

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL INC.,
COMEDY PARTNERS,
COUNTRY MUSIC TELEVISION, INC.,
PARAMOUNT PICTURES CORPORATION,
and BLACK ENTERTAINMENT TELEVISION
LLC,

Plaintiffs,

v.

YOUTUBE, INC., YOUTUBE, LLC, and
GOOGLE INC.,

Defendants.

Civil Action No. 07-CV-2103
Judge Stanton

ECF CASE

THE FOOTBALL ASSOCIATION PREMIER
LEAGUE LIMITED, BOURNE CO. (together
with its affiliate MURBO MUSIC PUBLISHING,
INC.), CHERRY LANE MUSIC PUBLISHING
COMPANY, INC., CAL IV ENTERTAINMENT
LLC, ROBERT TUR d/b/a LOS ANGELES
NEWS SERVICE, NATIONAL MUSIC
PUBLISHERS ASSOCIATION, THE RODGERS
& HAMMERSTEIN ORGANIZATION, STAGE
THREE MUSIC (US), INC., EDWARD B.
MARKS MUSIC COMPANY, FREDDY
BIENSTOCK MUSIC COMPANY d/b/a
BIENSTOCK PUBLISHING COMPANY,
ALLEY MUSIC CORPORATION, X-RAY DOG
MUSIC, INC., FEDERATION FRANCAISE DE
TENNIS, THE MUSIC FORCE MEDIA GROUP
LLC, THE MUSIC FORCE LLC, and
SINDROME RECORDS, LTD. on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

YOUTUBE, INC., YOUTUBE, LLC and
GOOGLE, INC.,

Defendants.

Civil Action No. 07-CV-3582
Judge Stanton

ECF CASE

PLAINTIFFS' OPPOSITION TO MOTION OF NONPARTIES AMERICAN LIBRARY ASSOCIATION, ASSOCIATION OF COLLEGE AND RESEARCH LIBRARIES, ASSOCIATION OF RESEARCH LIBRARIES, CENTER FOR DEMOCRACY AND TECHNOLOGY, COMPUTER AND COMMUNICATIONS INDUSTRY ASSOCIATION, ELECTRONIC FRONTIER FOUNDATION, HOME RECORDING RIGHTS COALITION, INTERNET ARCHIVE, NETCOALITION, AND PUBLIC KNOWLEDGE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF DEFENDANTS

The plaintiffs in the above captioned actions (“Plaintiffs”) hereby oppose the motion for leave to file an *amicus curiae* brief in support of Defendants, made by nonparties the American Library Association, Association of College and Research Libraries, Association of Research Libraries, Center for Democracy and Technology, Computer and Communications Industry Association, Electronic Frontier Foundation, Home Recording Rights Coalition, Internet Archive, NetCoalition, and Public Knowledge (collectively, “Proposed Amici”).


The Proposed Amici acknowledge that “*amicus* briefs are unusual at the district court level.” Mot. for Leave to File *Amicus* Br., at 3. Such briefs are particularly unwarranted here given that under the summary judgment briefing schedule endorsed by the Court, the parties will submit hundreds of pages of briefing on every conceivable aspect of the Digital Millennium Copyright Act safe harbor defense – the very focus of the proposed amicus brief. Indeed, the arguments made in the proposed amicus brief are duplicative of arguments made in Defendants’ opening summary judgment brief. And as Defendants’ opening brief shows, their extensive legal team is fully capable of making the broader legal and policy arguments that the Proposed Amici seek to make. This is simply not a case where the parties’ narrow briefing leaves important legal or policy areas unexplored.

In light of the foregoing, permitting the filing of amicus briefs that largely reiterate the parties’ arguments will only burden the Court and the parties in this case. That is especially true in this instance, because if the motion of the present group of Proposed Amici for leave to file

were granted, it would open the door to the submission of additional amicus briefs from a wide array of interested non-parties, thus potentially inundating the Court with further duplicative briefing. Google and YouTube have a total of 250 pages to make every conceivable argument in support of their own motion for summary judgment and in opposition to Plaintiffs' motions. Permission to file additional briefing outside what the Court has previously approved should be denied.

For the foregoing reasons, Plaintiffs respectfully request that the Court deny the motion for leave to file the amicus brief.

Respectfully submitted,

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