

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 10-3270; 10-3342 Caption [use short title]

Motion for: Permission to file an oversized reply brief
Set forth below precise, complete statement of relief sought: Viacom Intl. Inc., et al. v. YouTube, Inc., et al., No. 10-3270; Football Ass'n Premier League Ltd., et al. v. YouTube, Inc., et al., No. 10-3342

Plaintiffs-Appellants in 10-3270 (Viacom International Inc., et al.) and in 10-3342 (The Football Ass'n Premier League Ltd., et al.) request authorization to each file a 9,000 word reply brief.

MOVING PARTY: Viacom Intl. Inc. et al. OPPOSING PARTY: YouTube, Inc. et al.
[Plaintiff Defendant] [Appellant/Petitioner Appellee/Respondent]

MOVING ATTORNEY: Theodore B. Olson OPPOSING ATTORNEY: Andrew H. Schapiro
Gibson Dunn & Crutcher LLP Mayer Brown LLP
1050 Connecticut Avenue, NW 1675 Broadway
Washington, DC 20036 New York, NY 10019
(202) 955-8500/tolson@gibsondunn.com (212) 506-2500/aschapiro@mayerbrown.com

Court-Judge/Agency appealed from: United States District Court, Southern District of New York, Honorable Louis L. Stanton

Please check appropriate boxes:
FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:
Has movant notified opposing counsel (required by Local Rule 27.1):
Has request for relief been made below?
Has this relief been previously sought in this Court?
Requested return date and explanation of emergency:

Is oral argument on motion requested?
Has argument date of appeal been set?

Signature of Moving Attorney: /s/ Theodore B. Olson Date: April 14, 2011 Has service been effected? Yes No [Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.
FOR THE COURT: CATHERINE O'HAGAN WOLFE, Clerk of Court
Date: By:

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

VIACOM INTERNATIONAL INC., et al.,

Plaintiffs-Appellants,

v.

YOUTUBE, INC., et al.

Defendants-Appellees.

Docket 10-3270-cv

THE FOOTBALL ASSOCIATION
PREMEIR LEAGUE LIMITED, et al.,

Plaintiffs-Appellants,

v.

YOUTUBE, INC., et al.

Defendants-Appellees.

Docket 10-3342-cv

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

**PLAINTIFFS-APPELLANTS' JOINT MOTION TO
FILE OVERSIZED REPLY BRIEFS**

Charles S. Sims
PROSKAUER ROSE LLP
Eleven Times Square
New York, NY 10036
(212) 969-3000

*Counsel for Plaintiffs-Appellants in
No. 10-3342*

Theodore B. Olson
Matthew D. McGill
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, NW
Washington, DC 20036
(202) 955-8500

*Counsel for Plaintiffs-Appellants in
No. 10-3270*

Pursuant to Federal Rule of Appellate Procedure 27 and Local Rules 27.1 and 31.2(c), Plaintiffs-Appellants in Case Number 10-3270, Viacom International Inc., Comedy Partners, Country Music Television, Inc., Paramount Pictures Corporation, and Black Entertainment Television LLC, and Plaintiffs-Appellants in Case Number 10-3342, The Football Association Premier League Ltd. et al. (collectively, “Appellants”) respectfully request an enlargement of the page limits for their reply briefs to 9,000 words each.

1. Appellants each filed an opening brief within the usual 14,000 word limit on December 3, 2010. Because of the “core of overlapping issues” raised in the two briefs, Defendants-Appellees YouTube, Inc., YouTube, LLC, and Google, Inc. (“Appellees”) elected to file a single response.

2. This Court had initially authorized Appellees to file a single brief of 18,000 words responding to the Appellants’ briefs in both of the above-captioned cases. YouTube requested a 3,000 word extension, contending that it needed more space to thoroughly address the arguments of all Appellants, which were “not entirely parallel.” On January 24, 2011, this Court granted Appellees’ motion for permission to file a single brief not to exceed 21,000 words.

3. On March 31, 2011, Appellees filed their brief, which contained 20,970 words. The vast majority of Appellees’ brief raises arguments that

Appellees claim are fully applicable to all Appellants. As a result, each reply brief must address a substantially longer response than usual.

4. Because of the public importance of this case, thirteen *amicus-curiae* briefs with a combined length of over 75,000 words have also been filed in support of Appellees. The arguments raised in those briefs likewise require a response.

5. In light of the oversized brief filed by Appellees, and the number of *amicus-curiae* briefs, Appellants do not believe that they can fully respond to the arguments for affirmance in the usual 7,000 words. Modestly increasing the word limit to 9,000 words will benefit the Court by permitting a more thorough airing of the parties' positions.

6. Appellants' reply briefs are currently due April 28, 2011. Accordingly, this motion is filed at least 14 days prior to the date the brief is due, as required under Local Rule 27.1(e)(3).

7. Appellees have informed Appellants that they oppose Appellants' request for an expansion of the word limit and intend to file a response.

DATED: April 14, 2011

Respectfully submitted,

/s/ Theodore B. Olson

Paul M. Smith
William M. Hohengarten
Scott B. Wilkens
Matthew S. Hellman
JENNER & BLOCK LLP
1099 New York Avenue, NW
Washington, DC 20001
(202) 639-6000

Theodore B. Olson
Matthew D. McGill
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, NW
Washington, DC 20036
(202) 955-8500

Susan J. Kohlmann
JENNER & BLOCK LLP
919 Third Avenue
New York, NY 10022
(212) 891-1600

Stuart J. Baskin
SHEARMAN & STERLING LLP
599 Lexington Avenue
New York, NY 10022
(212) 848-4000

*Counsel for Plaintiffs-Appellants in No. 10-3270,
Viacom International Inc., Comedy Partners, Country Music Television, Inc.,
Paramount Pictures Corporation, and Black Entertainment Television LLC*

Max W. Berger
John C. Browne
BERNSTEIN LITOWITZ BERGER &
GROSSMANN LLP
1285 Avenue of the Americas
New York, New York 10019
(212) 554-1400

Charles S. Sims
William M. Hart
Noah Siskind Gitterman
Elizabeth A. Figueira
PROSKAUER ROSE LLP
1585 Broadway
New York, New York 10036
(212) 969-3000

*Counsel for Plaintiffs-Appellants in No. 10-3342,
The Football Ass'n Premier League Ltd., et al.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of April, 2011, a true and correct copy of the foregoing Plaintiffs-Appellants' Joint Motion to File Oversized Reply Briefs was served on all counsel of record in this appeal via CM/ECF pursuant to Local Rule 25.1 (h)(1) & (2).

/s/ Theodore B. Olson

Theodore B. Olson

Andrew H. Schapiro
A. John P. Mancini
Brian M. Willen
MAYER BROWN LLP
1675 Broadway
New York, New York 10019
(212) 506-2500

David H. Kramer
Michael H. Rubin
Bart E. Volkmer
WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, California 94304
(650) 493-9300

Counsel for Appellees YouTube, Inc., YouTube, LLC, Google, Inc.