

EXHIBIT 3

MANDATE

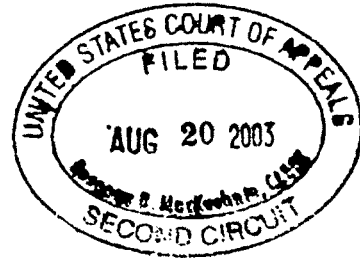
S.D.N.Y.
00-cv-1393
Casey, J.

United States Court of Appeals FOR THE SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, at Foley Square, in the City of New York, on the 20 day of August two thousand and three,

Present:

Hon. John M. Walker, Jr.,
Chief Judge,
Hon. Robert D. Sack,
Hon. Robert A. Katzmann,
Circuit Judges.



In re: Joseph H. Simon,

Petitioner,

03-3062

Petitioner, through counsel, petitions for a writ of mandamus directing the district court to conduct a jury trial in the case of Marvel Characters, Inc v. Simon, 00-CV-1393(RCC). Upon due consideration, it is hereby ORDERED that the petition is denied.

FOR THE COURT:
Roseann B. MacKechnie, Clerk

By: Lucille Carr

A TRUE COPY
Roseann B. MacKechnie, CLERK
by [Signature]
DEPUTY CLERK

SAO EW

-ISSUED AS MANDATE: AUG 21 2003 -