



copyright law, through Congressional testimony, responses to Federal Agency solicitations and prior *amicus* filings.

2. ANSI and its SDO members, have a substantial interest in the outcome of this case. The copyrighted standards at issue are part of a large and important ecosystem of creative works developed by not-for-profit SDOs. These SDOs create and maintain at their own substantial expense their copyrighted standards and make them available to interested parties, government regulators, and the public at large. Loss of copyright protection for these works would drastically undermine the ability of these organizations to fund the ongoing creation and updating of these important works, and would therefore harm the governments and the public who benefit from and rely on their work. ANSI and the other *amici* are uniquely suited to address and explain the policy and legal implications that would arise from a loss of copyright protection on SDO-authored works incorporated by reference into Federal regulations.

3. This Court has allowed *amicus curiae* participation when the *amicus* “has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” Jin v. Ministry of State Security, 557 F. Supp. 2d 131, 137 (D.D.C. 2008) (quoting Ryan v. Commodity Futures Trading Comm’n, 125 F.3d 1062, 1064 (7<sup>th</sup> Cir. 1997)); Cobell v. Norton, 246 F. Supp. 2d 59, 62 (D.D.C. 2003). Given ANSI’s role as the national coordinating body that facilitates the standards-development system in the United States by accrediting standards developers, ANSI’s (and its accredited SDO’s) unique perspective will help the court in understanding the context of the current debate as well as the implications for the SDO community of a decision in this case that would abrogate copyright protection for the important works of SDOs.

4. The Court authorized the filing of *amicus curiae* briefs in this matter by its October 2, 2019 Minute Order setting a filing deadline of November 25, 2019 which was subsequently amended to December 6, 2019.

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Respectfully Submitted,

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