

Via Electronic Filing

May 23, 2024

Honorable Scott S. Harris
Clerk of Court
Supreme Court of the United States
One First Street, N.E.
Washington, DC 20543

Re: *CC/Devas (Mauritius) Limited, et al. v. Antrix Corp. Ltd.*, No. 23-1201
(cert. petition filed May 8) (9th Cir. Nos. 20-36024, 22-35058, 22-35103)

Dear Mr. Harris:

I write on behalf of Respondent Antrix Corp. Ltd. (“Antrix”) to request a 60-day extension of time—to August 6, 2024—to respond to the petition for certiorari in No. 23-1201, filed by entities that intervened in the lower court proceedings (“Intervenors”). This extension is needed for two reasons. *First*, another party to the underlying appeals, the principal petitioner below, Devas Multimedia Private Ltd. (“Devas”), sought and was granted a 60-day extension of time to petition for certiorari (No. 23A966), making that second petition due on July 5, 2024. A 60-day extension of the response deadline for the pending petition will likely allow Antrix to file a consolidated response to both petitions. *Second*, undersigned counsel has several intervening deadlines in other appellate cases. Antrix has not previously sought an extension.

The context of these complex consolidated cases highlights why an extension that allows Antrix to respond to both petitions in the same time frame would be helpful to both counsel and the Court. Devas commenced arbitration in New Delhi after a dispute regarding a satellite leasing agreement with Antrix, a private company owned by the Government of India. The arbitral tribunal issued an award for Devas, which Antrix moved an Indian court to set aside. While Antrix’s set-aside application was pending, Devas petitioned the Western District of Washington to confirm the award. The district court did so and entered judgment for Devas, which Antrix appealed.

Subsequently, Devas entered liquidation in India. Devas’s Mauritian shareholders—CC/Devas (Mauritius) Limited, Devas Employees Mauritius Private Limited and Telcom Devas Mauritius Limited, and its U.S. subsidiary —Devas Multimedia America, Inc. (“Intervenors”)—then intervened in the district court. While appeals of the district court’s decisions confirming the award and allowing Intervenors to register the judgment were pending, the Delhi High Court set aside the arbitral award. That decision became final last year when the Supreme Court of India dismissed the last appeal.

On August 1, 2023, the Ninth Circuit reversed the district court’s confirmation of the arbitral award and registration of the judgment. The appeals panel held that the district court ignored circuit precedent requiring a plaintiff to show that a foreign sovereign defendant has minimum contacts with the United States to establish personal jurisdiction. The court found that Antrix lacked minimum contacts with the United States. The Ninth Circuit denied Devas’s and Intervenors’ petitions for rehearing *en banc*, and declined to stay the mandate pending petitions to this Court.

Intervenors filed their petition for a writ of certiorari on May 8, 2024. Devas, however, received a 60-day extension of the time to petition for certiorari to July 5, 2024. No.23A966. Antrix now requests a commensurate 60-day extension to respond to Intervenors’ petition so that Antrix may respond to both that and Devas’ petition on or before August 6, 2024.

Further, undersigned counsel has intervening deadlines including: a Second Circuit brief due June 18 (No. 24-981); a stay brief due May 24 and reply due June 18 (D.C. Cir. Nos. 24-1120 et al.); and a Ninth Circuit merits brief due July 5 in a complex antitrust matter (No. 24-1585 and related cases). Counsel also will be out of the office from July 1–5 for the Fourth of July holiday.

A 60-day extension to respond to the pending petition for certiorari is thus requested to afford counsel sufficient time to respond effectively and holistically to both petitions and thereby aid the Court’s assessment of those petitions.

Sincerely,

/s/ Amanda Shafer Berman
Amanda Shafer Berman
Counsel of Record for Respondent

cc: Matthew D. McGill, Counsel of Record for Petitioners (No. 23-1201)
Aaron Streett, Counsel for Devas Multimedia Private Ltd. (No. 23A966)