor did District Court abuse its discretion in denying petitioner's motion to dismiss respondents' complaint for violating that requirement. *State Farm Fire & Casualty Co. v. United States*, p. 26.

**FANNIE MAE.** See **Jurisdiction.**

**FEDERAL NATIONAL MORTGAGE ASSOCIATION.** See **Jurisdiction.**

**FEDERAL RULES OF CIVIL PROCEDURE.** See **Habeas Corpus.**

**FEDERAL VACANCIES REFORM ACT OF 1998.**

*Presidential appointment nominees—Performance of duties in acting capacity under FVRA.*—FVRA provision that prevents a person who has been nominated to fill a vacancy in an office requiring Presidential appointment and Senate confirmation from performing duties of that office in an acting capacity, 5 U. S. C. § 3345(b)(1), applies to anyone performing acting service under FVRA, not just first assistants performing acting service under § 3345(a)(1). *NLRB v. SW General, Inc.*, p. 288.

**FEDERALLY CHARTERED CORPORATIONS.** See **Jurisdiction.**

**FOURTEENTH AMENDMENT.** See **Constitutional Law.**

**FOURTH AMENDMENT.** See **Constitutional Law.**

**HABEAS CORPUS.**

*Certificate of appealability—Ineffective assistance of counsel—Relief under Federal Rule of Civil Procedure 60(b)(6).*—Fifth Circuit erred in denying a certificate of appealability to petitioner, who demonstrated both ineffective assistance of counsel under *Strickland v. Washington*, 466 U. S. 668, and an entitlement to relief under Rule 60(b)(6). *Buck v. Davis*, p. 100.

**INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**

1. *Exhaustion of administrative remedies—Gravamen of plaintiff's complaint.*—Disabled child plaintiff seeking relief under a federal law other than IDEA need not exhaust Act's administrative procedures where gravamen of plaintiff's suit is something other than denial of IDEA's core guarantee of a "free appropriate public education"; Court of Appeals should determine on remand the gravamen of plaintiff's complaint. *Fry v. Napoleon Community Schools*, p. 154.

2. *Obligation to provide free public education—Individualized education program.*—To meet its substantive obligation to provide a free appro-

**INDIVIDUALS WITH DISABILITIES EDUCATION ACT**—Continued. appropriate public education under IDEA, a school must offer an individualized education program that is reasonably calculated to enable a child to make progress appropriate in light of child's circumstances. *Endrew F. v. Douglas County School Dist.* RE-1, p. 386.

**INEFFECTIVE ASSISTANCE OF COUNSEL.** See **Habeas Corpus.**

**INSIDE INFORMATION.** See **Securities Regulation.**

**INSIDE TRADING IN CORPORATE STOCK.** See **Securities Regulation.**

**ISSUE PRECLUSION.** See **Constitutional Law.**

**JUDGES' RECUSAL.** See **Constitutional Law.**

**JUDICIAL BIAS.** See **Constitutional Law.**

**JURISDICTION.**

*Sue-and-be-sued clause—Federal court jurisdiction.*—Provision authorizing federally chartered corporation Federal National Mortgage Association (Fannie Mae) “to sue and to be sued . . . in any court of competent jurisdiction, State or Federal,” 12 U. S. C. § 1723a(a), does not extend federal jurisdiction to all cases involving Fannie Mae. *Lightfoot v. Cendant Mortgage Corp.*, p. 82.

**JURY DELIBERATIONS.** See **No-impeachment Rule.**

**JURY VERDICTS.** See **Constitutional Law.**

**LACHES.** See **Patent Act.**

**MULTICOMPONENT INVENTIONS.** See **Patent Law.**

**NEVADA.** See **Constitutional Law.**

**NO-IMPEACHMENT RULE.**

*Juror comments during deliberations—Compelling evidence of juror's racial animus.*—Sixth Amendment requires that no-impeachment rule—which recognizes that a verdict, once entered, cannot be challenged based on comments jurors made during deliberations—must give way in order for trial court to assess possible denial of jury trial guarantee where compelling evidence indicates that a juror relied on racial stereotypes or animus to convict a criminal defendant. *Pena-Rodriguez v. Colorado*, p. 206.

**PATENT ACT.**

*Damages claims under Act—Inability to raise laches defense.*—Laches cannot be invoked as a defense against a claim for damages brought within

**PATENT ACT**—Continued.

Patent Act's 6-year limitations period, 35 U. S. C. §286. *SCA Hygiene Products Aktiebolag v. First Quality Baby Products, LLC*, p. 328.

**PATENT LAW.**

1. *Design-patent infringement of multicomponent product—Damages award.*—In arriving at a damages award for design-patent infringement involving a multicomponent product, relevant “article of manufacture,” 35 U. S. C. §289, need not be end product sold to consumer but may be a component of that product. *Samsung Electronics Co. v. Apple Inc.*, p. 53.

2. *Infringement liability—Multicomponent invention manufactured abroad.*—Supply from United States of a single component of a multicomponent invention for manufacture abroad does not give rise to infringement liability under §271(f)(1) of Patent Act, because it does constitute supply of “all or a substantial portion of the components of a patented invention” for combination abroad. *Life Technologies Corp. v. Promega Corp.*, p. 140.

**PUBLIC SCHOOL EDUCATION.** See **Individuals With Disabilities Education Act.**

**QUALIFIED IMMUNITY FROM SUIT.**

*Qualified immunity of police officer—Clearly established law.*—Tenth Circuit erred in basing its conclusion that police officer was not entitled to qualified immunity on ground that he violated clearly established law when he arrived late to an ongoing police action and then failed to identify himself before shooting an armed individual. *White v. Pauly*, p. 73.

**QUI TAM ACTIONS.** See **False Claims Act.**

**RACIAL BIAS.** See **No-impeachment Rule.**

**RACIAL GERRYMANDERING.** See **Constitutional Law.**

**RECESS APPOINTMENTS CLAUSE.** See **Federal Vacancies Reform Act of 1998.**

**REDISTRICTING.** See **Constitutional Law.**

**RULES OF EVIDENCE.** See **No-impeachment Rule.**

**SEALED DOCUMENTS.** See **False Claims Act.**

**SECURITIES REGULATION.**

*Inside trading—Tippee's conviction for securities fraud—Jury inference on personal benefit to tipper.*—In affirming insider-trading tippee's securities fraud conviction, Ninth Circuit properly applied *Dirks v. SEC*, 463 U. S. 646, which permitted jury here to infer that tipper personally benefited from making a gift of confidential information to a trading rela-

**SECURITIES REGULATION**—Continued.

tive, from whom he, in turn, received information. *Salman v. United States*, p. 39.

**SIXTH AMENDMENT RIGHT TO TRIAL BY JURY.** See **No-impeachment Rule.**

**STATUTES OF LIMITATIONS.** See **Patent Act.**

**STRUCTURED CHAPTER 11 DISMISSALS.** See **Bankruptcy Law.**

**SUPREME COURT.**

Proceedings in memory of Justice Scalia, p. vii.

**UNITED STATES SENTENCING COMMISSION GUIDELINES.**

*Exception of due process vagueness challenges.*—Advisory Guidelines are not subject to vagueness challenges under Due Process Clause. *Beckles v. United States*, p. 256.

**VAGUENESS.** See **Federal Sentencing Guidelines.**

**VICTIM IMPACT STATEMENTS.**

*Capital sentencing—Consideration of victim impact evidence.*—State court erred in concluding that *Payne v. Tennessee*, 501 U. S. 808, implicitly overruled portion of *Booth v. Maryland*, 482 U. S. 496, that prohibits a capital sentencing jury from considering opinions of a victim’s family members about criminal act, defendant, and appropriate punishment. *Bosse v. Oklahoma*, p. 1.

**VIRGINIA.** See **Constitutional Law.**

**WORDS AND PHRASES.**

1. “[A]ll or a substantial portion of the components of a patented invention.” Patent Act, 35 U. S. C. § 271(f)(1). *Life Technologies Corp. v. Pro-mega Corp.*, p. 140.

2. “[A]rticle of manufacture.” Patent Act, 35 U. S. C. § 289. *Samsung Electronics Co. v. Apple Inc.*, p. 53.

3. “[K]nowingly execut[ed] a scheme . . . to defraud a financial institution.” 18 U. S. C. § 1344(1). *Shaw v. United States*, p. 63.

4. “[T]o sue and to be sued . . . in any court of competent jurisdiction, State or Federal.” 12 U. S. C. § 1723a(a). *Lightfoot v. Cendant Mortgage Corp.*, p. 82.