

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 VIACOM INTERNATIONAL INC., :
 COMEDY PARTNERS, COUNTRY MUSIC :
 TELEVISION, INC., PARAMOUNT :
 PICTURES CORPORATION, :
 and BLACK ENTERTAINMENT : Case No. 1:07-CV-02103-LLS
 TELEVISION LLC, : (Related Case No. 1:07-CV-03582-LLS)
 :
 Plaintiffs, :
 : ECF Case
 v. :
 : ELECTRONICALLY FILED
 YOUTUBE, INC., YOUTUBE, LLC, and :
 GOOGLE INC., :
 Defendants. :
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NOTICE OF MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS, BROADCAST MUSIC, INC., SESAC, INC., DISNEY ENTERPRISES, INC., NBC UNIVERSAL, INC., WARNER BROS. ENTERTAINMENT INC., ASSOCIATION OF AMERICAN PUBLISHERS, CENTER FOR THE RULE OF LAW, INSTITUTE FOR POLICY INNOVATION, THE MEDIA INSTITUTE, PICTURE ARCHIVE COUNCIL OF AMERICA, PROFESSIONAL PHOTOGRAPHERS OF AMERICA, ROSETTA STONE LTD., AND ZUFFA, LLC IN SUPPORT OF PLAINTIFFS

PLEASE TAKE NOTICE that the American Society of Composers, Authors and Publishers, Broadcast Music, Inc., SESAC, Inc., Disney Enterprises, Inc., NBC Universal, Inc., Warner Bros. Entertainment Inc., Association of American Publishers, Center for the Rule of Law, Institute for Policy Innovation, The Media Institute, Picture Archive Council of America, Professional Photographers of America, Rosetta Stone Ltd. and Zuffa, LLC (collectively, “Amici”), upon this motion and the proposed brief of the Amici submitted herewith, shall move this Court at a date and time to be determined by the Court, before the Hon. Louis L. Stanton, United States District Court Judge for the Southern District of New York, United States Courthouse, Courtroom 21C, 500 Pearl Street, New York, New York, 10007, for leave to file an amicus curiae brief in support of Plaintiffs.

In support of their motion, Amici state as follows:

1. Amici respectfully submit that this is an important copyright case addressing a developing issue in the law that likely will have nationwide implications for copyright holders, recording artists, content producers, and new Internet ventures that are built on the use of copyrighted content provided by others.

2. As discussed in the attached brief, the pending cross-motions for summary judgment present the issue of whether a safe harbor created by the Digital Millennium Copyright Act, and now codified at Section 512(c) of the Copyright Act, immunizes an Internet business even if the record evidence shows that the business intentionally relied on the facilitation of copyright infringement to grow its business, knowingly contributed to the infringing conduct of its users, and declined to exercise its right and ability to control that infringement while seeking to benefit directly from it. Amici respectfully submit that this is not the result Congress intended or enacted.

3. Amici include performing rights organizations that represent the rights of hundreds of thousands of composers, songwriters and publishers; are leading producers and distributors of filmed entertainment in the domestic and international theatrical, television, and home entertainment markets; trade associations; non-profit educational organizations and think tanks; companies that develop educational products; and sports and entertainment promotion companies.

4. This Court has granted a previous motion to file an amicus curiae brief in connection with the pending cross-motions for summary judgment. (Docket No. 245.) Amici believe that their brief will be helpful to the Court as it considers the pending summary judgment motions.

5. Plaintiffs have consented to the filing of this brief. Defendants note that the proposed amicus curiae brief would be filed after the filing of the Defendants' opposition brief, and Defendants take no position on this motion.

WHEREFORE, Amici respectfully request that the Court grant their motion and permit the filing of the amicus curiae brief submitted herewith.

Dated: May 7, 2010
Washington, D.C.

Respectfully submitted,

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