

**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>
---	-----------------------------------

**[PROPOSED] STIPULATED 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, Inc. (“ASHRAE”), (collectively, “Plaintiffs”) together with Defendant Public.Resource.Org. Inc. (“PRO” or “Defendant”) hereby stipulate and agree to entry of the following order in full resolution of the claims, counterclaims, and defenses at issue in this action.

WHEREFORE, with the consent of the Parties, through their undersigned attorneys, and with the approval of the Court, it is hereby finally ORDERED, ADJUDGED AND DECREED as follows:

1. That this Court has jurisdiction over the parties and the subject matter of this action.

2. On March 31, 2022, this Court entered an Order and accompanying Memorandum Opinion, ECF 239 and 240, GRANTING IN PART and DENYING IN PART Plaintiffs' Motion for Summary Judgment and Permanent Injunction, ECF 198, and GRANTING IN PART and DENYING IN PART Defendant's Cross-Motion for Summary Judgment, ECF 202 (the "Order").

3. Plaintiffs timely filed a Notice of Appeal of the Order on April 22, 2022.

4. On September 12, 2023, the D.C. Circuit issued an opinion affirming this Court's Order. Plaintiffs did not file a petition for hearing or rehearing *en banc* or a petition for a writ of certiorari with the United States Supreme Court.

5. The Parties now consent to entry of a final judgment, consistent with the March 31, 2022 Order, as follows:

a. Plaintiffs' Motion for Summary Judgment is GRANTED, and Defendant's Cross-Motion is DENIED as to the following 32 standards, which Defendant shall remove from its website and any other website within its possession, custody, or control:

- ASTM C518 (1991)
- ASTM A36 (1977ae)
- ASTM A36/A36M (1997ae1)
- ASTM A307 (1978e)
- ASTM A370 (1997 e2)
- ASTM A475-78 (1984e1)
- ASTM B224 (1980 e1)
- ASTM C150 (1999a)
- ASTM C177 (1997)
- ASTM C236 1989 (1993)e1
- ASTM C516 1980 (1996)e1
- ASTM C549 1981 (1995)e1
- ASTM D1246 1995 (1999)
- ASTM D1518 1985 (1998)e1
- ASTM D1785 (1986)
- ASTM D1946 1990 (1994)e1
- ASTM D4239 1997e1

- ASTM D4891 1989 (1994)e1
- ASTM D5489 (1996a)
- ASTM D5865 (1998a)
- ASTM D665 (1998e1)
- ASTM D975 1998b
- ASTM D975 2007
- ASTM E145 (1994)e1
- ASTM E695 1979 (1997)e1
- ASTM F1007 1986 (1996)e1
- ASTM F1020 1986 (1996)e1
- ASTM F1193 (2006)
- ASTM F1271 1990 (1995)e1
- ASTM F1273 1991 (1996)e1
- ASTM F808 1983 (1988)e1
- ASTM G154 (2000a)

b. Both parties' motions for summary judgment are GRANTED IN PART and DENIED IN PART as to the following standard, and Defendant shall remove all portions of this standard, other than the text of Test Methods A and B contained therein, from its website and any other website within its possession, custody, or control:

- ASTM D2036 (1998)

c. Plaintiffs' Motion for Summary Judgment is DENIED, and Defendant's Cross-Motion is GRANTED as to the remaining 184 standards listed in the court's Appendix to the accompanying Memorandum Opinion.

d. Plaintiffs' Motion for Summary Judgment is DENIED, and Defendant's Cross-Motion is GRANTED as to Defendant's use of Plaintiffs' trademarked words. Plaintiffs' Motion for Summary Judgment is GRANTED, and Defendant's Cross-Motion is DENIED as to Defendant's use of Plaintiffs' trademarked logos.

e. Plaintiffs' Motion for a Permanent Injunction is GRANTED as to Defendant's use of its trademarked logos and DENIED as to Defendant's use of its standards and trademarked words. It is ORDERED that Defendant is permanently

enjoined from all unauthorized use of Plaintiffs’ trademarked logos and Defendant shall remove Plaintiffs’ trademarked logos from its website and any other website within its possession, custody, or control.

6. Neither Plaintiffs nor Defendant moved for summary judgment as to the following 38 ASTM works (“Remaining Works”). *See* ECF 198 (seeking summary judgment with respect to 217 of the copyrighted works listed in Appendix A to motion); ECF 198-2 (Appendix A to Plaintiffs’ motion for summary judgment listing 217 works at issue); ECF 202 (cross moving for summary judgment with respect to “the works listed in Appendix A to Plaintiffs’ motion (Dkt. 198-2)).

Designation	Edition	Title
ASTM A516/A 516M	1990(1996)e1	Standard Specification for Pressure Vessel Plates, Carbon Steel, for Moderate and Lower-Temperature Service
ASTM A520	1972(1985)	Standard Specification for Supplementary Requirements for Seamless and Electric-Resistance-Welded Carbon Steel Tubular Products for High-Temperature Service Conforming to ISO Recommendations For Boiler Construction
ASTM A529	1975	Standard Specification for Structural Steel with 42,000PSI (290 Mpa) Minimum Yield Point (1/2 in. (12.7 mm) Maximum Thickness
ASTM A618	1974	Standard Specification for Hot-Formed Welded and Seamless High-Strength Low-Alloy Structural Tubing
ASTM B152	1997a	Standard Specification for Copper Sheet, Strip, Plate, and Rolled Bar
ASTM B193	1987	Standard Test Method for Resistivity of Electrical Conductor Materials
ASTM B280	1997	Standard Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service
ASTM B858	1995	Standard Test Method for Determination of Susceptibility to Stress Corrosion Cracking in Copper Alloys Using an Ammonia Vapor Test
ASTM C720	1989(1994)e 1	Standard Specification for Spray Applied Fibrous Insulation for Elevated Temperature
ASTM D257	1991	Standard Test Method for DC Resistance of Conductance of Insulating Materials
ASTM D287	1992(1995)	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method)

Designation	Edition	Title
ASTM D323	1958(1968)	Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)
ASTM D388	1998a	Standard Classification of Coals by Rank
ASTM D413	1982(1993)e 1	Standard Test Method for Rubber Property--Adhesion to Flexible Substrate
ASTM D976	1991(1995)e 1	Standard Test Methods for Calculated Cetane Index of Distillate Fuels
ASTM D1072	1990(1994)e 1	Standard Test Method for Total Sulfur in Fuel Gases
ASTM D1193	1977(1983)	Standard Specification for Reagent Water
ASTM D1415	1988(1994)	Standard Practice for Rubber Property- International Hardness
ASTM D1687	1992(1996)	Standard Test Methods for Chromium in Water
ASTM D2247	1968(1973)	Standard Method for Testing Coated Metal Specimens at 100 Percent Relative Humidity
ASTM D2505	1988(1998)	Standard Test Method for Ethylene, Other Hydrocarbons, and Carbon Dioxide in High-Purity Ethylene by Gas Chromatography
ASTM D2908	1974	Standard Recommended Practice for Measuring Volatile Organic Matter in Water by Aqueous-Injection Gas Chromatography
ASTM D3176	1989(1997)	Standard Practice for Ultimate Analysis of Coal and Coke
ASTM D3177	1989(1997)	Standard Test Methods for Total Sulfur in the Analysis Sample of Coal and Coke
ASTM D4057	1995e 1	Standard Practice for Manual Sampling of Petroleum and Petroleum Products
ASTM D4084	1994	Standard Test Method for Analysis of Hydrogen Sulfide in Gaseous Fuels (Lead Acetate Reaction Rate Method)
ASTM D4420	1994	Standard Test Method for Determination of Aromatics in Finished Gasoline by Gas Chromatography
ASTM E29	1993a	Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications
ASTM E154	1968(1979)e 1	Standard Methods of Testing Materials for Use as Vapor Barriers Under Concrete Slabs and as Ground Cover in Crawl Spaces
ASTM E168	1988	Standard Practices for General Techniques of Infrared Quantitative Analysis
ASTM E775	1987(1992)	Standard Test Methods for Total Sulfur in the Analysis Sample of Refuse-Derived Fuel
ASTM E1625	1994	Standard Test Method for Determining Biodegradability of Organic Chemicals in Semi-Continuous Activated Sludge (SCAS)
ASTM E1719	1997	Standard Test Method for Vapor Pressure of Liquids by Ebulliometry
ASTM F1196	1994	Standard Specification for Sliding Watertight Door Assemblies
ASTM F1197	1989(1994)e 1	Standard Specification for Sliding Watertight Door Control Systems

Designation	Edition	Title
ASTM F747	1997	Standard Terminology Relating to Amusement Rides and Devices
ASTM F1950	1999	Standard Specification for Physical Information to be Transferred With Used Amusement Rides and Devices
ASTM F1957	1999	Standard Test Method for Composite Foam Hardness Durometer Hardness

7. ASTM voluntarily dismisses its claims concerning the Remaining Works with prejudice and with Defendant’s consent.

8. Defendant voluntarily dismisses its counterclaims concerning the Remaining Works with prejudice and with ASTM’s consent.

9. The parties shall each bear their own respective costs and fees, including attorneys’ fees.

10. The Court shall retain jurisdiction to enforce the terms of this Stipulated Order.

Date: June 21, 2024	<i>/s/ Jane W. Wise</i> J. Kevin Fee (D.C. Bar: 494016) Jane W. Wise (D.C. Bar: 1027769) DLA Piper (US) LLP 500 Eighth Street, N.W. Washington, D.C. 20004 Tel: 202.799.5353 Email: kevin.fee@morganlewis.com jane.wise@morganlewis.com  <i>Counsel For American Society For Testing And Materials d/b/a ASTM International</i>
Date: June 21, 2024	<i>/s/ Rose L. Ehler</i> Kelly M. Klaus ( <i>pro hac vice</i> ) MUNGER, TOLLES & OLSON LLP 560 Mission St., 27th Floor San Francisco, CA 94105 Tel: 415.512.4000 Email: Kelly.Klaus@mt.com  Rose L. Ehler ( <i>pro hac vice</i> ) MUNGER, TOLLES & OLSON LLP

	<p>350 South Grand Ave., 50th Floor  Los Angeles, CA 90071  Tel: 213.683.9100  Email: Rose.Ehler@mto.com</p> <p>Rachel G. Miller-Ziegler  MUNGER, TOLLES &amp; OLSON LLP  1155 F St. NW, 7th Floor  Washington, DC 20004  Tel: 202.220.1100  Email: Rachel.Miller-Ziegler@mto.com</p> <p><i>Counsel for National Fire Protection Association, Inc.</i></p>
Date: June 21, 2024	/s/ Jeffrey S. Bucholtz
	<p>Jeffrey S. Bucholtz (D.C. Bar: 452385)  David Mattern  King &amp; Spalding LLP  1700 Pennsylvania Avenue, NW, Ste. 200  Washington, DC 20006-4707  Tel: 202.737.0500  Email: jbucholtz@kslaw.com</p> <p><i>Counsel for American Society of Heating, Refrigerating, and Air Conditioning Engineers</i></p>
Date: June 21, 2024	/s/ Mitchell L. Stoltz
	<p>Andrew P. Bridges (USDC-DC AR0002)  abridges@fenwick.com  Matthew B. Becker (admitted <i>pro hac vice</i>)  mbecker@fenwick.com  Armen N. Nercessian (pending <i>pro hac vice</i>)  anercessian@fenwick.com  Shannon E. Turner (pending <i>pro hac vice</i>)  sturner@fenwick.com  FENWICK &amp; WEST LLP  801 California Street  Mountain View, CA 94041  Telephone: (650) 988-8500  Facsimile: (650) 938-5200</p> <p>Corynne McSherry (admitted <i>pro hac vice</i>)  corynne@eff.org  Mitchell L. Stoltz (D.C. Bar No. 978149)</p>

	<p>mitch@eff.org ELECTRONIC FRONTIER FOUNDATION 815 Eddy Street San Francisco, CA 94109 Telephone: (415) 436-9333 Facsimile: (415) 436-9993</p> <p>David Halperin (D.C. Bar No. 426078) davidhalperindc@gmail.com 1805 9th Street NW Washington, DC 20001 Telephone: (202) 905-3434</p> <p><i>Attorneys for Defendant-Counterclaimant Public.Resource.Org, Inc.</i></p>
--	---

**SO ORDERED** this \_\_\_\_\_ day of June, 2024.

---

HONORABLE TANYA S. CHUTKAN  
United States District Judge



**CERTIFICATE OF SERVICE**

I certify that on June 21, 2024, the foregoing document was filed with the clerk of this Court via the CM/ECF system, which will notify all counsel of record.

/s/ Jane W. Wise  
Jane W. Wise