No. 18-1150

In the Supreme Court of the United States

STATE OF GEORGIA, ET AL., *Petitioners*,

v.

Public.Resource.Org., Respondent.

On Petition For A Writ Of Certiorari To The United States Court of Appeals For The Eleventh Circuit

BRIEF FOR MATTHEW BENDER & CO., INC. AS AMICUS CURIAE IN SUPPORT OF PETITIONERS

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Lawrence v. Dana, 15 F. Cas. 26 (C.C.D. Mass. 1869)	10
Mazer v. Stein, 347 U.S. 201 (1954)	10, 12
W.H. Anderson Co. v. Baldwin Law Pub. Co., 27 F.2d 82 (6th Cir. 1928)	3, 10
Wheaton v. Peters, 33 U.S. 591 (1834)	12
Statutes and Constitutions	
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Colo. Rev. Stat. § 2-5-115	12
O.C.G.A. §1-1-7	9
IIS Const. Art. I & 8 cl. 8	10



Other Authorities

Brooklyn Law Sch. Libr., Researching Statutes: Annotated Codes,
http://guides.brooklaw.edu/c.php?g= 330891&p=22228355
Copyright Office's public catalog, http://bit.ly/2VTNDI9
https://store.legal.thomsonreuters.com/l aw-products/Court-Rules/Westsreg- Code-of-Georgia- Annotated/p/100027635;
Jennifer Gilroy & Abby Chestnut, Who Owns the Law? The Colorado Perspective on Copyright and State Statutes (Apr. 6, 2017), https://legisource.net/2017/04/06/wh o-owns-the-law-the-colorado- perspective-on-copyright-and-state- statutes/
LexisNexis, Statutory Editorial Process, http://www.lexisnexis.com/document s/pdf/20170303045425_large.pdf
N. Ill. U. College of Law, Basic Legal Research, Forms of Publication of Statutory Law: Session Laws & Codes, Annotated Codes, https://libguides.niu.edu/c.php?g=42 5200&p=2904735



Session Laws & Codes, Annotated	
Codes,	
https://libguides.niu.edu/c.php?g=42	
4252&p=2904735	4
Shawn G. Nevers, "Don't	
Underestimate the Importance of	
Statutes," ABA Student Lawyer, Vol.	
40, No. 2, October 2011,	
https://abaforlawstudents.com/2011/	
10/01/dont-underestimate-	
importance-statutes/	5
The Federalist No. 62 (James Madison),	
at 323–24 (George W. Carey &	
James McClellan eds., 2001)	4
U.S. Copyright Office, Compendium of	
U.S. Copyright Office Practices (3d	
ed. 2017),	
https://www.copyright.gov/comp3/do	
1 10 0 1	$^{\wedge}$
cs/compendium.pdf2, 10	J



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