

IN THE SUPREME COURT OF THE UNITED STATES

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No. 23-1201

CC/DEVAS (MAURITIUS) LIMITED, ET AL., PETITIONERS

v.

ANTRIX CORP. LTD., ET AL.

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No. 24-17

DEVAS MULTIMEDIA PRIVATE LIMITED, PETITIONER

v.

ANTRIX CORP. LTD., ET AL.

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ON WRITS OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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MOTION OF THE UNITED STATES  
AS AMICUS CURIAE SUPPORTING PETITIONERS  
FOR LEAVE TO PARTICIPATE IN AND FOR DIVIDED ORAL ARGUMENT

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Pursuant to Rules 21, 28.4, and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States as amicus curiae supporting petitioners, respectfully moves that the United States be granted leave to participate in the oral argument

in this case, and that the time be allotted as follows: 20 minutes for petitioners, 10 minutes for the United States, and 30 minutes for respondents. The petitioners in No. 23-1201 (Intervenors) and the petitioner in No. 24-17 (Devas) consent to this motion.

1. The question presented in this case is whether, as a statutory matter, the Foreign Sovereign Immunities Act of 1976 (FSIA), 28 U.S.C. 1330, 1391(f), 1441(d), 1602 et seq., requires that a plaintiff that has sued a foreign state under an FSIA exception to foreign sovereign immunity and that has served the foreign state with process under 28 U.S.C. 1608 must also establish that the foreign state has had minimum contacts with the forum before the district court may exercise personal jurisdiction over the foreign state. Petitioners have also briefed the separate question whether, under the Fifth Amendment, a foreign state is a "person" which possesses constitutional due process rights that may limit a federal district court's exercise of personal jurisdiction over the foreign state. See Intervenors Br. 29-45; Devas Br. 34-41. Those questions concern the authority of federal and state courts over civil litigation against foreign sovereigns. Such litigation in domestic courts can have significant foreign-relations implications for the United States and can affect the reciprocal treatment of the United States in the courts of other nations. The United States thus has a substantial interest in this case.

The United States has presented oral argument as amicus curiae in numerous cases concerning the interpretation and application of the FSIA, including in the FSIA case in which this Court previously reserved the question whether “a foreign state is a ‘person’ for purposes of the Due Process Clause.” Republic of Argentina v. Weltover, Inc., 504 U.S. 607, 619 (1992); see also, e.g., Republic of Hungary v. Simon, No. 23-867 (argued Dec. 3, 2024); Cassirer v. Thyssen-Bornemisza Collection Found., 596 U.S. 107 (2022); Federal Republic of Germany v. Philipp, 592 U.S. 169 (2021); Republic of Hungary v. Simon, 592 U.S. 207 (2021); Opati v. Republic of Sudan, 590 U.S. 418 (2020); Republic of Sudan v. Harrison, 587 U.S. 1 (2019); Rubin v. Islamic Republic of Iran, 583 U.S. 202 (2018). Oral presentation of the views of the United States is therefore likely to be of material assistance to the Court.

2. All petitioners -- i.e., Intervenors and Devas -- have consented to this motion, including to the United States’ request that petitioners cede 10 minutes of their collective oral-argument time to the United States. Intervenors (petitioners in No. 23-1201) have also filed a motion to further divide the balance of petitioners’ argument time between Intervenors and Devas (petitioner in No. 24-17). Regardless of how the Court resolves Intervenors’ pending motion, petitioners’ consent to the United States’ divided-argument motion and the reasons above provide good

cause for granting the United States' request to participate in,  
and to divide, oral argument.

Respectfully submitted.

SARAH M. HARRIS  
Acting Solicitor General  
Counsel of Record

JANUARY 2025