

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:07-cv-00210**

BOARD OF LAW EXAMINERS, also known
as North Carolina Board of Law Examiners
and as The Board of Law Examiners of the
State of North Carolina,

Plaintiff

vs.

WEST PUBLISHING CORPORATION and
THE THOMSON CORPORATION,

Defendants.

**MOTION FOR
FIVE-PAGE EXTENSION
FOR DEFENDANTS'
REPLY MEMORANDUM
IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS**

Defendants West Publishing Corporation and The Thomson Corporation, through counsel and pursuant to Local Rule 7.2(e), hereby move to extend by five (5) pages the page limit for Defendants' reply memorandum in support of their Rule 12(b)(6) Motion to Dismiss, with the reply memorandum not to exceed fifteen (15) pages, including signature block. The Board consents to the requested five-page extension. As cause, Defendants show the Court as follows:

1. The deadline for Defendants to file a reply brief in support of their motion to dismiss is November 1, 2007, and thus has not yet expired;
2. In this action, the Board of Law Examiners is invoking state criminal law and federal copyright law against a business which for years has prepared thousands of law school graduates for bar examinations. The case is a significant one which has received substantial attention, prompting front-page articles in *Lawyers Weekly* and coverage in outlets such as *The Charlotte Observer*;

3. The Board has asserted federal jurisdiction based on a copyright claim alleging infringement of essay questions that have appeared on past bar exams. A central issue in this case is whether the Board has authority to assert copyrights in official works prepared in the course of performing public duties absent explicit legislative authorization to do so;

4. The Board also brings a treble damages action under Chapter 75 of the North Carolina General Statutes, which in turn is predicated on a criminal statute the scope of which is disputed by the parties;

5. There are a number of significant issues raised by the Board's action and by its response brief;

6. The Board brings the case on its on behalf; it is not represented by the Office of Attorney General, but instead by two Board members serving as counsel;

7. The undersigned has discussed this request with counsel for the Board, who has informed counsel that, on behalf of the Board, he consents to the requested five-page extension.

WHEREFORE, Defendants respectfully request that an Order be entered allowing Defendants an additional five (5) pages for a reply memorandum in support of their Motion to Dismiss, with the reply memorandum not to exceed fifteen (15) pages, including the signature block. A proposed Order granting such extension is filed herewith.

This the 22nd day of October, 2007.

/s/ John F. Morrow, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2007, I electronically filed a **Motion For Five-Page Extension for Defendants' Reply Memorandum in Support of Defendants' Motion to Dismiss** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:, Susan Freya Olive, email: oliveandolive.com, and I hereby certify that I have mailed documents to the following non CM/ECF participants: was forwarded, via first class mail, postage prepaid, to:

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