

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

PUERTO 80 PROJECTS, S.L.U.,

Plaintiff,

v.

United States of America and  
Department of Homeland Security,  
Immigration and Customs Enforcement,

Defendants.

Civil Action No.  
1:11-cv-03983-PAC

**MOTION OF ELECTRONIC FRONTIER FOUNDATION, CENTER FOR  
DEMOCRACY AND TECHNOLOGY AND PUBLIC KNOWLEDGE FOR  
LEAVE TO FILE BRIEF *AMICI CURIAE***

The Electronic Frontier Foundation, the Center for Democracy and Technology, and Public Knowledge (“*amici*”) respectfully request leave to file the attached brief *amici curiae* in Support of Puerto 80’s Petition for Release of Seized Property. As part of its prayer for relief, Petitioner asked “[t]hat the Court allow *amicus* submissions on or before June 20, 2011, regarding the issues raised in [its] Petition.” *Amici* file this Motion and its proposed brief within the context and time frame of that request.

This case raises the novel and important issue of whether the First Amendment permits the seizure of the domain names of websites that necessarily contain non-infringing speech but are alleged to contain infringing content as well. The goal of this brief is to give the Court a broader understanding of the context of this case and to highlight the serious First Amendment and other concerns raised in it.

**Interest of Amici**

This brief *amici curiae* is submitted on behalf of the leading public interest organizations dedicated to protecting civil liberties in the online context. *Amici* believe that it is vital that copyright enforcement be undertaken in a manner that is consistent with our Constitution and avoids chilling protected expression and innovation online.

The Electronic Frontier Foundation (“EFF”) is a leading nonprofit civil liberties organization working to protect consumer interests, innovation, and free expression in the digital world. EFF and its more than 13,000 dues-paying members have a strong interest in assisting the courts and policy-makers in striking the appropriate balance between copyright law and the public interest.

The Center for Democracy & Technology (“CDT”) is a nonprofit public interest group that seeks to promote free expression, privacy, individual liberty, and technological innovation on the open, decentralized Internet. CDT advocates balanced copyright policies that provide appropriate protections to creators without curtailing the openness and innovation that have been vital to realizing the democratizing potential of new digital media.

Public Knowledge (“PK”) is a Washington, D.C. based not-for-profit public interest advocacy and research organization. PK promotes balance in intellectual property law and technology policy to ensure that the public can benefit from access to knowledge and the ability to freely communicate and innovate in the digital age.

**Assistance to the Court to be Rendered by Movant's Brief**

This case arises in the context of a broad and troubling strategy to remove numerous allegedly infringing websites from the Internet without the prior adversarial hearings and other substantive and procedural protections required by the First Amendment. The attached brief places this case in its broader context, discusses the Constitutional concerns raised by is, and highlights some harmful international implications that would flow from this and similar cases.

**Request for Leave to File Brief *Amici Curiae***

For the reasons stated above, counsel respectfully requests leave of this Court to file the attached brief *amici curiae* in support of Puerto 80'S Petition for Release of Seized Property. *Amici* has sought consent to file their proposed brief from both Petitioner and Respondent. Petitioner consented to the filing and Respondent informed *amici* that it takes no position on the filing of the brief.

Respectfully submitted,

Date: June 20, 2011

By S/ Lucian Ulmet

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