

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN EDUCATIONAL RESEARCH
ASSOCIATION, INC., AMERICAN
PSYCHOLOGICAL ASSOCIATION, INC.,
and NATIONAL COUNCIL ON
MEASUREMENT IN EDUCATION, INC.,

Plaintiffs,

v.

PUBLIC.RESOURCE.ORG,

Defendant.

No. 1:14-cv-857 (TSC/DAR)

**MOTION OF PUBLIC KNOWLEDGE
FOR LEAVE TO FILE A BRIEF OF *AMICUS CURIAE***

Proposed *amicus curiae* Public Knowledge hereby move for leave to file a brief in the present case in support of Defendant. The proposed brief is attached to this motion. All parties have granted blanket consent for the filing of *amicus curiae* briefs in this case. See Joint Report Proposed Summ. J. Briefing Schedule 3, Oct. 30, 2015 (Doc. No. 58); Minute Order Setting Briefing Schedule, Nov. 4, 2015.

Amicus is a nonprofit organization with substantial interests and expertise in copyright law and policy, as described in the Interest of *Amicus Curiae* section of the tendered brief. *Amicus* has an interest in preserving the public's access to important knowledge, and knowledge of the law is paramount among these interests. *Amicus* has regularly filed briefs in cases advocating the position of the public interest in intellectual property law, and its briefs have been relied upon and approvingly cited by courts.

Participation of *amicus* is important in the present case due to the effects for the public that this case will have. Plaintiffs contend that they may maintain copyright over, and thus may restrain

access at will to, the exact texts of law and regulation that govern United States citizens. A decision that such copyright is present and enforceable would severely burden the public's ability to know, understand, and communicate the law. This critical public interest deserves representation before this Court.

Furthermore, this public interest perspective is substantially unique and distinct from those of the parties to the case. While Public Resource speaks from the point of view of one who publish legal texts, *amicus* represents the views of those who read and use legal texts. Accordingly, representation of that public perspective is crucial to this Court's understanding of the case, and the tendered brief will thus be useful to this Court.

For at least the foregoing reasons, *amicus* submits that the tendered brief is desirable, that the positions therein are not adequately represented by a party, and that the matters asserted are relevant to the disposition of the case. Leave to file is respectfully requested.

Respectfully submitted,

Dated: February 11, 2016

/s/ Charles Duan

Charles Duan (D.C. Bar No. 1013998)

Public Knowledge

1818 N Street NW, Suite 410

Washington, DC 20036

(202) 861-0020

cduan@publicknowledge.org

Counsel for amicus curiae

CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2016, I caused the foregoing **Motion of Public Knowledge for Leave to File a Brief of *Amicus Curiae*** to be electronically filed with the Clerk of the Court using CM/ECF, which will automatically send email notification of such filing to all counsel of record.

Dated: February 11, 2016

/s/ Charles Duan

Charles Duan

Counsel for amicus curiae