No. 18-1150

In the Supreme Court of the United States

STATE OF GEORGIA, ET AL., PETITIONERS,

v.

PUBLIC.RESOURCE.ORG, INC.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

REPLY BRIEF FOR THE PETITIONERS

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REPLY BRIEF FOR THE PETITIONERS

Respondent PRO, petitioners, and a diverse array of *amici* (including eight states) agree: This case presents an "excellent vehicle" in an "ideal" procedural posture to address the "confusion and perceived inconsistency among the lower courts" regarding the scope of the "judge-made common law doctrine[]" that government edicts are ineligible for copyright protection—an issue of unquestioned "significance." Br. in Opp. ("BIO") 1, 13-14, 28. As PRO acknowledges, this Court's review is "sorely needed." *Id.* at 9.

Despite acquiescing in petitioners' request for review, PRO fruitlessly labors to distinguish this case from others in the circuit split. PRO's hairsplitting efforts to draw factual distinctions ignore the reasoning underlying the courts of appeals' decisions and provide no basis for reconciling them with the Eleventh Circuit's decision here. Indeed, PRO ultimately concedes that "the courts of appeals diverge in their approaches to applying the government edicts doctrine." BIO 14. The result: "case law is confusing and outcomes are difficult to predict." *Id.* at 9.

Such disagreement among the courts of appeals is "particularly troublesome in the realm of copyright." *Silvers* v. *Sony Pictures Entm't, Inc.*, 402 F.3d 881, 890 (9th Cir. 2005) (en banc); see also *Sears, Roebuck & Co.* v. *Stiffel Co.*, 376 U.S. 225, 231 n.7 (1964) (noting "[t]he purpose of Congress to have national uniformity in * * * copyright laws"). Given "Congress' paramount goal * * * of enhancing predictability and certainty of copyright ownership," *Community for Creative Non-*

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