

No. 17-571

IN THE SUPREME COURT OF THE UNITED STATES

FOURTH ESTATE PUBLIC BENEFIT CORPORATION,
Petitioner,

v.

WALL-STREET.COM, LLC AND JERROLD D. BURDEN,
Respondents.

**MOTION TO DISPENSE WITH THE REQUIREMENT
OF A JOINT APPENDIX**

Pursuant to Rules 21 and 26.8 of the Rules of this Court, petitioner Fourth Estate Public Benefit Corporation (“Fourth Estate”) respectfully moves for leave to dispense with the requirement of a joint appendix in this case. Counsel for respondents has authorized us to state that they concur in this motion.

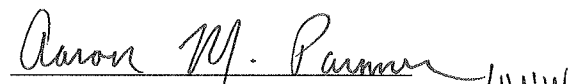
The question presented by this case concerns the correct interpretation of § 411(a) of the Copyright Act, which provides (with qualifications) that “no civil action for infringement of the copyright in any United States work shall be instituted until preregistration or registration of the copyright claim has been made in accordance with this title.” 17 U.S.C. § 411(a). Petitioner is an independent news organization that licenses the copyrights to works of journalism; respondents took a license to display some of petitioner’s works but, after cancelling the license, continued to copy and distribute numerous works. Petitioner filed an application to

register the works, depositing the required copies and submitting the required fee, and then filed a civil action seeking an injunction and damages. The district court dismissed the suit, holding that, because the Register of Copyrights had not yet acted on the application, “registration” had not “been made in accordance with” the Copyright Act. The Eleventh Circuit affirmed.

Because the district court dismissed the case at the pleading stage and plaintiff’s appeal raises purely legal issues regarding the proper interpretation of the Copyright Act, the parties believe that all the “materials the Court should examine” (Rule 26.2), including the underlying Complaint for Copyright Infringement, are contained in the appendix to the petition for a writ of certiorari and in the record below, which is “on file with the Clerk and available to the Justices” (Rule 26.2).

Fourth Estate accordingly requests, with the concurrence of respondents, that the Court grant leave to dispense with the printing of a joint appendix.

Respectfully submitted,


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