

**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: right;">Plaintiffs/ Counter-Defendants,</p> <p>v.</p> <p>PUBLIC.RESOURCE.ORG, INC.,</p> <p style="text-align: right;">Defendant/ Counter-Plaintiff.</p>	<p>Case No. 1:13-cv-01215-TSC</p>
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JOINT STATUS REPORT

Pursuant to the Court’s March 31, 2022 Minute Order, Plaintiffs 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”) and Defendant Public.Resource.Org (“PRO”) (together with Plaintiffs, the “Parties”) respectfully submit the below report on the status of this matter.

1. Defendant’s Compliance with the Court’s Order, Dkt. 240, to Remove Certain Standards and Logos from Its Website

PRO represents that it has fully complied with the Court’s Order, including removal of certain standards and redaction of Plaintiffs’ logos from its website and from any postings it has uploaded to the Internet Archive.

2. Proposed Schedule to Resolve Plaintiffs' Claims as to the Remaining Standards

Plaintiffs' Second Motion for Summary Judgment and for a Permanent Injunction, Dkt. 198 ("Plaintiffs' Motion") sought summary judgment with respect to 217 of the copyrighted works at issue in this case. *See* Motion 1 (moving for summary judgment on works listed in Appendix A to motion); Appendix A to Motion, Dkt. 198-2 (listing works at issue). This Court's order, Dkt. 240, granting in part and denying in part Plaintiffs' Motion and granting in part and denying in part Defendant's Cross-Motion for Summary Judgment, Dkt. 202, ("Order"), addressed summary judgment only as to those 217 works. *See* Order 1-2. Plaintiff ASTM's claims as to an additional 38 works were not addressed by the Order and therefore remain at issue. *Compare* Appendix A to Motion, Dkt. 198-2, *with* Complaint for Injunctive Relief, Exhibit A, Dkt. 1.

Plaintiffs intend to appeal the Order. While the remaining standards were not at issue in the Order, the legal issues related to those standards are likely to be informed by the resolution on appeal of the legal issues related to the standards at issue in the Order. Accordingly, the Parties agree that entry of a stay with respect to the remaining works is appropriate while the appeal is pending.

3. Court-Sponsored Mediation with the Court's Mediation Program

At this time, the Parties do not believe that court-sponsored mediation would be productive, but they will contact the Court if the status regarding settlement changes.

Dated: April 22, 2022

Respectfully submitted,

/s/ J. Kevin Fee

J. Kevin Fee (D.C. Bar: 494016)
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CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2022 a true and correct copy of the foregoing document was served via CM/ECF upon all counsel of record.

/s/ Jane W. Wise
Jane W. Wise