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6 *Attorneys for Amicus*
7 *Language Creation Society*

8 **IN THE UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

11 PARAMOUNT PICTURES
CORPORATION, a Delaware
12 corporation; and CBS STUDIOS
INC., a Delaware corporation,

13 Plaintiffs,

14 v.

15 AXANAR PRODUCTIONS, INC.,
16 a California corporation; ALEC
PETERS, an individual, and
17 DOES 1-20,

18 Defendants.

Case No. 2:15-cv-09938-RGK-E

**RENEWED APPLICATION FOR
LEAVE TO FILE BRIEF AS AMICUS
CURIAE**

Judge: Hon. R. Gary Klausner

19 On April 27, 2016, Language Creation Society (“Amicus” or
20 “LSC”) applied for leave to file a brief in this matter as as *Amicus*
21 *Curiae*. *Amicus* argued in support of Defendants’ Motion to Dismiss
22 on the narrow issue that the Klingon language should not be entitled
23

1 to copyright protection. This Court denied the LCS's Application
2 without prejudice because the Court did not reach the issue of
3 whether languages, specifically the Klingon language, are
4 copyrightable. CCP § 1008(b) states that "[a] party who originally
5 made an application for an order which was refused in whole or part
6 [...] may make a subsequent application for the same order upon
7 new or different facts, circumstances, or law..." Now that the instant
8 matter is ripe for summary judgment, LSC renews its request to
9 participate. LSC believes that the *amicus* brief will be instructive to
10 this Court on arguments raised by Plaintiffs at Dkt. 85 at 9 and
11 Defendants at Dkt. 132 at 9.

12 In their Motion for Summary Judgment, Plaintiffs say that
13 Defendants' use of Klingons, specifically their "dialogue," is
14 protected. (Dkt. 85 at 9). Further, Plaintiffs have introduced
15 evidence of use of the Klingon language and this issue is contested
16 by the Defendants (Dkt. 132 at 9).

17 *Amicus* renews its request for leave to file its brief of *amicus*
18 *curiae* (Dkt. 35). This brief is not re-submitted in support of any party,
19 but narrowly supports Defendants' Opposition to Plaintiffs' Motion for
20 Summary Judgment for the limited issue of Plaintiffs' claim of any
21 copyright in the Klingon language. Specifically, *Amicus* argues that
22 the Klingon language, in which Plaintiffs assert copyright and is still a
23

1 claim for evidence, is not and cannot be protected under copyright
2 law and is part of the public domain.

3 *Amicus* Language Creation Society is a non-profit California
4 entity that was established to promote and encourage the
5 development of constructed languages (“conlangs”). Conlangs are
6 languages deliberately germinated by individuals or groups, such as
7 Esperanto and Klingon, as opposed to languages that develop
8 organically over long periods of time, such as English. This is not to
9 say that those (and other) conlangs do not develop, grow, and
10 morph organically over time, in fact, they do. But, the “conlang”
11 designation only applies to languages that originate as a deliberate
12 act.

13 No court, in this Circuit or elsewhere, has weighed in on the
14 issue of whether a language may be copyrighted, and this issue has
15 received insufficient briefing from the parties. *Amicus* thus wishes to
16 educate the court as to the state of the law on this issue and
17 potential ramifications for a ruling that Plaintiffs have a copyright
18 interest in the Klingon language.

19 Accordingly, *Amicus* respectfully requests that the Court
20 consider its *amicus* brief, filed previously as Dkt. 35 in support of
21 Defendants’ Opposition to Plaintiffs’ Motion for Summary Judgment.
22
23

1 Counsel for *Amicus* solicited the Parties' positions on the relief
2 requested in this application. Counsel for Defendants consented to
3 *Amicus*' request. Counsel for Plaintiffs declined to share a position.
4

5 Dated: December 29, 2016.

Respectfully Submitted,

6 /s/ Marc J. Randazza

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 29, 2016, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that a true and correct copy of the foregoing document is being served via transmission of Notices of Electronic Filing generated by CM/ECF.

Respectfully Submitted,



Employee,
Randazza Legal Group, PLLC