

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

AMERICAN SOCIETY FOR TESTING
AND MATERIALS d/b/a/ ASTM
INTERNATIONAL;

NATIONAL FIRE PROTECTION
ASSOCIATION, INC.; and

AMERICAN SOCIETY OF HEATING,
REFRIGERATING, AND AIR
CONDITIONING ENGINEERS,

Plaintiffs/Counter-Defendants,

v.

PUBLIC.RESOURCE.ORG, INC.,

Defendant/Counter-Plaintiff.

No. 1:13-cv-1215 (TSC/DAR)

**MOTION OF PUBLIC KNOWLEDGE, KNOWLEDGE ECOLOGY INTERNATIONAL,
AND THE AMERICAN LIBRARY ASSOCIATION FOR LEAVE TO FILE A BRIEF OF
*AMICI CURIAE***

Proposed *amici curiae* Public Knowledge, Knowledge Ecology International, and the American Library Association hereby move for leave to file a brief in the present case in support of Defendant. The proposed brief is attached to this motion. All parties have granted blanket consent for the filing of *amicus curiae* briefs in this case. *See* Joint Report Proposed Summ. J. Briefing Schedule 4, Oct. 30, 2015 (Doc. No. 114); Minute Order Setting Briefing Schedule, Nov. 4, 2015.

Amici are nonprofit organizations with substantial interests and expertise in copyright law and policy, as described in the Interest of *Amici Curiae* section of the tendered brief. All of the organizations share a common interest in preserving the public's access to important knowledge, and knowledge of the law is paramount among these interests. *Amici* have regularly filed briefs in cases

advocating the position of the public interest in intellectual property law, and their briefs have been relied upon and approvingly cited by courts.

Participation of *amici* is important in the present case due to the effects for the public that this case will have. Plaintiffs contend that they may maintain copyright over, and thus may restrain access at will to, the exact texts of law and regulation that govern United States citizens. A decision that such copyright is present and enforceable would severely burden the public's ability to know, understand, and communicate the law. This critical public interest deserves representation before this Court.

Furthermore, this public interest perspective is substantially unique and distinct from those of the parties to the case. While Public Resource speaks from the point of view of one who publish legal texts, *amici* represent the views of those who read and use legal texts. Accordingly, representation of that public perspective is crucial to this Court's understanding of the case, and the tendered brief will thus be useful to this Court.

For at least the foregoing reasons, *amici* submit that the tendered brief is desirable, that the positions therein are not adequately represented by a party, and that the matters asserted are relevant to the disposition of the case. Leave to file is respectfully requested.

Respectfully submitted,

Dated: January 11, 2016

/s/ Charles Duan

Charles Duan (D.C. Bar No. 1013998)

Public Knowledge

1818 N Street NW, Suite 410

Washington, DC 20036

(202) 861-0020

cduan@publicknowledge.org

Counsel for amici curiae

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2016, I caused the foregoing **Motion of Public Knowledge, Knowledge Ecology International, and the American Library Association for Leave to File a Brief of *Amici Curiae*** to be electronically filed with the Clerk of the Court using CM/ECF, which will automatically send email notification of such filing to all counsel of record.

Dated: January 11, 2016

/s/ Charles Duan

Charles Duan

Counsel for amici curiae