

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SONY BMG MUSIC ENTERTAINMENT,)

et al.,)

Plaintiffs,)

v.)

DENISE CLOUD,)

Defendant.)

Civil Action No. 08-CV-01200

**UNITED STATES OF AMERICA’S MEMORANDUM IN DEFENSE OF THE
CONSTITUTIONALITY OF THE STATUTORY DAMAGES PROVISION OF THE
COPYRIGHT ACT, 17 U.S.C. § 504(c)**

INTRODUCTION

Defendant raises a constitutional challenge to the statutory damages provision of the Copyright Act, 17 U.S.C. § 504(c). The United States now moves to intervene to defend the constitutionality of applying that provision in this case. This memorandum deals solely with Defendant’s constitutional objections to 17 U.S.C. § 504(c); it does not address any of the non-constitutional arguments raised by the parties. The United States nevertheless respectfully submits that this Court should resolve any non-constitutional issues presented by the parties first if it would enable the Court to avoid the constitutional questions.

If the Court finds it necessary to reach the constitutional questions, then it should reject each of Defendant’s constitutional claims. Defendant’s claim that holding her liable for statutory damages pursuant to the Copyright Act violates the Due Process Clause of the Fifth Amendment should be examined under the standard articulated by the Supreme Court in *St. Louis, I.M. & S.*

Railway Co. v. Williams, 251 U.S. 63, 67 (1919), and not, as Defendant suggests, under the standard for evaluating punitive damages awards. Under the *Williams* standard, applying¹ the Copyright Act’s statutory damages provision to Defendant does not violate due process because the damages imposed would not necessarily be “so severe and oppressive as to be wholly disproportioned to the offense and obviously unreasonable.” *Williams*, 251 U.S. at 67. Given the difficulty in quantifying actual damages for infringement of copyrights over music recordings and the public interest in deterring online music piracy, a statutory damages award within the range set by Congress would be reasonable in this case.

Defendant’s claim that the Copyright Act’s statutory damages provision violates the Excessive Fines Clause of the Eighth Amendment should also fail because the Eighth Amendment does not apply here. The Eighth Amendment only applies to an award of money damages in a civil action if the United States brings the action or has a right to receive a share of the damages awarded. Neither of these preconditions is met in this case.

BACKGROUND

I. PROCEDURAL BACKGROUND

On March 11, 2008 Plaintiffs brought this civil action against Defendant pursuant to the Copyright Act. *See* Compl. ¶ 1. Plaintiffs allege that Defendant had infringed their copyrights over various sounds recordings by using an online “peer-to-peer” file copying network to

¹The United States assumes Defendant is raising an as-applied constitutional challenge to the Copyright Act’s statutory damages provision. To the extent Defendant is advancing a facial challenge to the statute, she must “establish that no set of circumstances exists under which the Act would be valid” in order to succeed. *U.S. v. Salerno*, 481 U.S. 739, 745 (1987). However, in a case, for example, where a copyright owner suffered actual damages of \$750, statutory damages authorized by the Copyright Act, which can be as low as \$750, would not necessarily be excessive. That being the case, a facial challenge to the statute at issue would have to fail.

download and/or distribute to the public those sounds recordings without permission. *Id.* at ¶ 14. Plaintiffs therefore seek injunctive relief, statutory damages, costs and attorneys' fees. *Id.* at 5-6.

On October 29, 2008, Defendant filed a motion to dismiss for failure to state a claim upon which relief could be granted. *See* Def. Denise Cloud's Mot. to Dismiss for Failure to State a Claim Pursuant to Fed. R. Civ. Pro 12(b)(6) (Docket #26). Defendant argued, *inter alia*, that holding her liable for the statutory damages authorized by the Copyright Act and sought by Plaintiffs would be grossly excessive and therefore unconstitutional. *See* Def. Denise Cloud's Br. in Supp. of Her Rule 12(b)(6) Mot. to Dismiss at 5-7 (Docket #28). Defendant relied on both the Due Process Clause of the Fifth Amendment and the Excessive Fines Clause of the Eighth Amendment to substantiate this claim. *Id.* On December 15, 2008, Defendant filed a brief reiterating these constitutional objections. *See* Def. Denise Cloud's Reply to Pl.'s Resp. to Def.'s Rule 12(b)(6) Mot. to Dismiss at 9-10.

The United States now moves to intervene to address the constitutional questions raised by Defendant's motion to dismiss. This brief is filed in conjunction with the United States of America's Uncontested Motion to Intervene to Defend the Constitutionality of a Federal Statute.

II. STATUTORY BACKGROUND

The remedy of statutory damages for copyright infringement dates all the way back to the Statute of Anne in 1710. *See Feltner v. Columbia Pictures Television*, 523 U.S. 340, 349 (1998). Later, in 1783, the "Continental Congress passed a resolution recommending that the States secure copyright protections for authors." *Id.* at 350. Three of the twelve States that responded to this resolution "specifically authorized an award of damages from a statutory range, just as § 504(c) does today." *Id.* at 351.

An award of statutory damages for copyright infringement was first authorized under U.S. federal law in the Copyright Act of 1790. Under the 1790 law, which was enacted by the First Congress, each infringer of a copyright was liable for “the sum of fifty cents for every sheet which shall be found in his or their possession.” 1 Stat. 124 (1790). Each subsequent modification of the Copyright Act has maintained a statutory damages provision.

The statutory damages provision at issue in this case was enacted as part of a 1999 amendment to the Copyright Act of 1976. *See* Digital Theft Deterrence and Copyright Damages Improvement Act of 1999, Pub. L. No. 106-160, § 2 (1999). Under the Copyright Act of 1976, and the law in effect today, “an infringer of copyright is liable for either -- (1) the copyright owner’s actual damages and any additional profits of the infringer” or (2) “statutory damages.” 17 U.S.C. § 504(a). A copyright owner may elect to recover statutory damages instead of actual damages and profits at any time before final judgment is rendered. *Id.* § 504(c)(1).

Under the 1976 law, a copyright owner was entitled to recover statutory damages of between \$250 and \$10,000 per infringed work. Pub. L. No. 94-553, § 22 (1976). For willful violations, the maximum statutory damages award increased to \$50,000 per work. *Id.* In the 1999 amendment, Congress increased the statutory damages range to its current level: between \$750 and \$30,000 per infringed work, with a maximum of \$150,000 for a willful violation. *See* Pub. L. No. 106-160, § 2 (1999)².

²An intermediate amendment to the 1976 Act set the range at \$500 to \$20,000, with a willfulness enhancement of up to \$100,000. 102 Stat. 2853, 2860 (1988).

ARGUMENT

I. THE COURT SHOULD NOT ADDRESS DEFENDANT’S CONSTITUTIONAL OBJECTIONS AT THIS TIME.

Under the doctrine of constitutional avoidance, courts “ought not to pass on questions of constitutionality...unless such adjudication is unavoidable.” *Spector Motor Serv. v. McLaughlin*, 323 U.S. 101, 105 (1944). Thus, if the Court can dispose of Defendant’s motion to dismiss without reaching the constitutional issues, it should do so. Furthermore, even if the motion cannot be disposed of on alternate grounds, the constitutionality of applying the statutory damages provision in this case should not be decided at this early stage. Numerous courts have held that deciding whether statutory damages are constitutionally excessive is premature when there is no damages award for the court to review. *See Ashby v. Farmers Ins. Co. of Or.*, 592 F.Supp.2d 1307, 1316 (D.Or. 2008); *Ramirez v. Midwest Airlines*, 537 F.Supp.2d. 1161, 1170 (D.Kan. 2008); *Follman v. Village Squire, Inc.*, 542 F.Supp.2d 816, 821-22 (N.D.Ill. 2007); *Arcilla v. Adidas Promotional Retail Operations*, 488 F.Supp.2d 965, 973 (C.D.Cal. 2007); *DirecTV v. Gonzalez*, 2004 WL 1875046, *4 (W.D.Tex. Aug. 23, 2004). Instead, the correct procedure is to make this determination only if liability is found and damages are assessed. *See Ashby*, 592 F.Supp.2d at 1316. Moreover, even if the statutory damages provision were held unconstitutional at that stage, the appropriate remedy would be a reduction in damages and not an outright dismissal of Plaintiffs’ claims. *See Centerline Equip. Corp. v. Banner Pers. Serv.*, 545 F.Supp.2d 768, 778 (N.D.Ill. 2008). Accordingly, the Court should not address Defendant’s constitutional objections to the Copyright Act’s statutory damages provision at this time.

II. THE COPYRIGHT ACT'S STATUTORY DAMAGES PROVISION MEETS CONSTITUTIONAL DUE PROCESS REQUIREMENTS.

A. The Constitutionality of Statutory Damages Is Evaluated Under the Standard Articulated by the Supreme Court in *Williams*.

Contrary to Defendant's assertion, *see* Def. Denise Cloud's Br. in Supp. of Her Rule 12(b)(6) Mot. to Dismiss at 5-7, the Supreme Court's punitive damages jurisprudence, set forth in *BMW of North America, Inc. v. Gore*, 517 U.S. 559, 575 (1996), does not provide the appropriate standard for determining whether statutory damages violate the Due Process Clause. *See Zomba Enterprises, Inc. v. Panorama Records, Inc.*, 491 F.3d 574, 587 (6th Cir. 2007) (declining to apply the *Gore* standard to assess the constitutionality of statutory damages awarded under the Copyright Act and stating that the court "know[s] of no case invalidating such an award of statutory damages under *Gore*" and that the Supreme Court has not "indicated whether *Gore*... appl[ies] to awards of *statutory* damages." (emphasis in original)); *Lowry's Reports, Inc. v. Legg Mason, Inc.*, 302 F.Supp.2d 455, 459-60 (D.Md. 2004) (finding that *Gore* does not apply to statutory damages awards). Rather, the applicable standard is actually set forth in *St. Louis, I.M. & S. Railway Co. v. Williams*, 251 U.S. at 67 (holding that a \$75 statutory damages award where actual damages were only 66 cents did not violate due process). The *Williams* standard is distinct from, and much more deferential than, the guideposts articulated in *Gore*.³ Under the *Williams* standard, a statutory damages award is analyzed to determine if it is "so severe and oppressive as to be wholly disproportioned to the offense and obviously unreasonable." *Id.* at 67.

³The *Gore* guideposts assess the constitutionality of a punitive damages award based on (1) the degree of reprehensibility of the defendant's conduct; (2) the disparity between the actual or potential harm suffered by the plaintiff and the punitive damages award; and (3) the difference between the punitive damages and civil penalties authorized or imposed in comparable cases. *Gore*, 517 U.S. at 575.

The framework set forth in *Gore* for assessing the constitutionality of punitive damages awards is not applicable to statutory damages awards because statutory damages awards do not implicate the issue of fair notice. In *Gore*, the Supreme Court held that the punitive damages that had been assessed were unconstitutional because it found that the defendant “did not receive adequate notice of the magnitude of the sanction.” *Gore*, 517 U.S. at 574. It explained that such notice is necessary because “[e]lementary notions of fairness enshrined in our constitutional jurisprudence dictate that a person receive fair notice not only of the conduct that will subject him to punishment, but also of the severity of the penalty.” *Id.* Because statutory damages are, by definition, promulgated in a statute, persons held liable for them cannot be deemed to have received inadequate notice. See *Lowry’s Reports*, 302 F.Supp.2d at 460 (noting that *Gore* does not limit statutory damages awards under the Copyright Act because “[t]he unregulated and arbitrary use of judicial power that the *Gore* guideposts remedy is not implicated in Congress’ carefully crafted and reasonably constrained statute”); *DirecTV, Inc. v. Cantu*, 2004 WL 2623932, at *4–*5 (W.D.Tex. Sept. 29, 2004) (distinguishing *Gore* from statutory damages context because “fair notice is not a concern”); *Accounting Outsourcing, LLC v. Verizon Wireless Pers. Commc’n, L.P.*, 329 F.Supp.2d 789, 809–10 (M.D.La. 2004) (same).

A further indication that the Supreme Court’s punitive damages jurisprudence is inapposite to statutory damages awards is the disparity in the purposes underlying the two remedies. A punitive damages award, as in *Gore*, is typically granted in conjunction with an entirely separate compensatory damages award. See *Gore*, 517 U.S. at 565. Because reimbursement for any harm done to plaintiffs is already addressed by such compensatory damages awards, punitive damages serve only to punish defendants for their wrongful conduct.

See id. at 568 (declaring that punitive damages may be imposed to punish unlawful conduct and deter its repetition). Thus, in determining whether a punitive damages award is excessive, the inquiry essentially reduces to whether the punishment it metes out is excessive. Indeed, the first *Gore* guidepost looks to the reprehensibility of a defendant's conduct, *see id.* at 575-580, an intuitively central factor in determining the appropriate amount of punishment for that conduct. Statutory damages, on the other hand, are not motivated by such a singular purpose. Rather, because they are unaccompanied by a second, separate, award, statutory damages must operate not only to punish the defendant for wrongdoing but also to compensate the plaintiff for any harm he has suffered. *See F.W. Woolworth Co. v. Contemporary Arts*, 344 U.S. 228, 233 (1952) (stating that statutory damages under the Copyright Act not only provide "reparation for injury" but also compel "restitution of profit," "discourage wrongful conduct" and serve as a "sanction"); *Los Angeles News Serv. v. Reuters Television Int'l Ltd.*, 149 F.3d 987, 996 (9th Cir. 1998) (noting that statutory damages serve both compensatory and punitive purposes); *Video Café, Inc. v. De Tal*, 961 F.Supp. 23, 26 (D.P.R. 1997) (same); *Cass County Music Co. v. C.H.L.R., Inc.*, 88 F.3d 635, 643 (8th Cir. 1996) (same); *Fitzgerald Publishing Co., Inc. v. Baylor Publishing Co. Inc.*, 807 F.2d 1110, 1117 (2nd Cir. 1986) (same). Naturally, then, in order to not only serve a punitive purpose but also to accomplish this additional compensatory goal, statutory damages awards for any given misconduct would have to be higher than the appropriate amount of punitive damages for that same wrongdoing. Therefore, subjecting statutory damages awards to the same constitutional standard that limits punitive damages awards would be overly constrictive and inhibit them from achieving their full set of intended objectives.

Finally, the *Gore* framework cannot logically be applied to statutory damages awards because one of its prongs specifically compares a punitive damages award to civil penalties available for comparable conduct. *See Gore*, 517 U.S. at 575. Applying this test to statutory damages would be a tautology; a statutory damages award is by definition within the statutory range set by Congress. *See id.* at 583 (“[A] reviewing court engaged in determining whether an award of punitive damages is excessive should accord substantial deference to legislative judgments concerning appropriate sanctions for the conduct at issue” (quotations omitted)).

Courts have consistently applied the *Williams* standard, rather than punitive damages jurisprudence, in assessing the constitutionality of statutory damages awards. *See Zomba.*, 491 F.3d at 587–88 (concluding that application of the Copyright Act’s statutory damages provision did not violate the *Williams* standard); *Centerline*, 545 F.Supp.2d at 777–78 (applying *Williams* standard to uphold statutory damages awarded under the Telephone Consumer Protection Act); *Accounting Outsourcing*, 329 F.Supp.2d at 809–10 (same); *Texas v. Am. Blastfax, Inc.*, 121 F.Supp.2d 1085, 1090–92 (W.D. Tex. 2000) (same); *see also United States v. Citrin*, 972 F.2d 1044, 1051 (9th Cir. 1992) (“A statutorily prescribed penalty violates due process rights only where the penalty prescribed is so severe and oppressive as to be wholly disproportioned to the offense and obviously unreasonable” (quotation omitted)). Because the Supreme Court has previously articulated a standard for assessing the constitutionality of statutory damages awards, *see Williams*, 251 U.S. at 67, and the *Gore* guideposts are not workable in the statutory damages context, the Court should apply the *Williams* standard.

B. Applying the Copyright Act's Statutory Damages Provision to Defendant Complies with the *Williams* Standard.

Awarding statutory damages authorized by the Copyright Act in this case would not be so severe and oppressive as to be wholly disproportioned to the offense and obviously unreasonable. Contrary to Defendant's suggestion, *see* Def. Denise Cloud's Br. in Supp. of Her Rule 12(b)(6) Mot. to Dismiss at 5, 7, liability for willful infringement under the Copyright Act's statutory damages provision does not automatically result in a \$150,000 penalty per infringement but rather one of at least \$750 and no greater than \$150,000 per infringed work. Because Defendant has not yet been held liable for *any* damages, her as-applied challenge could succeed only if it were shown that holding her liable for even the minimum statutory damages authorized by the Copyright Act – \$750 per infringed work – would violate the *Williams* standard. However, in light of the multiple purposes of statutory damages and the unique circumstances surrounding online music piracy, a \$750 penalty per infringed work would be reasonable and would not violate due process.

Awarding the statutory damages authorized by the Copyright Act would be reasonable here in part because it would ensure that compensation is made for any harm done to Plaintiffs. Statutory damages awards are meant to reimburse plaintiffs for actual damages specifically where such amounts are difficult to calculate and prove. *See F.W. Woolworth Co.*, 344 U.S. at 231 (noting statutory damages are intended to allow “the owner of a copyright some recompense for injury done him, in a case where the rules of law render difficult or impossible proof of damages or discovery of profits”); *Lowry's Reports*, 302 F.Supp.2d at 460 (“Statutory damages exist in part because of the difficulties in proving - and providing compensation for - actual harm in copyright infringement actions.”). As the U.S. Copyright Office explained in a report to

Congress⁴, “the value of a copyright is, by its nature, difficult to establish, and the loss caused by an infringement is equally hard to determine. As a result, actual damages are often conjectural, and may be impossible or prohibitively expensive to prove.” Staff of H. Comm. On The Judiciary, 87th Cong., Rep. of the Reg. of Copyrights on The General Revision of The U.S. Copyright Law (Comm. Print 1961) at 102. This condition undoubtedly holds true in the context of copyrighted music. Although Defendant argues that Plaintiffs’ damages are approximately 99 cents per infringed song, *i.e.*, the cost of downloading a song legally via Apple iTunes, this figure ignores the value of Plaintiffs’ ability to distribute legal copies of their copyrighted sound recordings over the Internet and the losses resulting from subsequent acts of infringement by computer users who download illegal copies of the sound recordings Defendant allegedly infringed. Indeed, it is impossible for a copyright owner to calculate actual damages when an online media distribution system is used to illegally distribute its copyrighted sound recordings because the number of subsequent acts of infringement by computer users who download illegal copies of the sound recordings from the original infringer is simply unknowable. Given this degree of uncertainty and the possibility that Plaintiffs’ actual harm is quite large, a penalty that could be as low as \$750 per infringed work would not be obviously unreasonable.

Application of the Copyright Act’s statutory damages provision to this case is further reasonable because it would deter infringement of copyrights to music recordings. Because statutory damages are meant, in part, to serve this deterrent purpose, *see F.W. Woolworth*, 344 U.S. at 233 (stating that statutory damages are designed to discourage wrongful conduct), they are

⁴This report, written in 1961, was part of the extensive review and study process by the Copyright Office and Congress that culminated in the 1976 Copyright Act.

not limited to some prescribed multiple of the harm suffered by the plaintiff, *see Williams* 251 U.S. at 66 (declaring that a statutory damages award need not be proportioned to a plaintiff's loss or damage); *see also, e.g., U.S. ex rel. Tyson v Amerigroup Ill., Inc.*, 488 F.Supp.2d 719, 744 (N.D.Ill. 2007) (ruling that the *Williams* standard is not a proportionality inquiry); *Lowry's Reports*, 302 F.Supp.2d at 459 (stating that statutory damages need not be strictly related to actual injury). Rather, in order to achieve the appropriate degree of deterrence, Congress can set statutory damages at a level that accounts also for the public harm resulting from the offensive conduct. *See Centerline*, 545 F.Supp.2d at 777. As stated in *Williams*, the constitutionality of a statutory damages award must be "considered with due regard for the interests of the public, the numberless opportunities for committing the offense, and the need for securing uniform adherence to [the law]." *Williams*, 251 U.S. at 67. Congress took just these types of factors into account in fashioning the statutory damages provision of the Copyright Act. Specifically, Congress found that copyright piracy resulted in substantial public harm through contributing to the loss of U.S. jobs and wages, lower tax revenue, and higher prices for honest purchasers. H.R. Rep. 106-216, at 3 (1999). These negative consequences flow from piracy of sound recordings just as significantly as they do from other forms of infringement, as one credible study estimates that global music piracy causes the loss of (1) \$12.5 billion of annual economic output in the United States, (2) 71,060 American jobs, (3) \$2.7 billion in annual earnings to American workers, and (4) \$422 million in annual U.S. tax revenue. *See* Stephen E. Siwek, *The True Cost of Sound Recording Piracy to the U.S. Economy*, Institute for Policy Innovation, Policy Report 188, August 2007, available at <http://www.ipi.org> (follow "The True Cost of Sound Recording Piracy to the U.S. Economy" hyperlink). In light of these serious public harms, Congress sought to strengthen

the deterrent effect of the Copyright Act's statutory damages provision and increased the liability for infringement to the current level. H.R. Rep. 106-216, at 6. In order to ensure that the damages were actually effective in achieving this end, Congress set the cost of infringement at an amount that would "substantially exceed the costs of compliance." *Id.* This was deemed necessary because "many computer users...believe that they will not be caught or prosecuted for their conduct" and because "many infringers do not consider...copyright infringement penalties a real threat and continue infringing, even after a copyright owner puts them on notice that their actions constitute infringement and that they should stop the activity or face legal action." *Id.* at 3. These concerns certainly apply to the case of online music piracy, as the Supreme Court has noted that users of peer-to-peer networks have "prominently employed [them] in sharing copyrighted music...without authorization," *Metro-Goldwyn-Mayer Studios, Inc., et al. v. Grokster Ltd.*, 545 U.S. 913, 920 (2005), and that the "probable scope of copyright infringement is staggering," *id.* at 923. Raising the statutory damages for copyright infringement to the current level was also necessary because the previous penalties, which had last been adjusted in 1988, *see supra* at 4 n.2, needed to be updated to account for inflation, increased utilization of certain types of intellectual property, and trends in global distribution and e-commerce. H.R. Rep. 106-216, at 6. In light of these many concerns, a statutory damages award of \$750 per work for copyright infringement of sound recordings cannot be said to be so severe and oppressive as to be wholly disproportioned to the offense and obviously unreasonable and therefore does not violate constitutional due process.

III. THE COPYRIGHT ACT'S STATUTORY DAMAGES PROVISION DOES NOT VIOLATE THE EIGHTH AMENDMENT.

Defendant's argument under the Excessive Fines Clause, *see* Def. Denise Cloud's Br. in Supp. of Her Rule 12(b)(6) Mot. to Dismiss at 6, also fails because the Eighth Amendment does not apply to this case. The Amendment provides that "[e]xcessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." U.S. Const. amend. VIII. It "limits the government's power to extract payments, whether in cash or in kind, as punishment for some offense." *United States v. Bajakajian*, 524 U.S. 321, 328 (1998) (quotation omitted). It does not, however, "constrain an award of money damages in a civil suit when the government neither has prosecuted the action nor has any right to receive a share of the damages awarded." *Browning-Ferris Indus. of Vermont v. Kelco Disposal, Inc.*, 492 U.S. 257, 264 (1989). Because this action was instituted by private parties and the United States does not have a right to receive a share of any statutory damages awarded,⁵ the Eighth Amendment is inapplicable. *See Zomba*, 491 F.3d at 586 (concluding Excessive Fines Clause does not apply to the Copyright Act's statutory damages provision because the government did not prosecute the action or receive a share of the damages); *Centerline*, 545 F.Supp.2d at 777 (same with respect to the statutory damages provision of the Telephone Consumer Protection Act).

⁵ Under the Copyright Act of 1790, the copyright owner received half of the statutory damages awarded for copyright infringement and the United States received the remaining half. 1 Stat. 124 (1790). The language permitting the United States to receive a share of the statutory damages award was omitted in the 1909 revision of the Copyright Act and has been absent ever since. *See* Pub. L. No. 60-349, § 25 (1909).

CONCLUSION

For the foregoing reasons, if the Court finds it necessary to address the constitutional questions, it should uphold the constitutionality of applying the Copyright Act's statutory damages provision, 17 U.S.C. § 504(c), to this case.

Respectfully submitted this 25th day of March, 2009.

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CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2009, I filed a true and correct copy of the foregoing United States of America's Memorandum in Defense of the Constitutionality of the Statutory Damages Provision of the Copyright Act, 17 U.S.C. § 504(c) with the Court's Electronic Filing System, which will send an electronic notice to the attorney of record for each party.

s/ John Griffiths

JOHN GRIFFITHS