

Nos. 23-1201, 24-17

IN THE  
**Supreme Court of the United States**

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CC/DEVAS (MAURITIUS) LIMITED, ET AL.,  
*Petitioners,*

v.

ANTRIX CORP. LTD., ET AL.,  
*Respondents.*

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DEVAS MULTIMEDIA PRIVATE LIMITED,  
*Petitioner,*

v.

ANTRIX CORP. LTD., ET AL.,  
*Respondents.*

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**No. 23-1201 PETITIONERS' OPPOSITION TO  
RESPONDENT'S MOTION TO MODIFY**

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This Court’s opinion explained that Antrix is “organized under Indian law and is owned by the Republic of India for use by its Department of Space.” *CC/Devas (Mauritius) Ltd. v. Antrix Corp.*, 605 U.S. --- (2025) (Slip Op. 2). This Court further explained that the “Indian Government finances most of Antrix’s operations.” *Ibid.* As Antrix acknowledges, these statements to which it objects merely repeat what “the District Court stated” below. Mot. 2; see Pet. App. 14a-15a (“The Government of India exercises ‘plenary control’ over Antrix in a principal-agent relationship. \* \* \* Most of Antrix’s commercial activities are financed by the government of India.”). The Ninth Circuit did not disturb these factual findings on appeal, and there is nothing unusual in this Court relying on a district court’s undisturbed factual findings when describing the background of a case. See *Landgraf v. USI Film Products*, 511 U.S. 244, 250 (1994) (“assum[ing]” “for purposes of our decision” that the district court’s “findings of fact were correct”); see also *Shalala v. Whitecotton*, 514 U.S. 268, 278 (1995) (O’Connor, J., concurring) (noting that the Court “assume[d], *arguendo*, the soundness” of a Special Master’s “factual findings” where the “Court of Appeals had no occasion to address” challenges to them). Indeed, because the district court made a finding on this issue, it “must not be set aside unless clearly erroneous,” Fed. R. Civ. P. 52(a)(6), and must stand so long as it is “plausible in light of the record viewed in its entirety,” *Anderson v. City of Bessemer City*, 470 U.S. 564, 574 (1985). And where “there are two permissible views of the evidence, the factfinder’s choice between them cannot be clearly erroneous.” *Ibid.* Antrix is free to argue on remand that the district

court's finding was clearly erroneous.<sup>1</sup> But in the absence of such argument in this Court, there is no basis for Antrix's demand that this Court excise reference to the district court's undisturbed factual finding.

Tuesday, July 8, 2025

Respectfully submitted,

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<sup>1</sup> That will be a difficult hill for Antrix to climb. Far from “lack[ing] a factual basis,” Mot. 2, the district court’s finding cited a report prepared by the Indian government itself (specifically, a committee of the Department of Space) noting that there is a “unilateral commitment of funds and other resources of DOS [*i.e.*, the Department of Space] for projects of the Corporation [*i.e.*, Antrix]” and that “the cost and responsibility for most of the commercial activities of Antrix is on the budget of the Government and not of the Corporation.” *Devas Multimedia Private Ltd. v. Antrix Corp. Ltd.*, No. 18-cv-1360 (W.D. Wash. Dec. 21, 2018), ECF No. 24-1, Ex. 48, at 6. That same report also describes Antrix as the “commercial arm/corporate front” of the Department of Space “housed within” the government “for the purposes of staffing, premises and all organizational support” and notes that Antrix transfers its free cash flow to India to keep its “capital base \* \* \* low, as far as possible.” *Id.*, Ex. 48, at 1-2.