

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

<p>AMERICAN SOCIETY FOR TESTING AND MATERIALS d/b/a/ ASTM INTERNATIONAL;</p> <p>NATIONAL FIRE PROTECTION ASSOCIATION, INC.; and</p> <p>AMERICAN SOCIETY OF HEATING, REFRIGERATING, AND AIR CONDITIONING ENGINEERS,</p> <p style="text-align: center;">Plaintiffs/ Counter-Defendants,</p> <p>v.</p> <p>PUBLIC.RESOURCE.ORG, INC.,</p> <p style="text-align: center;">Defendant/ Counter-Plaintiff.</p>	<p>Case No. 1:13-cv-01215-TSC</p>
--	-----------------------------------

PLAINTIFFS' MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL

Pursuant to Civil Local Rule 5.1(h), Plaintiffs/Counter-Defendants American Society for Testing and Materials d/b/a ASTM International (“ASTM”), National Fire Protection Association, Inc. (“NFPA”), and American Society of Heating, Refrigerating, and Air Conditioning Engineers (“ASHRAE”) (collectively, “Plaintiffs”) respectfully move to file under seal Exhibits 1 and 3 attached to the Declaration of Jordana S. Rubel (“Rubel Declaration”) in support of Plaintiffs’ Motion for Summary Judgment and for a Permanent Injunction.

Plaintiffs request that the foregoing exhibits be filed under seal because they are documents that were designated “Confidential” pursuant to the Stipulated Protective Order in this action (Dkt. 44) and produced by Plaintiffs to Public.Resource.Org, Inc. (“Public Resource”). Section 2 of the Stipulated Protective Order requires that these confidential documents be filed under seal. The documents that Plaintiffs request to file under seal are:

- Exhibit 1 to the Rubel Declaration, which includes the Expert Report of John C. Jarosz.
- Exhibit 3 to the Rubel Declaration, which includes excerpts of the deposition of Carl Malamud, which took place on February 27, 2015 and was designated confidential.

For the foregoing reasons, Plaintiffs respectfully request that the Court issue an Order granting Plaintiffs' Motion to File Documents Under Seal. A proposed Order is attached.

Dated: November 19, 2015

Respectfully submitted,

/s/ J. Kevin Fee

Michael F. Clayton (D.C. Bar: 335307)
J. Kevin Fee (D.C. Bar: 494016)
Jordana S. Rubel (D.C. Bar: 988423)
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave., N.W.
Washington, D.C. 20004
Telephone: 202.739.5215
Email: mclayton@morganlewis.com
jkfee@morganlewis.com
jrubel@morganlewis.com

*Counsel For American Society For Testing And Materials
d/b/a/ ASTM International*

/s/ Kelly Klaus

Anjan Choudhury (D.C. Bar: 497271)
Munger, Tolles & Olson LLP
355 South Grand Avenue, 35th Floor
Los Angeles, CA 90071
Tel: 213.683.9100
Email: Anjan.Choudhury@mto.com

Kelly M. Klaus
Jonathan H. Blavin
Nathan M. Rehn
Munger, Tolles & Olson LLP
560 Mission St., 27th Floor
San Francisco, CA 94105
Tel: 415.512.4000
Email: Kelly.Klaus@mto.com
Jonathan.Blavin@mto.com
Thane.Rehn@mto.com

Counsel for National Fire Protection Association, Inc.

/s/ Joseph R. Wetzel

Jeffrey S. Bucholtz (D.C. Bar: 452385)
King & Spalding LLP
1700 Pennsylvania Avenue, NW, Ste. 200
Washington, DC 20006-4707

Tel: 202.737.0500
Email: jbucholtz@kslaw.com

Kenneth L. Steintal
Joseph R. Wetzel
Blake Cunningham
King & Spalding LLP
101 Second Street, Ste. 2300
San Francisco, CA 94105
Tel: 415.318.1211
Email: ksteinthal@kslaw.com
jwetzel@kslaw.com
bcunningham@kslaw.com

*Counsel for American Society of Heating, Refrigerating,
and Air Conditioning Engineers*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Leave to File Documents Under Seal was served this 19th day of November, 2015 via CM/ECF upon the following:

Counsel for National Fire Protection Association, Inc.

Jonathan H. Blavin (Jonathan.Blavin@mto.com)
Anjan Choudhury (Anjan.Choudhury@mto.com)
Kelly M. Klaus (Kelly.Klaus@mto.com)
Nathan M. Rehn (Thane.Rehn@mto.com)

Counsel for American Society of Heating, Refrigerating, and Air Conditioning Engineers

Jeffrey S. Bucholtz (jbucholtz@kslaw.com)
Kenneth L. Steinthal (ksteinthal@kslaw.com)
Joseph R. Wetzel (jwetzel@kslaw.com)
Blake Cunningham (bcunningham@kslaw.com)

Counsel for Public.Resource.Org, Inc.

Andrew Bridges (abridges@fenwick.com)
Matthew Becker (mbecker@fenwick.com)
Kathleen Lu (klu@fenwick.com)
David Halperin (davidhalperinc@gmail.com)
Mitchell L. Stoltz (mitch@eff.org)
Corynne McSherry (corynne@eff.org)
Joseph Gratz (jgratz@durietangri.com)
Mark Lemley (mlemley@durietangri.com)

/s/ Jordana S. Rubel
Jordana S. Rubel