

**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.

Case No. 1:14-CV-00857-TSC-DAR

**DEFENDANT-COUNTERCLAIMANT
PUBLIC.RESOURCE.ORG'S MOTION
FOR SUMMARY JUDGMENT**

Action Filed: May 23, 2014

Defendant-Counterclaimant Public.Resource.Org, Inc. ("Public Resource") respectfully moves for summary judgment that Public Resource's reproduction, display, and distribution of the 1999 Standards does not constitute copyright infringement.

As described in the attached Memorandum of Law in Support of Public Resource's Motion for Summary Judgment and Opposition to Plaintiffs' Motion for Summary Judgment and Permanent Injunction, there are no genuine issues of material fact that would preclude summary judgment in favor of Public Resource. Plaintiff-Counterdefendants American Educational Research Association, Inc., American Psychological Association, Inc., and National Council on Measurement In Education, Inc. (collectively "Plaintiffs"), cannot assert copyright in the incorporated standards at issue because those standards are binding laws of the United States and numerous states and localities. No one may assert a proprietary legal interest in the text of the law or restrict its distribution. In addition, the incorporated standards are not copyrightable subject matter, and Public Resource's use of the incorporated standards is a non-infringing fair use.

Public Resource requests an oral hearing on its motion and opposition to Plaintiffs' motion for summary judgment.

This motion is based on the attached Memorandum of Points and Authorities, the Declaration of Carl Malamud, the Declaration of Matthew Becker, Public Resource's Request for Judicial Notice, Index of Consolidated Exhibits and Exhibits filed with this motion, Public Resource's proposed order, the pleadings and papers on file herein, and any further material and argument presented to the Court at the time of the hearing.

Dated: January 21, 2016

Respectfully submitted,

/s/ Andrew P. Bridges

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