

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 01-B-1854

LAWRENCE GOLAN, et. al.

Plaintiffs,

v.

JOHN ASHCROFT, in his official
capacity as Attorney General of the
United States

_____ Defendant.

**DEFENDANT'S NOTICE OF GRANT
OF CERTIORARI IN *ELDRED v. ASHCROFT***

1. Currently this Court has before it Defendant's fully-briefed Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted. Fed. R. Civ. P. 12(b)(6). This Motion considers the constitutionality of two recent copyright statutes, the Sonny Bono Copyright Term Extension Act, Pub. L. No. 105-298 (1998), and §514 of the Uruguay Round Agreements Act, Pub. L. No. 103-465 (1994).

2. This Notice is to advise the Court that on February 19, 2002, the United States Supreme Court granted *certiorari* in *Eldred v. Ashcroft*, No. 01-618, 2002 WL 232898 (U.S. Feb. 19, 2002) and 2002 WL 257111 (U.S. Feb. 25, 2002), arising from the D.C. Circuit, 239 F.3d 372 (D.C. Cir. 2001), rehearing en banc denied 255 F.3d 849 (2001). In *Eldred* the Supreme Court will review the constitutionality of the Sonny Bono Copyright Term Extension Act.

3. The Supreme Court may well also articulate principles applicable to this Court's review of §514 of the Uruguay Round Agreements Act—for instance, among other issues, the Supreme Court may address whether the introductory language of the Copyright Clause has any meaning.

4. In order for the Court to have the benefit of the Supreme Court's views, and in the interests of judicial economy, a stay of these proceedings pending the *Eldred* decision is appropriate.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that, on February 27, 2002, I caused a copy of the foregoing Defendant's Notice of Grant of Certiorari to be served by first-class mail, postage prepaid, upon counsel at the following addresses:

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