

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

<p>AMERICAN SOCIETY FOR TESTING AND MATERIALS d/b/a ASTM INTERNATIONAL;</p> <p>NATIONAL FIRE PROTECTION ASSOCIATION, INC.; and</p> <p>AMERICAN SOCIETY OF HEATING, REFRIGERATING, AND AIR CONDITIONING ENGINEERS,</p> <p style="text-align: center;">Plaintiffs/ Counter-Defendants,</p> <p>v.</p> <p>PUBLIC.RESOURCE.ORG, INC.,</p> <p style="text-align: center;">Defendant/ Counter-Plaintiff.</p>	<p style="text-align: center;">Case No. 1:13-cv-01215-TSC</p>
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**PLAINTIFFS’ SECOND MOTION FOR SUMMARY JUDGMENT
AND FOR A PERMANENT INJUNCTION**

Plaintiffs/Counter-Defendants American Society for Testing and Materials d/b/a ASTM International (“ASTM”), National Fire Protection Association, Inc. (“NFPA”), and American Society of Heating, Refrigerating, and Air Conditioning Engineers (“ASHRAE”) (collectively, “Plaintiffs”) respectfully move for summary judgment that Defendant Public.Resource.Org, Inc.’s copying of Plaintiffs’ standards and displaying and distribution of its copies of Plaintiffs’ standards constitutes copyright and trademark infringement. Plaintiffs seek summary judgment with respect to their claims concerning the copyrighted works listed in Appendix A to this motion.

As detailed in the attached Memorandum of Law, there are no disputed issues of fact that prevent the Court from entering summary judgment. Plaintiffs own valid copyrights in the

works at issue and it is undisputed that Defendant copied the works and displayed and distributed its copies on the internet where the public can print, download and copy them without restriction. Defendant also used Plaintiffs' trademarks on versions of the works that Defendant altered and into which Defendant introduced errors. The defenses Defendant asserts, including fair use, are not supported by the undisputed facts or by the relevant case law. Thus, the Court should enter summary judgment in favor of Plaintiffs.

Additionally, Plaintiffs move for entry of a permanent injunction to address the irreparable harm Plaintiffs have suffered based on Defendant's infringement and will continue to suffer absent an injunction.

In support of their Motion, Plaintiffs submit the attached Memorandum of Law along with a Statement of Undisputed Material Facts and the supporting documentation. Plaintiffs also attach a Proposed Order and Permanent Injunction.

Dated: October 7, 2019

Respectfully submitted,

/s/ J. Kevin Fee

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