



Cir., July 11, 1997) (attached hereto as **Exhibit 2**) (both cases granting motions to file corresponding briefs on CD-ROM). *See also* Marilyn Devin, *Briefing and Oral Argument: CD-ROM Briefs: Are We There Yet?* 2 JOURNAL OF APPELLATE PRACTICE AND PROCESS 377 (Summer, 2000) (attached as **Exhibit 3**).

Plaintiffs would request that the CD-ROM brief be used as a corresponding brief by the Court, counsel and law clerks, and need not be kept or filed as part of the record in the case. In essence, the electronic corresponding brief simply permits the Court, opposing counsel and law clerks to electronically view the identical text of the brief but with the added ease and convenience of hypertext links citations and materials, including relevant portions of the record.

Three (3) copies of the CD-ROM brief are included herein. The brief (Response to the Motion) contains citations to cases, statutes and portions of the record.

Plaintiffs would show that CD-ROM briefs, especially as corresponding briefs, have been submitted to the following Courts: United States Supreme Court; Tenth Circuit Court of Appeals; United States Court of Claims; Washington Supreme Court; United States Court of Appeals for the Armed Forces, United States Court of Appeals for the Federal Circuit; Superior Court of California (*see <http://www.realegal.com/ebrief.asp>*) (attached as **Exhibit 4**). The Federal Circuit has adopted a specific rule permitting the filing of corresponding briefs, *Federal Circuit Rule 32(e)*(attached as **Exhibit 5**).

By providing a corresponding brief on CD-ROM format, the Court, clerks and opposing counsel have immediate availability to the pertinent items of the record, Plaintiffs do not intend for the CD-ROM filing to supplant paper filing, but only to present the CD-ROM as an aid for the Court and counsel.

Respectfully submitted,

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By:

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the forgoing document has been served upon the following on this \_\_\_ day of February, 2002, via first-class, postage prepaid U.S. Mail:

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