

Case Nos. 12-14676 and 12-15147

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

CAMBRIDGE UNIVERSITY PRESS, et al.,

Appellants-Plaintiffs,

v.

MARK BECKER, et al.,

Appellees-Defendants.

*Appeal From The United States District Court
For The Northern District Of Georgia*

**JOINT MOTION AND BRIEF FOR EXTENSION AND SETTING OF
DATES TO FILE APPELLEES' BRIEF AND APPELLANTS' REPLY
BRIEF**

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January 18, 2013

CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

The following trial judges, attorneys, persons, associations of persons, firms, partnerships, and corporations are known to have an interest in the outcome of this case or appeal:

Albert, J.L.

Alford, C. Dean

Askew, Anthony B., counsel for Appellees

Association of American Publishers

Ballard Spahr, LLP, counsel for Appellees

Banks, W. Wright, Jr., counsel for Appellees

Bates, Mary Katherine, counsel for Appellees

Becker, Mark P.

Bernard, Kenneth R., Jr.

Bishop, James A.

Bloom, Jonathan, counsel for Appellants

Board of Regents of the University System of Georgia

Bondurant, Mixson & Elmore, LLP, counsel for Appellants

Cambridge University Press

Carter, Hugh A., Jr.

Cleveland, William H.

Cooper, Frederick E.

Copyright Clearance Center

Ellis, Larry R.

Evans, Hon. Orinda D., United States District Judge

Gentry, Robin L., counsel for Appellees

Georgia State University

Griffin, Rutledge A., Jr.

Harbin, John Weldon, counsel for Appellees

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McMillan, Eldridge

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Oxford University Press USA

Oxford University Press, Inc.

Oxford University Press, LLC

Palm, Risa

Patton, Carl V.

Poitevint, Doreen Stiles

Potts, Willis J., Jr.

Pruitt, Neil L., Jr.

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Rains, John H., IV, counsel for Appellants

Rich, R. Bruce, counsel for Appellants

Rodwell, Wanda Yancey

SAGE Publications, Inc.

Schaetzel, Stephen M., counsel for Appellees

Seamans, Nancy

Singer, Randi W, counsel for Appellants

State of Georgia

Stelling, Kessel, Jr.

Tarbutton, Benjamin J., III

The Chancellor, Masters and Scholars of the University of Oxford

Tucker, Richard L.

Vigil, Allan

Volkert, Mary Josephine Leddy, counsel for Appellees

Walker, Larry

Weil Gotshal & Manges, LLP, counsel for Appellants

Whiting-Pack, Denise E., counsel for Appellees

Wilheit, Philip A., Sr.

**JOINT MOTION AND BRIEF FOR EXTENSION AND SETTING OF
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BRIEF**

This Court granted Appellants' Motion to Consolidate on December 18, 2012. As a result, briefing for the appeal has now commenced, and Appellants' brief is due on January 28, 2013. The parties now move for a forty-five (45) day extension of time for the Appellees to file their Brief in the above-referenced consolidated appeals and a fifteen (15) day extension of time for Appellants to file a reply brief.

The status of this appeal is as follows. Appellants filed their first Notice of Appeal resulting in Case No. 12-1476 (the "First Appeal") on September 10, 2012 and a second Notice of Appeal resulting in Case No. 12-15147 (the "Second Appeal") on October 2, 2012. Appellants Brief in the First Appeal was originally due on or before October 22, 2012. *See* USCA Acknowledgement of Doc. No. 449 Notice of Appeal, Doc. No. 457 (Sept. 26, 2012). Appellants moved for an extension of time through and including November 21, 2012 to file their initial Brief. Appellees consented to the motion. This Court granted the Motion on October 9, 2012.

Appellants' Brief in the Second Appeal was originally due on or before November 14, 2012. Appellants moved for a seven day extension of time to and

including November 21, 2012. Appellees consented to the motion. The Court Clerk granted that motion on November 1, 2012.

On October 12, 2012, after Appellants moved for an extension of time to file their Brief in the First Appeal, Appellees filed a Motion to Dismiss or Consolidate the two appeals, which automatically stayed the time for Appellants initial Brief. 11th Cir. Rule 31-1. The Court denied the Motion to Dismiss and consolidated the two appeals on December 18, 2012. As a result, Appellants initial brief is due on or before January 28, 2013 instead of November 21, 2012. The Appellants intend to file their initial Brief by or before January 28, 2013.

The Appellees request an extension of 45 days to file their responsive brief. The Appellants request an extension of 15 days to file their reply brief. These extensions are requested in view of the complex set of issues involving application of the fair use doctrine of copyright law involved in this case, the lengthy bench trial, extensive pre-trial proceedings and the District Court's lengthy opinions below (one of which exceeds three hundred and forty pages), and the responsibilities and the schedules of the various counsel in these appeals. The instant motion is a first request for an extension of time for those briefs and is filed more than seven (7) days in advance of the due date for either Appellees' brief or Appellants' reply brief.

It is submitted that the foregoing presents good cause for the requested extensions in accordance with 11th Cir. R. 31-2. Accordingly, the parties submit that good cause has been shown for the requested extensions and they request that the extensions be granted.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this 18th day of January, 2013, I have electronically filed the foregoing **JOINT MOTION AND BRIEF FOR EXTENSION AND SETTING OF DATES TO FILE APPELLEES' BRIEF AND APPELLANTS' REPLY BRIEF** with the Clerk of the Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorneys of record:

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