

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): new case; 1:05-cv-08136-DC (S.D.N.Y.) in district court

Caption [use short title]

Motion for: Permission to Appeal Pursuant to Federal Rule of Civil Procedure 23(f)

The Authors Guild, et al. v. Google Inc.

Set forth below precise, complete statement of relief sought:

Defendant-Petitioner petitions under Rule 23(f) of the Federal Rules of Civil

Procedure for permission to appeal an order of the United States District Court

for the Southern District of New York (Chin, J.) 'certifying Plaintiffs'

copyright infringement claims as a class action under Rule 23(b)(3).

MOVING PARTY: Defendant-Petitioner Google Inc.

☐ Plaintiff

☒ Defendant

☒ Appellant/Petitioner

☐ Appellee/Respondent

OPPOSING PARTY: The Authors Guild, Betty Miles, Joseph Goulden, Jim Bouton

MOVING ATTORNEY: Seth P. Waxman

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Court-Judge/Agency appealed from: The Hon. Denny Chin, United States District Court for the Southern District of New York (by designation)

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☐ Yes ☒ No (explain): Not applicable

Opposing counsel's position on motion:

☐ Unopposed ☐ Opposed ☒ Don't Know

Does opposing counsel intend to file a response:

☐ Yes ☐ No ☒ Don't Know

Is oral argument on motion requested?

☒ Yes ☐ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☐ Yes ☒ No If yes, enter date:

Signature of Moving Attorney

Date: June 14, 2012

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND  
INJUNCTIONS PENDING APPEAL:

Has request for relief been made below?

☐ Yes ☐ No

Has this relief been previously sought in this Court?

☐ Yes ☐ No

Requested return date and explanation of emergency:

IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.

FOR THE COURT:

CATHERINE O'HAGAN WOLFE, Clerk of Court

Date:

By:

12-

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**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

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THE AUTHORS GUILD, INC., Associational Plaintiff, BETTY MILES,  
JOSEPH GOULDEN, and JIM BOUTON, on behalf of themselves  
and all others similarly situated,

*Plaintiffs-Respondents,*

v.

GOOGLE INC.,

*Defendant-Petitioner.*

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From an Order Granting Certification of a Class Action, Entered on May 31, 2012,  
by the United States District Court for the Southern District of New York, No.  
1:05-cv-08136-DC Before the Honorable Denny Chin

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**PETITION OF DEFENDANT-PETITIONER FOR PERMISSION TO  
APPEAL PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 23(f)**

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June 14, 2012

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## **RULE 26.1 DISCLOSURE STATEMENT**

Defendant-Petitioner Google Inc., by its undersigned attorneys, hereby states, pursuant to rule 26.1 of the Federal Rules of Appellate Procedure, that it has no parent corporation and that there is no publicly held corporation that owns 10% or more of its stock.

Dated: June 14, 2012

/s/ Seth Waxman  
Seth Waxman

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Defendant-Petitioner Google Inc. petitions under Rule 23(f) of the Federal Rules of Civil Procedure for permission to appeal an order of the United States District Court for the Southern District of New York (Chin, J.) certifying plaintiffs' copyright infringement claims as a class action under Rule 23(b)(3).

### **QUESTIONS PRESENTED**

(1) Whether class plaintiffs seeking to stop alleged copyright infringement can adequately represent class members who benefit from the defendant's conduct and want it to continue.

(2) Whether, in a copyright infringement action in which the principal issue is fair use of a vast array of different kinds of works, individual fair use issues predominate, precluding class certification under Rule 23(b)(3).

### **INTRODUCTION**

Google Books provides a markedly improved version of the traditional card catalog. Google has made electronic copies of more than 20 million books in major libraries and indexed them so that anyone can enter a search term, find a list of books containing that term, and often see small snippets showing how the term is used. That is a new and much better way of finding books, but it is not a substitute for buying or borrowing books; on the contrary, it enables and encourages those activities.



Plaintiffs have alleged that the Google Books project infringes millions of individual copyrights. Google’s defense—and the central issue in this case—is that the project is fair use. On the merits, Google will argue, *inter alia*, that (i) the purpose and character of its use is “transformative” because Google’s use does not “supersede” the books but rather “adds something new”—a vastly improved way of finding them, *Campbell v. Acuff-Rose Music*, 510 U.S. 569, 579 (1994); *see* 17 U.S.C. § 107(1); and (ii) the “effect of the use” on individual works is, depending in part on individual circumstances, to make them more accessible, more likely to be read and cited, and more likely to be sold.

The district court certified a plaintiff class consisting of “[a]ll persons residing in the United States who hold a United States copyright interest in one or more Books reproduced by Google as part of its Library Project.” Add. 33a. This was error for two reasons. First, plaintiffs are not adequate representatives of the class because a large segment, even a majority, of class members believe they benefit economically and in other ways from the Google Books project and want it to continue. Second, while Google has a strong defense that the entire project is fair use as to all the works, Google also has a distinct fair use defense based on the different, but most often favorable, effects of Google Books on different individual works. That defense poses individual issues sufficient to overwhelm the common issues and defeat “predominance.”

The Court of Appeals should take up these issues now. First, this case is itself extremely important. The Google Books project is highly valuable to the public, and class certification bears on Google's ability to defend and continue it. Second, the question whether plaintiffs can adequately represent class members who favor and benefit from the conduct sought to be stopped is a "novel legal question ... of fundamental importance to the development of the law of class actions," *In re Sumitomo Copper Litig.*, 262 F.3d 134, 140 (2d Cir. 2001), and the district court's answer conflicts with the decisions of other circuits. Third, the scope of the fair use defense (long of special concern in this Circuit) in the relatively new context of digital media is an important issue.

The risks to Google of proceeding to trial are substantial: Plaintiffs seek to shut down a significant part of Google Books and to recover potentially billions of dollars in damages. With so much at stake, Google should not be forced to litigate without the full benefit of its principal defense.

### **STATEMENT OF THE CASE**

1. Digital technology and the Internet have made it possible to organize the world's information. Much important information, however, lies in books found in major libraries. To reach their contents, interested readers have had to examine physical or electronic card catalogs that index each book according to

only a few topics and then gain access to the books themselves to discover whether they contain relevant material.

2. To eliminate these barriers, Google set out to create a vastly improved “card catalog” for the digital age. In 2004, Google began scanning book collections belonging to the University of Michigan, Harvard, Stanford, Oxford, and the New York Public Library, and it has now scanned approximately twenty million books. A107 ¶¶ 2, 4. Google indexed all significant words and phrases from each book scanned. A107 ¶ 2. When a user searches for a particular term on the Google Books website, Google uses the index to return a list of books in which the search term appears. A user may then click on one of the search results to obtain more information about the book, frequently including “snippets” of text each about an eighth of a page long. A107 ¶ 2. The snippets provide enough context to show whether the book contains information of interest to the searcher, but snippets cannot replace the book itself. A108 ¶ 8. On each webpage that displays these snippets, Google Books provides links to buy the book online and to find it in a nearby library. A107 ¶ 3. There are no advertisements on these pages, and Google does not receive payments in connection with the “buy the book”

links. A107 ¶ 3; *see, e.g.*, A94 (Google Books page for Plaintiff Bouton’s *Ball Four*).<sup>1</sup>

3. Like the old-fashioned card catalog, Google Books is a tool to help users find books, not read them. Google displays no more than three snippets of a book in response to a search query, even if the search term appears many times in the book. A108 ¶ 8. Google takes other measures to prevent users from viewing a full page, or even several contiguous snippets, such as displaying only one snippet per page in response to a given search, and “blacklisting” at least one snippet per page and one out of ten pages in a book. A108 ¶ 10. The decision whether to place a book in snippet view is made following a human review of the book. Google does not, for example, display snippets of reference works such as dictionaries and cookbooks, where small snippets might substitute for purchasing the books. A108 ¶ 9.

4. Many authors believe they benefit from Google Books. In a survey of 880 randomly selected published authors, expert Hal Poret found that 58% approve of including their books in snippet view, 45% believe inclusion helps sales of their books, and 19% believe it advances their economic interests more generally.<sup>2</sup> A31,

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<sup>1</sup> Through a separate Partner Program, publishers authorize Google to display much larger excerpts of works. A107-A108 ¶ 6. More than 45,000 publishers have authorized inclusion of 2.5 million books in the Partner Program. A108 ¶ 6.

<sup>2</sup> Poret found that 28% of authors neither approve nor disapprove of including their books, 51% believe inclusion has no effect on sales, and 74% believe it has

A42-A43. Like others, one author described Google Books as “[t]he equivalent of advertising.” A84 (respondent 100652). Authors also recognize non-pecuniary benefits from Google Books, such as assistance with their own research. *See, e.g.*, A61-A66 (respondents 123, 127, 238, 246, 100101, 100233, 100271, 100305, 100440, 100489, and 100572). As a group of 64 academic authors explained earlier in this litigation, Google Books’ “indexes and snippets advance scholarly research and improve access to knowledge, especially when, as with [Google Book Search], searches yield links to libraries from which the relevant books can be obtained.” A4. Google has a policy of removing books from snippet view on request. A108 ¶ 7. None of the named plaintiffs has made such a request. A108 ¶ 7; A96 (Bouton Dep.); A99 (Goulden Dep.); A101 (Miles Dep.).

5. In 2005, the Authors Guild and several individual authors (“Author Plaintiffs”) sued Google for copyright infringement. Both sought injunctive and declaratory relief and the Author Plaintiffs sought statutory damages as well.<sup>3</sup> After document discovery, on October 28, 2008, the parties filed a proposed class settlement agreement, which would have permitted Google to continue the project and, under certain conditions, to make full electronic versions of the works

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no effect on their economic interests more generally. A31, A42-A43. He found that only 14% oppose including their books, 4% believe it harms sales, and 8% believe it harms their economic interests more generally. A31, A42-A43.

<sup>3</sup> Plaintiffs later stipulated to seeking statutory damages of \$750 per work.

available online; in return, copyright holders would have received a substantial portion (63%) of the revenues derived from Google's uses of the full electronic versions of the books, and they would have retained all rights to license their works to other entities and to demand, at any time, that Google cease using their works.

6. The district court rejected the proposed settlement on March 22, 2011, concluding that it was not "fair, adequate, and reasonable." *See Authors Guild v. Google*, 770 F. Supp. 2d 666, 686 (S.D.N.Y. 2011). The court expressed concern that, among other things, "class members would ... be deemed—by their silence—to have granted to Google a license to future use of their copyrighted works." *Id.* at 680. The court also noted significant differences within the proposed class and concluded that the "class plaintiffs have not adequately represented the interests of at least certain class members." *Id.* at 679. For example, the court noted that many academic authors would prefer that unclaimed works be freely available to the public, rather than controlled by any private entity. *Id.* at 679 n.16.

7. On December 12, 2011, several Author Plaintiffs moved to certify a proposed class under Rule 23(b)(3) that includes natural persons in the United States who hold a copyright interest in one or more books Google has included in the project.<sup>4</sup> The proposed class contains hundreds of thousands of authors of

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<sup>4</sup> Plaintiffs defined "Books" as "each full-length book published in the United States in the English language and registered with the United States Copyright

millions of different books targeting different readers, with vastly different kinds of content, varying degrees of availability (many are out of print), published at different times and pursuant to contracts with different publishers.

8. Over Google’s opposition, on May 31, 2012, the district court granted the motion for class certification. The court recognized that Google’s “principal defense” is “fair use.” Add. 6a. But it concluded that adjudicating that defense would not require individualized inquiries and could instead be done on class-wide evidence with appropriate use of subclasses for “particular type[s] of book.” Add. 30a. The court also rejected Google’s claim that class representatives seeking to dismantle Google Books cannot adequately represent absent class members who benefit from and approve of the project. Add. 27a-29a.

### **STANDARD FOR GRANTING REVIEW**

Rule 23(f) authorizes this Court to “permit an appeal from an order granting or denying class-action certification.” A party seeking review generally must demonstrate “‘*either* (1) that the certification order will effectively terminate the litigation and there has been a substantial showing that the district court’s decision is questionable, *or* (2) that the certification order implicates a legal question about which there is a compelling need for immediate resolution.’” *Hevesi v. Citigroup*, 366 F.3d 70, 76 (2d Cir. 2004) (quoting *In re Sumitomo Copper Litig.*, 262 F.3d 134,

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Office within three months after its first publication.” The proposed class includes “natural persons who are authors of such Books” and certain successors. Add. 33a.

139 (2d Cir. 2001)) (emphasis in *Hevesi*). However, because “courts of appeals have ‘unfettered discretion’ to authorize an appeal under Rule 23(f),” *Sumitomo*, 262 F.3d at 138, “a petition failing to satisfy either of the foregoing requirements may nevertheless be granted where it presents special circumstances that militate in favor of an immediate appeal,” *id.* at 140.

## **REASONS FOR GRANTING THE PETITION**

### **I. THE DISTRICT COURT’S CERTIFICATION DECISION WAS ERRONEOUS**

#### **A. The Court Of Appeals Should Grant Review To Decide Whether Class Plaintiffs Can Adequately Represent The Many Class Members Who Do Not Want To See Google Books Dismantled**

At stake in this litigation is whether Google Books’ comprehensive catalog for books in the United States will go forward, or will not. On this critical point, the proposed class is fundamentally divided. The class representatives object to the project and seek to enjoin Google’s copying of books and display of snippets—the very conduct that makes this new searchable catalog possible. *See* ECF No. 985 ¶¶ 45-52. But many (perhaps most) absent class members want the project to continue because they benefit, economically and otherwise. These authors believe that Google Books can make their books better known and more accessible. The district court missed the significance of this fundamental clash of interests when it held that the Rule 23(a) “adequacy” requirement was met. *See Baffa v. Donaldson, Lufkin & Jenrette Sec.*, 222 F.3d 52, 60 (2d Cir. 2000) (To demonstrate



“adequacy,” plaintiffs must show that their “interests are [not] antagonistic to the interest of other members of the class.”).

The court thought of this simply as a case where some authors want to press their legal claims and others do not, but that was wrong. *See* Add. 28a. Plaintiffs are not “adequate” class representatives because their objective is to dismantle a project that benefits many or most other class members. *See supra* pp. 5-6. Their legal theory is that Google must contract with each copyright holder before including his or her work in Google Books. But that theory, if accepted, would render the project utterly impractical: The whole point of the project and its value to users is to provide a comprehensive, searchable “card catalog” that people who want to find books will turn to.<sup>5</sup>

Other circuits have declined to find “adequacy” in similar circumstances. Where, as here, “some party members claim to have been harmed by the same conduct that benefitted other members,” the harmed members cannot serve as adequate class representatives for both groups. *Valley Drug v. Geneva Pharm.*, 350 F.3d 1181, 1189 (11th Cir. 2003); *see Pickett v. Iowa Beef Processors*, 209 F.3d

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<sup>5</sup> The district court dismissed Google’s survey of class members on the ground that it did not ask specifically about participation in this litigation. *See* Add. 28a-29a. The court did not question, however, the survey’s findings that a large segment of class members supports Google Books and/or believes they benefit from it financially. And it is these facts that show that many class members’ interests are fundamentally at odds with those of the class representatives, which is what makes the representation inadequate.

1276, 1280 (11th Cir. 2000); *Bieneman v. City of Chicago*, 864 F.2d 463, 465 (7th Cir. 1988); *Phillips v. Klassen*, 502 F.2d 362, 367 (D.C. Cir. 1974); *see also Allen v. Dairy Farmers of Am.*, 2011 WL 6148678, at \*16-17 (D. Vt. Dec. 9, 2011); *Allied Orthopedic Appliances v. Tyco Healthcare Grp.*, 247 F.R.D. 156, 177 (C.D. Cal. 2007). *But see Lanner v. Wimmer*, 662 F.2d 1349, 1357 (10th Cir. 1981).

The ability to opt out of the class does not solve the problem. Rule 23's prohibition on fundamental intra-class conflicts cannot "be avoided merely by saying that it is always open to members of a class to 'opt out' of any relief to which they are held entitled." *Philipps*, 502 F.2d at 367; *see also In re GM Pick Up Truck Fuel Tank Prods. Liab. Litig.*, 55 F.3d 768, 809 (3d Cir. 1995) ("[T]he right of parties to opt out does not relieve the court of its duty to safeguard the interests of the class and to withhold approval from any settlement that creates conflicts among the class."). If plaintiffs succeed in dismantling Google Books, absent class members who benefit from the project will be in no position to resurrect it, whether they opted out or not.

There are "superior" ways to resolve the issues than class litigation. Fed. R. Civ. P. 23(b)(3)(A). One possibility would be separate cases involving small groups of works whose owners really do want their books excluded. Resolution of common issues in such cases could have preclusive effect in future suits. *See, e.g., J.M. Woodhull, Inc. v. Addressograph-Multigraph*, 62 F.R.D. 58, 61-62 (S.D. Ohio

1974). This approach would avoid conscripting the many absent class members who support Google Books into a suit seeking to dismantle it. There is sufficient incentive to bring individual suits given the availability of statutory damages and the ability to recover attorneys' fees and costs under the Copyright Act. *See Hyderi v. Washington Mut. Bank*, 235 F.R.D. 390, 404 (N.D. Ill. 2006).

**B. The Court Of Appeals Should Grant Review To Decide Whether Class Issues Predominate Where the Central Question Is Fair Use Of Many Different Kinds of Works**

Google believes the entire Google Books project constitutes fair use and that this defense defeats the infringement claims of every member of the proposed class. The primary basis for that defense is the fundamentally transformative nature of Google Books, whose purpose is the creation of a comprehensive searchable catalog of the world's books.<sup>6</sup> *See Blanch v. Koons*, 467 F.3d 244, 251-252 (2d Cir. 2006) (reproduction is transformative where the original work “is used as raw material, transformed in the creation of new information”). This project represents a huge advance on the card catalog, not a substitute for reading texts in hard copy or electronic form.

But Google also has a distinct fair use defense as to individual works. That defense requires “a case-by-case determination whether a particular use is fair” and involves individualized evaluations of the statutory fair use factors. *See Harper &*

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<sup>6</sup> In addition, it is far from clear that plaintiff will be able to produce *any* legally relevant evidence of market harm caused by Google Books.

*Row, Publishers v. Nation Enters.*, 471 U.S. 539, 549 (1985). Three of the fair use factors in particular would require individualized inquiries under this defense—“the nature of the copyrighted work,” “the amount and substantiality of the portion used,” and “the effect of the use upon the potential market for or value of the copyrighted work.” 17 U.S.C. § 107(2)-(4).

The district court recognized that “fair use” is Google’s “principal defense” in this case but nevertheless found that the fair use defense presented a “common question.” Add. 6a, 29a. But “[w]hat matters to class certification ... is not the raising of common ‘questions’—even in droves—but, rather the capacity of a classwide proceeding to generate common *answers* apt to drive the resolution of the litigation.” *Wal-Mart Stores v. Dukes*, 131 S. Ct. 2541, 2551 (2011). To be sure, Google has a strong fair use defense as to the entire class of works based on the transformative nature of the project and the lack of any legally relevant market harms. But common issues do not predominate if class litigation cannot also generate a “common answer” as to Google’s distinct fair use defense of its use of *individual* works. *Id.*

Most importantly, the multitude of different ways in which Google Books benefits copyright holders bears critically on “the effect of the use upon the potential market for or value of the copyrighted work,” and simply cannot be resolved against Google through an all-or-nothing classwide analysis. 17 U.S.C.

§ 107(4); *see Nation Enters.*, 471 U.S. at 566 (this factor is “the single most important element of fair use”). *But see Davis v. Gap*, 246 F.3d 164, 174 (2d Cir. 2001) (whether the use is transformative is the “heart of the fair use inquiry”). Google Books enables readers to search the contents of a myriad of different kinds of books. For example, some are well known and in print, while others are out of print, obscure, or hard to locate. *See Maxtone-Graham v. Burtchaell*, 631 F. Supp. 1432, 1438 (S.D.N.Y.), *aff’d*, 803 F.2d 1253 (2d Cir. 1986) (whether work is out of print “is an appropriate element to consider when assessing the impact on a copyrighted work’s potential market”). Even a book that is widely known in certain circles may contain information relevant to readers or researchers with different interests who may never encounter the book without Google Books. For these and many other reasons, the extent to which Google Books benefits particular authors will necessarily vary. Likewise, Google must be given the opportunity to show that it did not harm the market for an individual book. *See Campbell*, 510 U.S. at 590 n.21 (“Market harm is a matter of degree, [which means that] the importance of this factor will vary ... with the *amount* of harm.” (emphasis added)).

Google is also entitled to present proof about individual differences in “the nature of the copyrighted works” and “the amount and substantiality of the portion used.” 17 U.S.C. § 107(2)-(3). The significance of a three- or four-line snippet in

the context of an entire book varies widely across individual books. For example, an eighth of a page of Joseph Goulden’s 428-page *The Money Lawyers* is a much smaller portion of an entire work than an eighth of a page of Betty Miles’ 32-page *Goldilocks and the Three Bears*. The “substantiality” of a snippet may also depend on the *nature* of the individual book. *See Nation Enters.*, 471 U.S. at 563 (the fair use analysis of, for example, “‘sparsely embellished maps and directories [as opposed to] elegantly written biography ... [will] vary from case to case.’”). Works available in snippet view range from Henry Melville Dowsett’s *Handbook of Technical Instruction for Wireless Telegraphists* to the 1960 edition of *Federal Practice and Procedure*. *See* A103-A104 (reflecting snippet view). Some works that are purely informational in nature may contain hardly any copyrightable material.<sup>7</sup> *See, e.g.,* Selby, *Standard Mathematical Tables* (1974), A105 (almost entirely standard mathematical tables). Google bars snippets of reference works like dictionaries and cookbooks and other works flagged by Google’s human reviewers because snippets might reveal “the heart of th[ose] book[s].” *Nation Enters.*, 471 U.S. at 564.

The district court swept aside all these individual issues. Contrary to the required “case-by-case” fair use analysis, *Nation Enters.*, 471 U.S. at 549, the court held that Google’s defense could be decided without any proof as to harm or

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<sup>7</sup> *See Feist Publ’ns v. Rural Tel. Serv.*, 499 U.S. 340, 358 (1991).

benefit to an individual book, or the nature of the particular book, or the significance of a snippet display in the context of that book. The district court's class certification decision wrongly assumed that Google's defense did not involve such issues, effectively certifying a class "on the premise that [Google] will not be entitled to litigate its statutory defenses to individual claims." *Dukes*, 131 S. Ct. at 2561; *see also In re Masonite Corp. Hardboard Siding Prods. Liab. Litig.*, 170 F.R.D. 417, 425 (E.D. La. 1997) ("Masonite cannot receive a fair trial without a process which permits a thorough and discrete presentation of these defenses."). The class representatives may be prepared to forgo case-by-case analysis to preserve class action treatment, but Google is not bound by that concession and it is entitled to present a full defense.

Fair use determinations are particularly ill-suited to such a broad-brush method of proof. Courts analyzing fair use have long found it difficult "to lay down any general principles applicable to all cases." *See Folsom v. Marsh*, 9 F. Cas. 342, 344 (C.C.D. Mass. 1841) (No. 4,901) (Story, J.). Rejecting "bright-line rules," *Campbell*, 510 U.S. at 577, and "rigid application of the copyright statute," the Supreme Court has directed courts to analyze fair use on a "case-by-case" basis using an "equitable rule of reason." *Nation Enters.*, 471 U.S. at 549-550 & n.3; *see also Koons*, 467 F.3d at 251 (fair use requires "an open-ended and context-sensitive inquiry"). Congress has likewise recognized that "no generally

applicable definition [of fair use] is possible, and each case raising the question must be decided on its own facts.” *Sony Corp. of Am. v. Universal City Studios*, 464 U.S. 417, 448 n.31 (1984) (quoting H.R. Rep. No. 94-1476 (1976)); *see also id.* (noting Senate rejection of “a rigid, bright line approach”).

Finally, the district court’s spare proposal (Add. 30a) to create subclasses to evaluate fair use does not remedy the problem. The court never elaborated on how this could possibly be accomplished, at least without creating so many subclasses of such small size as to “be unmanageable.” *See Kaczmarek v. IBM*, 186 F.R.D. 307, 312 (S.D.N.Y. 1999). It did not explain how subclasses would permit the court to evaluate positive or negative market effects, which will vary book-by-book, let alone how the court would *weigh* those effects against the other factors. *See Campbell*, 510 U.S. at 591 n.21 (“[T]he importance of [market harm] will vary, not only with the amount of harm, but also with the relative strength of the showing on the other factors.”). Nor did the court say how it would determine (other than book-by-book) which works are factual enough or sufficiently unavailable or long enough to have been fairly displayed in snippet view, let alone how the court would *balance* such qualities in combination. *See Sony Corp.*, 464 U.S. at 455 n.40 (“[F]air use analysis calls for a sensitive balancing of interests[;] ... the question is not simply two-dimensional.”).



In sum, the district court's decision forces Google to make its fair use defense with one arm tied behind its back, left only to present proof that is common across all books in the class. That decision is at a minimum "questionable," *Hevesi*, 366 F.3d at 76, and warrants this Court's review.

## **II. THERE IS A COMPELLING NEED TO ADDRESS THE QUESTIONS PRESENTED**

There is a compelling need to address the questions presented now. Whether plaintiffs seeking to enjoin a defendant's conduct can adequately represent class members who benefit from that conduct, and the extent to which a defendant in a copyright infringement action is entitled to present individualized evidence in support of its fair use defense are "novel legal question[s] ... of fundamental importance to the development of the law of class actions" that are otherwise "likely to escape effective review after entry of final judgment" unless interlocutory appeal is granted. *In re Sumitomo Copper Litig.*, 262 F.3d at 140.

*First*, the question whether the intra-class conflicts present here prevent class certification is "of fundamental importance to the development of the law of class actions," *id.*, and the district court's resolution conflicts with decisions of other courts of appeals, *cf. Reeb v. Ohio Dep't of Rehab. & Corr.*, 81 F. App'x 550, 553 (6th Cir. 2003) (granting Rule 23(f) petition in light of circuit split).

*Second*, the issues presented by Google's fair use defense are of significant recurring importance. Putative copyright class actions were once almost non-

existent, but with the prevalence of digital technology and the Internet, they have become far more common. *See* 1 Copyright Law in Business and Practice § 9:36 (noting that class actions are “starting to appear in copyright infringement cases with more regularity”); *see, e.g., In re Literary Works in Elec. Data. Copyright Litig.*, 654 F.3d 242, 254-255 (2d Cir. 2011); *In re Napster Copyright Litig.*, 2005 WL 1287611 (N.D. Cal. June 1, 2005). Determining how to apply fair use to evolving technology that affects a large number of copyright-protected works raises fundamental issues that are likely to recur and to shape further innovation and investment. *See, e.g., Perfect 10 v. Amazon.com*, 508 F.3d 1146, 1166 (9th Cir. 2007) (noting “the importance of analyzing fair use flexibly in light of new circumstances” such as changing technologies like the Internet); *Sony Corp.*, 464 U.S. at 430 (“From its beginning, the law of copyright has developed in response to significant changes in technology.”).

The need to ensure the availability of the fair use defense is all the greater because the doctrine serves to protect free speech values in copyright law, and “balances the competing interests of the copyright laws and the First Amendment.” *Sarl Louis Feraud Int’l v. Viewfinder*, 489 F.3d 474, 482 (2d Cir. 2007); *see Nihon Keizai Shimbun, Inc. v. Comline Bus. Data*, 166 F.3d 65, 74 (2d Cir. 1999) (First Amendment concerns “protected by and coextensive with the fair use doctrine.”).

There is a compelling need to address the questions presented now. The risks to Google of proceeding to trial without the ability to raise individualized defenses are substantial: Plaintiffs' suit seeks potentially billions of dollars in damages and threatens to shut down a significant part of Google Books. At the same time, the parties tried mightily once before to resolve this case on terms beneficial to users of the product, only to have their proposal rejected by the district court. *See Authors Guild*, 770 F. Supp. 2d at 680.

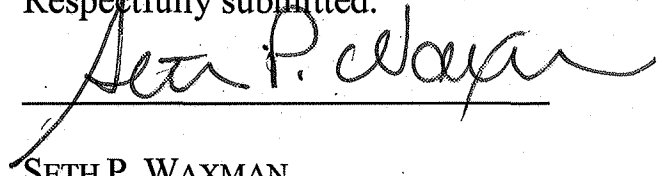
As a result of the district court's decision, Google is faced with the prospect of continuing to litigate without the full benefit of its Constitution-based fair use defense or settling on terms that may require dismantling a large part of the Google Books project. Neither outcome is desirable as a matter of judicial economy or First Amendment values or is consistent with the purpose of fair use law.

### **CONCLUSION**

For the foregoing reasons, the Court should grant this petition.

Dated: June 14, 2012

Respectfully submitted.

A handwritten signature in dark ink, reading "Seth P. Waxman", is written over a horizontal line.

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## **CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that, on this 14th day of June, 2012, I caused a pdf version of the Petition of Defendant-Petitioner for Permission to Appeal Pursuant to Federal Rule of Civil Procedure 23(f) and accompanying appendix to be sent by electronic mail to [newcases@ca2.uscourts.gov](mailto:newcases@ca2.uscourts.gov). Prior to transmittal, the pdf was scanned for viruses and no viruses were detected.

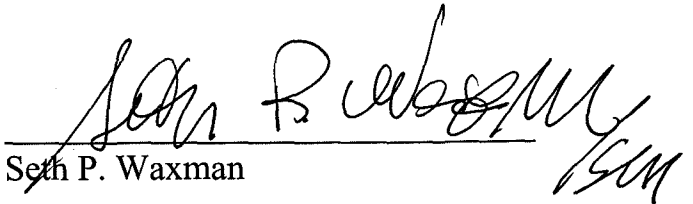
  
Seth P. Waxman

June 14, 2012

## CERTIFICATE OF SERVICE

I certify that on this 14th day of June 2012, I caused a copy of the foregoing  
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Michael J. Boni  
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Seth P. Waxman

June 14, 2012

## **ADDENDUM**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

THE AUTHORS GUILD et al., :

Plaintiffs, :

- against - :

**OPINION**

GOOGLE, INC., :

05 Civ. 8136 (DC)

10 Civ. 2977 (DC)

Defendant. :

- - - - -x

AMERICAN SOCIETY OF MEDIA :

PHOTOGRAPHERS et al., :

Plaintiffs, :

- against - :

GOOGLE, INC., :

Defendant. :

- - - - -x

**CHIN, Circuit Judge:**

Before the Court are two motions. First, defendant Google, Inc. ("Google") moves to dismiss the claims of the associational plaintiffs in both of these cases.<sup>1</sup> Second, the

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<sup>1</sup> The Authors Guild is the only associational plaintiff in the Authors Guild action. The associational plaintiffs in the American Society of Media Photographers ("ASMP") action include: ASMP, the Graphic Artists Guild, the Picture Archive Council of America, the North American Nature Photography Association, and Professional Photographers of America (collectively, the "ASMP Associational Plaintiffs").



three representative plaintiffs in the Authors Guild action -- Betty Miles, Joseph Goulden, and Jim Bouton (the "AG Representative Plaintiffs") -- move for class certification. For the reasons stated below, Google's motions to dismiss the claims of the associational plaintiffs are denied, and the motion for class certification in the Authors Guild case is granted.

### **BACKGROUND**

#### **A. The Library Project**

The following facts are not in dispute. In 2004, Google announced that it had entered into agreements with several major research libraries to digitally copy books and other writings in their collections (the "Library Project"). Since then, Google has scanned more than 12 million books. (See Zack Decl. Ex. 7 at 3). It has delivered digital copies to the participating libraries, created an electronic database of books, and made text available for online searching. See Authors Guild v. Google, 770 F. Supp. 2d 666, 670 (S.D.N.Y. 2011) (citing Emily Anne Proskine, Google's Technicolor Dreamcoat: A Copyright Analysis of the Google Book Search Library Project, 21 Berkeley Tech. L.J. 213, 220-21 (2006) (describing project)). Google users can search its "digital library" and view excerpts -- "snippets" -- from books containing search results. Id. (See

also Zack Decl. Ex. 7 at 3). For example, when a user enters a search term on the Google Books website, Google displays a list of books containing that term. In many cases, when the user clicks on the link to a particular book, Google displays up to three "snippets" of text from that book -- each about an eighth of a page -- each of which contains the search term. (See Gratz Decl. Ex. 1; Zack Decl. Exs. 7, 10-12).

Millions of the books scanned by Google were still under copyright, and Google did not obtain copyright permission to scan the books. Authors Guild, 770 F. Supp. 2d at 670 & n.3.

**B. The Authors Guild Action**

In 2005, the Authors Guild and the AG Representative Plaintiffs (together, the "Authors Guild Plaintiffs") brought a class action, charging Google with copyright infringement. Specifically, the Authors Guild Plaintiffs allege that by reproducing in-copyright books, distributing them to libraries, and publicly displaying "snippets" of those works for search, Google "is engaging in massive copyright infringement." (AG 4th AC ¶ 4). The AG Representative Plaintiffs seek damages and injunctive and declaratory relief. The Authors Guild seeks only injunctive and declaratory relief.

Also in 2005, several publishers initiated their own action. They are not parties to the instant motions.

The Authors Guild Plaintiffs, the publishers, and Google engaged in document discovery and, in the fall of 2006, began settlement negotiations. On October 28, 2008, after extended discussions, the parties filed a proposed settlement agreement. The proposed settlement was preliminarily approved by Judge John E. Sprizzo by order entered November 17, 2008. (ECF No. 64). Notice of the proposed settlement triggered hundreds of objections. As a consequence, the parties began discussing possible modifications to the proposed settlement to address at least some of the concerns raised by objectors and others. On November 13, 2009, the parties executed an Amended Settlement Agreement ("ASA") and filed a motion for final approval of the ASA pursuant to Federal Rule of Civil Procedure 23(e). (ECF No. 768). I entered an order preliminarily approving the ASA on November 19, 2009. (ECF No. 772).

Notice of the ASA was disseminated. As was the case with the original proposed settlement, hundreds of class members objected to the ASA. A few wrote in its favor. The Department of Justice ("DOJ") filed a statement of interest raising certain concerns. (ECF No. 922). Amici curiae weighed in, both for and

against the proposed settlement. I conducted a fairness hearing on February 18, 2010. The Authors Guild actively participated in all these proceedings.

On March 22, 2011, I declined to grant final approval of the ASA because, inter alia, "the ASA contemplates an arrangement that exceeds what the Court may permit under Rule 23." Authors Guild v. Google, Inc., 770 F. Supp. 2d 666, 667 (S.D.N.Y. 2011). Specifically, I found that the ASA was "an attempt to use the class action mechanism to implement forward-looking business arrangements that go far beyond the dispute before the Court." Id. (citation and internal quotation marks omitted).

**C. The ASMP Action**

In 2010, several individual photographers and illustrators (the "ASMP Representative Plaintiffs") and the ASMP Associational Plaintiffs (together, the "ASMP Plaintiffs") brought another class action charging Google with copyright infringement. The ASMP Plaintiffs represent individuals who hold copyright interests in certain photographs, illustrations, and other visual works that appear within the books that Google has copied. They allege that Google's activity in connection with the Library Project has infringed on their copyrights as well.

(ASMP FAC ¶¶ 4-5). The ASMP Representative Plaintiffs seek damages and injunctive and declaratory relief. The ASMP Associational Plaintiffs seek only injunctive and declaratory relief.

**D. Recent Procedural History**

The Authors Guild Plaintiffs filed their Fourth Amended Class Action Complaint on October 14, 2011. (ECF No. 985). The ASMP Plaintiffs filed their First Amended Class Action Complaint on November 18, 2011. (ECF No. 29). Google's principal defense in each of these actions is "fair use" under § 107 of the Copyright Act, 17 U.S.C. § 107.

On December 12, 2011, the AG Representative Plaintiffs moved for class certification pursuant to Rule 23 of the Federal Rules of Civil Procedure. On December 22, 2011, Google moved to dismiss all associational plaintiffs for lack of standing under Rule 12(b)(1). The Court held oral argument on both motions on May 3, 2012, and reserved decision.

**DISCUSSION**

First, I will address Google's motions to dismiss the claims of the associational plaintiffs for lack of standing. Second, I will address the motion for class certification in the Authors Guild case.

**A. Motions to Dismiss**

**1. Applicable Law**

Ordinarily, for a plaintiff to have standing, the plaintiff must "'be himself among the injured.'" Lujan v. Defenders of Wildlife, 504 U.S. 555, 562 (1992) (quoting Sierra Club v. Morton, 405 U.S. 727, 735 (1972)). One exception to this general rule is "associational standing." Warth v. Seldin, 422 U.S. 490, 511 (1975) ("Even in the absence of injury to itself, an association may have standing solely as the representative of its members."); Nat'l Motor Freight Traffic Ass'n v. United States, 372 U.S. 246 (1963) (per curiam). "While the 'possibility of such representational standing . . . does not eliminate or attenuate the constitutional requirement of a case or controversy,' [the Second Circuit has] found that, under certain circumstances, injury to an organization's members will satisfy Article III and allow that organization to litigate in federal court on their behalf." Int'l Union, United Auto., Aerospace and Agric. Implement Workers of Am. v. Brock, 477 U.S. 274, 281 (1986) (quoting Warth, 422 U.S. at 511) (internal citations omitted).

"[A]n association has standing to bring suit on behalf of its members when: (a) its members would otherwise have

standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit." Hunt v. Wash. State Apple Adver. Comm'n, 432 U.S. 333, 343 (1977). The parties agree that the first two prongs of the Hunt test are satisfied here. It is the third prong that is at issue and requires further discussion.

The third Hunt prong is not a constitutional standing requirement; it is prudential. See United Food and Commercial Workers Union Local 751 v. Brown Grp., Inc., 517 U.S. 544, 555 (2d Cir. 1996). "[O]nce an association has satisfied Hunt's first and second prongs assuring adversarial vigor in pursuing a claim for which member Article III standing exists, it is difficult to see a constitutional necessity for anything more." Id. at 556, 558 (holding that Congress did not exceed its authority by authorizing union to sue for violation of statute on behalf of its members). Indeed, Hunt's third prong focuses on "matters of administrative convenience and efficiency, not on elements of a case or controversy within the meaning of the Constitution." Id. at 555-57; Alliance for Open Soc'y Int'l,

Inc. v. U.S. Agency for Int'l Dev., 651 F.3d 218, 229 (2d Cir. 2011).<sup>2</sup>

Nonetheless, to determine whether the third Hunt prong is satisfied, courts look to the degree of "individualized proof" required to assert the claim and grant the requested relief. Open Soc'y, 651 F.3d at 229-30. Claims for which damages are sought, for example, often require proof of harm on an individualized basis, thereby defeating any "administrative convenience" achieved by allowing an association to sue on behalf of individual members. See Bano v. Union Carbide Corp., 361 F.3d 696, 714 (2d Cir. 2004) (denying standing because claims were for bodily injury and property damage and observing, "[w]e know of no Supreme Court or federal court of appeals ruling that an association has standing to pursue damages claims on behalf of its members").

By contrast, associational standing may be appropriate in cases involving pure questions of law or claims for injunctive

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<sup>2</sup> In United Food, the Supreme Court identified three potential purposes of the third Hunt prong. The Court explained that the third prong (1) "may well promote adversarial intensity"; (2) "may guard against the hazard of litigating a case to the damages stage only to find the plaintiff lacking detailed records or the evidence necessary to show the harm with sufficient specificity"; and (3) "may hedge against any risk that the damages recovered by the association will fail to find their way into the pockets of the members on whose behalf injury is claimed." United Food, 517 U.S. at 556-57.



relief in which little or no individualized proof is required. See, e.g., Brock, 477 U.S. at 287-88 (union could litigate case without participation of any member where only question was whether Secretary properly interpreted statutory provision; once legal issue resolved, amount of damages per union member could be left to state authorities); Warth, 422 U.S. at 515 (denying standing because plaintiffs sought damages, but noting that if an association seeks an injunction, "it can reasonably be supposed that the remedy, if granted, will inure to the benefit of those members of the association actually injured"); Bldg. & Constr. Trades Council v. Downtown Dev., Inc., 448 F.3d 138, 150-51 (2d Cir. 2006) (standing where plaintiff only sought civil penalties and injunctive relief). "[S]o long as the nature of the claim and of the relief sought does not make the individual participation of each injured party indispensable to proper resolution of the cause, the association may be an appropriate representative of its members, entitled to invoke the court's jurisdiction." Warth, 422 U.S. at 511 (emphasis added).

Indeed, "[t]he fact that a limited amount of individual proof may be necessary does not, in itself, preclude associational standing." Nat'l Ass'n of Coll. Bookstores, Inc. v. Cambridge Univ. Press, 990 F. Supp. 245, 249-51 (S.D.N.Y.

1997) (associational standing where some individual participation necessary to prove that transactions were "contemporaneous" for purpose of Robinson-Patman claim); see also Hosp. Council v. City of Pittsburgh, 949 F.2d 83, 89-90 (3d Cir. 1991) (associational standing where evidence from individual member hospitals would be necessary to support discrimination claim); N.Y. State Nat'l Org. of Women v. Terry, 886 F.2d 1339, 1349 (2d Cir. 1989) (associational standing where affidavits and stipulations were sufficient to provide a basis for relief).

## **2. Application**

Here, there is no dispute that the associational plaintiffs in these two actions have satisfied the first two prongs of the Hunt test. I conclude that the third prong is satisfied here as well, and the associational plaintiffs therefore have standing. Specifically, the associations' claims of copyright infringement and requests for injunctive relief will not require the participation of each individual association member. To the extent there is any ambiguity on this issue, I resolve it in favor of the associational plaintiffs, as application of the third Hunt prong is prudential and the equities in this case weigh in favor of finding that the associations have standing.

**a. Individual Participation**

The associational plaintiffs assert claims of copyright infringement on behalf of their individual members. They allege that Google engaged, and continues to engage, in the wholesale copying of books (including any images contained therein) without the consent of the copyright holders, many of whom are association members. (See AG 4th AC ¶¶ 5-6, 18-19; ASMP FAC ¶¶ 4-5, 21). Unlike the representative plaintiffs, the associational plaintiffs request only injunctive and declaratory relief. They seek "an injunction barring Google from continued infringement of the copyrights of plaintiffs and the Class." (AG 4th AC ¶ 52; ASMP FAC ¶ 82). In addition, they seek "a judgment declaring that Google's actions are unlawful." (AG 4th AC ¶ 55; ASMP FAC ¶ 85). Neither the claims asserted nor the relief requested by the associational plaintiffs require a degree of individual participation that precludes associational standing under Hunt.

Limited individual participation will be necessary to establish the associations' copyright infringement claims. To establish infringement, a plaintiff must show: "(1) ownership of a valid copyright, and (2) copying of constituent elements of the work that are original." Arista Records, LLC v. Doe 3, 604 F.3d

110, 117 (2d Cir. 2010); see Fonar Corp. v. Domenick, 105 F.3d 99, 104 (2d Cir. 1997). The second element would not require individual participation because it is undisputed. Google does not deny that it copied millions of books -- original works -- without the permission of the copyright holders. Furthermore, it has displayed snippets of text from those books as well as images contained in the books, without the copyright holders' permission.

For those association members who still own all or part of the copyright to their work, the first element will not require individual participation. Copyright ownership information is available publicly on the United States Copyright Office's Registry. See [www.copyright.gov/records](http://www.copyright.gov/records) (for books registered since Jan. 1, 1978); see also [books.google.com/googlebooks/copyrightsearch.html](http://books.google.com/googlebooks/copyrightsearch.html) (for books registered before 1978). Furthermore, copyright registrations constitute prima facie evidence of copyright ownership, 17 U.S.C. § 410(c), and the Court may take judicial notice of them, Island Software & Computer Serv., Inc. v. Microsoft Corp., 413 F.3d 257, 261 (2d Cir. 2005).<sup>3</sup>

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<sup>3</sup> To the extent Google wishes to rebut such evidence (see Perle Decl. ¶ 25), it may seek to do so on a case-by-case basis.

For those association members who have assigned their copyrights to a third party, but still retain a beneficial interest in their work -- e.g., by receiving royalties -- some individual participation may be required.<sup>4</sup> If such beneficial ownership cannot be established through public records or Google's records, the association member arguably would have to come forward with a publishing contract or other document proving that he retains a beneficial interest in his work.<sup>5</sup> This degree of individual participation, however, does not defeat associational standing. See Coll. Bookstores, 990 F. Supp. at 249-50; Hosp. Council, 949 F.2d at 89-90. Requiring some individual members to present documentary evidence of their beneficial copyright interest would not make this case administratively inconvenient or unmanageable. The alternative -- forcing association members to pursue their claims individually -- would be burdensome and inefficient.

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<sup>4</sup> Individuals who receive royalties retain standing to sue for copyright infringement. See Cortner v. Israel, 732 F.2d 267, 271 (2d Cir. 1984) (citing 17 U.S.C. § 501(b)); Harris v. Simon & Schuster, Inc., 646 F. Supp. 2d 622, 632 (S.D.N.Y. 2009).

<sup>5</sup> If an association member cannot show that he retains a beneficial interest in the copyright -- for example, if he has entered into an "all rights" contract, see May 3, 2012, Oral Arg. Tr. at 16, or created the work as a "work for hire," 17 U.S.C. § 201(b) -- a substantial question will be raised as to whether he should be included in the group on behalf of which the association is suing.

Google claims that its fair-use defense would require the participation of individual association members as well. Specifically, Google contends that two fair-use factors, "the nature of the copyrighted work" and "the effect of the use upon the potential market for or value of the copyrighted work," 17 U.S.C. § 107, require an individualized inquiry. (Def.'s Br. at 12). It points out, for example, that creative works and non-creative works are often treated differently in the fair-use analysis. (Id. at 12-13). Furthermore, it argues that snippet display might, for example, affect the market for in-print books more than it affects the market for out-of-print books. (Id. at 13).

While different classes of works may require different treatment for the purposes of "fair use," the fair-use analysis does not require individual participation of association members. The differences that Google highlights may be accommodated by grouping association members and their respective works into subgroups. For example, in the Authors Guild action, the Court could create subgroups for fiction, non-fiction, poetry, and cookbooks. In the ASMP action, it could separate photographs from illustrations. The Court could effectively assess the merits of the fair-use defense with respect to each of these

categories without conducting an evaluation of each individual work. In light of the commonalities among large groups of works, individualized analysis would be unnecessarily burdensome and duplicative. See Nat'l Ass'n of Letter Carriers, AFL-CIO v. U.S. Postal Serv., 604 F. Supp. 2d 665, 674-76 (S.D.N.Y. 2009) (standing not defeated by affirmative defense that may raise individualized issues; case-by-case analysis more appropriate at the merits stage).

Finally, no individual participation would be required at the relief stage. If a certain group of association members establishes infringement, and Google fails to prevail on its fair-use defense with respect to that group, the Court could simply enjoin Google from displaying snippets of those association members' works. As the associational plaintiffs only seek injunctive relief, no individual damage assessment would be necessary. See Bldg. & Constr. Trades Council, 448 F.3d at 150.

**b. Equitable Considerations**

Even if there were room for disagreement over whether the third Hunt prong has been met in this case, associational standing would still be appropriate. As noted above, the third Hunt prong is not an Article III standing requirement; it is prudential. Therefore, this Court has a certain degree of

discretion in granting associational standing where, as is undisputedly the case here, the first two prongs are met.

The Supreme Court has acknowledged that associational standing confers certain advantages on individual members and the judicial system as a whole. Specifically, an association "can draw upon a pre-existing reservoir of expertise and capital" that its individual members lack. Brock, 477 U.S. at 289. Furthermore, its participation assures "'concrete adverseness'" and "'sharpens the presentation of issues upon which the court so largely depends for illumination of difficult . . . questions.'" Id. (quoting Harlem Valley Transp. Ass'n v. Stafford, 360 F. Supp. 1057, 1065 (S.D.N.Y. 1973)).

Indeed, the Authors Guild has played an integral part in every stage of this litigation since its inception almost seven years ago. It spent several of those years negotiating with Google on behalf of its members. Only when it became apparent, in 2011, that no settlement would be achieved did Google object to the Authors Guild's participation in the litigation. While the ASMP Associational Plaintiffs have not litigated against Google for as many years as the Authors Guild, their participation nonetheless confers the important benefits articulated in Brock.



Furthermore, given the sweeping and indiscriminating nature of Google's unauthorized copying, it would be unjust to require that each affected association member litigate his claim individually. When Google copied works, it did not conduct an inquiry into the copyright ownership of each work; nor did it conduct an individualized evaluation as to whether posting "snippets" of a particular work would constitute "fair use." It copied and made search results available en masse. Google cannot now turn the tables and ask the Court to require each copyright holder to come forward individually and assert rights in a separate action. Because Google treated the copyright holders as a group, the copyright holders should be able to litigate on a group basis.

**B. Motion for Class Certification**

**1. Applicable Law**

A plaintiff seeking class certification must meet the prerequisites of Rule 23(a) of the Federal Rules of Civil Procedure -- numerosity, commonality, typicality, and adequacy of representation. See Fed. R. Civ. P. 23. If the prerequisites of Rule 23(a) are met, the court then must determine whether the putative class can be certified and maintained under any one of the three subsections of Rule 23(b). In re Literary Works In

Elec. Databases Copyright Litig., 654 F.3d 242, 249 (2d Cir. 2011). Here, plaintiffs seek class certification pursuant to subsection (b)(3) of Rule 23.

The party seeking class certification bears the burden of showing, by a preponderance of the evidence, that the requirements of Rule 23 are met. Teamsters Local 445 Freight Div. Pension Fund v. Bombardier Inc., 546 F.3d 196, 201-04 (2d Cir. 2008). The Second Circuit has clarified the standards governing adjudication of a motion for class certification:

(1) a district judge may certify a class only after making determinations that each of the Rule 23 requirements has been met; (2) such determinations can be made only if the judge resolves factual disputes relevant to each Rule 23 requirement and finds that whatever underlying facts are relevant to a particular Rule 23 requirement have been established and is persuaded to rule, based on the relevant facts and the applicable legal standard, that the requirement is met; (3) the obligation to make such determinations is not lessened by overlap between a Rule 23 requirement and a merits issue, even a merits issue that is identical with a Rule 23 requirement . . . .

In re Initial Pub. Offerings Sec. Litig., 471 F.3d 24, 41 (2d Cir. 2006).

**a. Rule 23(a) Prerequisites**

**i. Numerosity**

Rule 23(a)(1) requires the putative class to be "so numerous that joinder of all members is impracticable." Fed. R. Civ. P. 23(a)(1). Numerosity can be presumed if the class comprises at least forty members. Consol. Rail Corp. v. Town of Hyde Park, 47 F.3d 473, 483 (2d Cir. 1995). Courts do not require "evidence of exact class size or identity of class members." Robidoux v. Celani, 987 F.2d 931, 935 (2d Cir. 1993). If there is any dispute as to the size of the proposed class, however, the court must resolve it and make a finding as to the approximate size. See In re IPO Sec. Litig., 471 F.3d at 41.

**ii. Commonality**

Under Rule 23(a)(2), there must be "questions of law or fact common to the class." Fed. R. Civ. P. 23(a)(2). The Rule does not require all questions of law or fact to be common. Indeed, even a single common question will suffice. Wal-Mart Stores, Inc. v. Dukes, 131 S. Ct. 2541, 2556 (2011) (citations and internal quotation marks omitted); Marisol A. v. Giuliani, 126 F.3d 372, 376 (2d Cir. 1997) ("The commonality requirement is met if plaintiffs' grievances share a common question of law or of fact.").

Commonality requires that the class members have "suffered the same injury," Gen. Tel. Co. of Southwest v. Falcon, 457 U.S. 147, 157 (1982), and that their claims depend on "a common contention," Wal-Mart, 131 S. Ct. at 2551. "That common contention, moreover, must be of such a nature that it is capable of classwide resolution -- which means that determination of its truth or falsity will resolve an issue that is central to the validity of each one of the claims in one stroke." Id. Therefore, what matters is "'the capacity of a classwide proceeding to generate common answers apt to drive the resolution of the litigation.'" Id. (emphasis in original) (quoting Richard A. Nagareda, Class Certification in the Age of Aggregate Proof, 84 N.Y.U. L. Rev. 97, 132 (2009)).

Importantly, Rule 23(a)(2) does not require that the claims of the lead plaintiffs "be identical to those of all other plaintiffs." Lapin v. Goldman Sachs & Co., 254 F.R.D. 168, 176 (S.D.N.Y. 2008). Indeed, "'factual differences in the claims of the class do not preclude a finding of commonality.'" Newman v. RCN Telecom Servs., Inc., 238 F.R.D. 57, 73 (S.D.N.Y. 2006) (quoting 5 Moore's Federal Practice § 23.23[2]). Commonality may be found where the plaintiffs' alleged injuries "derive from a

unitary course of conduct by a single system." Marisol A., 126 F.3d at 377.

### **iii. Typicality**

The commonality and typicality requirements of Rule 23(a) tend to merge such that similar considerations inform the analysis for both prerequisites. Wal-Mart, 131 S. Ct. at 2551 n.5; Marisol A., 126 F.3d at 376. Rule 23(a)(3) requires that "the claims or defenses of the representative parties are typical of [those] of the class." Fed. R. Civ. P. 23(a)(3). The typicality requirement "is satisfied when each class member's claim arises from the same course of events, and each class member makes similar legal arguments to prove the defendant's liability." Robinson v. Metro-North Commuter R.R. Co., 267 F.3d 147, 155 (2d Cir. 2001) (quoting Marisol A., 126 F.3d at 376) (internal quotation marks omitted); see In re Flag Telecom Holdings, Ltd. Sec. Litig., 574 F.3d 29, 35 (2d Cir. 2009) (quoting Robidoux, 987 F.2d at 936). "[M]inor variations in the fact patterns underlying [the] individual claims" do not preclude a finding of typicality. Robidoux, 987 F.2d at 936-37. By contrast, "unique defenses" that "threaten to become the focus of the litigation" may preclude such a finding. Flag Telecom, 574 F.3d at 40 (citation and internal quotation marks omitted).

**iv. Adequacy**

Finally, Rule 23(a) requires that the class representatives will "fairly and adequately protect the interests of the class." Fed. R. Civ. P. 23(a)(4). This question involves an inquiry as to whether: "1) plaintiff's interests are antagonistic to the interest of other members of the class and 2) plaintiff's attorneys are qualified, experienced and able to conduct the litigation." Baffa v. Donaldson, Lufkin & Jenrette Sec. Corp., 222 F.3d 52, 60 (2d Cir. 2000).

This inquiry "serves to uncover conflicts of interest between named parties and the class they seek to represent." Amchem Prods., Inc. v. Windsor, 521 U.S. 591, 625 (1997). Not every conflict, however, precludes a finding of adequacy. "The conflict that will prevent a plaintiff from meeting the Rule 23(a)(4) prerequisite must be fundamental, and speculative conflict should be disregarded at the class certification stage." In re Visa Check/MasterMoney Antitrust Litig., 280 F.3d 124, 145 (2d Cir. 2001) (citations and internal quotation marks omitted), superseded on other grounds by rule, Fed. R. Civ. P. 23(g), as stated in Attenborough v. Const. and Gen. Bldg. Laborors' Local 79, 238 F.R.D. 82, 100 (S.D.N.Y. 2006).

**b. Rule 23(b) (3)**

A class action may be maintained under Rule 23(b) (3) if "the court finds that the questions of law or fact common to class members predominate over any questions affecting only individual members, and that a class action is superior to other available methods for fairly and efficiently adjudicating the controversy." Fed. R. Civ. P. 23(b) (3) .

The predominance requirement is satisfied "if resolution of some of the legal or factual questions that qualify each class member's case as a genuine controversy can be achieved through generalized proof, and if these particular issues are more substantial than the issues subject only to individualized proof." Myers v. Hertz Corp., 624 F.3d 537, 547 (2d Cir. 2010) (quoting Moore v. PaineWebber, Inc., 306 F.3d 1247, 1252 (2d Cir. 2002)) (internal quotation marks omitted).<sup>6</sup> That an affirmative defense may arise that affects different class members differently "does not compel a finding that individual issues predominate over common ones." In re Nassau Cnty. Strip Search

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<sup>6</sup> Rule 23(b) (3) requires that the district court determine what questions of law or fact are common to the members of the class. Cordes & Co. Fin. Servs., Inc. v. A.G. Edwards & Sons, Inc., 502 F.3d 91, 106 (2d Cir. 2007) (internal quotation marks and alteration omitted).

Cases, 461 F.3d 219, 225 (2d Cir. 2006) (citation and internal quotation marks omitted).

Together with the "superiority" requirement, the predominance requirement "ensures that the class will be certified only when it would 'achieve economies of time, effort, and expense, and promote . . . uniformity of decision as to persons similarly situated, without sacrificing procedural fairness or bringing about other undesirable results.'" Cordes, 502 F.3d at 104 (quoting Amchem Prods., 521 U.S. at 615).

## **2. Application**

In this case, the proposed class is defined as "[a]ll persons residing in the United States who hold a United States copyright interest in one or more Books reproduced by Google as part of its Library Project, who are either (a) natural persons who are authors of such Books or (b) natural persons, family trusts or sole proprietorships who are heirs, successors in interest or assigns of such authors." (See Notice of Mot. for Class Cert. at 2).<sup>7</sup>

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<sup>7</sup> A "Book" is defined as a "full-length book published in the United States in the English language and registered with the United States Copyright Office within three months after its first publication." Id. Google's directors, officers, and employees are excluded from the class, as well as United States Government and Court personnel. Id.



**a. The Rule 23(a) Requirements Are Satisfied**

Google does not dispute that the proposed class satisfies the numerosity, commonality, and typicality requirements of Rule 23(a). Indeed, those requirements are met here.

The class meets the numerosity requirement. The class will likely number in the thousands, at least, as Google has scanned millions of books.

The class also meets the commonality requirement. Every potential class member's alleged injury arises out of Google's "unitary course of conduct." Marisol A., 126 F.3d at 377. Specifically, every potential class member has allegedly been injured by Google's Library Project, whereby Google, without authorization, copied books in which the class members own copyright interests. Whether Google's actions constitute an infringement of these copyright interests and whether Google's use of "snippets" of these works constitutes "fair use" are "common questions" capable of class-wide resolution. Wal-Mart, 131 S. Ct. at 2551.

Similarly, the typicality requirement is satisfied, as "each class member's claim arises from the same course of

events": Google's copying of books pursuant to its Library Project. See Robinson, 267 F.3d at 155.

Google disputes, however, whether the adequacy requirement has been satisfied. It argues that "most [] class members perceive [Google's copying of their work] as a benefit." (Def.'s Cert. Opp'n at 9). Accordingly, it contends that there is "a fundamental conflict between the interests the named plaintiffs seek to advance and the interests of absent class members," rendering the representation inadequate. (Def.'s Cert. Opp'n at 8). In support of this argument, Google points to a survey in which slightly over 500 authors (58% of those surveyed) "approve" of Google scanning their work for search purposes, and approximately 170 (19% of those surveyed) "feel" that they benefit financially, or would benefit financially, from Google scanning their books and making snippets available in search. (Decl. of Hal Poret, Ex. 1 at 14).

Google's argument is without merit. The lead plaintiffs are adequate representatives of the class. First, their copyright claims do not conflict in any way with the copyright claims of the other class members. This is not a case where the lead plaintiffs, in pursuing their own claims, might

compromise the claims of another group of class members.<sup>8</sup>

Indeed, Google has not pointed to any legal or factual argument made by the lead plaintiffs that would undermine the copyright claim of any other class member.

Second, that some class members may prefer to leave the alleged violation of their rights unremedied is not a basis for finding the lead plaintiffs inadequate. "'The court need concern itself only with whether those members who are parties are interested enough to be forceful advocates and with whether there is reason to believe that a substantial portion of the class would agree with their representatives were they given a choice.'" Eisen v. Carlisle and Jacquelin, 391 F.2d 555, 563 n.7 (2d Cir. 1968) (quoting Jack B. Weinstein, Revision of Procedure: Some Problems in Class Actions, 9 Buffalo L. Rev. 433, 460 (1960)). Accordingly, the survey results cited by Google do not preclude a finding of adequacy.

In any case, the survey does not prove that any individual author would not want to participate in the instant

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<sup>8</sup> To be sure, some potential class members' interests may be different from other members' interests. (See Letter from Pamela Samuelson, Professor of Law and Information, UC Berkeley School of Law (Feb. 13, 2012) (on file with the court)). But this fact does not undermine the overall efficacy of a class action. If any author feels that her interests are not aligned with those of the other class members, she may request to be excluded. See Rule 23(c)(2)(B).

class action. Importantly, the survey did not ask the respondents whether they would want to be part of a law suit through which they might recover damages. Indeed, it is possible that some authors who "approve" of Google's actions might still choose to join the class action. Therefore, the court cannot conclude from the survey that the representative plaintiffs' interests are in conflict with any subset of class members.

**b. The Requirements of 23(b) (3) Are Met**

Finally, class certification is warranted in this case because the predominance and superiority requirements of Rule 23(b) (3) are satisfied.

**(i) Predominance**

The common issues presented in this litigation predominate over any individual ones. As discussed above, these common questions include: (1) whether Google's actions in connection with the Library Project constituted copyright infringement; and (2) whether the affirmative defense of "fair use" applies. These issues are largely subject to "generalized proof." See Cordes, 502 F.3d at 107-08. Every potential class member's claim arises out of Google's uniform, widespread practice of copying entire books without permission of the copyright holder and displaying snippets of those books for

search. Whether this practice constitutes copyright infringement does not depend on any individualized considerations.

Furthermore, the question of "fair use" may be evaluated on a sub-class-wide basis. The Court would determine whether the defense applies to a particular type of book, obviating the need to evaluate each book individually. Finally, because representative plaintiffs only ask for statutory damages, there is no need for any individualized inquiry into the harm suffered. See Engel v. Scully & Scully, Inc., 279 F.R.D. 117, 130 (S.D.N.Y. 2011).

Google argues -- as it did in its motions to dismiss -- that the issue of copyright ownership is not subject to generalized proof because publishing contracts can create varying degrees and types of ownership interests, not all of which would permit the author to sue for infringement. (Def.'s Cert. Opp'n 11-15). Accordingly, to obtain relief, it may be that an author will have to submit some documentation proving that he retains a beneficial interest in the copyrighted work. This "individual" issue, however, does not predominate over the "common" ones discussed above.<sup>9</sup>

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<sup>9</sup> Google also contends that many authors do not receive royalties for "promotional" uses, and therefore have no beneficial interest in the right to use their work for promotional purposes. (Def.'s Cert. Opp'n at 14). It argues

**(ii) Superiority**

Class action is the superior method for resolving this litigation. It is, without question, more efficient and effective than requiring thousands of authors to sue individually. Requiring this case to be litigated on an individual basis would risk disparate results in nearly identical suits and exponentially increase the cost of litigation. See Cromer Fin. Ltd. v. Berger, 205 F.R.D. 113, 133 (S.D.N.Y. 2001). Class action, by contrast, would achieve economies of time and effort, resolving common legal and factual issues "without sacrificing procedural fairness or bringing about other undesirable results." Cordes, 502 F.3d at 104.

**CONCLUSION**

For the reasons stated above, Google's motions to dismiss the claims of the associational plaintiffs are denied and

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that the display of snippets "facilitates sales" and is therefore a promotional use in which these authors have no beneficial interest. (Id.). This argument fails as it is based on the unestablished premise that the display of snippets facilitates sales. Furthermore, while these authors may have authorized a publisher to promote their works, they have not authorized Google to do so.

the AG Representative Plaintiffs' motion for class certification is granted.

SO ORDERED.

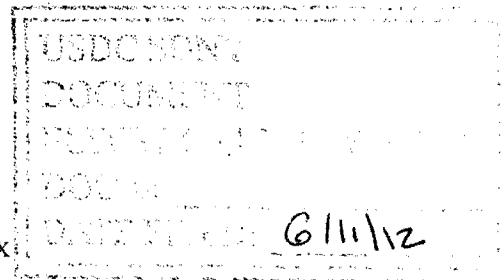
Dated: New York, New York  
May 31, 2012



DENNY CHIN  
United States Circuit Judge  
Sitting by Designation

Chin, 5

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



----- x  
The Authors Guild, Inc., Associational Plaintiff,  
Betty Miles, Joseph Goulden, and Jim Bouton,  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

v.

Google Inc.,

Defendant.  
----- x

Case No. 05 CV 8136-DC

DC

~~PROPOSED~~ ORDER GRANTING  
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

THIS MATTER HAVING BEEN SUBMITTED TO THE COURT on Plaintiffs'  
motion for an Order pursuant to Rule 23 of the Federal Rules of Civil Procedure:

1. Certifying the following class ("the Class"):

All persons residing in the United States who hold a United States copyright interest in one or more Books reproduced by Google as part of its Library Project, who are either (a) natural persons who are authors of such Books or (b) natural persons, family trusts or sole proprietorships who are heirs, successors in interest or assigns of such authors. "Books" means each full-length book published in the United States in the English language and registered with the United States Copyright Office within three months after its first publication. Excluded from the Class are the directors, officers and employees of Google; personnel of the departments, agencies and instrumentalities of the United States Government; and Court personnel;



2. Designating Betty Miles, Joseph Goulden, and Jim Bouton as Representative Plaintiffs for the Class; and

3. Appointing Boni & Zack LLC as Lead Counsel, and Milberg LLP and Kohn, Swift & Graf, PC as Class Counsel.

AND THE COURT HAVING READ AND CONSIDERED all the papers filed in support of and in opposition to the motion, and finding that the members of the Class are so numerous that joinder of all members is impracticable, there are questions of law or fact common to the Class, the claims or defenses of the representative parties are typical of the claims or defenses of the Class, the representative parties will fairly and adequately protect the interests of the Class, questions of law or fact common to Class members predominate over any questions affecting only individual members, and a class action is superior to any other available method for the fair and efficient adjudication of this controversy,

IT IS HEREBY ORDERED:

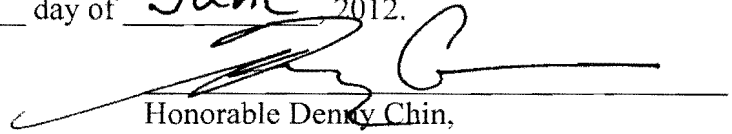
1. The Class is certified, defined as follows:

All persons residing in the United States who hold a United States copyright interest in one or more Books reproduced by Google as part of its Library Project, who are either (a) natural persons who are authors of such Books or (b) natural persons, family trusts or sole proprietorships who are heirs, successors in interest or assigns of such authors. "Books" means each full-length book published in the United States in the English language and registered with the United States Copyright Office within three months after its first publication. Excluded from the Class are the directors, officers and employees of Google; personnel of the departments, agencies and instrumentalities of the United States Government; and Court personnel;

2. Betty Miles, Joseph Goulden, and Jim Bouton are designated as Representative Plaintiffs for the Class; and

3. Boni & Zack LLC is appointed Lead Counsel, and Milberg LLP and Kohn, Swift & Graf, P.C. are appointed Class Counsel.

DATED this 11<sup>th</sup> day of June 2012.

  
\_\_\_\_\_  
Honorable Denny Chin,  
United States Circuit Judge

*Sitting By Designation* 

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**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

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THE AUTHORS GUILD, INC., Associational Plaintiff, BETTY MILES,  
JOSEPH GOULDEN, and JIM BOUTON, on behalf of themselves  
and all others similarly situated,

*Plaintiffs-Respondents,*

v.

GOOGLE INC.,

*Defendant-Petitioner.*

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From an Order Granting Certification of a Class Action, Entered on May 31, 2012,  
by the United States District Court for the Southern District of New York,  
No. 1:05-cv-08136-DC Before the Honorable Denny Chin

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**APPENDIX TO PETITION OF DEFENDANT-PETITIONER FOR  
PERMISSION TO APPEAL PURSUANT TO FEDERAL RULE OF CIVIL  
PROCEDURE 23(f)**

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June 14, 2012

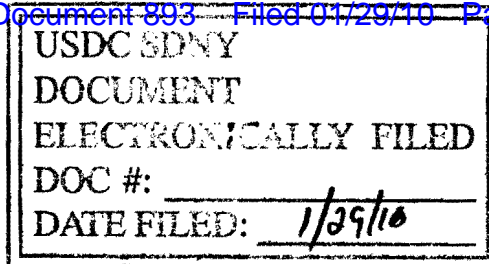
\* Admitted to practice only in Maryland

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January 27, 2010

Office of the Clerk, J. Michael McMahon  
U.S. District Court for the Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York NY 10007

JAN 28 2010

Attention: The Honorable Denny Chin

Re: Academic Author Objections to the Google Book Search Settlement,  
Case No. 1:05-CV-8136-DC (S.D.N.Y.)

Dear Judge Chin:

I am writing to express my intent to appear at the Fairness Hearing for the above-cited case, currently scheduled for February 18<sup>th</sup>, 2010 pursuant to the Order of this Court of November 19<sup>th</sup>, 2009 (Document 772).

I believe I am a member of the Author Subclass. I have submitted two letters expressing objections to the court about the settlement on behalf of academic authors, one submitted today, and the other dated September 3<sup>rd</sup>, 2009. I also wrote to you on behalf of sixteen academic authors on April 27<sup>th</sup>, 2009, asking for a several month extension of deadlines for the Google Book Settlement responses owing to ignorance about the proposed settlement among academic authors.

With this, I respectfully submit my notice of intent.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela Samuelson".

Pamela Samuelson  
Richard M. Sherman Distinguished Professor of Law

cc:

Michael J. Boni, Esq., Counsel for the Author Subclass  
Joanne Zack, Esq., Counsel for the Author Subclass  
Joshua Snyder, Esq., Counsel for the Author Subclass  
Jeffrey P. Cunard, Esq., Counsel for the Publisher Subclass  
Bruce P. Keller, Esq., Counsel for the Publisher Subclass  
Daralyn J. Durie, Esq., Counsel for Google





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27 January 2010

Office of the Clerk, J. Michael McMahon  
U.S. District Court for the Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York NY 10007

JAN 28 2010

Attention: The Honorable Denny Chin

Re: Supplemental Academic Author Objections to the Google Book Search Settlement, Authors Guild, Inc. v. Google, Inc., No. 1:05-CV-8136 (S.D.N.Y.)

Dear Judge Chin:

The vision of a universal digital library containing the accumulated knowledge embodied in books from the collections of major research libraries—a library that would last forever—is unquestionably an inspiring one.<sup>1</sup> The academic author signatories of this letter understand the appeal of this vision and heartily hope that it will come to pass. However, for reasons explained in this letter, we do not believe that approval of the Proposed Amended Settlement Agreement (PASA) in the *Authors Guild v. Google* case will fulfill this lofty ambition.

The Google Book Search (GBS) initiative envisioned in the PASA is not a library.<sup>2</sup> It is instead a complex and large-scale commercial enterprise in which Google—and Google alone—will obtain a license to sell millions of books for decades to come. If the PASA is approved, millions of rights holders will be forced to join the Book Rights Registry (BRR) or the Google Partner Program to exercise any control over Google's use of their books. The litigants who spent two and a half years negotiating the initial Proposed Settlement Agreement (PSA) and now the PASA have interests and preferences that dramatically diverge from those of many rights holders who were not at the negotiating table, including academic authors. It is thus unsurprising that hundreds of authors and other rights holders have objected to the settlement and even more, we believe, have opted out. Nor is it surprising that several public interest organizations have expressed opposition to the settlement,<sup>3</sup> for there were no consumer or public interest advocates at the negotiating table either. Because of this, the PASA is fundamentally tainted.

<sup>1</sup> See Sergey Brin, *A Library to Last Forever*, N.Y. TIMES, Oct. 8, 2009, at A31, available at, <http://www.nytimes.com/2009/10/09/opinion/09brin.html>.

<sup>2</sup> See Pamela Samuelson, *Google Books Is Not a Library*, HUFF. POST, Oct. 13, 2009, available at [http://www.huffingtonpost.com/pamela-samuelson/google-books-is-not-a-lib\\_b\\_317518.html](http://www.huffingtonpost.com/pamela-samuelson/google-books-is-not-a-lib_b_317518.html). Nor will GBS be “universal,” given the narrowing of the class, the opt-out, exclusion and removal requests, and directions from some rights holders not to scan their books. See Part IV of this letter. See also Lawrence Lessig, *For the Love of Culture*, THE NEW REPUBLIC, Jan. 26, 2010, available at <http://www.tnr.com/article/the-love-culture>.

<sup>3</sup> See, e.g., Brief Amicus Curiae of Consumer Watchdog in Opposition to the Settlement, *Authors Guild Inc. v. Google Inc.*, No. 1:05-CV-8136 (S.D.N.Y. Sept. 8, 2009), available at <http://thepublicindex.org/docs/letters/cw.pdf>; Brief of Amicus Curiae Public Knowledge in Opposition to the Settlement, *Authors Guild Inc. v. Google Inc.*, No. 1:05-CV-8136 (S.D.N.Y. Sept. 8, 2009), available at <http://thepublicindex.org/docs/letters/pk.pdf>.

This letter supplements one submitted to this Court on September 3, 2009, on behalf of sixty-five academic authors and researchers, which set forth numerous objections to the PSA.<sup>4</sup> Among other things, that letter expressed concerns about the lack of meaningful constraints on price increases for the Institutional Subscription Database (ISD), the de facto monopoly that Google would obtain to orphan books, inadequate user privacy protections, and excessive restrictions on non-consumptive research.

The present letter reaffirms the earlier academic author objections to the PSA because the PASA does not adequately respond to objections set forth in that letter.<sup>5</sup> It states some new objections because certain amendments to the PASA are contrary to the interests of academic authors who are members of the Author Subclass.

Our continued and new objections are rooted in the same fundamental flaw in the GBS settlement process: the Authors Guild and the named author plaintiffs have not fairly and adequately represented the interests of academic authors in negotiating either the PSA or the PASA.<sup>6</sup> Simply put, the Authors Guild and its members do not share the interests, professional commitments or values of academic authors.<sup>7</sup> Only a small fraction of Authors Guild members are scholars, and few write books of the sort likely to be found in major research libraries.<sup>8</sup> Nor does the Association of American Publishers (AAP)

<sup>4</sup> Letter of Pamela Samuelson to Judge Denny Chin on behalf of academic authors, *Authors Guild, Inc. v. Google, Inc.*, No. 05 CV 8136 (S.D.N.Y. Sept. 3, 2009) (“Academic Author Letter”). For a more complete discussion of the possible benefits and risks of the proposed GBS settlement, see Pamela Samuelson, *Google Book Search and the Future of Books in Cyberspace*, 95 MINN. L. REV. (forthcoming 2010), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1535067](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1535067).

<sup>5</sup> An exception is a provision of the PASA that now expressly recognizes that some rights holders may want to make books and inserts available on an open access basis, such as by Creative Commons licenses. See PASA, § 4.2 (a)(i). However, we remain concerned that the Book Rights Registry (BRR) will not welcome and might even discourage academic authors’ exercise of this option because the BRR will collect no revenues from Google if books are available on open access terms. BRR will find it difficult to have sufficient revenues to sustain its operations if academic authors exercise this option with any frequency.

<sup>6</sup> While our letters have concentrated on our substantive objections to the PSA and the PASA, we have been enlightened by our study of Scott Gant’s objections to the PSA as to class action notice deficiencies and other Rule 23 problems with the PSA. See *Objection of Scott E. Gant to Proposed Settlement, and to Certification of the Class and Subclasses, Authors Guild, Inc. v. Google, Inc.*, No. 05 CV 8136 (S.D.N.Y. Aug. 19, 2009), available at <http://thepublicindex.org/docs/objections/gant.pdf>. We agree with him that the Guild did not adequately represent the interests of the Author Subclass and that notice of the settlement has been inadequate. Signatory Pamela Samuelson, for instance, did not receive a copy of the initial notice of the PSA, and regards the supplemental notice that she did receive as seriously incomplete in explaining the PASA and its implications, especially as to the unclaimed works fiduciary provisions.

<sup>7</sup> The Authors Guild, for instance, generally limits its membership to authors who have contracts with established American publishers that include a “royalty clause and a significant advance.” See *Authors Guild Membership Guidelines*, available at <http://www.authorsguild.org/join/eligibility.html>. Few academic authors would meet these criteria. The interests of professional writer-members of the Authors Guild in maximizing revenues are reflected in the PSA and the PASA. An example is PASA, § 4.8(a)(ii), which requires paying fees for pages printed out at public access terminals. Academic authors would regard printing a few pages from an out-of-print book to be fair use. See *Academic Author Letter*, *supra* note 4, at 2-7.

<sup>8</sup> The Authors Guild website links to approximately 3000 of their member’s websites. A review of those websites reveals that slightly over 10 per cent of these Guild members have written books of the sort likely to be found in major research libraries whose collections Google has scanned. So far as we can tell from these websites, the Guild’s members primarily write works aimed at non-scholarly audiences. They write, for instance, romance



share the commitments and values of scholarly authors, as is evident from its recent efforts to thwart open access policies for government-funded academic research,<sup>9</sup> policies which scholars generally support.<sup>10</sup> Academic authors, almost by definition, are committed to maximizing access to knowledge. The Guild and the AAP, by contrast, are institutionally committed to maximizing profits.

Nor does the Guild have the same legal perspective as most academic authors on the central issue in litigation in the *Authors Guild* case, to wit, whether scanning books in order to index their contents and make snippets available constitutes copyright infringement. (This issue necessarily forms the basis on which any settlement must be based.) Academic authors are more likely than Guild members to consider scanning books for information-locating purposes to be a non-infringing use because indexes and snippets advance scholarly research and improve access to knowledge, especially when, as with GBS, searches yield links to libraries from which the relevant books can be obtained.<sup>11</sup>

Rule 23 of the Federal Rules of Civil Procedure requires courts to consider whether there is sufficient commonality of interest and typicality of claims among those who are within a putative class before certifying it or approving a class-binding settlement. While this letter focuses on academic author objections to the PASA, we are aware that we are not the only rights holders who believe the Guild and the AAP had interests quite different from and/or in conflict with theirs. Indeed, when we consider the diverse complaints about the settlement expressed in the hundreds of objections already filed in this matter, we question whether the Rule 23 standards have been or can be met for a class consisting of all persons owning U.S. copyright interest in one or more books or inserts published in the U.S., UK, Canada, or Australia.

That said, we believe that the perspectives of academic authors on the PSA and the PASA should be given particular weight in this court's determination about whether the PASA is fair and worthy of approval. The overwhelming majority of books in the GBS corpus are from the collections of major research libraries, such as the University of Michigan and the University of California.<sup>12</sup> Not

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novels, erotica, travelogues, magazine articles, and magic books. They may be accomplished writers, but they are unrepresentative of the interests of academic authors whose books constitute most of the GBS corpus.

<sup>9</sup> Ass'n of Research Libraries, *Issue Brief: AAP PR Campaign Against Open Access and Public Access to Federally Funded Research*, available at <http://www.arl.org/bm~doc/issue-brief-aap-pr.pdf>.

<sup>10</sup> The negotiating party whose interests most closely align with the values of scholarly communities is, ironically enough, Google. However, that firm cannot be an adequate representative of the interests of scholarly authors in negotiating a class action settlement.

<sup>11</sup> Most academic commentary on Google's fair use defense supports it. See, e.g., Hannibal Travis, *Google Book Search and Fair Use: iTunes for Authors or Napster for Books?*, 61 U. MIAMI L. REV. 601 (2006) (arguing that scanning books to index them is fair use); Matthew Sag, *The Google Book Settlement and the Fair Use Counterfactual* (Working paper Series, Aug. 2009) at 11-25, available at <http://ssrn.com/abstract=1437812> (comparing the proposed GBS settlement to fair use outcome). See also Frank Pasquale, *Copyright in an Era of Information Overload*, 60 VAND. L. REV. 135 (2007) (discussing the need for broad fair use for search engines to help people find information).

<sup>12</sup> See, e.g., *Competition and Commerce in Digital Books: Hearing Before the H. Comm. on the Judiciary*, 110th Cong. 1-3 (2009) ["Hearing"] (Prepared Statement of David Drummond, Senior Vice President of Corporate Development and Chief Legal Officer of Google, Inc.) (estimating that 2 million of the 10 million books then in the GBS corpus are books in the Google Partner Program, while 8 million were obtained from research library partners). A transcript of this hearing is available at [http://judiciary.house.gov/hearings/printers/111th/111-31\\_51994.PDF](http://judiciary.house.gov/hearings/printers/111th/111-31_51994.PDF).



surprisingly, a large majority of those books were written by scholars for scholarly audiences.<sup>13</sup> Academic authors also far outnumber the members of the Authors Guild. There are about 800,000 full-time academics working at colleges and universities in the U.S.,<sup>14</sup> for many of whom publication of books, book chapters, and the like is a career requirement, as well as a source of deep satisfaction. The books and inserts we write are also of the sort likely to be found in the collections of major research libraries.

We acknowledge that academic authors sometimes assign their copyrights to publishers of their books, but this does not necessarily change the calculus. Rights to authorize electronic editions of these books, we believe, may well be new and unforeseen uses of their works, rights in which would seem to reside in authors under *Random House, Inc. v. Rosetta Books L.L.C.*, 283 F.3d 490 (2d Cir. 2002). This case held that authors of literary works have the right to authorize third parties to make e-books of them, even though they had assigned rights to publishers to make and distribute print versions.<sup>15</sup> Many publishing contracts also provide that copyrights revert to authors when their books go out of print (which millions of books in the GBS corpus are). For these reasons, we believe that academic authors hold a relevant copyright interest in many books and inserts in the GBS corpus.

We recognize that approval of the GBS settlement would bring about some public benefits, chiefly by providing significantly improved access to books. But the Court should be careful to recognize and give appropriate weight to the substantial risks that the proposed settlement poses. These risks can be avoided or ameliorated in one of two ways. The Court can either reject the settlement altogether or condition approval on the parties' willingness to make changes to the PASA that address meritorious objections.

Part I discusses our objections to new provisions in the PASA as to anticipated uses of funds from unclaimed works and to certain powers that the "fiduciary" for unclaimed works has and some it lacks.

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<sup>13</sup> See, e.g., Brian Lavoie & Lorcan Dempsey, *Beyond 1923: Characteristics of Potentially In-copyright Print Books in Library Collections*, D-LIB MAG., Nov.-Dec. 2009, at 14, available at <http://www.dlib.org/dlib/november09/lavoie/11lavoie.html> (reporting that 78% of the non-fiction books in the collections of three of Google's research library partners are scholarly books and that non-fiction books constitute more than 90% of library collections).

<sup>14</sup> Data from the U.S. Dept. of Labor, Bureau of Labor Statistics indicates that there are more than 800,000 post-secondary educators in the United States.

<sup>15</sup> The court considered the widely used contractual language in book publishing contracts—"to publish the work in book form"—as a limited grant, not a grant of all copyright interests. *Random House*, 283 F.3d at 491. It is worth noting that the Authors Guild submitted an amicus curiae brief in support of Rosetta in that case, while the AAP submitted one in support of Random House. Hidden underneath the surface of the proposed GBS settlement is a set of compromises, set forth in Appendix A, that address serious conflicts that exist between authors and publishers over rights to control and be compensated for e-book publications. This is reflected in testimony that Paul Aiken, Executive Director of the Authors Guild, gave before Congress: "One of the reasons this thing [the PSA] took 30 months to negotiate was that we weren't just negotiating with Google. It was authors negotiating with publishers, and we rarely see eye to eye. So we had months and months and months of negotiations, trying to work out our differences." Transcript of Hearing, *supra* note 12, at 143. Had Random House tried to resolve this e-book rights issue by bringing a class action lawsuit on behalf of a class of publishers against a class of authors in order to negotiate a settlement along the lines of Appendix A, the case would have been dismissed because the dispute would have involved both varying contract language and different state laws so that Rule 23 requirements could not have been satisfied. Appendix A takes advantage of the settlement on other issues as to which Google is the antagonist to bring about a new allocation of copyright ownership, licensing, and reversion rights and procedures that, but for the settlement, could only have been accomplished through legislative action.

Part II discusses an amendment to the proposed settlement that is susceptible to an interpretation that would disadvantage academic authors of what the PSA and PASA designate as “inserts” (e.g., book chapters).

Part III objects to amendments that omit reference to a termination agreement negotiated by the litigants. If there is a termination agreement that is still in force, it ought to be disclosed to members of the class, as well as to the Court. If not, the litigants should explicitly abjure it.

Part IV raises concerns about whether the parties’ professed aspirations for GBS to be a universal digital library are being undermined by their own withdrawals of books from the regime the settlement would establish, as well as by actions of other rights holders who have opted out of the settlement because they find its terms unacceptable. Information has come to light since our last letter, sent on September 3, 2009, that undermines our confidence that the settlement will bring about the public benefits the litigants say they intend.

Part V offers a list of changes that should be made to the PASA to make the settlement fair and adequate as to academic authors. Even with these modifications, however, we recognize that serious questions remain about whether the class defined in the PASA can be certified consistent with Rule 23, whether the settlement is otherwise compliant with Rule 23, whether the settlement is consistent with the public interest, and whether approval of this settlement is an appropriate exercise of judicial power. These questions have been addressed in numerous other submissions, and while our supplemental objection does not discuss them, we do share the misgivings that others have expressed.

#### I. We Object to the Unclaimed Work Provisions of the PASA.

The PSA would have created a blatant conflict of interest between those class members who had registered their books with the BRR, as the Guild expects its members to do, and those who had not.<sup>16</sup> Funds from unclaimed books would have been held in escrow for five years, after which revenues from Google’s commercialization of them would have been paid out to BRR-registered rights holders.<sup>17</sup> This would not only have given BRR-registrants a windfall from books in which they owned no rights, but it also would have created structural disincentives for BRR to search for owners of unclaimed books. Not surprisingly, the Department of Justice objected to this as inconsistent with Rule 23.<sup>18</sup>

Amendments in the PASA seemingly acknowledge the existence of this intra-class conflict, but do not resolve it in a manner that is fair, reasonable, or adequate to class members or consistent with the public interest.

The PASA calls for the appointment of an unclaimed work fiduciary (UWF) to make certain decisions about Google’s exploitation of unclaimed works and to act as a gatekeeper for funds owed to rights

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<sup>16</sup> Statement of Interest by the U.S. Dept. of Justice Regarding the Proposed Settlement at 9, *Authors Guild, Inc. v. Google, Inc.*, No. 05 CV 8136 (S.D.N.Y. Sept. 18, 2009) (DOJ Statement).

<sup>17</sup> PSA, § 6.2(a).

<sup>18</sup> DOJ Statement, *supra* note 16, at 9-10. The initial willingness of the class representatives to negotiate such a provision reflects considerable insensitivity to the interests of unclaimed work rights holders. It should not have required an objection from DOJ to get fair treatment for these rights holders.

holders of unclaimed works.<sup>19</sup> It also directs that funds generated by Google's commercialization of unclaimed works should be held in escrow for ten years, that these funds are to be used to search for rights holders, and that after ten years, unclaimed work funds can be paid out to charities or otherwise allocated in a manner consistent with state laws.<sup>20</sup>

The academic signatories of this letter object to these provisions for several reasons.

First, there are no meaningful guarantees of independence for this so-called fiduciary, and insufficient criteria for how he/she should perform a fiduciary role in respect of the unclaimed books. The UWF is, for example, to be chosen by a supermajority of the BRR Board,<sup>21</sup> and will apparently be housed in the BRR offices. The BRR, not the fiduciary, will hold onto the unclaimed funds; after five years, BRR is authorized to use a significant portion of the unclaimed work funds to search for rights holders, although this is subject to the UWF's approval.<sup>22</sup>

Second, the powers the PASA grants to the UWF are in some respects too limited and in at least one respect too broad. The UWF can, for instance, choose to change the default setting for an unclaimed in-print book from "no display" to "display," but not the reverse.<sup>23</sup> The UWF also has the power to approve changes in pricing bins for unclaimed books available through the consumer purchase model,<sup>24</sup> but seemingly no power to set prices for individual unclaimed books nor to provide input about price-setting of institutional subscriptions. This seems strange to us because all or virtually all of the unclaimed books will be in the ISD and revenues derived from the ISD are likely to be substantial. The UWF also has the power to disapprove of Google's plan to discount prices of unclaimed books,<sup>25</sup> but apparently not to recommend discounts.

Of particular importance to academic authors, the UWF lacks power to make unclaimed books available on an open access basis.<sup>26</sup> While divining the preferences of unclaimed rights holders may be challenging as to many others, we believe that most unclaimed books in the GBS corpus will prove to be books written by scholars for scholars, and that most such authors would prefer that their out-of-print books be available on an open access basis, especially insofar as Google is making these books available to institutions of higher learning.<sup>27</sup> We object to this limit on the UWF's powers.

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<sup>19</sup> PASA, § 6.2(b)(iii). The only qualification PASA provides for this position is a negative one: he/she cannot be a book author or publisher. *Id.*

<sup>20</sup> *Id.*, §§ 6.2(b)(iv), 6.3(a).

<sup>21</sup> *Id.*, § 6.2(b)(iii).

<sup>22</sup> *Id.*, § 6.3(a)(i).

<sup>23</sup> *Id.*, §§ 6.2(b)(iii), 3.2(e)(i). The UWF would have structural incentives to exercise the power to switch the default for unclaimed in-print books from "no display" to "display uses" in order to generate revenues that could be used to search for their rights holders to encourage them to claim the books.

<sup>24</sup> *Id.*, § 4.2(c)(i).

<sup>25</sup> *Id.*, § 4.5(b)(ii). We worry also that there will be little incentive for the UWF to agree to discounts as it would reduce the revenues over which he will have some control; BRR may also not want unclaimed works to be discounted, as these books will compete with those of registered rights holders.

<sup>26</sup> Nor apparently can the UWF direct Google to exclude unclaimed books from any newly approved revenue models or to remove them from the GBS corpus. Most of the UWF's powers are directed to revenue-enhancement.

<sup>27</sup> See *Random House*, 283 F.3d 490 (2d Cir. 2002), discussion, *supra* note 15.

One power the PASA grants to the UWF to which we strongly object is the power to authorize Google to alter the texts of unclaimed books.<sup>28</sup> We can imagine no circumstance under which changes to the historical record embodied in books from major research libraries would be justifiable. Granting the UWF the power to authorize alteration of texts poses risks of censorship.

Third, if books remain unclaimed after ten years during which the UWF and BRR have made a reasonably diligent search to find their rights holders, the books should be deemed to be “orphans,” a term which is typically defined to include works whose rights holders could not be found after a reasonably diligent search.<sup>29</sup> The PASA should contain a provision requiring the UWF to disclose which unclaimed books it has concluded are, in fact, orphans so that others could decide whether to make them available.<sup>30</sup> (We discuss below how we think orphan books should be treated.)

Fourth, the PASA would intrude upon Congressional prerogatives in respect of its consideration of orphan works legislation in a post-settlement world. The PASA gives the UWF authority to license copyright interests in unclaimed books to third parties “to the extent permitted by law.”<sup>31</sup> Existing law does not allow *any* licensing of in-copyright books to third parties without the rights holders’ permission. The only way that the UWF could get the legal authority to issue such licenses would be from Congress, presumably through the passage of orphan works legislation.

By establishing a private escrow regime for collecting and distributing revenues Google may earn from its commercialization of orphan books, the PASA seems to be setting up the UWF as an intermediary for the licensing of orphan books to third parties. It also establishes a regime through which revenues from these books are to be distributed (e.g., to the UWF’s favorite charities). The UWF would have a financial stake in the continuation and extension of the escrow regime and in persuading Congress that escrowing was the best solution to the problem posed by unclaimed works.

It is, however, for Congress to decide what should be done with orphan works, not for those who negotiated the PSA and PASA, nor for this Court. A substantial restructuring of rights under copyright law is the constitutionally mandated domain of the U.S. Congress.<sup>32</sup> The orphan works legislation that Congress has considered up in recent years has not adopted the escrow model.<sup>33</sup> Indeed, these bills are

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<sup>28</sup> PASA, § 3.10(c)(i).

<sup>29</sup> See U.S. COPYRIGHT OFFICE, REPORT ON ORPHAN WORKS (2006), *available at* <http://www.copyright.gov/orphan/orphan-report.pdf> (“Orphan Work Report”).

<sup>30</sup> The settlement agreement should also require the UWF, as well as the BRR and Google, to make publicly available any information they possess about books they discover to be in the public domain (owing, for instance, to the author’s failure to renew copyright). We are concerned that these actors will have financial incentives to withhold this information because they may benefit from Google’s commercialization of public domain books. The PASA even allows registered rights holders to share in revenues mistakenly earned by Google from the sale or licensing of public domain books. PASA, § 6.3(b).

<sup>31</sup> *Id.*, § 6.2(b)(i).

<sup>32</sup> *Eldred v. Ashcroft*, 537 U.S. 186, 222 (2003).

<sup>33</sup> See, e.g., Shawn Bently Orphan Works Act of 2008, S. 2913, 110<sup>th</sup> Cong., 2d Sess. (2008); Public Domain Enhancement Act, H.R. 2408, 109<sup>th</sup> Cong., 1st Sess. (2005).



more closely modeled on the recommendations of the U.S. Copyright Office which concluded that orphan works should be freely usable if rights holders cannot be found.<sup>34</sup>

The treatment of orphan books is no small matter. No one knows how many books will ultimately be unclaimed in the aftermath of a GBS settlement.<sup>35</sup> Google spokesmen have tended to offer fairly conservative estimates about the proportion of books in the GBS corpus that will be orphans. David Drummond, chief legal officer of Google, estimated in his testimony before Congress that about 20% of the out-of-print books in GBS would likely be orphans.<sup>36</sup> With approximately 8 million such books now in the GBS corpus, Drummond's estimate would yield 1.6 million orphan books; if GBS grows to 50 million books, as some expect,<sup>37</sup> and the proportion of out-of-print and orphan books remained stable, that would mean that about 7.5 million books would be orphans.<sup>38</sup>

The proportion of orphan books may, however, be higher than Mr. Drummond estimated, perhaps even much higher. "Older" books, especially books published before the 1980s,<sup>39</sup> are especially likely to be unclaimed. In the 30 years or more since the publication of these books, the publishers may have gone out of business and authors may have passed away (and heirs may be ignorant about rights in their forebearers' books or too numerous or dispersed to track down), be suffering from debilitating states, or otherwise uninterested in overtures from the BRR.

Orphan books will likely be sold through the consumer purchase model at prices ranging from \$1.99 to \$29.99.<sup>40</sup> The goal of the PASA pricing algorithm is to maximize revenues for each book.<sup>41</sup> Google also plans to license these books as part of the ISD to thousands of universities, public libraries, and other entities. ISD subscription prices are supposed to approximate market returns for a multi-million book database,<sup>42</sup> and as we have noted before, we are deeply worried that prices for the ISD will rise over time to astronomical levels.<sup>43</sup>

<sup>34</sup> See Orphan Works Report, *supra* note 29, at 11. The Office recommended that if a rights holder later came forward to claim the work, the person who reasonably believed the work was an orphan might continue the use for future compensation. *Id.* at 115.

<sup>35</sup> See Statement of William Morris Endeavor Entertainment, Aug. 2009, available at <http://thepublicindex.org/docs/commentary/wme.pdf> (noting a Financial Times estimate that between 2.8 and 5 million of the 32 million books protected by copyright in the U.S. are likely to be orphans).

<sup>36</sup> Hearing, *supra* note 12, at 6.

<sup>37</sup> See, e.g., Letter from Paul Courant to Judge Denny Chin at 1, *Authors Guild, Inc. v. Google, Inc.*, No. 05 CV 8136 (S.D.N.Y. Sept. 4, 2009), available at <http://thepublicindex.org/docs/letters/Courant.pdf> (estimating that Google will scan 50 million unique books for GBS).

<sup>38</sup> There is reason to believe that the proportion of orphans and of out-of-print books would be substantially higher as the number of books in the GBS corpus approaches 50 million, for there is a limited number of in-print books, and Google may be scanning most of them through its partner program.

<sup>39</sup> Roughly half of the books in U.S. library collections were published before 1977 and one-third before 1964. Lavoie & Dempsey, *supra* note 13, at 4-5. Moreover, research library collections tend to include a higher percentage of older books. *Id.* at 12.

<sup>40</sup> PASA, § 4.2 (setting percentages for algorithmic pricing bins).

<sup>41</sup> *Id.* at § 4.2(c)(ii)(2).

<sup>42</sup> *Id.*, § 4.1.

<sup>43</sup> Academic Author Letter, *supra* note 4, at 3-5.

The PASA provides that after 10 years of collecting profit-maximizing revenues for orphan books, the UWF would become a philanthropist,<sup>44</sup> distributing these funds to charities in various countries that promote literacy, freedom of expression, and education. The PASA also authorizes the UWF to continue to collect funds for orphan books for the remainder of their copyright terms, and to continue paying orphan funds to these charities. With all due respect to the eleemosynary impulse underlying these provisions, we think the PASA takes the wrong approach to making orphan books available.

While we believe that Congress is the proper governing body for decisions about what to do about orphan works, we also believe that if books are true orphans, they should be freely available for use by all, including non-profit institutions such as the colleges and universities with which we are affiliated. Treating unclaimed orphan books as public domain works would be more consistent with the utilitarian purpose of U.S. copyright law, insofar as unclaimed works lack an author or publisher in need of exclusive rights to recoup investments in creating and disseminating these works.<sup>45</sup>

In contradiction of this utilitarian purpose, the PASA contemplates that the UWF will continue to collect funds from Google for its commercial exploitations of orphan books until their copyrights expire and that these funds should be distributed to charities selected by the UWF. We object to this treatment for orphan works.

Finally, we note that the economics of digital publishing and digital networks have made it possible for unclaimed/orphan books to draw readers online, even though their publishers could not justify keeping the books in print. A high quality digital copy of a print book can be made for \$30; reproduction and distribution of digital copies of the same book are essentially costless. Digital networks make it easier for people with niche interests to communicate about their preferences, so books written long ago on seemingly esoteric subjects may reach audiences in the digital world that would be economically unviable in the print realm. The public interest would be better served by making these books widely available to all, either as public domain works or through licenses to other firms so that the public's interest in access to these books would be subject to the rigors of competition and not to Google's de facto monopoly.

## II. The Apparent Exclusion of Unregistered Inserts Is Unfair, and the Exclusion of Unregistered Books May Be Unfair Under a Pending Supreme Court Case.

Many academic authors have contributed chapters for edited volumes or written book forewords, which fall within the PASA's definition of "inserts."<sup>46</sup> Under the PSA, academic authors had reason to believe that they were in the settlement class as to these inserts as long as the books in which their writings

<sup>44</sup> PASA, § 6.3(a)(i)(3).

<sup>45</sup> It is disheartening that Google Books sometimes provides links to sites where books can be purchased, but not to sites where the same books are available for free. An example is JAMES GOSLING & BILL JOY, THE JAVA LANGUAGE SPECIFICATION, a free copy of which is available at <http://java.sun.com/docs/books/jls/>. Google Books points only to sites where copies of this book can be purchased for prices ranging from \$1.99 to \$999.99, see [http://books.google.com/books?id=Ww1B9O\\_yVGsC&sitesec=buy&source=gbs\\_navlinks\\_s](http://books.google.com/books?id=Ww1B9O_yVGsC&sitesec=buy&source=gbs_navlinks_s). This book is widely used by Java programmers.

<sup>46</sup> PASA, § 1.75 (defining "insert").

appeared had been registered with the U.S. Copyright Office.<sup>47</sup> The PASA has amended the definition of inserts in a manner that can be construed to exclude inserts that have not been separately registered with the U.S. Copyright Office.<sup>48</sup> If this interpretation of the PASA is correct, we object to this change.

Newly published books are commonly registered with the U.S. Copyright Office because of certain benefits of registration.<sup>49</sup> Chapters in edited volumes and other individually authored contributions to books are much less likely to be registered separately from the book, for there is little perceived need to do so. If the book as a whole is registered and infringed, authors of chapters in an edited volume may expect that the editor would be able to vindicate the interests of contributing authors. Should the need for separate registration arise—for example, because someone republished one chapter of a book without permission—it is a simple matter for its author to register the copyright at a later time. The Copyright Act of 1976 makes clear that copyright protection is available to authors from the moment their works are first fixed in a tangible medium.<sup>50</sup> Copyright protection does not depend on registration under current law.<sup>51</sup>

We surmise that the litigants may have restricted the class of rights holders eligible to participate in (or opt out of) the settlement to those who had registered their books with the Copyright Office in deference to a Second Circuit Court of Appeals decision, *In re: Literary Works in Electronic Databases Litigation*.<sup>52</sup> That case ruled that unregistered rights holders were ineligible to participate in the settlement of a class action lawsuit alleging copyright infringement because U.S. copyright law requires registration as a precondition of suing infringers of U.S. works.<sup>53</sup>

Restricting the GBS settlement class to registered U.S. rights holders may have been understandable because of the Second Circuit's ruling. However, the Supreme Court has decided to review that ruling. If the Supreme Court reverses the Second Circuit in *Reed Elsevier v. Muchnick*, it would become possible for owners of copyrights in unregistered books and inserts to participate in class action settlements of copyright lawsuits; indeed, it would then probably be unreasonable to exclude them. The PASA inelegantly defines the settlement class in a gerrymandered manner so that books owned by Australian, Canadian, and UK rights holders automatically are within the settlement, but those owned by American rights holders are ineligible unless registered. This definition of the settlement class would be unreasonable but for the Second Circuit's ruling.

This Court should withhold its decision about whether to approve the settlement until the Supreme Court has resolved this issue. If the Supreme Court decides that unregistered rights holders can participate in copyright class action settlements, this Court should ask the litigants to renegotiate the PASA to address

<sup>47</sup> PSA, § 1.72. This definition suggested that inserts were within the settlement if the book in which they appeared had been registered with the U.S. Copyright Office.

<sup>48</sup> See, e.g., Kenneth Crews, *Google Books: Dude, Where're My Inserts?*, Columbia University Libraries, Copyright Advisory Office, Dec. 17, 2009, available at <http://copyright.columbia.edu/copyright/2009/12/17/google-books-dude-where-re-my-inserts/>.

<sup>49</sup> 17 U.S.C. § 412. Prompt registration allows owners to be eligible to be awarded attorney fees and statutory damages.

<sup>50</sup> *Id.*, § 102(a).

<sup>51</sup> *Id.*, § 4.08(a).

<sup>52</sup> 509 F.3d 116 (2d Cir. 2007), cert. granted, sub nom. *Reed Elsevier, Inc. v. Muchnick*, 129 S.Ct. 1523 (2009).

<sup>53</sup> 17 U.S.C. § 411(a).

the unregistered rights holders issue. Indeed, the lawyers for the Author Subclass should *sua sponte* make a request for reconsideration of the settlement terms if the Supreme Court reverses the Second Circuit ruling. However, if they do not do so, this Court should refuse to approve the settlement until the class is redefined, as it would be unfair to deny unregistered copyright owners an ability to decide whether they wish to participate in the PASA (or to opt out) if the *Reed Elsevier* case allows their inclusion.

It is unclear to us what uses Google plans to make of inserts (or for that matter, unregistered books, such as doctoral dissertations on the shelves of many research libraries) that have not been separately registered with the Copyright Office, assuming that these works are not within the settlement and their rights holders are ineligible for compensation for Google's uses of them. The Court should ask the litigants to clarify this matter.

While many academic authors may be pleased for their inserts to be freely available through a digital database such as GBS, we would prefer to have the right to control the dedication of our works to the public domain or making our works available under a Creative Commons license rather than being treated as though we have no right to control Google's commercialization of our works merely because we didn't separately register our copyright claims in them.

Finally, we note that the Authors Guild did nothing, so far as we can tell, to encourage book or insert rights holders to register their claims of copyright before the Jan. 5, 2009, cut-off date for inclusion in the settlement class. Because the notice to class members did not commence until after the cut-off date, there was no opportunity for those who had not already registered their works to do so in order to participate in the settlement. As explained above, insert authors had reason to believe that their inserts would be within the settlement as long as the books in which the works appeared were registered. We object to any change in the PASA that alters our rights in our inserts.

### III. The Court Must Require Disclosure of Any Termination Agreement That Pertains to the GBS Settlement.

Article XVI of the PSA referred to the existence of a supplemental agreement negotiated by the litigants to terminate the PSA if certain unnamed conditions were met. The PSA indicated that the terms of that supplemental agreement were confidential and that the parties did not intend to file it with the Court.

Rule 23(e)(3) of the Federal Rules of Civil Procedure requires disclosure of any agreement among the litigants made in connection with a proposed settlement of a class action lawsuit. We believe that it is impossible for this Court to determine if the PASA is fair, reasonable, and adequate without having access to the whole agreement, which necessarily includes terms highly relevant to the pending settlement agreement insofar as it sets forth termination conditions and consequences. We cannot accept that a separate termination agreement which so deeply affects the interests of class members would not be revealed to us, or to the Court.

The existence of a termination agreement is especially important to academic authors because an important reason many of us are staying in the settlement and not opting out is because we expect our books and inserts, as well as those of other scholars, to be available through GBS for decades to come. We also care about our institutions having the access to books in GBS through the ISD. That the



settlement agreement could terminate at some point in time without our knowing on what basis this could occur is deeply troubling.

The PASA has “intentionally omitted” Article XVI. We are puzzled about what this means. If the termination agreement referred to in the PSA is still in existence and in force, its terms should be revealed not only to the court, but also to members of the class, including academic authors, as it has a bearing on the benefits and risks posed by the settlement. If the termination agreement is no longer in force, the litigants who negotiated it should be required to explain why the termination agreement was itself terminated.

#### IV. The Publisher Plaintiffs May Be Undermining the PASA.

In testimony before Congress, as well as in other public statements, Google and representatives of the Authors Guild and the AAP have waxed eloquent about the broad public access to the knowledge embodied in books that would be enabled if the GBS settlement is approved.<sup>54</sup>

While academics were not expecting approval of the settlement to mean that in-print books would be available through ISD subscriptions to our universities, we were given reason to believe that the ISD would include digital copies of many millions of out-of-print books from the collections of major research libraries. Our research would benefit from the broader availability of these books.

The PASA allows rights holders of out-of-print books to withhold their books from “display uses” such as inclusion of the books in the ISD.<sup>55</sup> However, GBS proponents have suggested that rights holders are unlikely to withhold out-of-print books from the ISD because allowing display uses would bring new commercial life to their books.<sup>56</sup>

The DOJ Statement of Interest, filed on September 18, 2009, alerted us to the possibility that the aspiration that GBS would be a universal digital library of virtually all out-of-print books, as Google’s co-founder has predicted,<sup>57</sup> may be undermined by the publishers who negotiated this settlement. DOJ observed:

It is noteworthy that the parties have indicated their belief that the largest publisher plaintiffs are likely to choose to negotiate their own separate agreements with Google..., while benefiting from the out-of-print works that will be exploited by Google due to the effect of the opt-out requirement for those works. There are serious reasons to doubt that the class representatives who are fully protected from future uncertainties created by the settlement agreement and who will benefit in the future from the works of others can adequately

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<sup>54</sup> See, e.g., Hearing, *supra* note 12, at 4, n.3 (Statement of Paul Aiken, Executive Director of the Authors Guild: “[W]e expect the settlement to make at least 10 million out-of-print books available”).

<sup>55</sup> PASA, § 3.2.

<sup>56</sup> See, e.g., Hearing, *supra* note 12, at 5, 14-24 (Statement of Paul Aiken, Executive Director of the Authors Guild). The PASA requires rights holders who want to sell individual books through the consumer purchase model to make the same books available through the ISD. PASA, § 3.5(b)(iii).

<sup>57</sup> See Brin, *supra* note 1.

represent the interests of those who are not fully protected and whose rights may be compromised as a result.<sup>58</sup>

This suggests that the parties to this settlement have negotiated a deal that they expect to bind millions of other right holders, including academic authors, but not themselves.<sup>59</sup> The PASA does nothing to rectify this problem. If the GBS settlement is really a fair resolution of the litigation and a fair allocation of rights among all stakeholders, one might expect the named plaintiffs to keep at least their out-of-print in the settlement and participate in what they hail as its benefits. Instead, the DOJ Statement suggests they do not intend to include their books in the regime that would be established by the settlement.

Equally important, the aspiration for GBS to be a universal library of out-of-print books may also be undermined by other rights holders' decisions to exclude their books from display uses in GBS, to opt out of the settlement, to insist that Google not scan their out-of-print books, and to demand that Google remove books already scanned.<sup>60</sup> We do not know at this point how many books have already been removed, excluded, or opted out, but this Court should require the parties to make information of this sort available before the fairness hearing. If the opt-out rates among sophisticated parties are high, that might suggest that the GBS settlement is not as fair and adequate as Google, AAP and Guild spokesmen proclaim.<sup>61</sup>

The Publisher Plaintiffs seem not to be the only ones excluding their books from the settlement.<sup>62</sup> Most authors and author groups that have spoken out about GBS have urged authors to oppose or opt-out of

<sup>58</sup> DOJ Statement, *supra* note 16, at 10. One important benefit of the Google Partner Program as compared with the commercial regime to be established by the PASA is that partners can negotiate with Google to reduce the risks of uncertainty about the future for their books and tailor the agreements to meet their concerns. The future of the revenue models in the PASA is much more uncertain.

<sup>59</sup> See also Statement of William Morris Endeavor Entertainment, Aug. 2009, available at <http://thepublicindex.org/docs/commentary/wme.pdf> ("Few if any major publishers currently intend to make their in print books available for sale through the Settlement Program....It appears that most major publishers will not allow their out of print books to be sold through the Settlement Program either.")

<sup>60</sup> See PASA, § 3.5. The corpus of books eligible for inclusion in the ISD has already shrunk by about half because the PASA no longer includes most of the non-Anglophone foreign books scanned from major research library collections. See, e.g., Lavoie & Dempsey, *supra* note 13, at 8 (estimating that half of the books in major research library collections are foreign-language books). Some librarians mourn this loss. See, e.g., Kenneth Crews, *GBS 2.0: The New Google Book (Proposed) Settlement*, Columbia University Libraries, Copyright Advisory Office, Nov. 17, 2009, available at <http://copyright.columbia.edu/copyright/2009/11/17/gbs-20-the-new-google-books-proposed-settlement/> ("Because the settlement is now tightly limited [by the exclusion of foreign books], so will be the ISD [Institutional Subscription Database]. The big and (probably) expensive database is no longer so exciting").

<sup>61</sup> The BRR may not be able to sustain its operations if a very large number of rights holders for out-of-print books opt out of the PASA or take their books out of the regime it would establish by signing up as a Google Partner. This would undermine another benefit that the settlement was supposed to accomplish. Only the UWF is guaranteed to have a stable revenue source in the first decade post-settlement.

<sup>62</sup> Authors Guild Executive Director Paul Aiken testified before Congress on Sept. 10, 2009, about his expectation that publishers would not want to participate in the settlement. Hearing Transcript, *supra* note 12, at 143. We understand, for instance, that Reed Elsevier and Warner Books are among the major publishers that have opted their books out of the settlement.

the GBS settlement because they regard it as unfair.<sup>63</sup> It is noteworthy that not a single U.S. author group, apart from the Authors Guild, has come out publicly in support of the GBS settlement.<sup>64</sup>

The more numerous are the requests to exclude books from the ISD or the settlement, the less likely it is that the public benefit of the promised 10 million book database will materialize.

## V. Conclusion

Melding together the grounds for our objections to the PSA and PASA, we reiterate:

- 1) We object to provisions of the PASA which do not create true independence for the fiduciary for unclaimed works, nor criteria for accomplishing the fiduciary responsibilities and objectives for this role. In particular, we think this fiduciary should have the explicit authority to set prices for unclaimed books at \$0 or make them available under Creative Commons licenses or other open access terms insofar as there is reason to think that their academic authors would prefer for them to be made available on these terms. The UWF should not have the power to authorize Google to alter the texts of books.
- 2) We object to provisions in the PASA that would continue to monetize books unclaimed after ten years. If the BRR and the unclaimed works fiduciary are unable to locate an appropriate rights holder by then, these books should be deemed orphans and made freely available to all. It is for Congress, not for the litigants or the Court, to address orphan work issues.
- 3) We object to the PASA's seemingly narrowed definition of "inserts," and more generally to the narrow definition of "book" in both PSA and PASA. This court should withhold approval of the PASA until after the Supreme Court decides the *Reed Elsevier v. Muchnick* case. If the Supreme Court rules that owners of copyrights in unregistered works are eligible to participate in copyright class action settlements, the court should direct the parties to renegotiate the agreement to offer unregistered rights holders of books and inserts the opportunity to participate in the

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<sup>63</sup> See, e.g., Motoko Rich, *Writers Groups Oppose Google Settlement*, N.Y. TIMES, Jan. 6, 2010, available at <http://mediadecoder.blogs.nytimes.com/2010/01/06/writers-groups-oppose-google-settlement.html> (reporting that the National Writers Union, the American Society of Journalists and Authors, and the Science Fiction and Fantasy Writers of America oppose the Google settlement as unfair to authors and are urging authors to opt out); Motoko Rich, *William Morris Advises Clients To Say No to Google*, N.Y. TIMES, Aug. 9, 2009, available at <http://mediadecoder.blogs.nytimes.com/2009/08/07/william-morris-advises-clients-to-say-no-to-google-settlement/>; Lynn Chu, *Very Important Notice to Writers' Rep Clients*, WritersRep.com, Jan. 2010, available at <http://www.writersreps.com/> ("We urge all of our clients, indeed all authors, to take advantage of this new opportunity to opt themselves out."); Ursula LeGuin, *LeGuin on the Google Settlement*, Book View Café Blog, Jan. 7, 2010, available at <http://blog.bookviewcafe.com/2010/01/07/le-guin-on-the-google-settlement/#comments> (explaining LeGuin's objections to the Google settlement, supplemented with comments by authors who are joining her opposition to the settlement).

<sup>64</sup> See, e.g., Objections of Harold Bloom, et al. to Settlement Agreement, *Authors Guild, Inc. v. Google, Inc.*, No. 1:05-CV-8136 (S.D.N.Y. Sept. 8, 2009).

settlement.

- 4) We object to the failure of the litigating parties to provide this court and members of the class with access to the termination agreement which they negotiated amongst themselves, which was referred to in the PSA.
- 5) We object to the PASA because it, like the PSA, contains no meaningful limits on ISD price increases, especially as to higher educational institutions such as those with which we are affiliated. Because approval of the agreement will give Google a license to tens of millions of out-of-print books—a license that no competitor can feasibly get—the settlement agreement should contain some constraint on price increases. The Authors Guild did not adequately represent the interests of academic authors in negotiations with Google and the Publisher Plaintiffs on this important issue because their members have the same interests as the AAP publishers in prices being as high as possible.<sup>65</sup>
- 6) We object to the insufficient privacy protections for GBS users.<sup>66</sup>
- 7) We object to the fee that the PSA and PASA requires public libraries and other institutions with public access terminals to pay for user print-outs of pages from out-of-print books, which would undermine fair use.<sup>67</sup>
- 8) We object to the PSA and PASA restrictions on annotation-sharing and non-consumptive research,<sup>68</sup> and the weakness of Google's commitment to improve the quality of GBS book scans and metadata associated with them.
- 9) We object to the PASA for its grant of power to Google to exclude books from the corpus for editorial reasons and for its grant of power to exclude up to 15% of books eligible for the ISD from that database.<sup>69</sup>
- 10) We object to the PASA because it, like the PSA, contains no back-up plan to preserve university access to books in the ISD in the event that Google chooses to discontinue as a provider of required library services under the agreement and no third party provider steps forward to take over this role.<sup>70</sup> The PASA should be amended so that fully participating library partners in the GBS enterprise have the authority to take

<sup>65</sup> Academic Author Letter, *supra* note 4, at 2-5.

<sup>66</sup> *Id.* at 6-7. We endorse the Privacy Authors' Objection and its specific recommendations about the privacy protections that should be part of any GBS settlement agreement. See Privacy Authors and Publishers' Objection to Proposed Settlement at 1, *Authors Guild Inc. v. Google Inc.*, No. 1:05-CV-8136 (S.D.N.Y. Sept. 4, 2009), available at [http://thepublicindex.org/objections/privacy\\_authors.pdf](http://thepublicindex.org/objections/privacy_authors.pdf). We acknowledge that the PASA is better than the PSA in providing that Google will not give personally identifiable data about users to the BRR without legal process. PASA, § 6.6(f). But more user privacy protections are needed.

<sup>67</sup> *Id.*, § 4.8(a)(ii). Academic Author Letter, *supra* note 4, at 7.

<sup>68</sup> *Id.* at 6, 8.

<sup>69</sup> *Id.* at 9-10.

<sup>70</sup> *Id.* at 10-11.

over or reassemble from their library digital copies a corpus of books for continuing to provide the ISD to university research communities.<sup>71</sup>

We conclude this letter, as we did our earlier letter, with the thought that whatever the outcome of the fairness hearing, we believe strongly that the public good is served by the existence of digital repositories of books, such as the GBS corpus. We feel equally strongly that it would be better for Google not to have a monopoly on a digital database of these books. The future of public access to the cultural heritage of mankind embodied in books is too important to leave in the hands of one company and one registry that will have a de facto monopoly over a huge corpus of digital books and rights in them. We do not believe that the settlement of a class action lawsuit is a proper way to make such a profound set of changes in rights of authors and publishers, in markets for books, and procedures for resolving disputes as the PASA would bring about.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Pamela Samuelson', with a long horizontal flourish extending to the right.

Pamela Samuelson, Richard M. Sherman Professor of Law & Information, UC Berkeley  
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<sup>71</sup> The HathiTrust would seem to be an appropriate entity to take on this responsibility for the nonprofit research library community. See HathiTrust, Welcome to the Shared Digital Future, <http://www.hathitrust.org/> (last visited Jan. 25, 2010).



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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE AUTHORS GUILD, INC., Associational  
Plaintiff, BETTY MILES, JOSEPH  
GOULDEN, and JIM BOUTON, on behalf of  
themselves and all other similarly situated,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 05 CV 8136 (DC)

**ECF Case**

**DECLARATION OF HAL PORET  
IN SUPPORT OF GOOGLE INC.'S OPPOSITION TO  
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Hal Poret, declare as follows:

I am Senior Vice President at ORC International. If called upon to testify, I would testify competently to the matters set forth herein.

1. Through its attorneys, Durie Tangri LLP, Google retained me to design and conduct a survey among published authors.
2. The purpose of the survey was to determine the extent to which members of the proposed class object to Google's scanning of books and display of short excerpts in Google Books search results and the extent to which they believe they have been negatively impacted by these actions.
3. Attached hereto as Exhibit 1 and Appendices A-F is an expert report I have prepared that sets forth my qualifications and that sets forth the methodology and results of the survey.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 6, 2012 in New York, New York.

  
\_\_\_\_\_  
Hal Poret

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**EXPERT REPORT OF HAL PORET**

**SURVEY OF PUBLISHED AUTHORS REGARDING  
GOOGLE BOOKS**

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January, 2012

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## ***BACKGROUND AND PURPOSE***

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In connection with its Google Books program, Google, Inc. ("Google") scans books so that their content can be searched online and results displayed in Google Books searches. If Google does not have the permission of the copyright owner of a book, at most short excerpts of the book are viewable in Google Books search results.

A group of published authors, Betty Miles, Joseph Goulden, and Jim Bouton, along with The Authors Guild, Inc. (collectively "plaintiffs") have filed a lawsuit against Google with respect to Google's scanning of books and display of short excerpts in Google Books search results without permission of the copyright owner. Miles, Goulden and Bouton seek to represent a class of published authors who own a copyright interest in one or more books that were registered with the U.S. Copyright Office within three months of first publication.

Through its attorneys, Durie Tangri LLP, Google retained me to design and conduct a survey among published authors. The purpose of the survey was to determine the extent to which members of the proposed class object to Google's scanning of books and display of short excerpts in Google Books search results and the extent to which they believe they have been negatively impacted by these actions. This report details the methodology and results of the survey.


### **STUDY AUTHORSHIP AND QUALIFICATIONS**

This study was designed, supervised, and implemented by ORC International under the supervision of Hal L. Poret, Senior Vice President.

I have personally designed, supervised, and implemented over 400 surveys measuring perception, opinion, and behavior. I have personally designed numerous studies that have been admitted as evidence in legal proceedings, and I have been accepted as an expert in survey research on numerous occasions by U.S. District Courts, the Trademark Trial and Appeal Board, the FTC, and the National Advertising Division of the Council of Better Business Bureaus (NAD).

I have frequently spoken at major intellectual property and legal conferences on the topic of how to design and conduct surveys that meet legal evidentiary standards for reliability, including conferences held by the International Trademark Association (INTA), American Intellectual Property Law Association, Practicing Law Institute, Managing Intellectual Property, Promotions Marketing Association, American Conference Institute, and various bar organizations.

In addition to my survey research experience, I hold bachelors and masters degrees in mathematics and a J.D. from Harvard Law School. Additional biographical material, including lists of testimony and publications, is provided in Appendix A.

A handwritten signature in black ink, appearing to read "Hal Poret", is written over a horizontal line.

Hal Poret

Dated: February 6, 2012

## **STUDY DESIGN**

- A total of 880 published U.S. authors were interviewed in this study.<sup>1</sup> Among these:
- 756 were interviewed via telephone
- 124 were interviewed via an email invitation to an online survey.

The telephone and online interviews both served the same central objectives -- to determine the extent to which published authors: (1) object to or approve of Google's scanning of books so that short excerpts of content can be displayed in Google Book search results; and (2) believe that they are financially impacted or that the market/demand for their books is impacted by this aspect of Google Books.<sup>2</sup>

### **Telephone Interviews**

A total of 756 respondents participated in the telephone interviews.

Telephone interviewers began each call by asking for a specific author by name and, whenever a title of one of their books was known, the interviewer included a book title:

Hello, is [INSERT AUTHOR'S NAME] the author of [INSERT BOOK TITLE, IF AVAILABLE] available?

I am calling on behalf of ORC International, a market research firm. We're conducting a study among authors and I'd like to include the opinions of [INSERT AUTHOR'S NAME], author of [INSERT BOOK TITLE, IF AVAILABLE].

Authors were first asked a few questions for screening and classification.

First, we have just a few questions for classification reasons. In what state do you currently reside?

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<sup>1</sup> See Relevant Universe and Sampling sections below for more specific information on how respondents were identified and selected for participation in the survey.

<sup>2</sup> See Relevant Universe and Sampling section below for more specific information on the telephone and online methodology.

Respondents who do not reside in the U.S. were thanked and terminated. Next, respondent were asked:

For classification purposes, please tell us your age?

Then, respondents were prompted:

Thank you for answering those classification questions.

How many books have you had published?

Respondents who did not have any published books were thanked and terminated.

If they had one or more published books respondents were asked either:

What is the name of your published book?

Or,

What is the name of your most recently published book?

Then, depending on how many published books they have, respondents were asked either:

Is your published book currently in print?

Or,

Are any of your published books currently in print?

Next, depending on how many published books they have, respondents were asked:

Is your published book currently available as an electronic book, also called an E-Book?

Or,

Are any of your published books currently available as an electronic book, also called an E-Book?

Respondents were then asked one of the following, again depending on whether they have one or more than one published book:

We'd like to ask you a few brief questions about the copyrights to your published book. If for any question you are not sure of the answer, its okay to say so.

Do you receive, or are you entitled to receive royalties from your published book?

Or,

We'd like to ask you a few brief questions about the copyrights to your published books. If for any question you are not sure of the answer, it's okay to say so.

Do you receive, or are you entitled to receive royalties from any of your published books?

Respondents who have more than one published book and answered "yes," to receiving royalties were then asked:

For how many of your published books do you receive or are you entitled to receive royalties?

All respondents were next asked either:

Do you personally own the copyrights to your published book?

Or,

Do you personally own the copyrights to any of your published books?

Respondents who have more than one published book and answered, "Yes" to owning the copyrights were then asked:

How many of your published books do you own copyrights to?

The next section of the interview addressed the main issue of the survey – respondents’ perceptions of and opinions regarding the relevant aspect of Google Books.

All respondents were then instructed:

Now we would like to ask you a few questions about something called Google Books.

Followed by:

Have you ever heard of Google Books?

All respondents who answered, “Yes,” they have heard of Google Books were then asked:

How familiar are you with Google Books?

Respondents were provided a familiarity scale: not at all familiar, somewhat familiar, very familiar, and extremely familiar. The order of the scale from increasing familiarity to decreasing familiarity was randomized so that half of respondents were presented a scale starting with “not at all familiar,” and ending with “extremely familiar,” and half of respondents were presented a scale starting with “extremely familiar,” and ending with “not at all familiar.”

Respondents who indicated they were at least somewhat familiar with Google Books were then asked:

What, if anything, can you tell us about Google Books?

To ensure that all respondents had a basic understanding of the aspect of Google Books that is relevant to the survey (scanning of books and display of short excerpts in search results), all respondents were then given the following description of Google Books:

As you may or may not know, Google scans books so that their content can be searched online and results displayed in Google Books.

We'd like to ask your opinion about one particular aspect of Google Books.

For some books, short excerpts of a book – about one-eighth of a page each -- are viewable in Google Books search results. A user who performs a search can see up to three short excerpts of the book containing the relevant search terms. A user can also click on a link to find the book in a bookstore or library. This scanning of books and displaying of short excerpts in search results is what we would like to ask you about.

This description was followed with:

For some other books, the full book or longer portions of a book are viewable in response to searching Google Books, with special permission from the publisher or author. Our questions are not about the display of full books or longer portions.

Then respondents were asked if they understood this description:

Again, we would only like to ask you specifically about the display of short excerpts about one-eighth of a page – as search results.

Do you understand that explanation or would you like to hear it again?

Respondents who indicated they would like to hear it again were read the description one more time and then asked again if they understood it. Respondents who did not understand the description after it was read a second time were thanked and terminated.

Then, all respondents were instructed:

Now we would like to ask you your opinions regarding Google scanning copyrighted books so that they can be searched online and short excerpts displayed in search results. Again, our questions are only about the display of short excerpts – about one-eighth of a page -- as search results.

All respondents were then asked:

To your knowledge, are any of your books searchable in Google Books and the results available only in short excerpts? If you don't know, please say so.

Followed by:

We'd like to know the extent to which you approve of or object to Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results.

Using the following scale, please tell us how strongly you approve of or object to Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?

Strongly object

Somewhat object

Neither approve nor object

Somewhat approve

Strongly approve



The order in which “object” came before “approved” was randomized in both the question text and in the order of the response options, so that half of respondents were always presented with “approve” first and half of respondents were always presented with “object” first.

All respondents were then asked two series of questions to determine their opinion on how, if at all, they believe the relevant aspect of Google Books has impacted them (or would impact them.) Respondents who previously answered that their books are searchable in Google Books and available only in short excerpts and respondents who answered that their books are not searchable or don’t know were asked slightly different versions of these questions, befitting their differing situations.

Respondents who had previously answered that their books are searchable in Google Books and available only in short excerpts were asked:

Which of the following best represents your opinion as to how, if at all, you have been financially impacted by Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?

1. I feel I have financially benefitted
2. I feel I have been financially harmed
3. I feel I have not been financially impacted one way or the other

The order of the first two response options was randomized so that half of respondents were presented with “financially benefitted” first and half of respondents were presented with “financially harmed” first.

Respondents who had previously answered that their books were not searchable in Google Books or that they did not know if they were searchable, were instead asked the following alternate version:

Which of the following best represents your opinion as to how, if at all, you would be financially impacted by Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?

1. I feel I would financially benefit
2. I feel I would be financially harmed
3. I feel I would not be financially impacted one way or the other

The order of these first two response options was also randomized so that half of respondents were presented with “financially benefit” first and half were presented with “financially harmed” first.

All respondents who answered that they have financially benefitted or would financially benefit were then asked either:

What makes you feel you have financially benefitted from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?

Or,

What makes you feel you would financially benefit from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?

Meanwhile, all respondents who answered that they have been or would be “financially harmed” were asked either:

What makes you feel you have been financially harmed from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?

Or,

What makes you feel you would be financially harmed from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?

Next, respondents who had previously answered that their books are searchable in Google Books and available only in short excerpts were asked:

Which of the following best represents your opinion as to how, if at all, the demand for your book has been impacted by Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?

1. I feel the demand for my book has improved
2. I feel the demand for my book has been harmed
3. I feel the demand for my book has not been impacted one way or the other

The order of these first two response options was randomized so that half of respondents were presented with “improved” first and half of respondents were presented with “harmed” first.

Respondents who previously answered that their books were not searchable in Google Books or that they did not know, were instead asked:

Which of the following best represents your opinion as to how, if at all, the demand for your book would be impacted by Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?

1. I feel the demand for my book would improve
2. I feel the demand for my book would be harmed
3. I feel the demand for my book would not be impacted one way or the other

The order of these first two response options was also randomized.

All respondents who answered that the demand for their book has improved or would improve were then asked either:

What makes you feel the demand for your book has improved from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?

Or,

What makes you feel the demand for your book would improve from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?

Meanwhile, all respondents who answered that the demand for their book has been or would be “harmed” were then asked either:

What makes you feel the demand for your book has been harmed from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?

Or,

What makes you feel the demand for your book would be harmed from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?

Lastly, all respondents were asked:

To your knowledge, was a copyright registration filed within 3 months of the publication of any of your books? If you are not sure, it’s okay to say so.

Followed by:

Do you believe you would know how to find out whether or not a copyright registration was filed within 3 months of the publication of any of your books?

### **Online Interviews**

A total of 124 respondents were interviewed online after clicking a link included in a survey invitation sent to their email address.

Respondents taking the online survey were provided the same instructions and asked the same questions as the telephone respondents, described above. The survey was identical except for minor adjustments in the wording of instructions where appropriate to accommodate the different format. For example:

1. The introduction to the online survey was adjusted to read as follows:

We are conducting a short survey among authors. If you have published a book then we would like to ask you a few questions. The survey will take less than 5 minutes of your time. Please select "continue" to move on to the survey.

2. In the online survey, gender was asked in the screening section, whereas in the telephone survey the interviewer merely recorded the gender without asking.

See Appendix B for the full questionnaire used in the survey.

## **SUMMARY OF KEY FINDINGS**

1. More than half of authors, 58%, approve of Google scanning their copyrighted books so that they can be searched online and short excerpts displayed in search results. An additional 28% neither approve nor object. Fourteen percent of authors object.
2. Regarding the perceived benefit versus harm from Google scanning their copyrighted books so they can be searched online and short excerpts displayed in search results:
  - a. 74% of authors do not believe they have been (or would be) financially impacted one way or the other; 19% believe they have financially benefitted or would financially benefit; and 8% believe they have been or would be financially harmed.
  - b. 51% of authors do not believe the demand for their books has been (or would be) impacted one way or the other; 45% believe the demand for their books has improved or would improve; and 4% believe demand for their books has been or would be harmed.

See Detailed Findings section below for additional information on results. The full data will be provided in electronic form.

## *METHODOLOGY*

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### THE RELEVANT UNIVERSE OF INTEREST

The relevant universe for the survey was defined as any published author within the United States.<sup>3</sup> A list of published authors was obtained from Gale, “a leader in e-research and education publishing for libraries, schools and businesses. The company creates and maintains more than 600 databases.”<sup>4</sup> The list consisted of living authors from the Gale Contemporary Authors database. It included over 142,000 authors.

Many of the authors on the list had mailing addresses which allowed us to determine that they reside within the U.S. All authors whose contact information indicated they did not reside in the U.S. were removed from the list before dialing. Additionally, to ensure authors were based in the U.S. and for other classification reasons, the following screening questions were asked:

In what state do you reside?

Respondents who did not answer with a U.S. state were thanked and terminated. All other respondents were then asked their age, followed by:

How many books have you had published?

Respondents with zero published books were thanked and terminated from the survey. Others continued on to the main survey questions.

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<sup>3</sup> The proposed class is limited to published authors who registered a book with the US Copyright Office within three months of publication. While the results among all authors interviewed are included in this report, the survey did attempt to determine whether the respondent had registered a book within three months of publication so that the results among those that had could be specifically examined.

<sup>4</sup> <http://www.gale.cengage.com/about/>

It is common to screen out respondents who might have special knowledge due to their employment, such as respondents who may work at Google. No such screening questions were included at the beginning of the survey. Instead, the following question was asked at the end of the survey:

Do you or does anyone in your household work in any of the following?

1. Google
2. US Government
3. Any Local, State or Federal Courts
4. None of these

This question was asked at the end of the survey instead of the beginning in order to avoid biasing the respondents prior to answering the survey questions.<sup>5</sup>

The actual wording of all screening and classification questions used is shown in Appendix B.

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<sup>5</sup> Out of the total 880 respondents, 1 indicated they or someone in their household works for Google, 16 indicated they or someone in their household works for the US Government, and 5 indicated that they or someone in their household works for either a Local, State or Federal Court. Removing these respondents would not change the survey findings.



## SAMPLING PLAN

The sampling plan involved reaching as many published U.S. authors from the Gale list as possible. As mentioned in the Relevant Universe section of this report, the list of authors used in the survey was provided by Gale, and contained the names of over 142,000 authors. Of these records:

- 50,496 included a physical address for the author's home and/or office
- 4,135 included an email address
- 2,503 included the title of at least one book, but had no physical or email address
- 69,427 included a name and usually a birthdate, but no contact information

In order to reach as many and as representative a group of authors as possible, the survey was conducted by both telephone and online.

Both telephone and online surveys are well-accepted in the field of survey research as standard, reliable methodologies. Indeed, online surveys are now among the most common methods of conducting market research among consumers. Businesses and other organizations routinely make decisions of importance based on the results of telephone and online survey research, and both types of surveys have been accepted in evidence in numerous U.S. District Court proceedings.

Opinion America, a professional telephone/online interviewing organization, conducted a clerical search to obtain phone numbers or additional email addresses for as many U.S. authors on the list as possible. Multiple attempts were made to reach all U.S. Authors for whom a phone number or email address was obtainable.

Ultimately 756 respondents were interviewed via telephone and 124 participated in the online version of the survey by clicking on a link in the email invitation that brought them to a website where the online survey was hosted.

Since it is typically far more feasible to obtain a phone number or email address for individuals for whom some contact information (such as a mailing address) was provided, the majority of respondents included in the study are authors whose mailing or email address was included in the Gale database. To determine whether the focus on members of the list with contact information could bias the results, efforts were made to ensure that a sizable sub-sample of authors from the list who had no contact information in the Gale database was also included in the survey. Opinion America performed additional clerical searches to attempt to obtain phone numbers or email addresses for authors for whom no contact information was provided in the Gale database. In total, 109 of the total 880 respondents were from this sub-sample of authors with no contact information (all contacted via telephone). This sub-sample will be referred to herein as the No Contact Info Group. As discussed in more detail below, the survey results among the No Contact Info Group were generally consistent with the results among the majority of respondents for whom contact information was provided in the Gale database.

The list of authors from the Gale Contemporary Authors database included more older authors than younger authors. In addition, it was possible to obtain contact information for and reach more older authors, whereas younger authors were less likely to have available contact information and be reachable to participate in the survey. Accordingly, the final age distribution of respondents in the survey tends to be older, reflecting the actual population of authors in the list compiled by Gale. The final age distribution of respondents, in total and broken out by methodology, is as follows:

AGE	Total (Telephone & Online)	Telephone (Contact Information Group)	Telephone -- No Contact Information Sub-sample	Online
BASE:	880	647	109	124
Under 60	112 (13%)	49 (8%)	33 (30%)	30 (24%)
60-69	166 (19%)	100 (16%)	29 (27%)	37 (30%)
70 and older	537 (61%)	461 (71%)	43 (39%)	33 (27%)
Refused	65 (7%)	37 (6%)	4 (4%)	24 (19%)

While the set of authors surveyed more heavily represents older authors, the survey results were reasonably consistent among authors of various ages. As discussed in more detail below, the results among those under age 60 did not differ significantly from the results among those 60 and above. Accordingly, there is no reason to believe the survey results would have been meaningfully different if the demographics had been different.

### **DOUBLE-BLIND INTERVIEWING**

The study was administered under “double-blind” conditions. That is, not only were the respondents kept uninformed as to the purpose and sponsorship of the study, but the service (Opinion America Group) involved in providing the sample and administering the online interviews was similarly “blind” with respect to the study’s purpose and sponsorship.

### **INTERVIEWING PROCEDURES**

For the telephone survey, screenings for eligibility and interviews were conducted from a central location telephone facility run by Opinion America Group. Respondents were screened and interviewed by well-trained and experienced professional telephone

interviewers. All interviewers were briefed on the study by a supervisor and required to conduct practice interviews before beginning the survey. Throughout the assignment, tight control and supervision was maintained over all aspects of the interviewing. The survey instructions and questions were provided to Opinion America Group and programmed for CATI-Web interviewing. This means that all the questions and instructions automatically appeared on the interviewers' monitors and respondents' answers were recorded directly into the computer. My staff and I thoroughly checked the computer program before the launch of the study to determine that all the instructions and questions functioned properly. A member of my staff also listened in on interviews to ensure quality and validity of the survey. A portion of each interviewer's work was also monitored by an Opinion America supervisor.

Additionally, a representative from the interviewing facility regularly contacted an ORC International representative with progress reports and data updates. This allowed us to closely monitor and supervise the progress of the study.

Opinion America Group also programed and administered the online surveys. My staff and I thoroughly tested the programmed survey prior to any potential respondents receiving the invitation to participate in the survey.

### **DATA PROCESSING**

Data was collected by Opinion America Group and made available to ORC International in Excel and SPSS format. The data set showing each respondent's answers to all questions will be provided in electronic form.

### **INTERVIEWING PERIOD**

Telephone interviewing was conducted from December 9, 2011 through January 22, 2012.

Online interviewing was conducted from December 15, 2011 through January 16, 2012.

## DETAILED FINDINGS

### I. Results Among All Authors Surveyed

#### *Approve vs. Object to Google Scanning Books and Displaying Short Excerpts*

More than half of the authors interviewed (58%) approve of Google scanning their copyrighted books so that they can be searched online and short excerpts displayed in search results, compared to 14% who object. The remaining 28% neither approve nor object.

This table shows the detailed results of how strongly authors approve or object:

<b><u>Q245 - Approve or Object</u></b>	<b><u>% of Authors</u></b>	<b><u>Margin of Error<sup>6</sup></u></b>
BASE:	880	
Strongly approve	31%	3.1%
Somewhat approve	27%	2.9%
<b>Approve total</b>	<b>58<sup>0</sup>%</b>	<b>3.3<sup>0</sup>%</b>
Neither approve nor object	28%	3.0%
Somewhat object	6%	1.6%
Strongly object	9%	1.9%
<b>Object total</b>	<b>14<sup>0</sup>%</b>	<b>2.3<sup>0</sup>%</b>

#### *Perceived Financial Impact*

Most authors (74%) do not believe they have been or would be financially impacted one way or the other by the relevant aspect of Google Books. Of the remaining authors, more believe they have financially benefitted or would financially benefit (19%) than believe they have been or would be harmed (8%) from Google scanning their copyrighted books so they can be searched online and short excerpts displayed.

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<sup>6</sup> All margins of error are at the 95% confidence level.

<u>Q260/Q280 – Financial Impact</u>	<u>Total</u>	<u>Margin of Error</u>
BASE:	880	
Financially benefitted	19%	2.6%
Financially harmed	8%	1.8%
Not impacted one way or the other	74%	2.9%

The following table separately shows the results among authors whose books are currently searchable in Google Books and available in short excerpts compared to the authors whose books are either not available or who do not know if their books are available (and were therefore asked how they “would be” impacted rather than how they have been impacted):

<u>Q260/Q280 – Financial Impact</u>	<u>Authors Whose Books Are Available</u>	<u>Authors Whose Books Are Not Available or Don’t Know</u>	<u>Total</u>
BASE:	121	759	880
Financially benefitted	13%	19%	19%
Financially harmed	7%	8%	8%
Not impacted one way or the other	80%	73%	74%

#### *Perceived Impact of Demand for Books*

Approximately half of authors (51%) do not believe the demand for their books has been or would be impacted one way or the other by Google Books’ short excerpts. In total, 45% of authors believe Google scanning their books and making them available in short excerpts has improved or would improve the demand for their books, compared to only 4% who believe the demand for their books has been or would be harmed.

<b><u>Q270/Q290 - Impact of Demand on Books</u></b>	<b><u>Total</u></b>	<b><u>Margin of Error</u></b>
BASE:	880	
Demand improved	45%	3.3%
Demand harmed	4%	1.3%
Not impacted one way or the other	51%	3.3%

The following table shows separately shows the results among authors whose books are currently searchable in Google Books and available in short excerpts compared to the authors whose books are either not available or who do not know if their books are available:

<b><u>Q270/Q290 - Impact of Demand on Books</u></b>	<b><u>Authors Whose Books Are Available</u></b>	<b><u>Authors Whose Books Are Not Available or Don't Know</u></b>	<b><u>Total</u></b>
BASE:	121	759	880
Demand improved	28%	48%	45%
Demand harmed	6%	4%	4%
Not impacted one way or the other	66%	48%	51%

## **II. Results by Age**

### *Approve vs. Object to Google Scanning Books and Displaying Short Excerpts*

Results for how strongly authors approve or object to Google scanning their books and showing short excerpts in search results are generally consistent by age of respondents.

The below table shows the percentage of authors, by age range, who approve or object to Google scanning their books so that they can be searched online and short excerpts displayed in search results:

<b><u>Q245 – How Strongly You Approve or Object</u></b>	<b><u>Under Age 60</u></b>	<b><u>Age 60 to 69</u></b>	<b><u>Age 70 and Older</u></b>	<b><u>Total<sup>7</sup></u></b>
BASE:	112	166	537	880
Strongly approve	29%	33%	34%	31%
Somewhat approve	30%	28%	26%	27%
<b>Approve total</b>	<b>58%</b>	<b>60%</b>	<b>60%</b>	<b>58%</b>
Neither approve nor object	27%	25%	28%	28%
Somewhat object	7%	5%	5%	6%
Strongly object	8%	10%	7%	9%
<b>Object total</b>	<b>15%</b>	<b>15%</b>	<b>12%</b>	<b>15%</b>

More than half (58%) of authors under age 60 approve of Google scanning their books and displaying short excerpts in Google Book search results.

#### *Perceived Financial Impact*

Results for the perceived financial impact of Google scanning books and displaying short excerpts in search results are also generally consistent across age of authors.

The following table shows detailed results on their perceived financial impact by age range:

<b><u>Q260/Q280 – Financial Impact</u></b>	<b><u>Under Age 60</u></b>	<b><u>Age 60 to 69</u></b>	<b><u>Age 70 and Older</u></b>	<b><u>Total<sup>8</sup></u></b>
BASE:	112	166	537	880
Financially benefitted	19%	26%	16%	19%
Financially harmed	9%	10%	5%	8%
Not impacted one way or the other	72%	64%	79%	74%

<sup>7</sup> Individual columns do not add up to the total column, because some respondents refused their age.

<sup>8</sup> Individual columns do not add up to the total column, because some respondents refused their age.



*Perceived Impact of Demand For Books*

Results for authors' perceived impact on the demand of their books because of Google scanning books and displaying short excerpts in search results are also consistent across age.

The following table shows detailed results on the perceived impact on the demand for their books by age range:

<u>Q270/Q290 – Impact of Demand on Books</u>	<u>Under Age 60</u>	<u>Age 60 to 69</u>	<u>Age 70 and Older</u>	<u>Total<sup>9</sup></u>
BASE:	112	166	537	880
Demand improved	44%	49%	45%	45%
Demand harmed	5%	5%	3%	4%
Not impacted one way or the other	51%	45%	52%	51%

**III. Results Based on Prior Familiarity with Google Books**

Results are also generally consistent depending on respondents' level of prior familiarity with Google Books.

*Approve vs. Object to Google Scanning Books and Displaying Short Excerpts*

Results for how strongly authors approve or object to Google scanning their books and showing short excerpts in search results are mostly consistent across level of familiarity with Google Books.

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<sup>9</sup> Individual columns do not add up to the total column, because some respondents refused their age.

The below table shows the percent of authors, by level of familiarity with Google Books, who approve or object to Google scanning their books so that they can be searched online and short excerpts displayed in search results:

<b><u>Q245 – How Strongly You Approve or Object</u></b>	<b><u>Top 2 Box (Very/Extremely Familiar)</u></b>	<b><u>Somewhat Familiar</u></b>	<b><u>Not at all Familiar/Not Heard Of</u></b>	<b><u>Total</u></b>
BASE:	99	273	508	880
Strongly approve	42%	30%	30%	31%
Somewhat approve	26%	27%	26%	27%
<b>Approve total</b>	<b>69%</b>	<b>56%</b>	<b>56%</b>	<b>58%</b>
Neither approve nor object	15%	30%	29%	28%
Somewhat object	6%	7%	5%	6%
Strongly object	10%	7%	10%	9%
<b>Object total</b>	<b>16%</b>	<b>14%</b>	<b>14%</b>	<b>14%</b>

While more than half (58%) of all respondents approve of Google scanning books and showing short excerpts in search results, approval is somewhat higher among authors who were already extremely or very familiar with Google Books (68%) than it is among authors who were less familiar. Rates of objecting to Google scanning books and showing search excerpts in search results were nearly identical among those who were more and less familiar with Google Books.

These figures indicate that the survey's description of Google Books was consistent with pre-existing perceptions of Google Books among authors who were already familiar with it, and that the description provided in the survey did not bias respondents one way or the other.<sup>10</sup>

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<sup>10</sup> If the survey's description of Google Books had been skewed to make it sound less objectionable, the set of respondents with little or no previous familiarity would have had higher rates of approval and lower rates of objection. This did not happen. If anything, there was a slight tendency toward the opposite, in that those who had the least familiarity with Google Books had slightly lower rates of approval. Since these were the respondents who were most reliant on the survey's description of Google Books, this indicates that the survey description of Google Books did not bias the results toward approval.

*Perceived Financial Impact*

Results regarding the perceived financial impact of Google scanning books and displaying short excerpts in search results are also consistent across varying levels of familiarity with Google.

The following table shows detailed results on their perceived financial impact by level of familiarity with Google:

<u>Q260/Q280 - Financial Impact</u>	<u>Top 2 Box (Very/Extremely Familiar)</u>	<u>Somewhat Familiar</u>	<u>Not at all Familiar/Not Heard Of</u>	<u>Total</u>
BASE:	99	273	508	880
Financially benefitted	13%	22%	18%	19%
Financially harmed	12%	8%	7%	8%
Not impacted one way or the other	75%	71%	75%	74%

As this table shows, the percentage of authors who believed they had been or would be financially harmed did not vary significantly based on prior familiarity with Google Books.

*Perceived Impact of Demand For Books*

Results regarding authors' perceived impact on the demand for their books because of Google scanning books and displaying short excerpts in search results are also consistent across varying levels of familiarity with Google.

The following table shows detailed results on their perceived impact on the demand for their books by authors' level of familiarity with Google Books:

<u>Q270/Q290 – Impact of Demand on Books</u>	<u>Top 2 Box (Very/Extremely Familiar)</u>	<u>Somewhat Familiar</u>	<u>Not at all Familiar/Not Heard Of</u>	<u>Total</u>
BASE:	99	273	508	880
Demand improved	40%	49%	44%	45%
Demand harmed	10%	4%	3%	4%
Not impacted one way or the other	50%	47%	53%	51%

As this table shows, the percentage of authors who believed the demand for their books had been or would be harmed did not vary significantly based on prior familiarity with Google Books.

#### **IV. Results for the No Contact Information Sub-sample**

##### *Approve vs. Object to Google Scanning Books and Displaying Short Excerpts*

Within the sub-sample of respondents for which the Gale database did not include contact information in the sample file, results for how strongly authors approve or object to Google scanning their books and showing short excerpts in search results are reasonably similar to the rest of the sample.

The below table shows the percentage of authors in the No Contact Information sub-sample compared to all other respondents, who approve or object to Google scanning their books so that they can be searched online and short excerpts displayed in search results:

<b><u>Q245 – How Strongly You Approve or Object</u></b>	<b><u>No Contact Information Sub-sample</u></b>	<b><u>Respondents With Contact Information</u></b>
BASE:	109	771
Strongly approve	29%	32%
Somewhat approve	27%	27%
<b>Approve total</b>	<b>56%</b>	<b>58%</b>
Neither approve nor object	22%	29%
Somewhat object	9%	5%
Strongly object	13%	8%
<b>Object total</b>	<b>22%</b>	<b>13%</b>

As this table shows, levels of approval far exceeded levels of objection in the No Contact Information group, as they did in the overall sample. This confirms that the overall results were not meaningfully biased by over-representing authors who had contact information in the Gale database.

While the “Approval” levels are nearly identical in both groups, the Objection level was higher in the No Contact Information Sub-Sample by a statistically significant margin. The overall objection rate among all respondents was 14%. If this number were adjusted to reflect the fact that authors with no contact information composed approximately 55% of the list (as compared to only 12% of the survey), the overall objection level would go from 14% to 18%.

#### *Perceived Financial Impact*

Results regarding the perceived financial impact of Google scanning books and displaying short excerpts in search results are also reasonably consistent with the rest of the sample.

The following table shows detailed results on perceived financial impact for the No Contact Information Sub-Sample compared to all other respondents:

<u>Q260/Q280 - Financial Impact</u>	<u>No Contact Information Sub-sample</u>	<u>Total (excluding No Contact Information Sub-sample)</u>
BASE:	109	771
Financially benefitted	26%	18%
Financially harmed	9%	8%
Not impacted one way or the other	65%	75%

The differences between the percentages in each group who felt they were financially benefitted or harmed are small, and not statistically significant at the 95% confidence level.

#### *Perceived Impact of Demand For Books*

Similarly, results regarding authors' perceived impact on the demand for their books because of Google scanning and books and displaying short excerpts in search results are also consistent with the rest of the sample.

The following table shows detailed results on the perceived impact on the demand for their books for the No Contact Information Sub-Sample compared to all other respondents:

<u>Q270/Q290 - Impact of Demand on Books</u>	<u>No Contact Information Sub-sample</u>	<u>Total (excluding No Contact Information Sub-sample)</u>
BASE:	109	771
Demand improved	52%	44%
Demand harmed	4%	4%
Not impacted one way or the other	44%	52%

The differences between the percentages in each group who felt demand was improved or harmed are small, and not statistically significant at the 95% confidence level.

## V. Other Variables

The data was also examined based on a number of other variables in order to determine if there were significant differences based on answers to various classification questions. Results were generally consistent between groups broken out by each of these variables:

- Authors with one published book versus those with more than one published book
- Authors whose published book is currently in print versus those whose books are not currently in print or who do not know
- Authors who receive royalties from their book versus those who do not receive royalties or who are not sure
- Authors who own the copyrights to their published book versus those who do not own copyrights or who are not sure
- Authors whose books are available as an E-Book versus those whose books are not available in E-Book or who do not know

See Appendix E for data analyzed based on these variables.

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**APPENDIX F**

**VERBATIM RESPONSES**

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Case ID	Q217: What, if anything, can you tell us about Google Books?
23	Nothing
26	Google Books provides online access to books that are in the public domain, and partial access to books under current copyright. Books have links to purchasing options.
28	It publishes books electronically
34	Google, under the guise of rescuing 'orphan books' wants to amass a huge library of IP to which it has no right
39	On demand as ebooks or print.
40	convenient
41	An effort to make books available in digital form
51	it is a good source of quotations, but not a good source for using text for research purposes
65	have used it in research to locate and in the case of out of copyright download books
69	I know that parts of my books are available on GoogleBooks
84	It's an attempt to categorize a large database of printed material, especially out of print books.
87	You scan existing books and make them available as e-books
93	You can read much of my work on GB without paying me a royalty. My Russian colleagues are especially pleased by this.
94	Very little.
95	I just know that Google entered the e-publishing field, but I don't know any details.
99	Made arrangements to copy several million books from academic libraries. Ran into trouble with books still under copyright. Law suit.
100	Nothing.
106	Only that they are competing with Amazon.
110	That the idea was to put every book in print on the Internet as an ebook, and that there were major copyright issues.
111	It an online book publisher
113	It is Google's entry into the electronic book field, in competition with Amazon and other providers.
116	Scans of books available to general public
117	google scanned hundreds of thousands of books and makes excerpts of them available on the internet
123	I use it a great deal in my historical and genealogical research.
124	I believe they are attempting to make many books available on line.
125	An electronic books store and a scanning public domain books site
127	Google Books offer remarkable research opportunities because it's put so many older books online. It's also very involved in a long lawsuit to keep it from simply helping itself to authors' copyrighted work.
131	A very little
134	Nothing
137	I believe that they scan books and make them available without paying royalties.
139	there was a copyright lawsuit against them.
149	Google's project to scan all printed books and make them available in digital form.
153	An effort to make books or portions of books available online, including complete books that are now out of copyright. Worked in cooperation with some large academic libraries.
154	Program to offer book content thru Internet
157	They are available on line and I think some are in the Kindle Store
159	Mixed feelings
162	A project to digitize previously printed books
172	they are accessible over the net
174	They put books online
177	They put certain books online--some of the books I've seen are older books with expired copyright.
183	They're trying to get all the books ever printed online. There are copyright infringement questions here
185	Available through the Web, generally free
192	A lot of public domain books, with excerpts from a lot of copyrighted books
196	They're up and coming.
197	They are available online to read.
203	They're at attempt by Google to capitalize on the e-book market.

Case ID	Q217: What, if anything, can you tell us about Google Books?
205	Very good
206	useful wish I could cut and paste
209	Just that it is....
213	They are photographic reproductions of old books, mostly from a few major research libraries (like Harvard, University of Wisconsin-Madison, etc.)
215	Google sells a lot of published books
216	Not much!
218	I work as an editor for a small press and regularly submit pdfs of our books to googlebooks
221	They are e-books put out by Google
224	Nothing
231	It allows readers to read portions or all parts of the book with an option to purchase.
234	It has digitized many books and is selling them on-line at prices negotiated with publishers. Public domain books are offered for free.
237	As a living writer who has written many real books (printed on paper and bound in cloth), I completely disapprove of Google's attempt to appear scholarly while it stole books from writers unable to protect themselves--luckily I have an agent!
238	Google Books has been expanding in an attempt to digitize millions of books. However, Google Books also offers access to journal and magazine articles. I personally have found Google Books extremely useful in my research.
243	Google Books is a project of Google to digitize as many print books as it possibly can and make them available online.
245	nothing
246	I use this resource for research all the time; my own books are partially available on Google Books
262	Google has started the process of digitizing the world's books.
100001	I have downloaded a few of them, I was just curious. I did download one. Dracula. It was interesting. There are some things that are interesting to have on your IPAD. I find it really quite a nice service. I love Google actually. I think with Google archives you're able to look up all sorts of things.
100002	I think they are books that authors publish and people buy them off of Google.
100004	They are useful for tracking down quotes. They are sometimes useful for tracking down information. I have no problem with them because as the website is now set up one cannot copy and paste from it and I hope it stays that way.
100009	Well they publish books electronically and they put them in hard copies.
100014	I know they publish authors books without authors consent chapters of my book are on Google.
100015	Google books is trying to have online a majority of published books on line out of copyright there's a controversy between interest of the public to read any books online and authors.
100016	I went to Google Books about I play and I was absolutely delighted to find it. It's a great service.
100017	I really don't know I just heard of it.
100018	Well it's their version of kindle. You can get electronic versions of books and read them on Google books.
100021	You can get the books without going to the library.
100026	If you want to order books you can order books from them.
100029	It has all the books online it can without violating the copyright.
100033	They have a program in your university library programming and copying books.
100039	The assumption that they scan work in the public domain.
100040	They're often old books. They are orphans meaning the author of the books cannot be found or they're out of copyright.
100041	Is a project to put published books on the web scanning them from university and other libraries intending to make money.
100042	I don't know very much about them I just heard of it.
100044	They wish to digitize books in libraries and books out of print so they would be avail online.
100045	It provide full texts of lots or books out of copyright.
100046	Books made available online by Google. some classics are online and there is tremendous controversies about infringement of copyright.
100047	Nothing really I just heard of it.
100050	I have heard the name and know it exists. I have been in the hospital don't know much.

Case ID	Q217: What, if anything, can you tell us about Google Books?
100052	I can not say anything about Google books.
100054	They are searchable online. It pulls up anything once you put in a particular name.
100057	A lot of them are ebooks. One of my publishers went through Google to get the book electronically. I get royalties through that from the publisher.
100060	I know no that much about it. I get information from Google but that's it.
100064	A Google book is a median on the internet whereby you can download a number of pages from a designated book.
100067	I don't know much about it really.
100071	They seem to have a wide circulation which always helps the author.
100073	I don't really know a lot about it I just heard of it.
100077	It's a project to make books available online or e-books.
100080	I've heard of it that's it. I think can use Google and get any book on it.
100083	Google has a program they gone around universities they scanned some out of or still in copyright. They make the book avail for read or purchase.
100084	You can go on it but you have to pay for it if you want a full book.
100086	I imagine that it is similar to electronic publishing by Amazon.
100087	It's an electronic version of the books.
100089	Google books is a service which provides access to books that no longer in copyright and books that are copyrighted.
100091	Google has made an effort to scan many of books so that they could be used for what ever purpose.
100093	That they're attempting to electronically catalog the vast majority of books.
100097	They are controversial because they tend to violate copyright laws.
100098	I understand that there is a problem going on between Google and the authors.
100100	That there is a big issue on what they can put on Google.
100101	The books that I have are through Google and can read them. Sometimes I use them in my research and things that are out of copyright. Occasionally they get small excerpts from the most recent books. I have used this also.
100104	Heard of them but I don't really deal them.
100106	I think that it is very useful. I also use them a lot. It an excellent way to get information.
100113	Not much.
100114	Digitalize many book. Trouble with author guide.
100115	It's a way of publishing an e book.
100116	Plan to do public domain books in Harvard library.
100120	They were having problems with copyright and wanted to do all of Harvard's books.
100121	Google trying to make books available that are out of copyright.
100122	Attempt to scan all book and make them avail online.
100124	Heard of it.
100127	I think Google wants permission to publish books.
100129	I know that they were trying to place books online to access.
100130	Electronic books.
100131	Google books is a enterprise that will take books and place them on the internet. They worked with the library of congress and be able to digitize there books to make them available for people.
100132	Copied a very large number of books.
100134	I filled out author questionnaire to so I have the rights to royalties if you sold books on Google.
100135	Can be emailed or purchased.
100137	It is a pain in the neck because it only gives you 3 pages and/it skips to another section - I think it a problem for researchers.
100141	They have been digitizing out of print books - and want to digitize a lot of more recent ones.
100143	It is a fine president as song as authors are protected.
100145	It is a means of making books online.
100151	My understanding is that Google books is like the kindle. Electronic access to books.
100155	It's a wonderful tool for books out of copyright, like books published before the civil war.
100157	Agreement to make some books available online.
100158	It captures images of books online.

Case ID	Q217: What, if anything, can you tell us about Google Books?
100162	As I understand Google is trying to download all the world's literature.
100164	I am all for those books if the author gives permission.
100165	It is basically digitized.
100167	Access electronically.
100168	They are very popular with a lot of people.
100169	Lawsuit with government.
100172	Nothing much I really do not understand what it is.
100174	Electronically available to anybody.
100176	It is a great service and I am very respectful but my books are not on Google Books.
100179	Not anything.
100180	Seen on computer.
100181	Practically nothing I just know that it exists.
100184	Not gotten anything positive.
100187	I found a lot of things that are of interest so I think it's pretty comprehensive sort of source.
100188	That's it's a project to make electronically available all published books that are not under copyright I assume. I don't know if that's correct or not.
100199	I find it a great resources for research purposes especially older books. I know people can look at my book and get snippets for research purposes but I am pretty sure my publisher asked for my permission. The exposure is worth it for me.
100209	They are a service that makes books available on their server.
100210	A electronic form of book might or might not be full text.
100212	Effort to digitize the libraries of the world and copyright rights.
100215	Is that a place where you can click on the internet to buy books.
100217	I think they're like kindle. You can look at it in small print.
100219	Not much.
100221	Not too much. They copy old books.
100226	Heard of them.
100233	I have used it in the past to do research. I was looking up something the other day.
100242	Not a lot. It's not been a priority for me at this time.
100244	I have many friends who are users.
100249	Virtually nothing.
100255	I just have seen the term but don't know what it is.
100259	It's just another way of electronic publication.
100262	No comment.
100270	It's a project to digitalize every book in existence. They're working with various universities to do it. They are using university libraries to do this.
100271	It's a great research for books on our early history. But many pages are left out of the books for one reason or another.
100274	I searched book on kindle. I downloaded a kindle .I was able to access a particular electronic book and read it. I think it was through Amazon
100277	Very little.
100278	A lot. It's an attempt to make available everything in print.
100280	As far as I know they make available portions of books electronically; if they find something interesting they can purchase it; also make books available in the public domain.
100281	I search the books on Google.
100284	Books appear in their entirety there sometimes.
100285	Their available online.
100288	It's a way accessing a large number of books electronically online. Some you pay a fee to access and some you don't.
100294	You can search for authors and it will give you a portion; snippet view of the book with older you can obtain the entire book.
100295	They are attempting to get every book from libraries in there.



Case ID	Q217: What, if anything, can you tell us about Google Books?
100299	They are available digitally and they do a good marketing job.
100301	Digitalize most of the books in the world.
100304	Following the legislation.
100305	Find books and some of there pages for research.
100306	Reissuing books in digital format.
100317	Nothing.
100329	I know Google is trying to put forth an effort to put books on the internet.
100332	I have sign up my books for royalties from Google and they would put them on the internet and every time they get a hit I get a royalty. Google would control the usage and royalties and I would get a royalty from them.
100340	I know that Google is attempting to put books online that were out of publish.
100342	It's an effort by Google to make available electronically the content of books in 6 American libraries.
100355	You scan books and make parts of them available to people.
100357	You can download my book if you want , you still have to pay for it.
100358	I have downloaded one or more books on Google.
100360	My students use them but can't tell you much beyond that.
100365	It handy because it's available to books out of print.
100367	I have gone to the site but never purchased anything.
100368	They are available as e-books and they can be downloaded some people think it's a good idea and some think it a bad idea.
100369	I know that you can look up books in short excerpts.
100376	Internet.
100379	I am aware of the controversy an used it.
100380	It has a project to digitize books and make them available and has objections from authors and have issues at the courts and they are going after books that are no longer copyrighted. If these books are digitized who has access to them is another issue.
100382	Digitize all books.
100386	Legal actions taken against Google.
100388	They are a digital version of books.
100390	They were suppose to pay me something but they didn't. They reproduce copies of books online.
100391	Download the book from Google.
100393	They are available on the internet out of copyright.
100394	I am assuming that they are internet books.
100395	Not much.
100396	They have a project for books in public domain. Legal issues with copyrights.
100400	Ran into it looking for citation count for books.
100401	It is nice to Google book resources online and the service is convenient.
100404	I know more about Tower.com then I do about Google books. I see Google books here and there but I don't know how it works.
100411	Well, they scan books and make them available, as I understand it, free on the internet. And, also, I think it depends if the book's in the public domain, if it is in the public domain, they make it free and if it's not, they sell it and give some of the royalty to the author.
100415	Not enough to describe it, I just know it's there.
100416	I use it myself, many more recently published books are not readily available because of the copy right law, more out circulation are.
100418	Retailer
100422	I use Google books to get access to books that are in the public domain through public libraries.
100423	Google has digitized older books.
100424	I haven't really used it and I believe that it is a search engine.
100426	Heard the name.
100429	It is a search component of the computer.
100430	I have heard the name but I don't have a computer.
100431	Interesting idea.

Case ID	Q217: What, if anything, can you tell us about Google Books?
100436	They allow you to download books that are in the public domain.
100437	Attempting to make every book available.
100440	If you're trying to find a phrase you just put it into the Google website and sometime you luck out. It is a research tool.
100447	Very valuable service.
100451	Not much.
100452	Read some of them a very valuable service pleased that they do this originally though they printed books that they did not have the copyrights for but I think they stopped doing this.
100458	Not interested really I write books that are art books the books I would like to see in print are government books.
100460	Tried to do research but did not get far - tried to find out if they should be paying me royalties.
100462	I guess it's sort of a kindle.
100463	Some of books are on there.
100465	Excellent source to help locate information for research and for authors.
100470	Think they can be downloaded. Libraries even in the city are now being able to loan e-books.
100477	I've looked up books there. I think the books are available online.
100482	Not much.
100483	I have mixed feelings. I think it's good they make out of print books available. I am afraid it may damage of publishing industry.
100486	I can tell you that I've never owned one and I've never contacted Google for books, and no one's contacted for Google books either.
100487	The law suit they had that was delayed by the federal government.
100489	I often use it for research. I'm often trying to find a quotation from the book I've just read. But you can find just about anything.
100497	In general been resistant to changing formats, just another way to read print.
100501	They provide access to electronic books and are working with back catalog of books in public domain.
100503	Generally a positive impression, they have all the material available online which is a good thing. There are a number of problems with it with what the authors are entitled to.
100504	It is interesting they are able to put so much out without contacting the authors or copyright holders.
100505	Initiate part of Google to put some books under Google I am little uncertain about it.
100506	I know they are trying to copy everyone's books. Someone is tying them up in lawsuits over royalties.
100508	They are hopeful and somewhat struggling and it remains to be seen what develops.
100521	They are trying to put all books in the world online.
100522	Google is trying to create a universal library on the internet.
100525	Just have heard of it, not knowledgeable.
100527	Makes the test of the book available through Google.
100528	Know that they are out of copyright books that are online and some in copyright books are available with arrangements with the publishers.
100532	It's piracy.
100537	I know that for a while Google got sued for making copies of books available so now they have to negotiate with the owners.
100548	I don't have anything much to do with the internet.
100549	Nothing.
100555	You can read some books or buy the books I think.
100564	I used the information in the database.
100571	Ambitious effort but has many complications - the controversy continues. I agree with the approach, but Google has turned more commercial.
100572	It is an online service which makes available excerpts from selected books, sometimes extensive. It helps in research.
100576	They are trying to get as many books as possible electronically stored.
100579	Well they are available online so I don't have to pay for them or not.
100580	They are available via the internet.
100583	Dance on the edge of the copyright laws by publishing a few pages.

Case ID	Q217: What, if anything, can you tell us about Google Books?
100584	Research tool and to buy books.
100589	Electronic books, that's about it.
100590	Nice display on IPAD.
100591	You can download books online. And it was a rare book.
100595	No specific opinion.
100596	I the only thing I can tell you is the litigation with authors gill.
100597	Make books available that are out of print or available.
100600	Most recent book it is electronically.
100613	Nothing.
100624	It's a way Google has a way of accessing books that have been basically copied.
100625	I know the words Google and books and know they're related.
100629	A project for large number of books currently out of print.
100630	Don't know
100633	That I have used them.
100634	It's available online and you can download copies of books or certain books.
100636	Keep getting information from them - I was included in the deal and now they are in trouble.
100638	Use Google scholar.
100639	It doesn't a good job for making books online.
100640	It's a site you use if you want to go online.
100645	It's hard to know what to say I haven't dealt with them my daughter has.
100649	I use it frequently checking information it is a good reference to a book.
100651	He looked up his own name and saw they mentioned his books.
100655	They must be electronic books; I have had no experience with them.
100657	I think it's a pretty good option.
100664	Since I work at a university e-book directs your to Google link.
100666	I know that the Google has tried to scan a large part of library to make it available in digital form.
100667	Read newspaper about the whole worlds library online.
100675	I'm apprehensive e about them.
100676	I know that Google is in the process of digitalizing every book that has been published.
100679	Finds it very helpful resource.
100680	They put too much of my books on there.
100682	They were trying to get the rights there was something wrong with copyrights so they had to go back to the drawing board.
100686	Not nearly enough books on it.
100687	Not interested in reading online but understand others are.
100688	It seems to be a great resource. Discovering books that are well out of print and hard to find.
100695	Huge company who provides lots of feed for information.
100697	Apparently when doing a search people can go directly to the text of the book
100698	Doesn't know much about it.
100700	Use them, you can't download them. Frustrating going through sections when they don't give every page.
100702	I can tell you that they exist.
100704	They promote access to books.
100705	Recently they had controversy to a writer to fill out a form to the copyrights to that book.
100709	I think they help Google more than they help the authors.
100711	Google Books is a two-edged sword. It's good to look up books on Google books but understand that Authors are concerned about their work being. Neutral opinion.
100713	Find them useful.
100714	That's where Google is transforming everything into E-Books so they can be online.
100716	Google books in books and they scan them into makes the book searchable.
100717	Goal to have every book published ever made on the web.
100718	They steal books.
100720	If I put a title on author into Google choices will come up as a link and you can see snippets from a book.

Case ID	Q217: What, if anything, can you tell us about Google Books?
100721	They are available for the books to be downloaded.
100722	They were trying to one make one gigantic library even though it violates copyrights.
100726	It's an electronic book service.
100728	I've searched for things on it before.
100729	They scan books and make them available online.
100731	No opinion
100735	Very useful for research purposes but how they affect the royalty structure of published authors.
100743	It's an electric version of books online.
100745	I can go online and read parts of the book.
100752	It makes books available through Google and you are able to do searches for text in those books.
100755	They are easily accessible and widely used.
100756	I have a vague memory of informing I might be able to get royalties from Google books.
100764	Well I understand they are printed on demand.
100766	Authors League is in the process of suing Google.
100767	Well I have just run into by Googling the research, so I read passages from books in passing.
100768	I have a friend that was published with one.
100772	As far as I know Google is trying to publish every book.
100775	That they have scanned the book for free you can portions of the book.
100781	I fear that they are taking over the print publishing industry.
100784	Google is a meat grinder. A lot of Authors want their books on Google books.
100790	I guess they are trying to put on an electronic library for all books that have been published.
100794	Download and make books available some politics about that.
100805	I think that they are very convenient.
100806	Well I think that when you type in a word you can find that book.
100813	You go online and then you have to search for a title.
100816	Attempt to put online the library holdings of books.
100820	What I imagine is that it's something through which one can have access to books through Google, electronic books.
100821	I don't like to read anything of that kind on an ipad or a tube or anything. Likes to hold paper in hand.
100823	Don't know much about them. A lot of self published books.
100824	I use it a lot basic problem is the cost.
100825	Not much of an opinion. Know more about kindel.
100826	I have an ipad and have Google books. It's a competitor to the kindel I store. I use Google books in terms of Google search as a way of tracking down books that I'm interested in.
100829	A lot of writers have problems with the copyrights. But it is nice to have access to books no longer in copyright or print.
100830	I like the idea of Google books very much. For me it's good because it doesn't give the entire text, I know some people do but I'm not one of them.
100832	Pulled up my memoir on the site. Only portions of books are there.
100833	Sometimes I come across them when searching on the internet. Don't have total access to it.
100835	I see it as a fair system of displaying author's works.
100839	It's a way for people to present on the web by the authors of the books. Way for people to get their work out.
100840	I use them for research. I feel admit only books that are beyond copyright protection.
100841	The publishing industry feels quite threatened by Google books. Agents and publishers are concerned.
100842	Think the program is digitalism is an important one.
100848	Nothing.
100850	I have used it on the internet.
100851	They have a mission to digitize works.
100853	Trying to digitize all books.
100855	I have a Google g mail.
100862	You would be able to Google books and online and read books for free.
100863	They seem to be easy to access to and to read.
100864	Amizon.com.



Case ID	Q217: What, if anything, can you tell us about Google Books?
100867	It's just another way of accessing of books.
100871	They scanned all of the wrong books in the library.
100874	Not really.
100875	Many classic books are there for free my books are there.
100877	It's an option that makes more available to more people.
100881	They on the web you can search any book.
100887	I know that the book raze is in e-book.
100888	Trying to scan every book in existence for people to find on line.
100900	They have gutted the copyright laws; they are bullies- publishing all copyrighted material and saying if you don't like it - sue us; however they are making literature available to people globally.
100909	Ambitious program to put every published on line this has been scaled to do opposition.
100910	There is a publishing capacity, that's it.
100911	Nothing.

Case ID	Q265: What makes you feel you have financially benefitted from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
39	The press made one available and paid me a royalty.
123	It makes the searcher want to find a more convenient copy of the book in a library or by purchase.
218	I guess that somebody might order a copy of a book because they found it there. I don't have a way to test for that
231	The book gets more exposure via a Google Search.
100062	Simply that it's a reasonable way for people to search and find out where they can purchase a book.
100146	If your books are not sold yet if you put them on Google they will become. They sell completely.
100199	My book came out in the winter following 9/11 bad time if it didn't have anything to do with terrorism. I didn't get a lot of reviews from the higher outputs. The book was somewhat invisible. I think it exposes people to the book, if somebody is doing a research and run across some of my references at least they know it's there, you have a better chance of reaching that customer. If they don't get it in the library, they're not going to get it in the bookstore. It's been selling steadily and selling the e book steadily for a year. Otherwise nobody would see it would be dead.
100357	I do get a check for permission to download a chapter or whatever is download.
100365	Because I can see if my students used it for only the excerpts.
100422	Somebody might look at an excerpt and decide to buy the book, its free advertising.
100463	Increases exposure.
100578	Are making money.
100654	I think it would invite more sales.
100760	Because The excerpts leads to the books so they buy it.
100824	Information gets out much easier than paper copies.
100835	Simply a matter of exposure.

Case ID	Q285: What makes you feel you would financially benefit from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
58	People might buy the book if they like the excerpt. Royalties are good.
64	Sampling small excerpts might lead to purchases
66	People would understand better the excellence of my work and specifically what its content is about
90	If readers learn something about the content of the book they are more likely to purchase it especially if they purchase books online.
92	Any exposure can contribute to a 'buzz.'
95	One of my books is back in print at my expense, with plans to make it available through my own website. Where PR is concerned, having excerpts searchable online can only help.
101	When backlist print books are e-published, authors are exposed to potential new readers. Discoverability is primary, and short samples conveniently available can help readers decide if my books are the sort they might like. I'd prefer to select the short sample, or have the ability to decline what Google selects if I don't consider it an adequate representation of what I write.
102	Should whet reader appetite.
103	An excerpt might induce someone to read the whole book, maybe buy it!
106	Maybe someone would chose to purchase my book after reading a brief passage.
108	More people would be interested in buying the books.
125	If people like what they see, they will buy the book
141	people will have a chance to sample the books
153	A person seeing an excerpt and perhaps even learning for the first time that my book exists and is relevant to his interest, might want to buy a copy.
157	It would make it possible for more people to become aware of my books, and might prompt them to buy the books. It's a matter of exposure.
168	Because is finally a business
170	Chance to bring them back in print.
173	the brilliant prose would attract new readers
177	I would think it would expose my books to more people.
179	Greater exposure of my book
181	Readers get sense of style and content
188	I offer online drawing classes and some people may view excerpts and find my website and be interested in classes.
195	People doing research in my field would be more likely to buy my books. Their taste of the content could stimulate sales.
196	People can discover more easily if they want to read the book in its entirety.
209	Obvious
211	If the reader got interested in the short quote, they might want to buy the whole book.
233	There'd be a good amount of publicity
260	More possible buyers have access to the material.
264	As long as the scanned material is only a very brief excerpt it would likely raise the curiosity of potential readers, thus leading to increased sales and/or library use.
100002	People would know about them better and see how well they are written.
100013	Simply I believe it would benefit me financially since the book store I own would not stock professional (scholarly) books.
100021	More people would find out about the book it's almost like an advertisement.
100024	I might be able to get my book reissued or reprinted.
100030	Because I would be better known.
100056	I feel that I would benefit that I can get a pr out of a publisher. I also would get more exposure then the publisher can give. More people can hear about the books.
100059	More exposure to my books.
100063	They might be bought.
100067	More people would come to be aware of it and more would be sold.
100073	It would lead to selling the books and benefit me.
100074	The book is getting publicity and more people would know about it from the category of people who know about

Case ID	Q285: What makes you feel you would financially benefit from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
	they would buy it.
100082	It would maybe titillate someone in finding a copy of the book.
100089	Then people might be inclined to buy the book.
100093	I would have more people having access or being exposed to my book.
100109	Because some people who get a glimpse might decide to buy it.
100113	Somebody might read or buy.
100115	Entice someone to read more.
100116	More people would see it.
100120	If it is credited I would benefit.
100121	Making the book more available.
100128	More books would sell.
100166	It would advertise the book.
100172	They might interest someone in wanting to read the entire book.
100179	If it receives publicity.
100184	They might buy the book.
100185	Additional books might be sold.
100195	I think that if they did I'd like to think they'd like to purchase them.
100215	I assume that it would.
100217	I would think it would make people buy more of my books.
100239	Because I feel people might buy my book.
100242	More exposure.
100243	My very first book is online and people can read about it extra exposure.
100255	The more they're quoted the more they may buy from me.
100264	You would have your work read.
100268	It would help sales.
100270	Well for one thing it would result in selling more books, but more importantly by getting my name better known. I would make more money from ledger fees. My money I get from royalties is not as much as I get from ledger fees.
100279	I don't see how it would hurt me in any way. The benefit would be people reading the book.
100283	It might induce people to go out and buy the book.
100284	My books are really good and the more people who could look at them would want to buy them.
100296	Widens the market.
100299	I think that my material would be so intrigued that the person that read them would be moved to purchased.
100305	People get familiar and might buy it.
100332	The amount of money that will be involved would be small. They will pay us more money for the articles.
100335	Somebody might come across it and may want to buy it. I don't see a it losing.
100346	It would be out for the public, it would be getting it out in front of the people.
100385	It would stimulate someone to buy the book if they found it worthwhile.
100390	Someone who read my book online might be tempted to purchase the whole book.
100397	More potential readers.
100407	More publicity.
100412	Because my books do not have a wide circulation, but maybe I'd get a few royalties, but not much.
100424	It is a scholarly book and someone would get a since to see if they would want to purchase that book.
100426	Bring more attention to books.
100432	It might encourage someone to buy my book.
100437	If someone reads an excerpt, they might purchase.
100438	Give readers some idea and attract them.
100440	People could browse the books and a small percentage of them may purchase the books. They're academic type books.
100448	Thousands of people read and want to buy.
100460	I would benefits if Google would pay financial royalties for what it is digitizing.
100464	Quotations from book would think it interesting and buy my book.
100476	The more people are aware of what I do the more people buy my books.
100477	I might benefit because more students or professionals would see my work when doing research and then they

Case ID	Q285: What makes you feel you would financially benefit from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
	realize they need to read my work.
100480	The more people see samples the more interested they might be in buying it.
100488	I hope it would sell my books.
100495	Might encourage people to purchasing the book.
100501	I believe as more people have access to the content of books they would be more inclined to purchase them.
100504	Somebody might be attracted by the excerpt and buy the book.
100508	The exposure that I would get might increase sales.
100512	Because they would be a huge selling of my books.
100555	If they can see the short excerpts they might want to buy the full one.
100572	mathematicians typically use these types of services and then they would find and probably buy my book.
100579	IT Brings the book to the attention to a wider audience.
100580	People would have a chance to see the book to be better exposed to the book.
100588	I have a website where they can do this.
100594	Exposure.
100596	There displayed online then they would purchase the book.
100597	I am the author and I feel it would help sales.
100605	Because it seems like a free way to advertise your books and build demand.
100624	A link to a possible sale.
100628	I would look at it as a plus. Someone views it on line and might look for it and buy the book.
100629	It gets the word out.
100635	Hopefully it would make people want to purchase entire book.
100649	Imagine that some audience becomes familiar with text and decides to purchase it.
100652	If people read excerpts and like what they see as new or important information they would be likely to buy book.
100683	The Quality of the book itself.
100685	Well I think that it would draw attention to my book.
100706	It's possible that some folks who are web surfing might look at an excerpt and decide to get a book.
100721	Because A lot of people do Google, it's a way to get my work out more.
100722	Free publicity.
100734	The publisher has never done a good job merchandising the book.
100735	It would bring the book more exposure and then readers would want to buy the book.
100749	People would find the book and would buy it.
100750	Well a lot of the things are financially motivated.
100757	Free advertising.
100758	It would make people buy the book.
100761	It would be like a form of advertising so I would get around.
100764	Google were to reprint my book the royalties would come directly to me.
100767	It would increase sales.
100773	They are award winning books and people might want to buy the book.
100779	Feel that more people would discover the books.
100783	More people would be able to read excerpts and get interested in them.
100801	Someone might see it and it would catch on.
100805	Because it promotes sales on the book.
100813	I might get more books sold that way.
100815	Someone might want to buy it.
100818	Somebody can buy the book.
100827	It would make it more available to general public otherwise who wouldn't know the existence of the books.
100839	Basically becoming well known is a way that an author benefits. Better known an author is the more benefits will come to him in terms of making money. It may not be that book but the next one. Every writer wants to get their work out to be read, if people have the opportunity to read it they will go out and buy it. Word of mouth exceeds every other way of becoming known. The internet is the ideal way of doing that.
100841	The theory that exposure and publicity is a good thing.
100847	People might buy them.
100855	If interested some one would be pursue buying the book.

Case ID	Q285: What makes you feel you would financially benefit from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
100857	I'm a long time journalist and an expert in television.
100860	Just if people still discover it and get excited about it they could get the book from Amazon.
100883	Form of advertising and might encouraged the readers to buy the full volume.
100890	Because I sell them myself so Google scanning would help.
100906	The small benefit and possibly some small loss, if there's some deal, I'm not probably going to be making and serious bucks.
100908	Whatever they do to help is okay; might enhance their income; hard for publishers to keep everything in print so it helps.
100910	Because it's free advertisement.
100912	Due to a greater exposure to my book.

Case ID	Q267: What makes you feel you have been financially harmed from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
93	If you purchase, say, Russia's First Civil War I earn about \$3. If you read it via GB I earn nothing.
100014	Because Google without the permission of the author or publisher puts small portions of the book get enough information of the book the person would get information free so he won't have to buy the book.
100015	People read it online instead of buying the book , when I looked at my book neither man nor beast I found 30 to 40 pages available interrupted by ten pages and then 40 more pages fully scanned, there were more pages there then absent.
100386	Slightly harmed because people can see for free.
100680	My book is available online so why would anybody it?
100724	I have genre book, very specific books and if too much is used obviously that really damages the books because people feel they have no need for it anymore.
100766	It was done without my permission and doesn't know exactly what is happening.
100894	No one has the right to scan anything and benefit from it w/o authors opinion.

Case ID	Q287: What makes you feel you would be financially harmed from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
13	I'm quite sure Google would be charging me, or my publisher, a fee
28	if you publish my book and charge nothing for its use then I will lose money on royalties
111	What is to keep Google from eventually posting the entire content of the book online? Google is known for unethical behavior.
116	Readers less inclined to purchase book
122	people can also xerox in violation of copyright once they see a fraction
130	This type of question does
143	Excerpts from my books can be read on my website, why would I want them read elsewhere?
172	I think it would impact royalties
201	Copied for performance
203	On principle, I think authors should be compensated for reprints, however they occur.
221	I feel Google is benefiting but I am not.
238	If a person can find what he/she is looking for in my book by using Google Books, then that person has less reason to purchase it.
245	short excerpts ok only
262	I would prefer that researchers purchase the book or check it out of the library.
267	I do not have to answer
269	people may get enough information and not want to buy the book
100019	I know that if that you spend the time and I'm not quite sure about it, I think though you can put the wrong book together even with short excerpts and that can be very harmful to the copyrighted author.
100025	I don't know the extent they would be showing my books.
100072	I feel that I would need a royalty to start with.
100096	You have to find someone interested in the book to begin with and then Google books reaps the benefit.
100099	Google would make the money and I wouldn't. I don't think Google would do that. It is a profit making company.
100124	I think that their using my works and should be compensated.
100135	People can get text and may not buy it.
100164	If scanning cuts into the sale of the whole book then I would not support it.
100207	I have no idea who is using it.
100208	Lose control over it.
100256	I Don't Know.
100259	Well quite a few of my books are text books and I think the sale of text books is a good part of my income, I think I would be hurt by that.
100291	This is a substitute for library purchases.
100306	Intellectual property stolen from me.
100317	If the people can get the information on line they will be even buying fewer books.
100323	I have a number of books I could make available as e-books but they are not publishing e-books what would my profit in that.
100341	Someone who was looking for something specific would use that and not buy the book or look in the library for it.
100349	Careless people would be careless and segmentary useless they wouldn't get the author's particular idea.
100353	I believe it could lead to the republication and it can steal my copyright. It can steal my copyrights and money that I am entitled. I would need more information about what they were doing and exactly.
100354	They would be only short excerpts and no definitions of what it will be doing. Don't like that Google books will take my work.
100368	I think it's surveying Google more than it's serving the publisher or writer.
100376	Don't think publishing snippets are a good idea.
100378	Because publishers were constantly excerpting and paying me fees and that not happening any more.
100410	Not sure who has the copywriter - but I do not get any royalties and I was paid a one time fee.
100413	Some publicity's better than none at all.
100446	Because these current books of mine they are designed for people to use them out in the woods and not the



Case ID	Q287: What makes you feel you would be financially harmed from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
	computer.
100459	People would see it free rather than buy it.
100529	Under contract for revised addition.
100590	Because I write poems and they are short.
100607	Because some people would plagiarize.
100676	I prefer control.
100679	Fewer people would purchase the book.
100700	Someone might download it and not recommend to class and students wouldn't purchase it.
100703	Well one book is poetry, but if they can search it, they can view the whole book without paying for it.
100714	If people are trying to look up information if they can get it from Google books then they don't need books.
100718	Because people would be available to the book without them buying them.
100727	Because it would give a wider reading audience.
100775	Because I feel that people might only look at a little book so they wouldn't purchase it
100781	I mistrust corporate motives.
100782	Garage full of books that I could sell instead.
100784	Because anybody can take the books. A lot of my books have pirated already.
100812	Don't know enough about it.
100866	Fewer royalties. More people would be going online.
100900	People would no longer buy my books; they would pay Google and not me.

Case ID	Q275: What makes you feel the demand for your book has improved from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
40	exposure that otherwise might not have happened
65	makes readers aware of books they would not know about otherwise
69	I know people who have looked at my books on GoogleBooks
123	see the previous answer
218	I am just projecting what I would like to be the case.
231	more exposure.
100057	By just checking one or two sources like amzon.com. When a book is scanned by Google it gives them a title and excerpt. Most people would search on Barnes and Amazon for the book and find as a result of that at least one title has increased in sales a fair amount.
100062	I don't really know.
100105	I feel that more people would hear about it that way.
100146	I think that anyone use Google to find books easier. It's marvelous.
100157	Hard to know but sales have increased since they have been doing that.
100199	I think there are a lot of customers out there, I have no proof, I think there are people out there that need to see something before they buy it. It disappeared from Barnes & Noble because it didn't move. How is anyone going to buy the book if they don't see it. A lot more people are using Google and it's a virtual pick it up scan it look at it. It's got to help, it can't hurt.
100206	Gut feeling no data to back that up.
100260	I've seen reference to where the reader seemed to have been using Google.
100281	People would be interested in what the excerpt said and might buy the book.
100357	The book is out of print so you can get it from google.
100422	Because it's another way to let people know the book is there, most academic books don't get a lot of advertising.
100463	Increase exposure and maximize the number of potential buyers.
100560	I feel that once you write something you are glad to have it out there.
100584	Nitty gritty - see it on Google can get the picture - more likely to buy it.
100602	It stimulates interest on the reader's part. They want to read more I hope.
100630	People are able to see the relevance of the book.
100654	Meets people all over the world that are aware of books through the internet.
100695	Because more people would read about it.
100704	Nobody knows the book exists and they become more available.
100705	Because I was advertising a writing workshop , I was founded by Google They will end up in my book some how.
100720	The fact that it's out there and potential readers could read portions and become interested in purchasing the book.
100724	It's exposure of the book and Google does give exposure. But not too much exposure, that can ruin the book.
100760	Because The excerpts leads to the books so they buy it.
100824	Because of the use Google by most people.
100826	Makes it more visible to people.
100835	Exposure.
100852	makes the content available.
100867	People have a very narrow definition of copyright. The more buzz there is the better.

Case ID	Q295: What makes you feel the demand for your book would improve from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
21	More people would know about it.
36	More people would get to know about them!
42	Greater accessibility to scholars and potential purchasers of the book.
64	Same answer as before
66	As I said, people would understand better their content and excellence
67	The present publicity of my books seems to be minimal. Might be from lax Marketing by the publisher or some irregularity in the publishing house.
71	Publicity for book
74	More exposure
84	It would have the potential to reach people who otherwise wouldn't know the books exist.
85	because my books are scholarship and readers might see that they are also accessible.
90	Seeing the table of contents might persuade them to purchase the book.
92	Few people ever heard of me and my 28 published books.
95	Any visibility would help with sales.
100	More potential readers might develop interest in the complete book.
101	Discoverability. If readers can quickly sample a book that caught their attention, the right readers for my books are more likely to give them a try.
102	I don't have other advertisement means.
103	If it is a good excerpt it might induce someone to buy the book
106	They are available. Right now they're not available.
108	Short excerpts of poetry can show a lot about the quality of the poetry if well chosen.
114	people like to know what they are getting
120	Search mechanisms would bring books to attention of more people--at least possibly
125	I think when people read it they would want to read the whole book
141	d
153	See previous comment.
157	People who are looking for specific information, and who are directed to a sample of my work, might be prompted to but the entire book
159	More people would know about it
162	Academic books are frequently not well known or marketed beyond a narrow university community. Something like google books will give such works wider visibility.
168	because finally it is business
170	Awareness
173	people would want to read the whole book & therefore would buy it
177	I would assume it would be more available to more people, increasing the possibility of selling books.
179	Greater exposure of my work
180	Would broaden knowledge of the book
181	Readers would experience style and content.
185	A person able to see specific excerpts would be able to recognize a need to obtain the whole book, which they otherwise might not know
188	Well the Google name is well known and respected. It could only help people explore my book.
191	Readers could see if the book material is appropriate for them. All my books are non-fiction.
195	This provides additional exposure for these books. Seems obvious.
196	Gets the word out.
200	would make readers more familiar with the work
211	My books are either text books or edited works. They are not novels, such that reading the last page gives the story away.
213	My books are non-fiction; finding passages that are useful might make readers want to read more of them.
234	I hope that it would pique the interest of potential readers.

Case ID	Q295: What makes you feel the demand for your book would improve from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
235	exposure
257	Readers would get a sample of the writing,etc
260	Again, sheer numbers of people seeing the material for first time.
262	More readers would be aware of the book.
264	As already noted, such a brief excerpt would raise the curiosity of potential readers/buyers of my book.
100002	Just more awareness of the book.
100008	My publishers Macmillan and Cleo and the others never really advertised or pushed my books because they were scholarly books and if they can be goggled it could help.
100009	I would be better financial.
100017	It might get more library use.
100018	It would give people a chance to sample my books and decide if they like to buy them and if so and provide them with a link to purchase them. This would be a service to the authors, publishers and retailers.
100020	Any advertisement is better than no advertisement.
100021	People would find out about the book that they don't even know it existed.
100022	You would be able to get more exposure of your work.
100024	Well there has been a demand of the civil rights era little was done so there would be a demand to see the photographs.
100025	Because it would interest people in the book.
100027	People in a new younger generation might be interested in the book.
100030	Because it would increase the sales.
100031	More availability.
100032	Because there would be a wider audience people would see the book.
100033	Hopefully the person doing it would find that they would want to get more info.
100037	Simply familiarity people would see it more and a wider audience it would be more worthwhile instead of just the title of the book.
100040	Well because people would be more likely know about the books and if they would be more useful to them.
100041	If you can look at part of a page you can see if it is relevant to what you are looking for.
100044	A sampling of the book would provoke a reader to what to have more.
100051	Because could it could not possibly get any worse than it is now.
100053	I think probably people would want to see more of it once they saw the excerpt.
100055	Well more information would be seen it would make it easier to find.
100056	It would improve because there would be more exposure to the book.
100058	It would give the titles of the books more visibility.
100059	Again more exposure to my books.
100063	They would learn about the book and they would learn where they can get the book.
100065	It would make more people aware of the book.
100066	More people would be able to see it and might buy it.
100067	Basic awareness people search online so they would see it they don't have to go to the campus book store they could look online.
100068	More people would become aware of my book.
100071	They would be more available.
100072	It would be easier to access. Also you can find the book easier.
100073	It would show how other portions of the book would be a benefit to you.
100074	More people becoming aware of the book and logically more people would purchase the book.
100077	Because it would be more widely known.
100082	It would get somebody's attentions and I would think they would want to get the original book.
100086	So that a wider generation could be exposed to my work.
100089	I know the University of Chicago has put all the publications of the Oriental institute online it has increased sales.
100091	There would be more than just a title to find. It would also give more interest to the reader and give more for people with questions.
100093	More people would see it.

Case ID	Q295: What makes you feel the demand for your book would improve from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
100094	I feel that it would be more widely circulated and can get more interest in the book. Make the book more aware.
100097	People would have more access and interest in the book by seeing portions of it.
100098	I think it would bring the titles back into light. It would give it exposure which would be beneficial.
100099	A wider audience but it wouldn't help me because I wouldn't get any money from Google.
100101	More people would know more about my book.
100104	I think anything that gets a book out to the public would improve sales.
100109	Because I've had people learn about its existence to have it known.
100113	Don't know
100116	More access.
100119	It would be an introduction to the book.
100120	If it is credited it would give exposure.
100121	Makes the book more easily available.
100127	If people see it and realized it still exists they might want to buy a copy.
100128	More access.
100131	It will increase the exposure to the public.
100132	People have opportunity to see some of it.
100137	I think that scholar's researchers would find it helpful some were published long ago or out of print.
100139	Some of them would be out of date.
100140	Well I think it would increase access to others.
100142	There might be someone who will find on Google books and may want to buy it.
100155	Because it's my book as many nonfiction books are is sort of a limited audience. So people that might not otherwise know of its existence may learn about my book.
100165	Be more readily available.
100166	It would entice readers.
100172	Exposure of my book.
100173	Somebody might want to read the book.
100174	It would allow a sampling to whet their appetite.
100176	People would then see that the book was useful and I would be happy to have people view my books.
100179	It would be good for publicity.
100181	The occurrence of the students getting a view of my books.
100182	The book was republished two years ago. Might come to more interest.
100184	The reader might find it interesting enough to buy it.
100185	Potential buyers would know more about them and the more they know about them the more they will want my books.
100187	I've been told by people who've heard of my books and it's helped them decide to buy my books.
100188	I'm an academic researcher and I believe in the free exchange of free information and ideas so the more people to read it the better. I don't write to make money basically.
100190	It would get my books out to more people.
100195	I like to believe they can become more familiar with the contents of the book and be attractive to them.
100196	It would be good marketing and advertising.
100201	The book is out of print and it might cause the publisher to reconsider at least a new printing.
100212	A glimpse of it might peak interest.
100215	If they are selling books for me someone might buy.
100217	The people would be more familiar with the book.
100223	The excerpts serve as bait to increase curiosity on the part of the reader.
100225	A little more notice.
100228	Well they might order it if they're aware.
100229	More people would have access to what I have written.
100230	35 years out of print reasonably respected book might help.
100232	It would be more visible.
100234	It's obvious it the wave of the future.



Case ID	Q295: What makes you feel the demand for your book would improve from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
100237	Make people more aware.
100239	Because people would know about it.
100240	Greater exposure.
100242	I cannot think of any downsides. I don't see how it would do them any harm.
100243	If people knew about it and Googled it they'd like my books.
100246	Obviously easier for people to get them.
100251	The book is a special academic book and this would bring it to wider audience.
100255	The more often my books are quoted the more people would know they exists and be apt to buy them.
100256	Somebody may be interested .it is waiting for someone if it is there to be used.
100262	Because it is a different method for people to be aware of my books.
100268	It would help sales.
100270	My books are so good that if people see little excerpt from them they will want to buy them.
100274	A good number of them are not in print and if they were scanned by Google they would be accessible.
100275	More people would know about the existence of the book.
100276	Make it more accessible.
100279	It is a scholarly book. people interested in those areas would be informed.
100283	If people could read my brilliant prose they could go out and purchase it today.
100284	More people would be aware of what's in the book.
100285	People would become aware of the content.
100288	It would be more accessible online.
100294	It might make them more visible.
100296	Lots of internet people connecting with book.
100299	To get my work in the hands of someone is a big job and a lot of people are doing their searches on line.
100301	Somebody will want to more.
100305	If they are interested in the topic, they will buy.
100330	Both books can be on there and can have more people view them and the demand for my book would go up.
100334	People can find out about my book without going to the library.
100335	It would make more available to people. Now I will come up from this one website.
100340	If someone wanted to read the book they can find it easier.
100342	The more people that know more about the book even a short excerpt it would make them want to know more about the book.
100346	Because of type of book it is, some of it is for young people some of it for adults.
100349	I think it might be somewhat improved but I really couldn't say for sure.
100352	The people will know the quality of the book and read more.
100353	It would be improved because publicity would make it more available and would make us want to try it and have the book. People can also become interested in the book.
100358	It would be more widely available to an audience a little bit of a teaser.
100359	Because my books are technical in nature people will need more information.
100363	More people would be aware of my book.
100373	Because someone might see it and be interested and order a copy.
100382	Anybody that is interested it would be helpful.
100383	Public visibility not previously gotten.
100385	I think the people reading the excerpt might want to read the book.
100390	My books are great.
100391	Whoever is looking might buy it.
100393	Information about the books made available to more people.
100397	Might.
100400	Not appreciated by today's reader.
100401	It would be more likely for someone to stumble onto my book this way.
100402	It would be more exposure to my book.
100411	Because people might come across it in an online search, which might, otherwise, never have heard of it. This is my

Case ID	Q295: What makes you feel the demand for your book would improve from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
	experience, when I come across books in a Google search, I click on it, read the excerpt and in some cases, I've gone out and bought the books, one or two cases.
100412	More people might read, or purchase the works.
100413	Well, again, if you don't know it's there, you wouldn't be offered it.
100416	Simply that under some rubric people could find out one more thing that they did not know - enhances the search for knowledge - not concerned with royalties or stealing - on line is great.
100423	I feel that the benefit to me would increase.
100424	The exposure.
100432	It would bring it to the attention somebody that would want to buy a book.
100436	More people would know about the book.
100437	More people exposed to my material.
100438	People would be enticed.
100440	Most of the type my books don't get marketed. This would help them get marketed.
100445	Because people search Google. Spreading ideas and people would be better off.
100448	Because the more people that look into it and want to taste it.
100449	More people would know about it.
100452	Would remind people that it exists - 7 years old.
100453	More people being aware of the book.
100455	If you read part of it you would want to read more of it.
100456	People may be interested. It cannot harm.
100457	More people would be aware of it.
100460	It would make a casual researchers more familiar with the work.
100462	For information if people are satisfied they can buy my book.
100464	They would buy my books.
100468	My guess is that the nature of the topics students would consult it in college and they would come to it more quickly through the internet.
100471	It might to get the book to get the whole.
100475	The demand might be improved but financially it has very little impact on me since my publisher went out of business.
100476	The more people know about what I do the more likely they will be to buy my book.
100480	Because of the additional exposure.
100482	Most of my books are pretty old, so this way people could get in touch with the books.
100488	Any kind of advertising is good.
100489	Well, a lot of my books are poetry, and people are looking for a title. Their access to it would be immediately, and mostly they're small print runs, and I think it would be good to be out there.
100490	The person who is interested would find out about it.
100496	More younger women could learn something from my book.
100497	Easier to know what the book is about rather than running to the library or bookstore. Faster access.
100500	Because it's sold at gift shops and people that buy the book also want to know where also to get the book for their friends.
100501	Again because more people seeing my books may want to acquire the books.
100504	Slightly improved because someone might be attracted by the excerpt of my book.
100508	Much wider exposure.
100512	I would be very pleased. Most authors are writing fiction books. You can get a global approach.
100520	It would increase awareness of the books existence.
100521	Any press is better than no press.
100524	More chances people have to see info the better it is.
100525	If they read the excerpts they might like the book.
100528	If people can find a little more about it than they might want to have a copy.
100531	Thinks that people who are not familiar might look and read an expert and think maybe they should buy it.
100537	It gives readers an opportunity to sample and then possibly buy it.

Case ID	Q295: What makes you feel the demand for your book would improve from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
100545	By giving it wider distribution.
100549	It would get more exposure.
100555	Might improve sells the short experts might want to read more.
100556	The more people see these excerpts the more people that would want to read them.
100565	Think that books read well and the experts read well and increase the audience.
100568	I think people reading excerpts would be inclined to read the whole book.
100572	Slightly improved again because more people would see my book.
100573	Its greater publicity.
100574	More exposure that could be good.
100576	More people would have more information about them.
100579	It creates a larger audience for the book.
100580	If they saw it they would buy it.
100581	More people would have access.
100582	Greater availability to the public.
100588	More likely to buy it.
100591	People would have a chance to see it more quickly instead of wandering a library looking for it.
100593	People ran across things on my website and they like it which show improve.
100594	Exposure, more people know about my work the better for me.
100595	Because more people would have the possibility of finding out what subject matter his book is all about.
100596	More people would be exposed to it.
100597	More exposure and people would want to have a copy.
100598	Depends on timely advice.
100605	Because again it's more free advertising for more book and can build demand.
100617	My book is primarily about Russia and Russia is a very hot topic now.
100624	Greater exposure.
100628	More exposure.
100629	Anything that brings it to more people's attention would be a benefit.
100632	People would be more aware that a book would be on a particular subject.
100633	Bring it back to life a little bit.
100634	That they wouldn't be discoverable.
100635	People would be interested and read the rest of the book.
100639	If it had a high appearance in the search engine more people would see it.
100645	Google is very powerful search engine for everything and a form of exposure.
100648	Because its currently out of print and would be more available.
100649	Same answer before.
100651	Because Right now it's out of print.
100652	The equivalent of advertising.
100656	Because that books would might be off the scene, Google could be more current opposed to past books that are printed.
100661	My books are not widely circulated It would benefit me because more people would read them.
100663	More people would know their existence.
100664	If someone reads a portion then they might want to go out or buy the whole book. Increase the demand for book.
100665	If a person scanned it they might buy it.
100670	Publicity helps.
100677	From the accessibility.
100682	People who were looking for the book the Google scanning would make it useful for them to find the book.
100683	The quality of the book.
100685	I think it would draw attention to the book and the quality to the book and they would purchase the book.
100686	If it was a short excerpt people might want to read the rest.
100688	If people can see a portion they might want to read the rest of it.
100689	It's like a review



Case ID	Q295: What makes you feel the demand for your book would improve from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
100697	I feel if someone has seen any part of the book they will want to see the rest of it.
100701	A lot of people buy my book because of the title and subject matter.
100702	Because Of people who are curious, People could be more informed about the book.
100706	Folks could more easily get a sense of the content of the particular book that might encourage them to purchase the book itself.
100707	The chance of whoever reads the excerpts is intrigued by it.
100708	Have a look at a book and think it's interesting might want to be the whole book.
100715	Because poets are Googled individually as authors and when poems come up people tend to look for the collections.
100717	Google is the most famous name on the web so people would see it.
100719	Well they have been out of print, it would help the books out a lot.
100721	Again because it is the way to go because people are on the internet more and so people would see it and say what is this.
100722	Basically because any publicity even bad publicity usually helps book sales.
100723	A lot of my books are mysteries and a lot of people like mysteries and would like to know about them as soon as they come out.
100726	I'd guess that potential purchasers would find out enough to buy the book.
100727	Because it would open my books to a wider audience.
100731	I don't know.
100732	Depends on what people are reading.
100734	Same answer as before. It provides a good way of merchandising the book.
100735	If it were available to a wider public in short excerpts the wider public would have the opportunity to become engaged by the book and possibly go out and purchase a copy.
100737	Some people around the world might become aware of these books. Good promotion needed.
100738	If potential buyers actually read the portions they might be interested in purchasing the book.
100740	Because it would be more immediately available to a larger population.
100747	More people being aware.
100749	Most things that are on the internet if people are exposed to it there would be enough of them who would want to get it.
100750	Because you have a wider audience.
100755	People get exposed to enough to create interest.
100756	People would know what they are buying.
100757	It's free advertising.
100758	If somebody reads it they might be interested.
100761	It would get the book around.
100762	The lower east side is not necessarily time related and it's out of print. Having it circulated might be positive.
100764	The same answer as before.
100765	It can't hurt to get samples of your crows out floating around.
100767	It would increase visibility.
100773	Same answer as before.
100778	Just the fact that it would available to the public.
100779	Looking for specific topics they can find the book.
100781	Any reader who would be drawn to buying it.
100783	More people would be familiar with them.
100786	More and more people are using Google and electronics and it's easier to get stuff that way.
100787	Because my books are well written and highly readable.
100791	I don't know just guessing.
100794	Suspect it might.
100800	Somebody might read a part and might like it.
100801	A lot of people look at Google it could help.
100805	Because they saw that and will go to bookstore to get another one.

Case ID	Q295: What makes you feel the demand for your book would improve from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
100806	Well it would have more visibility.
100809	Greater public exposure.
100816	Give the newer generation access.
100818	Introduce more people to the book.
100821	People are all over the place on the tube and the internet. Can't do any harm on there.
100825	They are pretty good and people would want to look at it.
100827	There would be awareness that these books exist.
100828	It would reach a wider audience.
100829	Any writer hopes that a little taste of the book would make the reader want to read the whole thing.
100833	Simply that if people looking for a subject or me they would come across these things and might spark interest in the book.
100834	Because somebody might then wish to read the whole book.
100836	Because some people are attracted when they see an excerpt rather than a cover it makes more of an impact on the reader. Catches their interest.
100839	Same answer as before.
100840	I look inside books to see if I want to buy them.
100841	Because anyone reads the copy would be moved to want to go out and buy the book.
100847	More people would be exposed.
100855	Because of the exposure.
100856	It would someone is available.
100857	People would look for that information.
100858	You'd have a little more coverage, people would be able to read a little bit of it.
100859	I think the reader would have more insight on the subject.
100862	Just getting into the public spear.
100863	It's getting out there.
100864	Because its material and they get to see it.
100873	More people would be aware of it.
100883	People see how good it is they will want it all.
100886	I don't profit directly from these books I just did it as a labor of love.
100890	Exposure.
100891	Because I am responsible entirely for publicity of books, I can't travel or promote my own work and the exposure is good.
100892	If people can have access to some of it they might be interested in buying the book.
100895	Anything that is brought to people's attention could be positive.
100906	I think it would be publicity for my books, more demand then for my books because more people will see my books.
100907	It might improve because having just read an excerpt in a masters program students and other invited guests; mentors; faculty wanted to read more.
100908	Increases the opportunity for people to see the work.
100909	More people would be aware of the book.
100910	Because of the free advertising.
100912	Again due to the greater exposure of my book.

Case ID	Q277: What makes you feel the demand for your book has been harmed from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
100014	Because if someone can get it for free they won't buy it.
100465	Benefit would be more positive.
100430	I am not aware of losing any royalties - I am also aware that people may see my book and be interested in it - my judgment is that I have benefited.
100680	Its already available online.
100015	People are reading online not buying it.
100583	There are people who have taken excerpts from the book and otherwise they could have bought the book instead.
100894	They have no write.

Case ID	Q297: What makes you feel the demand for your book would be harmed from Google scanning your copyrighted books so that they can be searched online and short excerpts displayed in search results?
28	same reason I gave for earlier question
111	Most of my books are used in the context of seminaries and theological courses. They have become known in the trade as 'modern classics' and don't need any further exposure, particularly exposure that might lead to the posting of the entire contents online.
116	Readers would rely on google results only
122	see previous answer
124	It might not then be necessary for the reader to purchase a book or too request it at a library.
172	too much information would be displayed
238	Same reason as given before - people would have less reason to purchase my book.
247	Quotes out of context can be misleading.
267	same
100026	If they can find it there they might not be interested in buying the book or reading the book.
100087	I teach at a university. My students often go to sites where articles are excerpted and they quote only from the excerpted passages.
100124	I think that they should compensate.
100135	If they can read a condensed version, they wouldn't buy.
100259	Students would be less likely to buy a text books.
100291	If they scan it without pay I would be harmed unless it were out of print.
100341	A person looking for specific material to use would stop with that and not want to read the whole book.
100354	Google books would be taking my intellectual property without any compensation to me.
100421	It's a great idea, you need to have your books published and popularized.
100446	Most people would want hard copy of book.
100459	People can get it for free and it's better to buy the book.
100523	Once you make it free and accessible why would people go out and buy it.
100586	Obvious thing.
100607	It is a short circuiting of concept of intellectual property.
100679	Fewer people would want to purchase the book.
100700	Students would get it for free instead of buying it.
100703	I just the one book is so slight, that they can read the whole thing without paying for it.
100714	If people can see it online then they don't need to buy it.
100784	Because somebody would just take it wouldn't have to buy it.
100795	It's going to be a scholarly book and it's a very small audience. Libraries purchase and if it were available electronically they would not purchase it.
100812	If people have it available from scanning they aren't going to buy it.
100871	People would be required to buy the book in order to read it.

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Google Inc.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE AUTHORS GUILD, INC., Associational  
Plaintiff, BETTY MILES, JOSEPH  
GOULDEN, and JIM BOUTON, on behalf of  
themselves and all other similarly situated,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 05 CV 8136 (DC)

**ECF Case**

**DECLARATION OF JOSEPH C. GRATZ  
IN SUPPORT OF GOOGLE INC.'S OPPOSITION TO  
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Joseph C. Gratz, declare as follows:

1. I am a member of the law firm Durie Tangri LLP, counsel for Google Inc. in this matter. I make the following declaration based on my personal knowledge and, if called upon to do so, could testify competently to the matters set forth herein

2. Attached hereto as Exhibit 1 is a true and correct copy of a screen shot for a Google Books snippet view page for Jim Bouton, *Ball Four* (J. Wiley & Sons ed. 1990), at <http://books.google.com/books?id=3cgcAQAAIAAJ&q=lawsuit>.

3. The three named plaintiffs produced some publishing contracts for their books in discovery, but more than half are lost. Plaintiff Jim Bouton testified that he lost the publishing contracts for three of the five editions of *Ball Four*. *Id.* at 54:1-24. In addition to the two contracts with respect to *Ball Four*, Mr. Bouton produced the publishing contract for one edition of *Foul Ball*. The three contracts Mr. Bouton was able to locate are attached to this declaration as Exhibit 7. In addition to *Ball Four* and *Foul Ball*, Mr. Bouton authored or co-authored *I'm Glad You Didn't Take It Personally*, *I Managed Good* and *Strike Zone*. He testified that he does not have the publishing contracts for any of these books. Bouton Dep., attached to this declaration as Exhibit 2 at 69:14-70:11, 71:10-19, 74:6-12. Mr. Bouton produced only one piece of reversion correspondence—a reversion acknowledgement letter with respect to *Foul Ball*. He did not produce reversion correspondence with respect to any of this other books.

4. Plaintiff Goulden produced a list of his seventeen published books. Goulden Dep. Ex. 2, attached to this declaration as Exhibit 4. Mr. Goulden produced only one publishing contract (for *The Dictionary of Espionage: Spookspeak Into English*) and two translation agreements. Mr. Goulden's publishing contracts are attached to this declaration as Exhibit 8. Mr. Goulden testified that he was not able to locate publishing contracts for any of his other

books. Goulden Dep., Gratz Decl. Ex. 3, at 60:12-61:8. Thus, out of seventeen publishing contracts, Mr. Goulden has only three.

5. Plaintiff Betty Miles produced a list of her out of print and uncertain status books (Miles Dep. Ex. 9, attached to this declaration as Exhibit 6) of which there are twenty-three. She identified another five books at deposition for a total of twenty-eight books. Miles Dep., Gratz Decl. Ex. 5, at 55:18-57:14. Ms. Miles produced publishing contracts (or amendments to publishing contracts) for twelve out of her twenty-eight books. (Miles' contracts are attached to this declaration as Exhibit 9.)

6. In sum, the named plaintiffs have authored a combined total of fifty-three books and have been able to locate only eighteen publishing contracts.

7. Attached hereto as Exhibit 2 are true and correct copies of excerpts taken from the December 15, 2011 Deposition of Jim Bouton in this action.

8. Attached hereto as Exhibit 3 are true and correct copies of excerpts taken from the January 6, 2012 Deposition of Joseph Goulden in this action.

9. Attached hereto as Exhibit 4 is a true and correct copy of Deposition Exhibit 2 to the January 6, 2012 Deposition of Joseph Goulden in this action and which was authenticated by Mr. Goulden at pages 56:20-57:9 of his deposition (Exhibit 3 hereto).

10. Attached hereto as Exhibit 5 are true and correct copies of excerpts taken from the January 4, 2012 Deposition of Betty Miles in this action.

11. Attached hereto as Exhibit 6 is a true and correct copy of Deposition Exhibit 9 to the January 4, 2012 Deposition of Betty Miles in this action and which was authenticated by Ms. Miles at page 55:1-20 of her deposition (Exhibit 5 hereto).

12. Attached hereto as Exhibit 7 are publishing contracts produced by Plaintiff Jim Bouton in this action.

13. Attached hereto as Exhibit 8 are publishing contracts produced by Plaintiff Joseph Goulden in this action.

14. Attached hereto as Exhibit 9 are publishing contracts produced by Plaintiff Betty Miles in this action.

15. Attached hereto as Exhibit 10 are twenty-four publishing contracts produced in redacted form by Plaintiff The Authors Guild on January 26, 2012 and uniquely numbered AGI00001 through AGI00224. The Authors Guild, by its counsel Michael Boni, has represented to me that these contracts reflect a representative sample of the many publishing contracts in the possession of The Authors Guild.

16. Attached hereto as Exhibit 11 are true and correct screen shots of Google Books snippet view pages for:

a. Michael Crichton, *Jurassic Park* (Ballantine ed. 1997), at <http://books.google.com/books?id=O8XZAAAAMAAJ&q=dna>;

b. Henry Melville Dowsett, *Handbook of Technical Instruction for Wireless Telegraphists* (1945), at <http://books.google.com/books?id=73EEAAAAMAAJ&dq=Handbook+of+Technical+Instruction+for+Wireless+Telegraphists>; and

c. William Webster Barron, et al., *2 Federal Practice and Procedure* (1960), at [http://books.google.com/books?id=DoI\\_AAAAIAAJ&q=federal+practice+and+procedure](http://books.google.com/books?id=DoI_AAAAIAAJ&q=federal+practice+and+procedure).

17. Attached hereto as Exhibit 12 is a true and correct screen shot of the Google Books snippet view page for Samuel M. Selby, *Standard Mathematical Tables* (1975), at <http://books.google.com/books?id=tqs6cq4s3uMC&q=1337>



18. Attached hereto as Exhibit 13 is a true and correct copy of Circular 23 published by the United States Copyright Office, *available at* <http://www.copyright.gov/circs/circ23.pdf>.

19. Attached hereto as Exhibit 14 is a true and correct copy of an excerpt from 20 *Catalog of Copyright Entries: Third Series* (Jan.-June 1966).

20. Attached hereto as Exhibit 15 are true and correct copies of copyright registration nos. A 330604, A 619840 and A 809473 produced by Plaintiff Betty Miles in this litigation.

21. Attached hereto for the convenience of the Court as Exhibit 16 is a true and correct copy of the district court decision in *WB Music Corp. v. Rykodisc, Inc.*, No. Civ.A.94-2902, 1995 WL 631690 (E.D. Pa. Oct. 26, 1995) which was downloaded from the court PACER system.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 8, 2012, in San Francisco, California.

/s/ Joseph C. Gratz  
Joseph C. Gratz

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## Ball four

No eBook available

Amazon.com - \$10.63

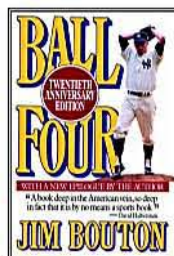
Barnes&amp;Noble.com - \$7.91

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+1 0

Jim Bouton, Leonard Shecter

★★★★★

153 Reviews

John Wiley &amp; Sons, Jul 12, 1990 - Sports &amp; Recreation - 504 pages

Twentieth-anniversary edition of a baseball classic, with a new epilogue by Jim Bouton.

When first published in 1970, Ball Four stunned the sports world. The commissioner, executives, and players were shocked. Sportswriters called author Jim Bouton a traitor and "social leper." Baseball commissioner Bowie Kuhn tried to

[More »](#)



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## From inside the book

lawsuit

Search

2 pages matching lawsuit in this book

Page 447

ADMINS SUCH BOUTON AND SOX DURING CHAMP WARE DOGS FOR PUT-  
mony." Getting the clap is nothing compared to getting clapped with  
a 12-million-dollar lawsuit.

Why do ballplayers have to take drugs and have girlfriends in the  
first place? This may come as a shock to some people but it's because

Page 449

The good news is that Big League Chew has had sales of \$14  
million a year for the past ten years. The bad news is that Rob and I  
had to file a lawsuit against the Wrigley Company in order the get the  
royalties we had coming to us.

The good news is that we won about \$2 million in damages. The

Where's the rest of this book?

## What people are saying - Write a review

It takes a stadium: will it play in Pittsfield?(Book Review ...

Editorial Review - ecnext.com

But his real contribution was the locker-room diary he kept that was published in 1970 as **Ball Four**, which more recently the New York Public Library named ... [Read full review](#)

Review: Ball Four

User Review ★★★★★ - Joe Gutowski - Goodreads

As a aspiring baseball historian who's read a number of present-day books, Bouton's book doesn't come off as  
earth-shattering or all that revolutionary in comparison to what gets revealed in other ... [Read full review](#)

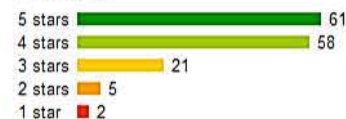
It takes a stadium: will it play in Pittsfield?(Book Review ...

Editorial Review - ecnext.com

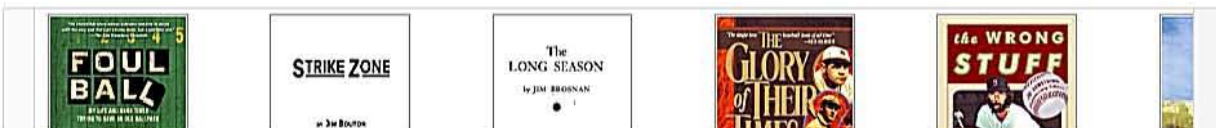
But his real contribution was the locker-room diary he kept that was published in 1970 as **Ball Four**, which more recently the New York Public Library named ... [Read full review](#)

All 153 reviews »

## User ratings



## Related books



Page 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
THE AUTHORS GUILD, INC., et al.,

PLAINTIFFS,

-against- Case No:  
05CV8136 (DC)GOOGLE INC.,  
DEFENDANT.  
-----XDATE: December 15, 2011  
TIME: 1:00 P.M.

DEPOSITION of a Witness, JIM BOUTON, on behalf of the Plaintiffs, taken by the Defendants, pursuant to a Notice and to the Federal Rules of Civil Procedure, held at the offices of MILBERG, LLP, One Pennsylvania Plaza, New York, New York 10119, before Deborah Garzaniti, a Notary Public of the State of New York.

Page 3

1 JIM BOUTON, called as a witness, having been  
2 first duly sworn by a Notary Public of the State of New  
3 York, was examined and testified as follows:

4 EXAMINATION BY  
5 MS. DURIE:

6 Q. Please state your name for the record.

7 A. Jim Bouton.

8 Q. What is your address?

9 A. Care of Boni & Zack, LLC, 15 St. Asaphs  
10 Road, Bala Cynwyd, Pennsylvania 19004.

11 Q. Good afternoon.

12 A. Good afternoon.

13 Q. You understand that you are here giving a  
14 deposition in a case that has been brought against  
15 Google?

16 A. Yes.

17 Q. What is that case about?

18 A. It is about whether Google has the right  
19 to copy and disseminate copyrighted books.

20 Q. When you say "whether Google has the  
21 right to disseminate copyrighted books," what do you  
22 mean by disseminate?

23 A. Well, I am not sure. Let's leave it that  
24 they are violating copyrights.

25 Q. Do you have an understanding as to how it

Page 2

## 1 APPEARANCES:

2  
3 MILBERG, LLP.

4 Attorneys for the Plaintiffs  
5 One Pennsylvania Plaza  
6 New York, New York 10119  
7 BY: SANFORD P. DUMAIN, ESQ.

8  
9 BONI & ZACK, LLC.

10 Attorneys for the Plaintiffs  
11 15 St. Asaphs Road  
12 Bala Cynwyd, Pennsylvania 19004  
13 BY: MICHAEL J. BONI, ESQ.

14  
15 DURIE TANGRI, LLP.

16 Attorneys for the Defendant  
17 217 Leidesdorff Street  
18 San Francisco, California 94111  
19 BY: DARALYN J. DURIE, ESQ.  
20 BY: JOSEPH C. GRATZ, ESQ.

21 \* \* \*

Page 4

1 is that Google is violating copyrights, in your opinion?

2 A. Well, they are simply copying them. They  
3 don't have the right to copy copyrighted materials.

4 Q. So is your primary contention in this  
5 case that Google is violating copyright laws by making  
6 electronic copyright works?

7 MR. BONI: Objection to the form. If you can  
8 answer, answer the question.

9 A. Repeat it again.

10 Q. Sure.

11 Is your primary contention in this case that  
12 Google is violating the copyright laws by making an  
13 electronic copy of copyright works?

14 A. That is certainly one of them.

15 Q. What else is it about Google's conduct  
16 that you believe is violating the copyright laws, in  
17 addition to making electronic copy?

18 A. That they are using this material, making  
19 it available for other people, making digital copies for  
20 libraries, putting pieces of it on the Internet, using  
21 excerpts from the book in order to make advertising  
22 money. They never called me and asked if they could do  
23 that, never offered me any money to use my books in a  
24 way that allowed them to make money.

25 Q. I want to ask you about each of those

Page 29

1 Do you think that you have suffered any  
2 economic harm from the display of any quotes from your  
3 books in Google Books?

4 A. I don't know.

5 Q. Do you know whether any other members of  
6 the class have suffered any economic harm as a result of  
7 the display of quotes from their books in Goggle Books?

8 A. I don't know if they have or not.

9 Q. Let me just caution you. We are speaking  
10 over each other a little bit, which is a normal thing to  
11 do in every day conversation. It makes it hard for the  
12 Court Reporter because she is trying to take it down.  
13 Even though you may know what I am going to say and what  
14 my question is, it will help her out a lot if you wait  
15 for me to finish speaking before you give your answer.

16 A. Got it.

17 Q. Very good.

18 Do you have an understanding that some  
19 members of the class are academics who are also authors?

20 A. I assume some of them are.

21 Q. Do you have a view as to whether the  
22 ability to use Google Books to conduct searches is a  
23 benefit to those academic authors?

24 MR. BONI: Object to the form. Can we get a  
25 working definition of academics and then can we get some

Page 31

1 to Google?

2 MR. BONI: I object to the form.

3 A. My goal here is to be part of and  
4 represent a group of authors who may not want to make  
5 that phone call that you were talking about by  
6 themselves.

7 Q. Why is it that someone would not want to  
8 make that phone call by themselves?

9 MR. BONI: Object to the form.

10 A. Time consuming, the odds of getting any  
11 relief can be pretty remote.

12 Q. When you say the odds of getting relief  
13 would be pretty remote, do you think if you were to make  
14 a request to Goggle to remove your work from Google  
15 Books that they would not comply?

16 A. Do you mean, when you say "Google Books,"  
17 you mean destroy the copy that they have made and  
18 retrieve the copy that they have given to libraries?

19 Q. Let me break it down for you.

20 First of all, have you ever asked Google to  
21 stop displaying quotations from your books?

22 A. No.

23 Q. Do you think if you were to ask Google to  
24 stop displaying quotations from your books, that it  
25 would comply?

Page 30

1 understanding of whether you mean as class member or as  
2 researchers using Google.

3 Q. Let me ask you this question.

4 You have a general understanding that there  
5 are academic authors who may be professors, for example,  
6 who are members of the class; right?

7 A. Yes.

8 Q. Let's take those professors as our  
9 working example. Do you have a view as to whether  
10 professors, who are themselves are also authors and,  
11 therefore, members of the class, derive a benefit from  
12 the use of Google Books?

13 A. I don't know if they do or not.

14 Q. Have you asked Google to remove any of  
15 your books from Google Books?

16 A. No.

17 Q. Why not?

18 A. It just seemed like a lone futile  
19 objection and I couldn't do it by myself.

20 Q. What is it that you couldn't do by  
21 yourself?

22 A. Get the attention of somebody at Google  
23 to listen to my concerns.

24 Q. So is it fair to say that one of your  
25 objectives in bringing this lawsuit is to send a message

Page 32

1 A. I have no idea.

2 Q. Do you have a view as to how time  
3 consuming it would be to make that request?

4 A. Do I have an idea how time consuming it  
5 would be to have me make the request or get a response?

6 Q. No, make the request.

7 A. I don't know how time consuming it would  
8 be. I am not even sure what the procedure would be to  
9 do that.

10 Q. Have you ever investigated how to make a  
11 request to Google to remove the display of quotes from  
12 any of your books from Google Books?

13 A. I haven't investigated how to do that.

14 Q. What do you understand your role in this  
15 case to be as a class representative?

16 A. Simply to represent the class.

17 Q. Do you have an understanding as to what  
18 your job is in representing the class?

19 A. Yes, to be an example of the group.

20 Q. What have you done so far in your  
21 capacity as a class representative in this case?

22 A. I have read all of the materials and if a  
23 class member were to question me, I think I can give  
24 pretty good answers about the lawsuit, what it is about,  
25 so I see my role here as, at this stage, an educator.

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3  
4

5 THE AUTHORS GUILD, et al.

6 Plaintiffs

Civil Action No.

7 vs.

1:2005cv08136

8 GOOGLE, INC.

9 Defendant  
10 \_\_\_\_\_/

11  
12  
13  
14 The Deposition of JOSEPH GOULDEN was held on  
15 Friday, January 6, 2012, commencing at 12:57 p.m., at  
16 the Offices of Gore Brothers Reporting &  
17 Videoconferencing, 1025 Connecticut Avenue, N.W., Suite  
18 1000, Farragut Square, Washington, D.C. 20036, before  
19 Christine A. Gonzalez, CSR, RPR, a Notary Public.  
20  
21  
22  
23  
24

25 REPORTED BY: Christine A. Gonzalez, CSR, RPR



<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2 ON BEHALF OF THE PLAINTIFFS:</p> <p>3 MICHAEL J. BONI, ESQUIRE</p> <p>4 Boni &amp; Zack, LLC</p> <p>5 15 St. Asaphs Road</p> <p>6 Bala Cynwyd, Pennsylvania 19004</p> <p>7 Telephone: 610.822.0200</p> <p>8 Facsimile: 610.822.0206</p> <p>9 Email: mboni@bonizack.com</p> <p>10</p> <p>11 ON BEHALF OF THE DEFENDANT:</p> <p>12 JOSEPH C. GRATZ, ESQUIRE</p> <p>13 Durie Tangri, LLP</p> <p>14 217 Leidesdorff Street</p> <p>15 San Francisco, California 94111</p> <p>16 Telephone: 415.362.6666</p> <p>17 Facsimile: 415.236.6300</p> <p>18 Email: jgratz@durietangri.com</p> <p>19 and</p> <p>20 AMY KEATING, ESQUIRE</p> <p>21 Google, Inc., General Counsel</p> <p>22 1600 Amphitheatre Parkway</p> <p>23 Mountain View, California 94043</p> <p>24 Telephone: 650.253.1428</p> <p>25 Email: amykeating@google.com</p>	<p style="text-align: right;">Page 4</p> <p>1 PROCEEDINGS</p> <p>2 Whereupon,</p> <p>3 JOSEPH GOULDEN,</p> <p>4 called as a witness, having been first duly sworn to</p> <p>5 tell the truth, the whole truth, and nothing but the</p> <p>6 truth, testified as follows:</p> <p>7 EXAMINATION BY MR. GRATZ:</p> <p>8 Q. Good morning, Mr. Goulden.</p> <p>9 A. Morning, sir.</p> <p>10 Q. Can you state your name and address for the</p> <p>11 record, please?</p> <p>12 A. Joseph C. Goulden, spelled G-o-u-l-d-e-n. My</p> <p>13 address is 1534 29th Street, Northwest, Washington,</p> <p>14 D.C., 20007.</p> <p>15 MR. GRATZ: We can mark this as Goulden</p> <p>16 Exhibit 1.</p> <p>17 (Goulden Exhibit 1 was marked for</p> <p>18 purposes of identification.)</p> <p>19 BY MR. GRATZ:</p> <p>20 Q. Mr. Goulden, you're here today because you're</p> <p>21 the plaintiff in a lawsuit; is that right?</p> <p>22 A. Correct.</p> <p>23 Q. You're here today pursuant to what's placed in</p> <p>24 front of you and marked as Exhibit 1, which is a</p> <p>25 deposition notice; is that right?</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2 Deposition of JOSEPH GOULDEN</p> <p>3 January 6, 2011</p> <p>4</p> <p>5 Examination By: Page</p> <p>6 Mr. Gratz 5</p> <p>7</p> <p>8 Exhibit No. Marked</p> <p>9 Exhibit 1 Notice of Deposition 5</p> <p>10 Exhibit 2 Books by Joseph C. Goulden 57</p> <p>11 Exhibit 3 The Money Lawyers - Excerpt #4 79</p> <p>12 Exhibit 4 Google books Screenshot 82</p> <p>13 Exhibit 5 Google books - Document 991-2 85</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 A. Correct. Correct.</p> <p>2 Q. What is this lawsuit go?</p> <p>3 A. About Google's unlawful infringement of the</p> <p>4 copyright in books written by me and many, many other</p> <p>5 writers.</p> <p>6 Q. Anything else?</p> <p>7 A. I think that fairly well covers it.</p> <p>8 Q. What are you asking the Court to do?</p> <p>9 A. To require Google to obey the law, receive a</p> <p>10 permanent injunction against further digitalization of</p> <p>11 books and whatever relief the Court might decide upon.</p> <p>12 Q. Are you asking for money?</p> <p>13 A. \$750.</p> <p>14 Q. Why are you asking for that amount of money?</p> <p>15 A. That is the amount that was recommended by</p> <p>16 Mr. Boni.</p> <p>17 Q. Do you think that's an appropriate amount?</p> <p>18 A. Because I'm trying to establish a principle,</p> <p>19 yes. Pardon me. Make that, defend a principle, yes.</p> <p>20 I'm not in this for the money.</p> <p>21 Q. Are you asking the Court to order Google to</p> <p>22 shut down the snippet view portion of the Google books</p> <p>23 Website?</p> <p>24 A. Yes, because they're violating copyright and</p> <p>25 putting them up there using material that is mine and</p>

<p style="text-align: right;">Page 54</p> <p>1 A. No.</p> <p>2 Q. Why not?</p> <p>3 A. Because one writer against a multi-billion</p> <p>4 dollar corporation.</p> <p>5 Q. What efforts have you undertaken to request</p> <p>6 that your books be removed from Google books?</p> <p>7 MR. BONI: Object to form. He said he didn't.</p> <p>8 A. I was advised by Brandt when this first started</p> <p>9 brewing, "Wait, there's going to be litigation by people</p> <p>10 that can afford it, Authors Guild and perhaps</p> <p>11 publishers."</p> <p>12 BY MR. GRATZ:</p> <p>13 Q. Do you know whether Google removes books from</p> <p>14 Google books upon requests from authors?</p> <p>15 A. I have not the slightest idea.</p> <p>16 Q. If Google were to remove books from Google</p> <p>17 books upon requests from authors, would that change your</p> <p>18 view of Google's activities?</p> <p>19 MR. BONI: Object to form.</p> <p>20 A. No.</p> <p>21 BY MR. GRATZ:</p> <p>22 Q. Why not?</p> <p>23 A. Because there's still a mass of books they've</p> <p>24 already stolen that are in the digital base, and they're</p> <p>25 there.</p>	<p style="text-align: right;">Page 56</p> <p>1 A. Several hundred dollars. 250, 300, something</p> <p>2 of that nature.</p> <p>3 Q. I want to turn back for a moment to the terms</p> <p>4 of your agreement with your attorneys.</p> <p>5 A. With who?</p> <p>6 Q. With your attorneys.</p> <p>7 A. Yes, sir.</p> <p>8 Q. Do you have the independent ability to reject a</p> <p>9 proposed settlement that your attorneys believe is in</p> <p>10 the interest of the class?</p> <p>11 MR. BONI: Object to form.</p> <p>12 A. I don't know.</p> <p>13 BY MR. GRATZ:</p> <p>14 Q. Does your -- who paid your -- actually, strike</p> <p>15 that.</p> <p>16 You wouldn't have had any travel expenses</p> <p>17 coming.</p> <p>18 A. He bought lunch.</p> <p>19 MR. BONI: Subway.</p> <p>20 MR. GRATZ: We'll mark as Exhibit 2 a</p> <p>21 multi-page document titled "Books by Joseph C. Goulden,</p> <p>22 in chronological order."</p> <p>23 (Goulden Exhibit 2 was marked for</p> <p>24 purposes of identification.)</p> <p>25 BY MR. GRATZ:</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. And that objection would continue even though</p> <p>2 Google -- strike that.</p> <p>3 In 2011 what were your sources of income?</p> <p>4 A. My what?</p> <p>5 Q. Sources of income.</p> <p>6 A. Reviews and occasional lecture.</p> <p>7 Q. What do you mean by "reviews"?</p> <p>8 A. Book reviews for the Washington Times,</p> <p>9 Washington Lawyer magazine. And I had unearned income.</p> <p>10 Q. What unearned income is that?</p> <p>11 A. Keyhole, Social Security.</p> <p>12 Q. Anything else?</p> <p>13 A. Some occasional stock dividends.</p> <p>14 Q. Did you receive any royalty or licensing income</p> <p>15 from your books in 2011?</p> <p>16 A. No. Let me strike that. A professor in some</p> <p>17 college in the Midwest -- can't recall the name -- for</p> <p>18 years has paid an annual fee for reproduction of the</p> <p>19 portion of "The Best Years" pertaining to soap operas.</p> <p>20 I think we got a check from that guy in 2011. I think</p> <p>21 we did.</p> <p>22 Q. Is that portion of "The Best Years" titled</p> <p>23 "Birth of the Tube"?</p> <p>24 A. Yes.</p> <p>25 Q. Do you know how much was paid?</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. Mr. Goulden, you have before you what's been</p> <p>2 marked as Goulden Exhibit 2. Do you recognize this</p> <p>3 document?</p> <p>4 A. Yes, I do.</p> <p>5 Q. What is it?</p> <p>6 A. A list I prepared of books I published. I</p> <p>7 misspelled "Superlawyers." The word -- the spell</p> <p>8 checker misspelled it for me. Should be one word</p> <p>9 "Superlawyers."</p> <p>10 Q. In addition to the books listed on Exhibit 2,</p> <p>11 did you write a book called "Guatemala"?</p> <p>12 A. No.</p> <p>13 Q. Did you write or contribute to a book called</p> <p>14 "The Search for the Gold of Tutankhamen"?</p> <p>15 T-u-t-a-n-k-h-a-m-u-n (sic).</p> <p>16 A. I wrote an article for The Daily Texan at</p> <p>17 University of Texas about a man who was involved in the</p> <p>18 expedition. So far as I know, that's the only time I've</p> <p>19 written about King Tut.</p> <p>20 Q. Have you written a book called "It's Better to</p> <p>21 Know the Judge Than the Law"?</p> <p>22 A. No.</p> <p>23 Q. Have you had any involvement in a book called</p> <p>24 "Whose Who Among American High School Students"?</p> <p>25 A. Who?</p>

1 UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
2 -----X  
THE AUTHORS GUILD, INC., et al.,

3 PLAINTIFFS,

4  
5 -against- Case No:  
6 05CV8136 (DC)

7 GOOGLE INC.,  
8 DEFENDANT.  
9 -----X

10 DATE: January 4, 2012

11 TIME: 1:05 P.M.

12  
13  
14 DEPOSITION of a Plaintiff, BETTY MILES, taken  
15 by the Defendants, pursuant to a Notice and to the  
16 Federal Rules of Civil Procedure, held at the offices of  
17 MILBERG, LLP, One Pennsylvania Plaza, New York, New York  
18 10119, before Deborah Garzaniti, a Notary Public of the  
19 State of New York.

20  
21  
22  
23  
24  
25  
DIAMOND REPORTING, INC. - info@diamondreporting.com  
718.624.7200  
1

1 FEDERAL STIPULATIONS

2  
3 IT IS HEREBY STIPULATED AND AGREED by and between  
4 the counsel for the respective parties herein that the  
5 sealing, filing and certification of the within  
6 deposition be waived; that the original of the  
7 deposition may be signed and sworn to by the witness  
8 before anyone authorized to administer an oath, with the  
9 same effect as if signed before a Judge of the Court;  
10 that an unsigned copy of the deposition may be used with  
11 the same force and effect as if signed by the witness,  
12 30 days after service of the original & 1 copy of same  
13 upon counsel for the witness.

14  
15  
16 IT IS FURTHER STIPULATED AND AGREED that all  
17 objections except as to form, are reserved to the time  
18 of trial.

19 \* \* \* \*

20  
21  
22  
23  
24  
25  
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718.624.7200  
3

1 A P P E A R A N C E S :

2 MILBERG, LLP.

3 Attorneys for the Plaintiffs  
4 One Pennsylvania Plaza  
5 New York, New York 10119  
6 BY: (NOT PRESENT)

7 BONI & ZACK, LLC.

8 Attorneys for the Plaintiffs  
9 15 St. Asaphs Road  
10 Bala Cynwyd, Pennsylvania 19004  
11 BY: MICHAEL J. BONI, ESQ.

12 DURIE TANGRI, LLP.

13 Attorneys for the Defendant  
14 217 Leidesdorff Street  
15 San Francisco, California 94111  
16 BY: JOSEPH C. GRATZ, ESQ.

17 ALSO PRESENT:

18 Anita Fore from The Authors Guild

19  
20  
21  
22  
23  
24  
25  
DIAMOND REPORTING, INC. - info@diamondreporting.com  
718.624.7200  
2

1 BETTY M I L E S, called as a witness, having been  
2 first duly sworn by a Notary Public of the State of New  
3 York, was examined and testified as follows:

4 EXAMINATION BY

5 MR. GRATZ:

6 MR. GRATZ: Mark this as Miles Exhibit 1,  
7 please.

8 (Whereupon, the aforementioned document was  
9 marked as Miles Exhibit 1 for identification as of this  
10 date by the Reporter.)

11 Q. Please state your name for the record.

12 A. Betty Miles.

13 Q. What is your address?

14 A. 3306 Wake Robin Drive, Shelburne, Vermont  
15 05482.

16 Q. Good afternoon, Ms. Miles.

17 A. Good afternoon.

18 Q. How are you?

19 A. Fine. Thank you.

20 Q. So what has been placed in front of you  
21 is marked as Exhibit 1.

22 MR. BONI: Let's put that before her so it is  
23 official.

24 Q. Ms. Miles, are you appearing here today  
25 as a result of your Counsel getting this notice?

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4



1 **A. Yes.**  
 2 **Q.** Which I recall fondly.  
 3 **A. Oh, how nice.**  
 4 **Q.** That was first published by Knopf?  
 5 **A. Yes.**  
 6 **Q.** You also published a book called Sink Or  
 7 Swim?  
 8 **A. Yes.**  
 9 **Q.** That was first published by Knopf as  
 10 well?  
 11 **A. Yes.**  
 12 **Q.** And you also wrote the other books that  
 13 are listed here?  
 14 **A. Yes.**  
 15 **Q.** Do you know how many of your books have  
 16 been scanned by Google?  
 17 **A. No, I don't.**  
 18 **Q.** Have you asked Google to remove any of  
 19 your books from Google Books?  
 20 **A. No, not as an individual.**  
 21 **Q.** Why not?  
 22 **A. Because this is part of the claim and I**  
 23 **am acting with respect to that.**  
 24 **Q.** Do you want Google to remove any of your  
 25 books from Google Books?  
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1 **Q.** When did you first learn that the Authors  
 2 Guild was considering bringing a lawsuit against Google?  
 3 **A. Probably the year before.**  
 4 **Q.** From whom did you learn that?  
 5 **A. From the Authors Guild.**  
 6 **Q.** A particular person at the Authors Guild?  
 7 **A. I can't tell you. Certainly from the**  
 8 **Authors Guild's bulletin. I can't tell you because I**  
 9 **can't remember.**  
 10 **Q.** So you learned from the Authors Guild's  
 11 bulletin that the Authors Guild was considering bringing  
 12 a lawsuit against Google?  
 13 **A. Yes.**  
 14 **Q.** What happened next?  
 15 **A. It did.**  
 16 **Q.** Did the Authors Guild contact you  
 17 specifically about becoming a named Plaintiff?  
 18 **A. Yes, and I don't know how soon that must**  
 19 **have been.**  
 20 **Q.** Do you remember who at the Authors Guild  
 21 contacted you?  
 22 **A. It probably was Paul.**  
 23 **Q.** By Paul you mean Paul Akin?  
 24 **A. Yes, Paul Akin as director.**  
 25 **Q.** Do you know why he contacted you  
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1 **A. It is not the problem of my books. It is**  
 2 **the problem of the principle of doing this for all**  
 3 **books.**  
 4 **Q.** So apart from your desire that Google  
 5 Books be changed with respect to all books, you don't  
 6 have a particular desire to have your own books removed?  
 7 **MR. BONI:** It mischaracterizes the testimony.  
 8 I object to the form.  
 9 **A. I mean I care about -- this is something**  
 10 **that I care about. I care about it for my own books, of**  
 11 **course they are my own books, I care about it for all**  
 12 **authors' books.**  
 13 **Q.** But you haven't asked Google to remove?  
 14 **A. No, well, except as this claim is asking.**  
 15 **Q.** Do you want Google to remove your books  
 16 from Google Books?  
 17 **A. Yes.**  
 18 **Q.** What is your role in this litigation?  
 19 **A. My role is to stand for all other authors**  
 20 **and to be aware of the gist of the claim and to approve**  
 21 **of that, yes.**  
 22 **Q.** When did your involvement in this  
 23 litigation begin?  
 24 **A. Back when the original -- I guess that**  
 25 **was 2005.**

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1 specifically?  
 2 **A. Because I have been involved in the Guild**  
 3 **in part and because one of my books was in the**  
 4 **University of Michigan library which was one of the**  
 5 **libraries that is a part of this program.**  
 6 **Q.** You are in this case as in your status as  
 7 a member of the Guild?  
 8 **A. Partly, in my status as an author, in my**  
 9 **work as an author.**  
 10 **Q.** What was your involvement in the case  
 11 before it was filed? Paul Akin talked to you, you read  
 12 this in the bulletin, Paul Akin talked to you, what  
 13 happened next?  
 14 **A. I can't tell you in sequence. I know I**  
 15 **talked to Anita about the case over time and read a lot**  
 16 **about it.**  
 17 **Q.** Before the case was filed, did you talk  
 18 to Anita about it?  
 19 **A. Probably not.**  
 20 **Q.** Before the case was filed, did you talk  
 21 to anyone other than Paul Akin about it?  
 22 **A. Not that I remember.**  
 23 **Q.** Did you talk to Mike Boni about it before  
 24 it was filed?  
 25 **A. No.**

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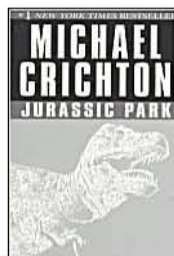
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## Jurassic Park



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Michael Crichton

★★★★★

1793 Reviews

Ballantine Books, Jun 23, 1997 - 400 pages

A breakthrough in genetic engineering leads to the development of a technique for recovering and cloning dinosaur DNA, a method that brings about the creation of Jurassic Park, a tourist attraction populated by creatures extinct for eons

## From inside the book

DNA

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Page 67

up; they had invested in a field, but they didn't know what was possible.

In fact, there had been discussion of cloning dinosaurs in the technical literature as far back as 1982. With each passing year, the manipulation of DNA had grown easier. Genetic material had already been extracted from Egyptian mummies, and from the hide

Page 99

Using the Loy antibody extraction technique, we can sometimes get DNA directly from dinosaur bones."

"What kind of a yield?" Grant asked.

"Well, most soluble protein is leached out during fossilization, but twenty percent of the proteins are still recoverable by grinding up the bones and using Loy's procedure. Dr. Loy himself has used it to

Page 101

"Here you see the actual structure of a small fragment of dinosaur DNA," Wu said. "Notice the sequence is made up of four basic compounds—adenine, thymine, guanine, and cytosine. This amount of DNA probably contains instructions to make a single protein—say, a hormone or an enzyme. The full DNA molecule contains three bil-

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## Review: Jurassic Park (Jurassic Park #1)

User Review ★★☆☆☆ - Kaph - Goodreads

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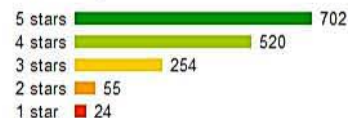
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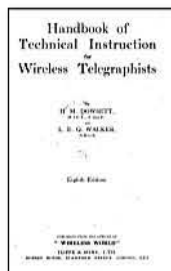
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"Wireless world," Iliffe &amp; Sons, Ltd., 1945 - Technology &amp; Engineering - 668 pages



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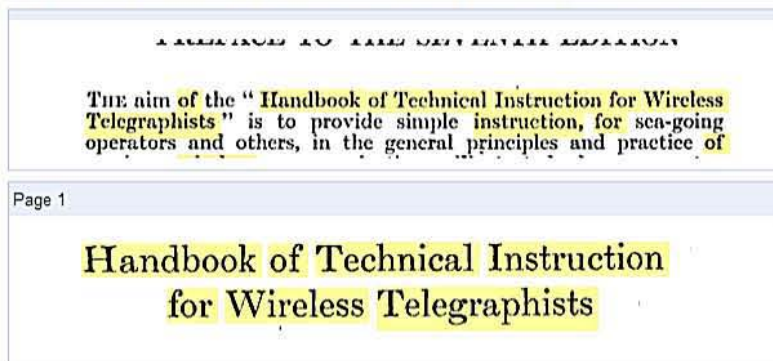
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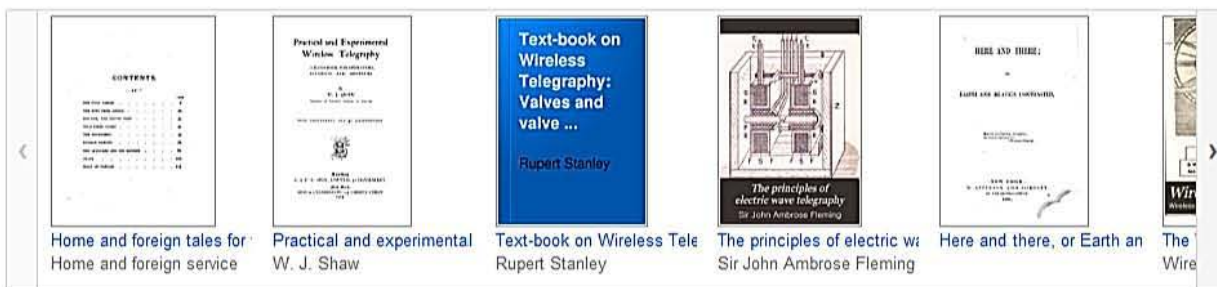


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West Pub. Co., 1960 - Law



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Page 11

is the enforcement in federal courts of rights arising under state law. Well considered federal decisions have held that the division of function between court and jury in a federal court is to be made by federal, not state law." *Ettelson v. Metro-*

Procedure, 1941, 16 St. John's L.Rev. 1.

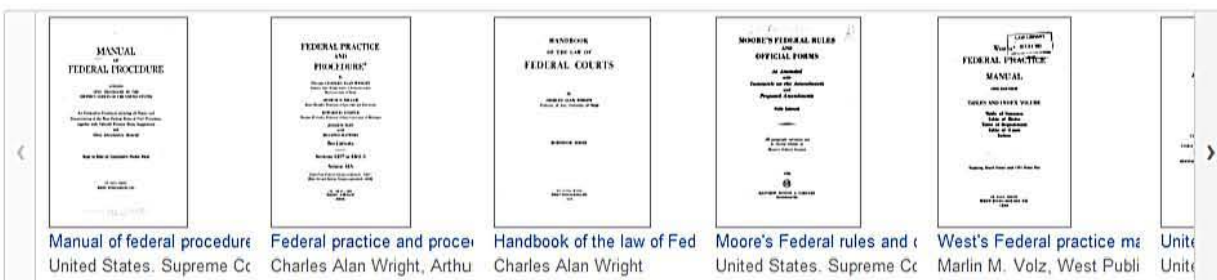
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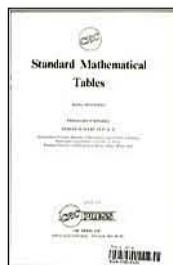
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Samuel M. Selby, Chemical Rubber Company, Cleveland

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0 Reviews

CRC Press, Jul 1, 1975 - 756 pages



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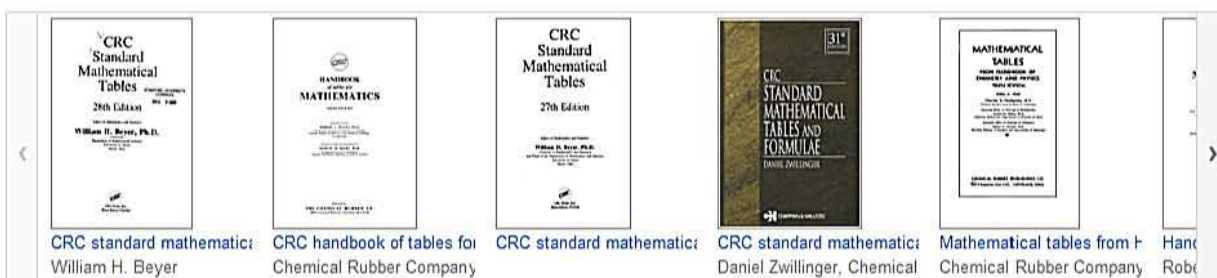
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Attorneys for Defendant  
Google Inc.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE AUTHORS GUILD, INC., Associational  
Plaintiff, BETTY MILES, JOSEPH  
GOULDEN, and JIM BOUTON, on behalf of  
themselves and all other similarly situated,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 05 CV 8136 (DC)

**ECF Case**

**DECLARATION OF DANIEL CLANCY  
IN SUPPORT OF GOOGLE INC.'S OPPOSITION TO  
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Daniel Clancy, declare as follows:

1. I am a Engineering Director at Google Inc. I make the following declaration based on my personal knowledge and, if called upon to do so, could testify competently to the matters set forth herein.

2. The Google Books program began in 2004 with the scanning of book collections belonging to the University of Michigan, Harvard, Stanford, Oxford, and the New York Public Library. As part of Google Books, Google scans books in certain library collections, indexes them, and returns information about those books, including short “snippets” of text—about an eighth of a page—so that users can search for and find books they may wish to purchase or check out from a library.

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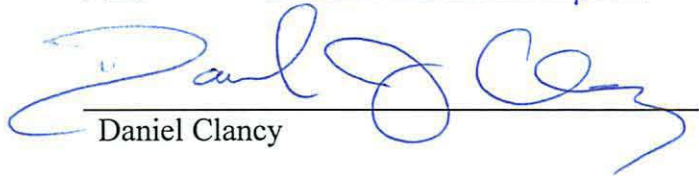
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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 7, 2012, in Mountain View, Ca

  
Daniel Clancy

## **CERTIFICATE OF SERVICE**

I certify on this 14th day of June 2012, I caused a copy of the foregoing  
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Michael J. Boni  
Joanne E. Zack  
Boni & Zack LLC  
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\_\_\_\_\_  
SETH P. WAXMAN

ECF

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:05-cv-08136-DC**

The Authors Guild et al v. Google Inc.

Assigned to: Judge Denny Chin

Related Cases: [1:05-cv-08881-DC](#)

[1:10-cv-02977-DC](#)

Case in other court: USCA 2nd Circuit, 09-02224-cv

Cause: 17:101 Copyright Infringement

Date Filed: 09/20/2005

Jury Demand: Both

Nature of Suit: 820 Copyright

Jurisdiction: Federal Question

**Plaintiff**

**Herbert Mitgang**

*TERMINATED: 01/17/2012*

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similarly situated*

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**Joanne E. Zack**  
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**Robert J. Larocca**  
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**Plaintiff**

**Joseph Goulden**

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**Plaintiff**

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Inc.**

represented by **Jeffrey Paul Cunard**

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**ATTORNEY TO BE NOTICED**

**Bruce P. Keller**

(See above for address)

**ATTORNEY TO BE NOTICED**

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*ATTORNEY TO BE NOTICED*

**Bruce P. Keller**  
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**Bruce P. Keller**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff****Simon & Schuster, Inc.**

represented by **Jeffrey Paul Cunard**  
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**Bruce P. Keller**  
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**Plaintiff**

**John Wiley & Sons, Inc.**  
*individually and on behalf of all others*  
*similarly situated*

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*TERMINATED: 09/21/2009*  
*LEAD ATTORNEY*

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**Michael J. Boni**

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**Plaintiff**

**The Authors Guild**

represented by **Michael J. Boni**

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**Sanford P. Dumain**

(See above for address)

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V.

**Appellant**

**Lewis Hyde**

represented by **Nathan Z. Dershowitz**

*TERMINATED: 06/08/2011*

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**Appellant**

**Harry Lewis**  
*TERMINATED: 06/08/2011*

represented by **Martin Garbus**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Appellant**

**Open Access Trust Inc.**  
*TERMINATED: 06/08/2011*

represented by **Martin Garbus**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Appellant**

**Charles Nesson**  
*TERMINATED: 06/08/2011*

represented by **Charles Nesson**  
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**Appellant**

**Nicholas Negroponte**  
*TERMINATED: 06/08/2011*

represented by **Nicholas Negroponte**  
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V.

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**Objector****North American Nature Photography  
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**ThirdParty Defendant**

**Charlotte Allen**

represented by **Charlotte Allen**

PRO SE

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*TERMINATED: 10/30/2009***Michael John Guzman**

(See above for address)

*TERMINATED: 10/30/2009*

Date Filed	#	Docket Text
09/20/2005	<a href="#">1</a>	COMPLAINT against Google Inc. (Filing Fee \$ 250.00, Receipt Number 555987)Document filed by The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman.(laq, ) (Entered: 09/22/2005)
09/20/2005		SUMMONS ISSUED as to Google Inc.. (laq, ) (Entered: 09/22/2005)
09/20/2005	2	RULE 7.1 DISCLOSURE STATEMENT. Document filed by The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman.(laq, ) (Entered: 09/22/2005)
09/20/2005		Magistrate Judge Douglas F. Eaton is so designated. (laq, ) (Entered: 09/22/2005)
09/20/2005		Case Designated ECF. (laq, ) (Entered: 09/22/2005)
10/10/2005	<a href="#">3</a>	SUMMONS RETURNED EXECUTED. Google Inc. served on 9/23/2005, answer due 10/13/2005. Service was accepted by Ashok Ramani, Legal Representative, authorized to accept service of Summons in a Civil Action, Class Action Complaint, Rule 7.1 Statement, Civil Case Cover Sheet, Magistrate Judge Eaton's and Judge Sprizzo Rules along with ECF Procedures and Guidelines, on behalf of Google Inc. Document filed by The Author's Guild. (Attachments: # <a href="#">1</a> )(Dumain, Sanford) (Entered: 10/10/2005)
10/11/2005	<a href="#">4</a>	STIPULATION AND ORDER that the time for deft to respond to the complaint is extended 20 days from 10/13 to and including 11/2/05. (Signed by Judge John E. Sprizzo on 10/7/05) (cd, ) (Entered: 10/12/2005)
10/11/2005		Set Answer Due Date purs. to <a href="#">4</a> Stipulation and Order as to Google Inc. answer due on 11/2/2005. (cd, ) (Entered: 10/12/2005)
10/11/2005	<a href="#">5</a>	MOTION for Joseph M. Beck to Appear Pro Hac Vice. Document filed by Google Inc. (jco, ) (Entered: 10/12/2005)
10/11/2005	<a href="#">6</a>	MOTION for Adam H. Charnes to Appear Pro Hac Vice. Document filed by Google Inc. (jco, ) (Entered: 10/12/2005)
10/24/2005	<a href="#">7</a>	MOTION for an order, admitting Michael J. Boni to Appear Pro Hac Vice as counsel for Plaintiffs. Document filed by The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman. Affidavit of Sanford P. Dumain attached.(sac, ) (Entered: 10/25/2005)

10/24/2005	<a href="#">8</a>	MOTION for an order, admitting J. Kate Reznick to Appear Pro Hac Vice as counsel for Plaintiffs. Document filed by The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman. Affidavit of Sanford P. Dumain attached.(sac, ) (Entered: 10/25/2005)
10/25/2005	<a href="#">9</a>	ORDER granting <a href="#">5</a> Motion for Joseph M. Beck to Appear Pro Hac Vice . (Signed by Judge John E. Sprizzo on 10/24/05) (jco, ) (Entered: 10/25/2005)
10/25/2005		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">9</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jco, ) (Entered: 10/25/2005)
10/25/2005	<a href="#">10</a>	ORDER granting <a href="#">6</a> Motion for Adam H. Charnes to Appear Pro Hac Vice . (Signed by Judge John E. Sprizzo on 10/24/05) (jco, ) (Entered: 10/25/2005)
10/25/2005		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">10</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jco, ) (Entered: 10/25/2005)
10/27/2005		CASHIERS OFFICE REMARK on <a href="#">10</a> Order on Motion to Appear Pro Hac Vice, <a href="#">9</a> Order on Motion to Appear Pro Hac Vice in the amount of \$50.00, paid on 10/27/2005, Receipt Number 559555. (gm, ) (Entered: 10/27/2005)
10/28/2005	<a href="#">11</a>	ORDER that dft is granted leave to submit its motion for summary judgment not to exceed 25 pages on or before 11/30/05; plaintiffs shall submit their response to dft's motion and any cross motion; together not to exceed 25 pages on or before 1/6/06; dft shall submit its reply to plaintiffs' cross motion, if any, limited to the issues raised therein not to exceed fifteen pages, on or before 1/24/06 and oral argument shall occur on 1/30/06 at 3:00 pm. in courtroom 705, 40 Centre Street. (Signed by Judge John E. Sprizzo on 10/26/05) (dle, ) (Entered: 10/31/2005)
10/28/2005		Set Deadlines/Hearings: Motions due by 11/30/2005. Replies due by 1/24/2006. Responses due by 1/6/2006 Oral Argument set for 1/30/2006 03:00 PM before Judge John E. Sprizzo. (dle, ) (Entered: 10/31/2005)
11/18/2005	<a href="#">12</a>	NOTICE of Appearance by Laura Helen Gundersheim on behalf of all plaintiffs (Gundersheim, Laura) (Entered: 11/18/2005)
11/30/2005	<a href="#">13</a>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Google Inc.. (Bernstein, Robert) (Entered: 11/30/2005)
11/30/2005	<a href="#">14</a>	ANSWER to Complaint with JURY DEMAND. Document filed by Google Inc..(Bernstein, Robert) (Entered: 11/30/2005)
12/09/2005	<a href="#">15</a>	AFFIDAVIT of Sanford P. Dumain in Support re: <a href="#">7</a> MOTION for Michael J. Boni to Appear Pro Hac Vice.. Document filed by The Author's Guild. (Attachments: # <a href="#">1</a> Exhibit 1# <a href="#">2</a> Exhibit 2)(Gundersheim, Laura) (Entered: 12/09/2005)
12/09/2005	<a href="#">16</a>	AFFIDAVIT of Sanford P. Dumain in Support re: <a href="#">8</a> MOTION for J. Kate Reznick to Appear Pro Hac Vice.. Document filed by The Author's Guild. (Attachments: # <a href="#">1</a> Exhibit 1# <a href="#">2</a> Exhibit 2)(Gundersheim, Laura) (Entered: 12/09/2005)

12/15/2005	<a href="#">17</a>	MOTION for Alex S. Fonoroff to Appear Pro Hac Vice. Attached is Affidavit of Robert J. Bernstein in support Document filed by Google Inc.. (dj, ) (Entered: 12/16/2005)
12/15/2005	<a href="#">18</a>	ORDER granting <a href="#">8</a> Motion for J. Kate Reznick to Appear Pro Hac Vice . (Signed by Judge John E. Sprizzo on 12/13/05) (jco, ) (Entered: 12/16/2005)
12/15/2005		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">18</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jco, ) (Entered: 12/16/2005)
12/15/2005	<a href="#">19</a>	ORDER granting <a href="#">7</a> Motion for Michael J. Boni to Appear Pro Hac Vice . (Signed by Judge John E. Sprizzo on 12/13/05) (jco, ) (Entered: 12/16/2005)
12/29/2005		CASHIERS OFFICE REMARK on <a href="#">19</a> Order on Motion to Appear Pro Hac Vice, <a href="#">18</a> Order on Motion to Appear Pro Hac Vice in the amount of \$50.00, paid on 12/22/2005, Receipt Number 564907. (jd, ) (Entered: 12/29/2005)
03/16/2006	<a href="#">20</a>	ORDER; granting <a href="#">17</a> Motion for Alex S. Fonoroff, Esq. to Appear Pro Hac Vice (Signed by Judge John E. Sprizzo on 3/14/06) (sac, ) (Entered: 03/16/2006)
03/16/2006		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">20</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (sac, ) (Entered: 03/16/2006)
03/29/2006	<a href="#">21</a>	NOTICE OF APPEARANCE by Alex Seth Fonoroff, S on behalf of Google Inc. (Fonoroff, Alex) (Entered: 03/29/2006)
04/12/2006	<a href="#">22</a>	NOTICE OF APPEARANCE by Jeffrey A. Conciatori on behalf of Google Inc. (Conciatori, Jeffrey) (Entered: 04/12/2006)
04/13/2006	<a href="#">23</a>	MOTION for Ronald L. Raider to Appear Pro Hac Vice. Document filed by Google Inc. (jco, ) (Entered: 04/14/2006)
04/19/2006	<a href="#">24</a>	ORDER granting <a href="#">23</a> Motion for Ronald L. Raider to Appear Pro Hac Vice . (Signed by Judge John E. Sprizzo on 4/18/06) (jco, ) (Entered: 04/20/2006)
04/19/2006		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">24</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jco, ) (Entered: 04/20/2006)
05/09/2006	<a href="#">25</a>	NOTICE of Substitution of Attorney. Old Attorney: Robert J. Bernstein, New Attorney: Jeffrey A. Conciatori, Address: Quinn Emanuel Urquhart Oliver & Hedges, LLP, 51 Madison Avenue, 22nd fl., New York, New York, United States 10010, 212-849-7000. Document filed by Google Inc.. (Conciatori, Jeffrey) (Entered: 05/09/2006)
05/11/2006	<a href="#">26</a>	STIPULATION AND ORDER; that the law firm of Quinn Emanuel Urquhart Oliver & Hedges, LLP be substituted as counsel for dft. in the place of The Law Offices of Robert J. Bernstein. (Signed by Judge John E. Sprizzo on 4/27/06) (pl, ) (Entered: 05/11/2006)
05/11/2006	<a href="#">27</a>	NOTICE OF CHANGE OF ADDRESS by Jeffrey A. Conciatori on behalf of Google Inc.. New Address: Quinn Emanuel Urquhart Oliver & Hedges,

		LLP, 51 Madison Avenue, 22nd Fl., New York, New York, United States 10010, 212-849-7000. (Conciatori, Jeffrey) (Entered: 05/11/2006)
05/17/2006	<a href="#">28</a>	PROTECTIVE ORDER; regarding procedures to be followed that shall govern the handling of confidential information. (Signed by Judge John E. Sprizzo on 5/16/2006) (kkc, ) (Entered: 05/18/2006)
05/22/2006	<a href="#">29</a>	CASE MANAGEMENT PLAN: Amended Pleadings due by 6/19/2006. Motions due by 7/2/2007. Discovery due by 4/9/2007. Pretrial Conference set for 10/23/2006 03:00 PM before Judge John E. Sprizzo; initial disclosures under Rule 26(a)(1) shall be exchanged by 5/19/06; disclosure of expert witnesses required under Rule 26(a)(2) (A) shall be exchanged on 2/16/07; initial expert reports shall be exchanged on 3/16/07; rebuttal expert reports shall be exchanged on 4/4/07; expert deposition shall be taken from 4/4/07 through 5/15/07. (Signed by Judge John E. Sprizzo on 5/12/06) (dle, ) (Entered: 05/22/2006)
06/09/2006	<a href="#">30</a>	RULE 26 DISCLOSURE.Document filed by Google Inc..(Raider, Ronald) (Entered: 06/09/2006)
06/12/2006	<a href="#">31</a>	RULE 26 DISCLOSURE.Document filed by Google Inc..(Raider, Ronald) (Entered: 06/12/2006)
06/19/2006	<a href="#">32</a>	MOTION to Amend/Correct <i>the Complaint</i> . Document filed by The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman. (Attachments: # <a href="#">1</a> Text of Proposed Order # <a href="#">2</a> Certificate of Service) (Dumain, Sanford) (Entered: 06/19/2006)
06/19/2006	<a href="#">33</a>	DECLARATION of J Kate Reznick in Support re: <a href="#">32</a> MOTION to Amend/Correct <i>the Complaint</i> .. Document filed by The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman. (Attachments: # <a href="#">1</a> Exhibit A (Amended Complaint)# <a href="#">2</a> Certificate of Service)(Dumain, Sanford) (Entered: 06/19/2006)
06/19/2006	<a href="#">34</a>	MEMORANDUM OF LAW in Support re: <a href="#">32</a> MOTION to Amend/Correct <i>the Complaint</i> .. Document filed by The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman. (Attachments: # <a href="#">1</a> Certificate of Service) (Dumain, Sanford) (Entered: 06/19/2006)
06/29/2006	<a href="#">35</a>	STIPULATION AND ORDER: The parties agree as follows: Plaintiffs may amend their complaint as set forth in their moving papers, and the amended class action complaint attached to the moving papers is deemed filed on June 19, 2006. Defendant shall file a responsive pleading within thirty days of the date of this stipulation and order. (Signed by Judge John E. Sprizzo on 6/28/06) (js, ) (Entered: 06/30/2006)
07/26/2006	<a href="#">36</a>	AMENDED COMPLAINT amending <a href="#">1</a> Complaint against Google Inc.Document filed by Paul Dickson, Joseph Goulden, The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman. Related document: <a href="#">1</a> Complaint filed by Betty Miles,, Daniel Hoffman, The Author's Guild, Herbert Mitgang.(db, ) (Entered: 07/26/2006)
07/26/2006	<a href="#">37</a>	ANSWER to Amended Complaint. Document filed by Google Inc.. Related



		document: <a href="#">36</a> Amended Complaint, filed by Betty Miles,, Daniel Hoffman,, The Author's Guild,, Herbert Mitgang,, Paul Dickson,, Joseph Goulden,, (Charnes, Adam) (Entered: 07/26/2006)
09/14/2006	<a href="#">38</a>	NOTICE OF APPEARANCE by Ronald Lee Raider on behalf of Google Inc. (Raider, Ronald) (Entered: 09/14/2006)
09/26/2006	<a href="#">39</a>	PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material.... (Signed by Judge John E. Sprizzo on 9/22/2006) (lb, ) (Entered: 09/26/2006)
09/29/2006	<a href="#">40</a>	NOTICE of Intent to Serve Subpoenas. Document filed by Google Inc.. (Attachments: # <a href="#">1</a> Attachment (Part 1)# <a href="#">2</a> Attachment (Part 2)# <a href="#">3</a> Attachment (Part 3))(Raider, Ronald) (Entered: 09/29/2006)
10/04/2006	<a href="#">41</a>	NOTICE of Intent to Serve Subpoena. Document filed by Google Inc.. (Attachments: # <a href="#">1</a> Attachment A)(Raider, Ronald) (Entered: 10/04/2006)
10/06/2006	<a href="#">42</a>	NOTICE/ORDER OF WITHDRAWAL; Shannon M. McKenna an atty at Milberg Weiss Bershad & Schulman LLP and one of the attorney for Plaintiff- The Author's Guild, hereby withdraws as counsel for said plaintiff. Milberg Weiss Bershad & Schulman LLP continues to serve as counsel for plaintiff -The Author's Guild through its atty Sanford P. Dumain who requests that all future correspondence and papers in ths action continue to be directed to him. (Signed by Judge John E. Sprizzo on 10/3/06) (dj, ) (Entered: 10/10/2006)
10/06/2006	<a href="#">43</a>	MOTION for Hadley Perkins Roeltgen to Appear Pro Hac Vice. Document filed by The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman. (jco, ) (Entered: 10/10/2006)
10/16/2006	<a href="#">44</a>	AMENDED CASE MANAGEMENT ORDER AND SCHEDULING ORDER: Amended Pleadings due by 6/19/2006. Motions due by 1/11/2008. Pretrial Conference set for 3/12/2007 03:00 PM before Judge John E. Sprizzo. (Signed by Judge John E. Sprizzo on 10/12/06) (kco, ) (Entered: 10/17/2006)
10/16/2006	<a href="#">45</a>	ORDER ADMITTING ATTORNEY PRO HAC VICE. Hadley Perkins Roeltgen is permitted to argue this case. (Signed by Judge John E. Sprizzo on 10/12/06) (kco, ) (Entered: 10/17/2006)
10/17/2006		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">45</a> Order Admitting Attorney Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (kco, ) (Entered: 10/17/2006)
10/19/2006		CASHIERS OFFICE REMARK on <a href="#">45</a> Order Admitting Attorney Pro Hac Vice in the amount of \$25.00, paid on 10/19/2006, Receipt Number 593992. (jd, ) (Entered: 10/19/2006)
11/22/2006	<a href="#">46</a>	NOTICE of Intent To Serve Subpoena. Document filed by Google Inc.. (Raider, Ronald) (Entered: 11/22/2006)
01/08/2007	<a href="#">47</a>	AMENDED CASE MANAGEMENT ORDER REGARDING COORDIANTION AND SCHEDULING;the actions penidng in this Court



		are hereby coordinated for all pre-trial purposes before this Court....; The joint Protective order shall be entered simultaneously with the entry of this Order. Motions for Summary Judgment, if any, shall be filed Tuesday, March 11, 2008. The pretrial conference previously scheduled for 3/12/07 is adjourned. (Signed by Judge John E. Sprizzo on 1/3/07) (djc, ) (Entered: 01/09/2007)
02/27/2007	<a href="#">48</a>	AMENDED CASE MANAGEMENT ORDER REGARDING COORDINATION AND SCHEDULING; The captioned actions pending in this Court are hereby coordinated for a pre-trial purposes before this Court. These actions shall be referred to herein as "Coordinated Actions". Motions due by 6/9/2007., Pretrial Conference set for 7/26/2007 03:00 PM before Judge John E. Sprizzo. (Signed by Judge John E. Sprizzo on 2/26/07) (djc) (Entered: 02/28/2007)
04/03/2007	<a href="#">49</a>	NOTICE of Change of Firm Affiliation and Entry of Appearance. Document filed by Paul Dickson, Joseph Goulden, The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman. (Boni, Michael) (Entered: 04/03/2007)
05/23/2007	<a href="#">50</a>	AMENDED CASE MANAGEMENT ORDER REGARDING COORDINATION AND SCHEDULING: Third party discovery due by 4/20/2006, Merits discovery due by 5/12/2008, Disclosure of expert witnesses under Rule 26(a)(2)(A) due by 3/17/2008, Initial expert reports to be exchanged 4/14/2008. Rebuttal experts reports shall be exchanged on 5/5/2008, Expert disposition taken from 5/5/2008 - 6/16/2008. Summary Judgment Motions due by 8/11/2008; responses due 60 days. Responses due 30 days of service of the motion. Pretrial Conference set for 9/24/2007 03:00 PM before Judge John E. Sprizzo. SO ORDERED. (Signed by Judge John E. Sprizzo on 5/17/2007) (jar) (Entered: 05/24/2007)
07/25/2007	<a href="#">51</a>	AMENDED CASE MANAGEMENT ORDER REGARDING COORDINATION AND SCHEDULING: Motions for Summary Judgment due by 10/13/2008. Pretrial Conference set for 11/27/2007 at 03:00 PM before Judge John E. Sprizzo. All other deadlines are set forth in this order. (Signed by Judge John E. Sprizzo on 7/20/07) (kco) (Entered: 07/26/2007)
10/02/2007	<a href="#">52</a>	AMENDED CASE MANAGEMENT ORDER REGARDING COORDINATION AND SCHEDULING: IT IS HEREBY ORDERED that the above-captioned actions pending in this Court are hereby coordinated for all pre-trial purposes before this Court and as further set forth in this Order. Motions for Summary Judgment due by 12/15/2008. If parties wish to file motions they shall request a pre-motion conference prior to any filings. Oppositions to Motions for Summary Judgment shall be filed within 30 days of service of the motion for summary judgment. Merits Discovery due by 9/15/2008. Production of Documents deadline due by 11/26/07. Expert Depositions shall be taken from Monday, 9/8/08 through Monday, 10/20/08. Defendant's Opposition to any Motion for Class Certification shall be filed 60 days after the motion for class certification has been filed. Plaintiffs' Reply in support of Class Certification shall be filed 30 days after the Opposition is filed. All conference previously scheduled in the Coordinated Actions are hereby adjourned. The Pretrial Conference shall take place on

		Tues., Nov. 18, 2008. (Signed by Judge Kevin Thomas Duffy on 9/28/07)-Part I (tro) (Entered: 10/02/2007)
11/21/2007	<a href="#">53</a>	AMENDED CASE MANAGEMENT ORDER REGARDING COORDINATION AND SCHEDULING: The production of documents requests served shall be completed by 1/28/2008. Merit discovery due 11/17/2008. Disclosure of expert witnesses shall be exchanged on 9/22/2008. Initial expert reports shall be exchanged on 10/20/2008. Rebuttal expert reports due 11/10/2008. Expert depositions to be taken from 11/10/2008 through 12/22/2008. Motions for summary judgment due by 2/16/2009. Oppositions to Motion for summary judgment due within 30 days of service of the motion. Plaintiffs' Motion for Class Certification due 30 days after the Courts decision with respect to summary judgment. Defendant's Opposition to Motion for Class Certification due 60 days after the motion for class certification, Plaintiffs' reply in support of Class Certification due 30 days after the Opposition is filed. The pretrial conference shall take place on 11/18/2008 for the purpose of informing the Court of the status of the case. However, the parties must, in addition, contact the Court to schedule a pre-motion conference before filing any motion. (Signed by Judge Peter K. Leisure for Judge John E. Sprizzo on 11/19/2007) (jar) (Entered: 11/21/2007)
01/29/2008	<a href="#">54</a>	AMENDED CASE MANAGEMENT ORDER REGARDING COORDINATION AND SCHEDULING ( Expert Witness List due by 11/24/2008. Discovery due by 1/20/2009. Motions due by 4/16/2009.) Defendant's Opposition to any Motion for Class Certification shall be 60 days after the motion for class certification shall be filed 60 days after the motion for class certification has been filed. Plaintiffs' Reply in support of Class Certification shall be filed 30 days after the Opposition is filed. All conferences previously scheduled in the Coordinated Actions are hereby adjourned. So Ordered. (Signed by Judge John E. Sprizzo on 1/29/08) (js) (Entered: 01/30/2008)
10/28/2008	<a href="#">55</a>	MOTION to Approve / <i>Notice of Motion for Preliminary Settlement Approval</i> . Document filed by Paul Dickson, Joseph Goulden, The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman.(Boni, Michael) (Entered: 10/28/2008)
10/28/2008	<a href="#">56</a>	DECLARATION of Michael J. Boni and Exhibits in Support re: <a href="#">55</a> MOTION to Approve / <i>Notice of Motion for Preliminary Settlement Approval</i> .. Document filed by Paul Dickson, Joseph Goulden, The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman. (Boni, Michael) (Entered: 10/28/2008)
10/28/2008	<a href="#">57</a>	MEMORANDUM OF LAW in Support re: <a href="#">55</a> MOTION to Approve / <i>Notice of Motion for Preliminary Settlement Approval</i> .. Document filed by Paul Dickson, Joseph Goulden, The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman. (Boni, Michael) (Entered: 10/28/2008)
10/29/2008	<a href="#">60</a>	MOTION for Daralyn J. Durie to Appear Pro Hac Vice. Document filed by Google Inc.(dle) (Entered: 11/03/2008)

10/29/2008	<a href="#">61</a>	MOTION for David J. Silbert to Appear Pro Hac Vice. Document filed by Google Inc.(dle) (Entered: 11/03/2008)
10/29/2008	<a href="#">62</a>	MOTION for Joseph C. Gratz to Appear Pro Hac Vice. Document filed by Google Inc.(dle) (Entered: 11/03/2008)
10/29/2008	<a href="#">63</a>	MOTION for Melissa J. Miksch to Appear Pro Hac Vice. Document filed by Google Inc.(dle) (Entered: 11/03/2008)
10/30/2008	<a href="#">58</a>	STIPULATION AND ORDER FOR AMENDMENT OF PLEADINGS; that pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, the parties to the above-captioned case and to The McGraw-Hill Companies, Inc., et al. v. Google Inc., No. 05 CY 8881, by and through their undersigned counsel, hereby agree that plaintiffs may. (Signed by Judge John E. Sprizzo on 10/29/08) (pl) (Entered: 10/30/2008)
10/31/2008	<a href="#">59</a>	SECOND AMENDED COMPLAINT amending <a href="#">36</a> Amended Complaint, against Google Inc. Document filed by Association of American Publishers, Inc., Associational Plaintiffs, The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc., Paul Dickson, Joseph Goulden, The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman. Related document: <a href="#">36</a> Amended Complaint, filed by The Author's Guild, Betty Miles, Joseph Goulden, Paul Dickson, Herbert Mitgang, Daniel Hoffman.(dle) (Entered: 11/03/2008)
11/17/2008	<a href="#">64</a>	ORDER GRANTING PRELIMINARY SETTLEMENT APPROVAL: Accordingly, it is hereby ORDERED as follows: The motion is GRANTED. The Settlement Agreement is hereby preliminarily approved. Unless otherwise specified, all defined terms herein shall have the same meaning as in the Settlement Agreement. The Settlement Class set forth within and two Sub-Classes are provisionally certified for settlement purposes only. A final settlement/fairness hearing shall be held on June 11, 2009, at 1:00 p.m., before the undersigned in Courtroom 14C, United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007. The Notice Commencement Date shall be January 5, 2009. The Opt-Out Deadline shall be May 5, 2009.. (Signed by Judge John E. Sprizzo on 11/14/2008) (jfe) (Entered: 11/17/2008)
11/17/2008		Set/Reset Hearings: Settlement Conference set for 6/11/2009 at 01:00 PM in Courtroom 14C, 500 Pearl Street, New York, NY 10007 before Judge John E. Sprizzo. (jfe) (Entered: 11/21/2008)
11/19/2008		CASHIERS OFFICE REMARK on <a href="#">63</a> Motion to Appear Pro Hac Vice, <a href="#">60</a> Motion to Appear Pro Hac Vice, <a href="#">62</a> Motion to Appear Pro Hac Vice, <a href="#">61</a> Motion to Appear Pro Hac Vice in the amount of \$100.00, paid on 10/31/2008, Receipt Number 667652. (jd) (Entered: 11/19/2008)
12/04/2008	<a href="#">65</a>	MEMORANDUM OF LAW in Opposition //JOINT OPPOSITION by Plaintiffs and Defendant to Claudia Pearson's Motion Requesting Change of Date for Final Fairness Hearing (N.B.: Motion has not yet been filed in the ECF System). Document filed by Association of American Publishers, Inc., The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon &

		Schuster, Inc., John Wiley & Sons, Inc.. (Keller, Bruce) (Entered: 12/04/2008)
12/10/2008	<a href="#">66</a>	ORDER It is hereby ordered that Claudia Pearsons motion shall be and hereby is denied; and it is further ordered that the Fairness Hearing shall occur on June 11, 2009 at 1:00 p.m. in Courtroom 14C, 500 pearl Street. (Signed by Judge Peter K. Leisure for John E. Sprizzo on 12/9/08) (mme) (Entered: 12/10/2008)
12/18/2008	<a href="#">67</a>	MOTION to Approve Claim Forms / <i>Notice of Motion on Consent for Approval of Claim Forms</i> . Document filed by Association of American Publishers, Inc., The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc..(Keller, Bruce) (Entered: 12/18/2008)
12/18/2008	<a href="#">68</a>	MEMORANDUM OF LAW in Support re: <a href="#">67</a> MOTION to Approve Claim Forms / <i>Notice of Motion on Consent for Approval of Claim Forms</i> . / <i>Memorandum of Law in Support of Motion on Consent for Approval of Claim Forms</i> . Document filed by Association of American Publishers, Inc., The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc.. (Attachments: # <a href="#">1</a> Part 2 of 4, # <a href="#">2</a> Part 3 of 4, # <a href="#">3</a> Part 4 of 4)(Keller, Bruce) (Entered: 12/18/2008)
12/23/2008	<a href="#">69</a>	ORDER APPROVING CLAIM FORMS: granting <a href="#">67</a> Motion to Approve Claims Forms. The Motion is GRANTED. The Court approves as to forms attached to the to the Motions as Exhibits B and C, respectively. (Signed by Judge Paul A. Crotty on 12/23/2008) (tve) (Entered: 12/23/2008)
01/08/2009	<a href="#">70</a>	NOTICE OF CASE REASSIGNMENT to Judge Denny Chin. Judge John E. Sprizzo is no longer assigned to the case. (mbe) (mbe). (Entered: 01/09/2009)
02/02/2009	<a href="#">71</a>	NOTICE of Substitution of Attorney. Old Attorney: Asim Bhansali, New Attorney: Daralyn J. Durie, Address: Durie Tangri Lemley Roberts & Kent LLP, 332 Pine Street, Suite 200, San Francisco, CA, USA 94104, 415-362-6666. Document filed by Google Inc.. (Gratz, Joseph) (Entered: 02/02/2009)
03/20/2009	72	NOTICE of Opt-Out of proposed settlement agreement to this case, in both the author and the publisher sub-class. Filed by Joe Landwehr, author and publisher (DBA Ancient Tower Press). (djc) (Entered: 03/23/2009)
03/24/2009	<a href="#">73</a>	MEMO ENDORSEMENT: So ordered on: <a href="#">71</a> Notice of Substitution of Attorney, filed by Google Inc. (Signed by Judge Denny Chin on 3/24/09) (cd) (Entered: 03/24/2009)
03/30/2009	81	Objection to Proposed Settlement. (filed by Robert M. Kunstadt). (djc) (Entered: 04/14/2009)
03/31/2009	<a href="#">74</a>	OBJECTION TO PROPOSED SETTLEMENT: Google pursued its copying project in calculated disregard of authors' rights. Its business plan was: "So, sue me". To approve the proposed settlement would vindicate Google's street ethics: that the law is whatever you can grab and get away with. Google's added twist -- its update on the Dickensian street pickpocket -- is

		that if you take very little from very many people, with a technological efficiency unimaginable to Fagan and outsourced at a low cost that he would have envied, you have some real money. Google's case should be referred to the U.S. Attorney for prosecution. Equal Justice demands no less. Filed by Robert M. Kunstadt (jpo) (Entered: 03/31/2009)
04/01/2009	<a href="#">75</a>	ENDORSED LETTER addressed to Judge Denny Chin from Daniel Kornstein dated 3/27/09 re: Request that the Institute file its brief by 5/5/09. ENDORSEMENT: Approved. ( Brief due by 5/5/2009.) (Signed by Judge Denny Chin on 4/1/09) (cd) (Entered: 04/01/2009)
04/08/2009	<a href="#">76</a>	MOTION for Joseph C. Gratz to Appear Pro Hac Vice. Document filed by Google Inc.(dle) (Entered: 04/09/2009)
04/08/2009	<a href="#">77</a>	MOTION for Daralyn J. Durie to Appear Pro Hac Vice. Document filed by Google Inc.(dle) (Entered: 04/09/2009)
04/09/2009	<a href="#">78</a>	LETTER addressed to Office of the Clerk, J. Michael McMahon from Dr. Erik H. Fournier dated 3/21/2009 re: Requesting the reimbursement of necessary attorney costs by Google Inc., Defendant, from cause of the authors copyright perception in this procedure in accordance with F.R.C.P. Rule 54 (b) (1) and (2). (jpo) (Entered: 04/09/2009)
04/10/2009	<a href="#">79</a>	ORDER FOR ADMISSION PRO HAC VICE: granting <a href="#">60</a> Motion for Daralyn J. Duri to Appear Pro Hac Vice. (Signed by Judge Denny Chin on 4/14/2009) (jfe) (jfe). (Entered: 04/14/2009)
04/14/2009	<a href="#">80</a>	ORDER FOR ADMISSION PRO HAC VICE: granting <a href="#">62</a> Motion for Joseph C. Gratz to Appear Pro Hac Vice. (Signed by Judge Denny Chin on 4/14/2009) (jfe) (Entered: 04/14/2009)
04/14/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">79</a> Order on Motion to Appear Pro Hac Vice, <a href="#">80</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jfe) (Entered: 04/14/2009)
04/16/2009	82	Objection to Class Action Settlement. (filed by Anthony L. DeWitt, Atty at Law Pro Se here). (djc) (Entered: 04/20/2009)
04/23/2009	83	LETTER addressed to Judge Denny Chin and Mr. McMahon from Linda Tadic dated 4/7/2009 re: Author and member of the Author Class writes to raise objections to the parts of the settlement that will potentially impact how archives and libraries preserve access to orphan works. (tve) (Entered: 04/24/2009)
04/23/2009	<a href="#">84</a>	LETTER addressed to J. Michael McMahon from Hope Ryden dated 4/17/2009 re: Author writes to raise objections to language in the Google Book Settlement. (tve) (Entered: 04/24/2009)
04/23/2009	85	LETTER addressed to J. Michael McMahon from John J. Hubbard dated 4/6/2009 re: Author wishes to opt-out of the proposed settlement and instructs Google not to include copies of any of his work, in whole or in part, including but not limited to the list further set forth in this letter in any of its databases. (tve) (Entered: 04/24/2009)



04/23/2009	<a href="#">86</a>	LETTER addressed to J. Michael McMahon from Barbara Burke aka Barbara Burke Hubbard dated 4/6/2009 re: Author writes to confirm that she opted-out of the settlement and instruct Google not to include copies of any of her work, in whole or in part, including but not limited to the list further set forth in this letter in any of its databases. (tve) (Entered: 04/24/2009)
04/24/2009	<a href="#">92</a>	ORDER re letters requesting a pre-motion conference from proposed interveners, Internet Archive, Lewis Hyde, Harry Lewis, and the Open Access Trust seeking leave to intervene: I have construed their letters as motions to intervene, and the motions are denied. The proposed interveners are, however, free to file objections to the proposed settlement or amicus briefs, either of which must be filed by the 5/5/09 objection deadline. (Signed by Judge Denny Chin on 4/24/09) (cd) (Entered: 04/30/2009)
04/27/2009	<a href="#">87</a>	NOTICE OF APPEARANCE by Daniel Joseph Kornstein on behalf of New York Law School, Institute for Information Law and Policy (Kornstein, Daniel) (Entered: 04/27/2009)
04/27/2009	<a href="#">88</a>	NOTICE OF APPEARANCE by Mikaela Ann McDermott on behalf of New York Law School, Institute for Information Law and Policy (McDermott, Mikaela) (Entered: 04/27/2009)
04/27/2009		CASHIERS OFFICE REMARK on <a href="#">77</a> Motion to Appear Pro Hac Vice, <a href="#">76</a> Motion to Appear Pro Hac Vice in the amount of \$50.00, paid on 04/08/2009, Receipt Number 683670. (jd) (Entered: 04/27/2009)
04/28/2009	<a href="#">89</a>	ORDER: Upon consideration of the letters, I will grant approximately a four-month extension, as follows:(1) Paragraph 15 of the Preliminary Approval Order is amended to extend the Opt-Out deadline to September 4, 2009 ("Extended Opt-Out Deadline"). (2) References in Paragraphs 22 and 23 of the Preliminary Approval Order to May 5, 2009 (the original "Opt-Out Deadline") are amended to refer to the Extended Opt-Out Deadline of September 4, 2009. To the extent the Court gave objectors and amici curiae until May 5, 2009 to submit their views to the Court, that date is also extended to September 4, 2009. (3) No other deadlines or provisions set forth in the Settlement Agreement will be affected by this Order. (4) Paragraph 10 of the Preliminary Approval Order is amended to provide that the Final Fairness Hearing will be held on October 7, 2009 at 10:00 a.m. before the undersigned in Courtroom IIA, United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007.(5) Class Counsel will promptly (a) post notice of the Extended Opt-Out Deadline and Final Fairness Hearing date at the top of the home page of the official Settlement website, (b)issue a press release to announce these dates, and (c) notify IFRRO and the other major rights organizations that have assisted the Notice Provider. So Ordered. (Signed by Judge Denny Chin on 4/28/09) (js) (Entered: 04/28/2009)
04/28/2009	<a href="#">90</a>	LETTER addressed to J. Michael McMahon, Clerk of Court from Lee Killough dated April 20, 2009 re: I am writing to object to one provision of the Google settlement. (rw) (Entered: 04/29/2009)

04/28/2009	<a href="#"><u>91</u></a>	LETTER addressed to J. Michael McMahon, Clerk of Court from Donica Bettanin dated 20 April 2009 re: We wish to object the impending Google Book Settlement, the Fairness Hearing for which is scheduled for 11 June 2009. Our objection is enclosed. (rw) (Entered: 04/29/2009)
04/30/2009	<a href="#"><u>93</u></a>	ENDORSED LETTER addressed to Judge Denny Chin from Jeffrey Pearlman dated 4/28/2009 re: We write to request permission for Public Knowledge to file a brief amicus curiae on behalf of itself and other similarly interested amici in the above-captioned case on the issue of the proposed settlement's effects on orphan works-copyrighted works whose owners cannot be located. The brief, in support of neither party, will be no longer than 25 pages, and will be filed no later than May 5,2009, the date set for opt-outs and objections to the proposed settlement agreement. ENDORSEMENT: Approved. The brief shall be filed by the new opt-out date. ( Brief due by 5/5/2009.) (Signed by Judge Denny Chin on 4/30/2009) (jmi) (Entered: 05/01/2009)
05/01/2009	<a href="#"><u>94</u></a>	LETTER addressed to J. Michael McMahon from Mayer Brenner dated 4/24/09 re: Counsel writes to objection to several provisions of the Settlement. (mme) (Entered: 05/01/2009)
05/01/2009	<a href="#"><u>95</u></a>	LETTER addressed to J. Michael McMahon from Shirley A. Young dated 4/23/09 re: Counsel writes to objection to Google scanning or displaying any part of her book and it is so noted on the cover page that all rights reserved including the rights to reproduce this book or parts thereof in any form without prior written permission from the author. (mme) (Entered: 05/01/2009)
05/01/2009	<a href="#"><u>96</u></a>	LETTER addressed to J. Michael McMahon from John Moore dated 4/22/09 re: Counsel objects to the "opt-out" provisions of the settlement and request that the Court reject the settlement unless it is modified to "opt-in." (mme) (Entered: 05/01/2009)
05/01/2009	<a href="#"><u>97</u></a>	LETTER addressed to Settlement Administrator from Dennis Eddings dated 4/22/09 re: Counsel writes this letter to serve as an official notice that on behalf of his brother David Eddings, he is opting out of the Google Settlement for works by David Eddings, per the attached sheet. (mme) (Entered: 05/01/2009)
05/06/2009	<a href="#"><u>98</u></a>	NOTICE OF APPEARANCE by Joanne E. Zack on behalf of Paul Dickson, Joseph Goulden, The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman (Zack, Joanne) (Entered: 05/06/2009)
05/06/2009	<a href="#"><u>99</u></a>	MOTION for John W. Davis to Appear Pro Hac Vice. Document filed by David Meininger.(dle) (Entered: 05/08/2009)
05/12/2009	<a href="#"><u>100</u></a>	LIBRARY ASSOCIATION COMMENTS ON THE PROPOSED SETTLEMENT. (tro) (Entered: 05/13/2009)
05/12/2009	<a href="#"><u>101</u></a>	LETTER addressed to J. Michael McMahon from Elanor Wood dated 5/5/09 re: Copies of the opt-out letters signed by authors and estate proprietors, as well as their lists of published works, are available upon request. (tro) (Entered: 05/13/2009)

05/12/2009	<a href="#">102</a>	LETTER addressed to Judge Denny Chin from Australian Society of Authors dated 4/29/09 re: Submission to Fairness Hearing, Google books settlement, New York 11 June, by Australian Society of Authors. (tro) (Entered: 05/13/2009)
05/13/2009	<a href="#">103</a>	NOTICE of opt out. Document filed by Linda D. Delgado. (dj) Modified on 5/18/2009 (tro). (tro). (Entered: 05/13/2009)
05/13/2009	<a href="#">104</a>	Notice of Opt Out of Habibullah Saleem. (dj) (tro). (Entered: 05/13/2009)
05/13/2009	<a href="#">105</a>	NOTICE of opt out of Maryann Mahmoodian. (dj) (tro). (Entered: 05/13/2009)
05/13/2009	<a href="#">106</a>	NOTICE of opt out of Linda Kay Jitmoud. (dj) (tro). (Entered: 05/13/2009)
05/13/2009	<a href="#">107</a>	NOTICE of Opt Out of Shirley Gavin Anjum. (dj) (tro). (Entered: 05/13/2009)
05/13/2009	<a href="#">108</a>	NOTICE of Opt Out of Saaleh E. Bhamjee. (dj) (tro). (Entered: 05/13/2009)
05/14/2009		CASHIERS OFFICE REMARK on <a href="#">99</a> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 05/06/2009, Receipt Number 687220. (jd) (Entered: 05/14/2009)
05/15/2009	<a href="#">109</a>	ORDER granting <a href="#">99</a> Motion for John W. Davis to Appear Pro Hac Vice for class member David Meininger.. (Signed by Judge Denny Chin on 5/15/09) (cd) (Entered: 05/15/2009)
05/15/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">109</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (cd) (Entered: 05/15/2009)
05/15/2009	<a href="#">110</a>	LETTER addressed to the Clerk of Court from Dr. Else Maria Wischermann dated 5/5/09 re: Google settlement agreement (letter in German, no translation provided). (cd) (Entered: 05/15/2009)
05/15/2009	<a href="#">111</a>	Submission To Fairness Hearing, Google Books Settlement, NY 6/11, by Australian Society of Authors, dated 4/29/09. (cd) (Entered: 05/15/2009)
05/22/2009	<a href="#">112</a>	ENDORSED LETTER addressed to Judge Denny Chin from Michael J. Boni dated 5/20/2009 re: We write on behalf of all the settling parties to inform the Court of our position on an issue raised by Your Honor's Order of April 24, 2009. That Order states that the proposed intervenors are "free to file objections to the proposed settlement or amicus briefs..." (emphasis added). While the April 24 Order does not expressly state that any proposed intervenors who are not also members of the Settlement Class have standing to object, out of an abundance of caution we write now only to state our position that those persons lack such standing. ENDORSEMENT: My 4/24/09 Order does not purport to bestow standing on any persons who do not have standing. SO ORDERED. (Signed by Judge Denny Chin on 5/22/2009) (jmi) Modified on 5/27/2009 (jmi). (Entered: 05/22/2009)
05/26/2009	<a href="#">113</a>	NOTICE OF APPEAL from <a href="#">92</a> Order. Document filed by Lewis Hyde,



		Harry Lewis, Open Access Trust Inc. Filing fee \$ 455.00, receipt number E 688957. (nd) (Entered: 05/26/2009)
05/26/2009		Transmission of Notice of Appeal to the District Judge re: <a href="#">113</a> Notice of Appeal. (nd) (Entered: 05/26/2009)
05/26/2009		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <a href="#">113</a> Notice of Appeal. (nd) (Entered: 05/26/2009)
06/01/2009	<a href="#">114</a>	LETTER addressed to J. Michael McMahon, Clerk of Court from A. Michael Noll, Ph. D dated 5/19/09 re: Mr. Noll writes to object to the Google class action settlement. (tro) (Entered: 06/01/2009)
06/01/2009	<a href="#">115</a>	LETTER addressed to J. Michael McMahon, Clerk of Court from Barbara Ann Gorte dated 4/3/09 re: Comments and Objections to Settlement for the Court's Consideration. (tro) (Entered: 06/01/2009)
06/05/2009	<a href="#">116</a>	LETTER addressed to Judge Denny Chin from Takasu Jiro, Chairman of Ryutai-kyo, Tokyo, Japan dated (no date provided), Re: As the chairman of a Japanese publishers' association comprising of 98 members, I hereby declare that we oppose to the Settlement so as to protect our publishing tradition from unlawful digitization by Google. (ae) (Entered: 06/05/2009)
06/12/2009	<a href="#">117</a>	The Publishers' Association on Book Distribution, dated 5/18/09. (pl) (Entered: 06/12/2009)
06/15/2009		USCA Case Number 09-2224-cv from the USCA 2nd Circuit assigned to <a href="#">113</a> Notice of Appeal filed by Lewis Hyde, Open Access Trust Inc., Harry Lewis. (tp) (Entered: 06/15/2009)
06/24/2009	<a href="#">118</a>	MOTION for James Grimmelman to Appear Pro Hac Vice. Document filed by New York Law School, Institute for Information Law and Policy.(dle) (Entered: 06/25/2009)
07/01/2009	<a href="#">119</a>	LETTER addressed to Judge Denny Chin from Angela EBer, Jurgen Kehrer and Andreas Izquierdo re: Representing more than 500 crime writers from Germany, Austria and Switzerland we as spokesmen for the "SYNDIKAT - Autorengruppe deutschsprachige Kriminalliteratur" are deeply concerned about the unauthorized scanning of literary texts and whole books by the Google cooperation for use in their online library on the internet. This kind of action is a violation of German and European copyright laws that calls for legal punishment. Among the authors concerned are a huge number of writers of the German language whose personal rights and private contracts for their books that they have signed with German publishers are violated by Google. (jmi) (Entered: 07/01/2009)
07/01/2009		CASHIERS OFFICE REMARK on <a href="#">118</a> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 06/24/2009, Receipt Number 691944. (jd) (Entered: 07/01/2009)
07/02/2009	<a href="#">120</a>	ORDER, that by letter dated July 2, 2009, a copy of which is attached hereto, the Government advises the Court that it has opened an antitrust investigation into the proposed settlement in this case. The fairness hearing is scheduled for October 7, 2009. The Court intends to conduct the hearing on

		that date. If the Government wishes to present its views in writing, it must do so by September 18, 2009. The Government may also appear at the hearing to present its views orally. (Signed by Judge Denny Chin on 7/2/09) (pl) (Entered: 07/02/2009)
07/02/2009	<a href="#">121</a>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION, granting <a href="#">118</a> Motion for James Grimmelman to Appear Pro Hac Vice. (Signed by Judge Denny Chin on 7/2/09) (pl) (Entered: 07/02/2009)
07/02/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">121</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (pl) (Entered: 07/02/2009)
07/23/2009	<a href="#">122</a>	ENDORSED LETTER addressed to Judge Denny Chin from R. Emmett McAuliffe dated July 16,2009 re: Pursuant to Your Honor's Individual Practice 2(A), we write on behalf of The Media Exchange Company, Inc. ("TMEC") to request a clarification of TMEC's right to object to the Settlement as anon-class member and/or file an amicus curiae brief. Despite not being a class member, TMEC believes it and its customers have an interest in the proceeding. ENDORSEMENT: Application GRANTED. TMEC may object as a non-class member and/or file an amicus brief. The Court prefers one submission. This is without prejudice to any argument the parities may make that TMEC lacks standing to object. SO ORDERED. (Signed by Judge Denny Chin on 7/23/2009) (jmi) (Entered: 07/23/2009)
07/23/2009	<a href="#">123</a>	LETTER addressed to Clerk of the Court from Claude Almansi-Beguin dated 7/9/09 re: Objections to the Google Book Search Settlement Agreement. (db) (Entered: 07/23/2009)
07/23/2009	<a href="#">124</a>	LETTER addressed to Administrator from John Larry Ray dated 7/12/09 re: Questions regarding the Google lawsuit settlement. (db) (Entered: 07/23/2009)
07/30/2009	<a href="#">133</a>	MOTION for Matthew Christian Schruers to Appear Pro Hac Vice. Document filed by Computer and Communications Industry Association. (dle) (Entered: 08/17/2009)
08/05/2009	<a href="#">125</a>	LETTER addressed to Judge Denny Chin from Andrew J. Imparato dated 7/27/2009 re: Counsel writes on behalf of The American Association of People with Disabilities (AAPD) to respectfully ask that the Court approve the proposed settlement between the Authors Guild and Google in the above captioned case. (tve) (Entered: 08/06/2009)
08/05/2009	<a href="#">126</a>	LETTER addressed to Judge Denny Chin from Kathy Rowland dated 8/3/2009 re: Counsel writes to inform the Court that an objection is made to the proposed settlement. (tve) (Entered: 08/06/2009)
08/05/2009	<a href="#">127</a>	LETTER from Robert Pullman dated 7/30/2009 re: The Chair of the Australian Society of Authors writes to inform the the Court that they welcomes the agreement and does not oppose it. (tve) (Entered: 08/06/2009)
08/07/2009	<a href="#">128</a>	LETTER addressed to Office of the Clerk, J. Michael McMahon from Prof. Dr. Thomas Meir dated 8/1/2009 re: I want to object to the settlement as

		actually proposed that there is no choice to accept the digitalization of my works under the condition that they are made accessible on an open access basis only. (jpo) (Entered: 08/07/2009)
08/07/2009	<a href="#">129</a>	LETTER addressed to Judge Denny Chin from John B. Forkenbrock dated 8/7/2009 re: I request the Court's permission to submit this letter in support of final settlement approval in the aforementioned case. (jpo) (Entered: 08/07/2009)
08/12/2009	<a href="#">130</a>	LETTER addressed to Judge Denny Chin from Brent Wilkes, LULAC National Executive Director, dated 8/10/2009 re: The League of United Latin American Citizens wishes to formally submit this letter as amicus curiae in support of the final settlement approval. (tve) (Entered: 08/12/2009)
08/13/2009	<a href="#">131</a>	LETTER addressed to Judge Denny Chin from Scott James aka Kemble Scott, author of the novels SoMa and The Sower dated August 10, 2009 re: I'm a published author whose work is at stake in the proposed settlement for The Authors Guild et al., vs. Google, Inc. I'm not a lawyer, so you'll have to excuse my lack of legalese, but... this deal stinks. Please put an end to it. It's wrong on so many levels. (rw) (Entered: 08/14/2009)
08/13/2009	<a href="#">132</a>	LETTER addressed to Judge Denny Chin from Scott James dated 8/10/09 re: I'm a published author whose work is at stake in the proposed settlement for The Authors Guild, et al., vs. Google, Inc. I object to The Authors Guild, et al., vs. Google, Inc. settlement. Please intervene and stop it. (pl) (Entered: 08/14/2009)
08/17/2009		CASHIERS OFFICE REMARK on <a href="#">133</a> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 07/30/2009, Receipt Number 696015. (jd) (Entered: 08/17/2009)
08/17/2009	<a href="#">134</a>	LETTER addressed to J. Michael McMahon from Mary Croughan, Henry Powell et al, dated 8/13/09 re: Not opposed to the settlement. (cd) (Entered: 08/18/2009)
08/17/2009	<a href="#">135</a>	Objection To Proposed Class Action Settlement On Behalf Of Author's Rights Class Member Ian Franckenstein, dated 8/13/09. (cd) (Entered: 08/18/2009)
08/18/2009	<a href="#">136</a>	MANDATE of USCA WITHDRAWING APPEAL (Certified Copy) as to <a href="#">113</a> Notice of Appeal filed by Lewis Hyde, Open Access Trust Inc., Harry Lewis USCA Case Number 09-2224-cv....that the appeal is hereby WITHDRAWN pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure. Catherine O'Hagan Wolfe, Clerk USCA. Certified: 8/17/2009. (nd) (Entered: 08/18/2009)
08/18/2009		Transmission of USCA Mandate/Order to the District Judge re: <a href="#">136</a> USCA Mandate Withdrawing Appeal,. (nd) (Entered: 08/18/2009)
08/18/2009		***REJECTION OF ATTEMPTED PAPER FILING IN ECF CASE. The following document(s) Objection to propose class action settlement on behalf of author's rights class member Ian Franckenstein/ by Attorney

		Jerome M. Garchik, was rejected by the Clerk's Office and must be FILED ELECTRONICALLY on the Court's ECF System. (eef) (Entered: 08/18/2009)
08/19/2009	<a href="#">137</a>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting <a href="#">133</a> Motion for Matthew Christian Schruers to Appear Pro Hac Vice. Matthew Christian Schruers is admitted to practice pro hac vice as counsel for Computer and Communications Industry Association in the above captioned case in this action. Counsel shall forward the pro hac vice fee to the Clerk of Court. (Signed by Judge Denny Chin on 8/18/09) (tro) (Entered: 08/19/2009)
08/19/2009	<a href="#">138</a>	LETTER addressed to Denny Chin from Gregory Cendana dated 8/17/2009 re: The United States Student Association (USSA) hereby requests this court's permission to submit this letter as an amicus curiae supporting final settlement approval in the above-referenced case. (tve) (Entered: 08/19/2009)
08/19/2009	<a href="#">139</a>	LETTER addressed to Judge Denny Chin from John G. Flores dated 8/17/2009 re: The United States Distance Learning Association (USDLA) requests the court's permission to submit this letter as an amicus curiae supporting final settlement approval in The Authors Guild et al. v. Google, Inc, Case. (tve) (Entered: 08/19/2009)
08/19/2009	140	NOTICE of Intent to appear. I, Scott E. Gant, hereby notify the Court of my intent to appear at the Fairness Hearing in the above-captioned case, currently scheduled for October 7, 2009. As Explained in my Objection, being filed contemporaneously with this Notice, I will be appearing in my individual capacity, as a member of the proposed Author Sub-Class. (mbe) (Entered: 08/20/2009)
08/19/2009	141	Objection of Scott E. Gant to proposed settlement, and to certification of the proposed settlement class and sub-classes. (mbe) (Entered: 08/20/2009)
08/19/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">137</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (tro) (Entered: 08/21/2009)
08/20/2009	142	NOTICE of Urban Libraries Council Comments on the Proposed Settlement. (mbe) (Entered: 08/20/2009)
08/20/2009	<a href="#">143</a>	Objection of Scott E. Gant to proposed settlement, and to certification of the proposed settlement class and sub-classes. (jfe) (Entered: 08/20/2009)
08/20/2009	<a href="#">144</a>	LETTER addressed to Judge Denny Chin from E. Ted Fox dated 8/19/2009 re: Counsel request the court's permission to submit this letter as an amicus curiae supporting final settlement approval in the above-referenced case. (jfe) (Entered: 08/20/2009)
08/20/2009	<a href="#">154</a>	MOTION for Jennifer Lynch to Appear Pro Hac Vice. Document filed by Class Member Objectors.(dle) (Entered: 08/27/2009)
08/20/2009	<a href="#">156</a>	MOTION for Cindy Cohn to Appear Pro Hac Vice. Document filed by Class Member Objectors.(dle) (Entered: 08/27/2009)

08/24/2009	<a href="#">145</a>	FILING ERROR - DEFICIENT DOCKET ENTRY - (WRONG FILER SELECTED) - NOTICE OF APPEARANCE by Joseph Solomon Hall on behalf of The Author's Guild (Hall, Joseph) Modified on 8/25/2009 (lb). (Entered: 08/24/2009)
08/25/2009	<a href="#">146</a>	FILING ERROR - DEFICIENT DOCKET ENTRY - NOTICE OF APPEARANCE by Joseph Solomon Hall on behalf of Harold Bloom (Hall, Joseph) Modified on 8/26/2009 (jar). (Entered: 08/25/2009)
08/25/2009		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Joseph Hall to RE-FILE Document <a href="#">146</a> Notice of Appearance. ERROR(S): Each individual plaintiff listed on the Notice of Appearance must be added on to the docket. (jar) (Entered: 08/26/2009)
08/26/2009	<a href="#">147</a>	NOTICE OF APPEARANCE by Joseph Solomon Hall on behalf of Elliot Abrams, Charlotte Allen, Phyllis Ammons, Richard Armey, Jacques Barzun, Nicholas Basbanes, Stephen Bates, Shawn J. Bayern, Jack Beerman, Michael Behe, Michael Cox, Douglas Crase, Frank Gonzalez-Crussi, Midge Decter, John Derbyshire, Thomas M. Disch, Gerald Early, Mel Eisenberg, Richard A. Epstein, Henry Fetter, David D. Friedman, David Gelernter, Gabrielle Glaser, Mary Ann Glendon, Victor Davis Hanson, Robert Herbold, Arthur Herman, Charles Hill, Manuela Hoelterhoff, Richard Howard, Ishmael Jones, Donald Kagan, David Kuo, Michael Ledeen, Susan Lee, Mary Lefkowitz, David Lehman, John Lehman, Howard Markel, Sherwin B. Nuland, Steven Ozment, Michael Perry, Norman Podhoretz, Diane Ravitch, Ralph Reed, Harriet Rubin, Sarah Ruden, Peter Schweizer, Roger Simon, Roy Spencer, Geoffrey R. Stone, Charles Sykes, Terry Teachout, Paco Underhill, Ruth Wisse, Elizabeth Wurtzel, John Yoo, Harold Bloom (Hall, Joseph) (Entered: 08/26/2009)
08/26/2009	<a href="#">151</a>	MOTION for David Nimmer to Appear Pro Hac Vice. Document filed by Amazon.com, Inc.(dle) (Entered: 08/27/2009)
08/26/2009	<a href="#">152</a>	MOTION for Alexander F. Wiles to Appear Pro Hac Vice. Document filed by Amazon.com, Inc.(dle) (Entered: 08/27/2009)
08/27/2009	<a href="#">148</a>	ENDORSED LETTER addressed to Judge Denny Chin from Jennifer B. Caplan dated 8/26/2009 re: Requesting permission for Sony Electronics Inc. to file an amicus curiae brief in support of approval of the proposed settlement in this matter. ENDORSEMENT: Application granted, but the amicus brief must be filed by September 4, 2009. (Signed by Judge Richard J. Sullivan on 8/27/2009) (jpo) (Entered: 08/27/2009)
08/27/2009	<a href="#">149</a>	LETTER addressed to Judge Denny Chin from Kenneth L. Frazier dated 8/14/2009 re: Requesting that the Court approve the settlement agreement among the parties in this case. (jpo) (Entered: 08/27/2009)
08/27/2009	<a href="#">150</a>	LETTER addressed to Judge Denny Chin from E. Ted Fox dated 8/19/2009 re: The Court should approve the Settlement in such a manner as to maximize benefits to the public and to create a platform for similar developments relating to photo imaging. (jpo) (Entered: 08/27/2009)



08/27/2009	<a href="#">153</a>	LETTER addressed to Office of the Clerk, J. Michael McMahon from Yin Po Tschang re: Digitization is good. Google has the freedom to do whatever it wants. But it has no right to impose a new principle of law on us, especially one that goes against the spirit and letter of the principle of common heritage of mankind. (jpo) (Entered: 08/27/2009)
08/27/2009	<a href="#">155</a>	LETTER addressed to Judge Denny Chin from Sallie Lowenstein dated 8/17/2009 re: Requesting that the Court does not approve the settlement and hence deny Google permission to change how ownership of intellectual property is protected through a settlement that is so dense that lawyers can't agree on what it means and which is clearly close to incomprehensible to the average author. (jpo) (Entered: 08/27/2009)
08/27/2009	<a href="#">157</a>	LETTER addressed to Judge Denny Chin from Jonathan Brown dated 8/14/2009 re: We believe the proposed settlement will offer benefits to users of content in colleges and universities large and small. We hope that the proposed settlement will be approved.(jpo) (Entered: 08/27/2009)
08/27/2009	<a href="#">158</a>	LETTER addressed to Judge Denny Chin from Susan Benton dated 8/19/2009 re: Requesting that the Court require the parties to address the issues raised in this document before approving the proposed settlement. (jpo) (Entered: 08/27/2009)
08/27/2009		CASHIERS OFFICE REMARK on <a href="#">154</a> Motion to Appear Pro Hac Vice, <a href="#">156</a> Motion to Appear Pro Hac Vice in the amount of \$50.00, paid on 08/20/2009, Receipt Number 697871. (jd) (Entered: 08/27/2009)
08/27/2009		CASHIERS OFFICE REMARK on <a href="#">151</a> Motion to Appear Pro Hac Vice, <a href="#">152</a> Motion to Appear Pro Hac Vice in the amount of \$50.00, paid on 08/26/2009, Receipt Number 698403. (jd) (Entered: 08/27/2009)
08/28/2009	<a href="#">159</a>	LETTER addressed to Judge Denny Chin from Jeanine Varner, Ph.D., Provost, Abilene Christian Inversity, dated August 26, 2009 re: We, the undersigned, request your permission to submit this letter as an amicus curiae in support of final settlement approval in the above case. (rw) (Entered: 08/28/2009)
08/28/2009	<a href="#">160</a>	LETTER addressed to Office of the Clerk, J. Michael McMahon, from Arthur Ramous dated August 21, 2009 re: I'm staying in the Settlement; however I have the following comment to make. (rw) Modified on 8/28/2009 (rw). (Entered: 08/28/2009)
08/28/2009	<a href="#">161</a>	LETTER addressed to Office of the Clerk, J. Michael McMahon from Virginia Aronson dated 8/19/2009 re: I am writing to file my objection to the settlement by Google Books with copyright holders (case NO 05CV8136 (SDNY). I am a writer with more than 30 titles for which I am the author or coauthor. Two of these titles have already been scanned and added to Google's electronic database without my knowledge or permission. I am the copyright holder in both cases. I object to this infringement of copyright and I object to the settlement on my behalf undertaken without my knowledge. (rw) (Entered: 08/28/2009)
08/28/2009	<a href="#">162</a>	LETTER addressed to Office of the Clerk, J. Michael McMahon from Erika

		Mailman dated August 21, 2009 re: I'm writing to object to, and express my horror at, the Google Book Settlement currently on Judge Denny Chin's desk. (rw) (Entered: 08/28/2009)
08/31/2009	<a href="#">163</a>	NOTICE OF APPEARANCE by Alexandra A. E. Shapiro on behalf of Harrasowitz, Media24, Studentlitteratur AB, Norstedts Forlagsgrupp AB, Norstedts Kartor AB, Leopard Forlag AB, Borsenverein des Deutschen Buchhandels, Schweizer Buchhandler - und Verleger-Verband SBVV, Hauptverband des Österreichischen Buchhandels, Svenska Forlaggareforeningen (Shapiro, Alexandra) (Entered: 08/31/2009)
08/31/2009	<a href="#">164</a>	NOTICE OF APPEARANCE by Daniel J. Fetterman on behalf of Consumer Watchdog (Fetterman, Daniel) (Entered: 08/31/2009)
08/31/2009	<a href="#">165</a>	NOTICE OF APPEARANCE by Peter Jonathan Toren on behalf of Consumer Watchdog (Toren, Peter) (Entered: 08/31/2009)
08/31/2009	<a href="#">166</a>	NOTICE OF APPEARANCE by Cynthia S. Arato on behalf of Harrasowitz, Media24, Studentlitteratur AB, Norstedts Forlagsgrupp AB, Norstedts Kartor AB, Leopard Forlag AB, Borsenverein des Deutschen Buchhandels, Schweizer Buchhandler - und Verleger-Verband SBVV, Hauptverband des Österreichischen Buchhandels, Svenska Forlaggareforeningen (Arato, Cynthia) (Entered: 08/31/2009)
08/31/2009	<a href="#">167</a>	Objection <i>To Proposed Settlement</i> . Document filed by Harrasowitz, Media24, Studentlitteratur AB, Norstedts Forlagsgrupp AB, Norstedts Kartor AB, Leopard Forlag AB, Borsenverein des Deutschen Buchhandels, Schweizer Buchhandler - und Verleger-Verband SBVV, Hauptverband des Österreichischen Buchhandels, Svenska Forlaggareforeningen. (Shapiro, Alexandra) (Entered: 08/31/2009)
08/31/2009	<a href="#">168</a>	DECLARATION of Barbara Krauss in Support re: <a href="#">167</a> Objection (non-motion), Objection (non-motion). Document filed by Harrasowitz. (Shapiro, Alexandra) (Entered: 08/31/2009)
08/31/2009	<a href="#">169</a>	DECLARATION of Ashoek Adhikari in Support re: <a href="#">167</a> Objection (non-motion), Objection (non-motion). Document filed by Media24. (Attachments: # <a href="#">1</a> Appendix Appendix A)(Shapiro, Alexandra) (Entered: 08/31/2009)
08/31/2009	<a href="#">170</a>	DECLARATION of Jerker Fransson in Support re: <a href="#">167</a> Objection (non-motion), Objection (non-motion). Document filed by Studentlitteratur AB. (Shapiro, Alexandra) (Entered: 08/31/2009)
08/31/2009	<a href="#">171</a>	DECLARATION of Maria Hamrefors in Support re: <a href="#">167</a> Objection (non-motion), Objection (non-motion). Document filed by Norstedts Forlagsgrupp AB, Norstedts Kartor AB. (Shapiro, Alexandra) (Entered: 08/31/2009)
08/31/2009	<a href="#">172</a>	DECLARATION of Dan Israel in Support re: <a href="#">167</a> Objection (non-motion), Objection (non-motion). Document filed by Leopard Forlag AB. (Shapiro, Alexandra) (Entered: 08/31/2009)
08/31/2009	<a href="#">173</a>	ENDORSED LETTER addressed to Judge Denny Chin from John B.

		Morris, Jr. dated 8/28/2009 re: Counsel writes on behalf of CDT, to request permission for CDT to file a brief amicus curiae, to be filed in support of neither party, will not exceed 25 pages, and will be filed by 9/4/2009. ENDORSEMENT: Approved. (Signed by Judge Denny Chin on 8/31/2009) (tve) (Entered: 08/31/2009)
08/31/2009	<a href="#">174</a>	NOTICE OF APPEARANCE by Theodore Conrad Max on behalf of Federal Republic of Germany (Max, Theodore) (Entered: 08/31/2009)
08/31/2009	<a href="#">175</a>	DECLARATION of Christian Sprang in Support re: <a href="#">167</a> Objection (non-motion), Objection (non-motion). Document filed by Borsenverein des Deutschen Buchhandels. (Attachments: # <a href="#">1</a> Appendix Pages 11-20 of Sprang Declaration, # <a href="#">2</a> Exhibit A (1 of 4), # <a href="#">3</a> Exhibit A (2 of 4), # <a href="#">4</a> Exhibit A (3 of 4), # <a href="#">5</a> Exhibit A (4 of 4), # <a href="#">6</a> Exhibit B (1 of 4), # <a href="#">7</a> Exhibit B (2 of 4), # <a href="#">8</a> Exhibit B (3 of 4), # <a href="#">9</a> Exhibit B (4 of 4), # <a href="#">10</a> Exhibit C, # <a href="#">11</a> Exhibit D (1 of 4), # <a href="#">12</a> Exhibit D (2 of 4), # <a href="#">13</a> Exhibit D (3 of 4), # <a href="#">14</a> Exhibit D (4 of 4), # <a href="#">15</a> Exhibit E, # <a href="#">16</a> Exhibit F (1 of 4), # <a href="#">17</a> Exhibit F (2 of 4), # <a href="#">18</a> Exhibit F (3 of 4), # <a href="#">19</a> Exhibit F (4 of 4), # <a href="#">20</a> Exhibit G, # <a href="#">21</a> Exhibit H, # <a href="#">22</a> Exhibit I, # <a href="#">23</a> Exhibit J, # <a href="#">24</a> Exhibit K)(Shapiro, Alexandra) (Entered: 08/31/2009)
08/31/2009	<a href="#">176</a>	DECLARATION of Dani Landolf in Support re: <a href="#">167</a> Objection (non-motion), Objection (non-motion). Document filed by Schweizer Buchhandler - und Verleger-Verband SBVV. (Shapiro, Alexandra) (Entered: 08/31/2009)
08/31/2009	<a href="#">177</a>	DECLARATION of Inge Kralupper in Support re: <a href="#">167</a> Objection (non-motion), Objection (non-motion). Document filed by Hauptverband des Österreichischen Buchhandels. (Attachments: # <a href="#">1</a> Exhibit A)(Shapiro, Alexandra) (Entered: 08/31/2009)
08/31/2009	<a href="#">178</a>	DECLARATION of Kristina Ahlinder in Support re: <a href="#">167</a> Objection (non-motion), Objection (non-motion). Document filed by Svenska Forlaggareforeningen. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B (1 of 4), # <a href="#">3</a> Exhibit B (2 of 4), # <a href="#">4</a> Exhibit B (3 of 4), # <a href="#">5</a> Exhibit B (4 of 4), # <a href="#">6</a> Exhibit C)(Shapiro, Alexandra) (Entered: 08/31/2009)
08/31/2009	<a href="#">179</a>	MEMORANDUM OF LAW in Opposition <i>to the Settlement Proposal on Behalf of the Federal Republic of Germany</i> . Document filed by Federal Republic of Germany. (Max, Theodore) (Entered: 08/31/2009)
08/31/2009	<a href="#">180</a>	DECLARATION of Ministerialdirigent Dr. Johannes Christian Wichard in Opposition re: <a href="#">179</a> Memorandum of Law in Opposition. Document filed by Federal Republic of Germany. (Max, Theodore) (Entered: 08/31/2009)
08/31/2009	<a href="#">183</a>	ENDORSED LETTER addressed to Judge Denny Chin from Hadrian R. Katz dated 8/31/2009 re: Counsel respectfully seek leave from the Court to file, in addition, an amicus brief on behalf of the Open Book Alliance, a coalition of diverse organizations including Amazon.com, Inc., The American Society of Journalists and Authors, The Council of Literary Magazines and Presses, Microsoft Corporation, The New York Library Association, Small Press Distribution, The Special Libraries Association, and Yahoo! Inc., as well as the Internet Archive. With the Court's



		permission, that amicus brief as well will be filed by the September 4, 2009 objection deadline. ENDORSEMENT: Application Granted. So Ordered. (Signed by Judge Denny Chin on 8/31/2009) (jfe) (Entered: 09/01/2009)
08/31/2009	<a href="#">233</a>	MOTION for Michael John Guzman to Appear Pro Hac Vice. Document filed by Harold Bloom, Elliot Abrams, Charlotte Allen, Phyllis Ammons, Richard Arme, Jacques Barzun, Nicholas Basbanes, Stephen Bates, Shawn J. Bayern, Jack Beerman, Michael Behe, Michael Cox, Douglas Crase, Frank Gonzalez-Crussi, Midge Decter, John Derbyshire, Thomas M. Disch, Gerald Early, Mel Eisenberg, Richard A. Epstein, Henry Fetter, David D. Friedman, David Gelernter, Gabrielle Glaser, Mary Ann Glendon, Victor Davis Hanson, Robert Herbold, Arthur Herman, Charles Hill, Manuela Hoelterhoff, Richard Howard, Ishmael Jones, Donald Kagan, David Kuo, Michael Ledeen, Susan Lee, Mary Lefkowitz, David Lehman, John Lehman, Howard Markel, Sherwin B. Nuland, Steven Ozment, Michael Perry, Norman Podhoretz, Diane Ravitch, Ralph Reed, Harriet Rubin, Sarah Ruden, Peter Schweizer, Roger Simon, Roy Spencer, Geoffrey R. Stone, Charles Sykes, Terry Teachout, Paco Underhill, Ruth Wisse, Elizabeth Wurtzel, John Yoo.(dle) (Entered: 09/03/2009)
08/31/2009	<a href="#">370</a>	LETTER addressed to Office of the Clerk from Ian Muller dated 8/31/09 re: Koninklijke Van Gorcum B.V. objects to Settlement Agreement. Document filed by Koninklijke Van Gorcum B.V..(dle) (Entered: 09/10/2009)
09/01/2009	<a href="#">181</a>	NOTICE OF APPEARANCE by Alexandra A. E. Shapiro on behalf of Czernin Verlag (Shapiro, Alexandra) (Entered: 09/01/2009)
09/01/2009	<a href="#">182</a>	NOTICE OF APPEARANCE by Cynthia S. Arato on behalf of Czernin Verlag (Arato, Cynthia) (Entered: 09/01/2009)
09/01/2009	<a href="#">184</a>	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU (Joinder) - NOTICE of Joinder re: <a href="#">167</a> Objection (non-motion), Objection (non-motion). Document filed by Czernin Verlag. (Arato, Cynthia) Modified on 9/2/2009 (jar). (Entered: 09/01/2009)
09/01/2009	<a href="#">185</a>	FILING ERROR - DEFICIENT DOCKET ENTRY - (LINKED TO A DEFICIENT DOCKET ENTRY, SEE DOCUMENT #220) - DECLARATION of Benedikt Foeger in Support re: <a href="#">184</a> Notice (Other), <a href="#">167</a> Objection (non-motion), Objection (non-motion). Document filed by Czernin Verlag. (Arato, Cynthia) Modified on 9/8/2009 (lb). (Entered: 09/01/2009)
09/01/2009	<a href="#">186</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Harrasowitz, Studentlitteratur AB, Norstedts Forlagsgrupp AB, Norstedts Kartor AB, Leopard Forlag AB, Borsenverein des Deutschen Buchhandels, Schweizer Buchhandler - und Verleger-Verband SBVV, Hauptverband des Osterreichischen Buchhandels, Svenska Forlaggareforeningen, Czernin Verlag.(Arato, Cynthia) (Entered: 09/01/2009)
09/01/2009	<a href="#">187</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Naspers Ltd. as Corporate Parent. Document filed by Media24.(Arato, Cynthia) (Entered: 09/01/2009)

09/01/2009	<a href="#">188</a>	LETTER addressed to Judge Denny Chin from Robert Cooper Ramo dated 8/31/2009 re: In light of the objections set within, the Institute requests that the Court decline to approve the GBS as currently drafted. (jfe) (Entered: 09/01/2009)
09/01/2009	<a href="#">189</a>	LETTER addressed to Judge Colleen McMahon from Martine Schaap dated 8/27/2009 re: We (Uitgeverij Ploegsma BV) are writing to you in regards to the proposed Settlement Agreement between Google Inc., and the Authors Guild and the Association of American Publishers. We would like to raise the following concerns and objections to this Settlement. (jfe) (Entered: 09/01/2009)
09/01/2009	<a href="#">190</a>	LETTER addressed to Judge Colleen McMahon from Barbel Dorweiler dated 8/27/2009 re: We (Queridos Childrens Books ) are writing to you in regards to the proposed Settlement Agreement between Google Inc., and the Authors Guild and the Association of American Publishers. We would like to raise the following concerns and objections to this Settlement. (jfe) (Entered: 09/01/2009)
09/01/2009	<a href="#">191</a>	LETTER addressed to Judge Colleen McMahon from Manja Heerze dated 8/27/2009 re: We (Uitgeverij Leopold BV ) are writing to you in regards to the proposed Settlement Agreement between Google Inc., and the Authors Guild and the Association of American Publishers. We would like to raise the following concerns and objections to this Settlement. (jfe) (Entered: 09/01/2009)
09/01/2009	<a href="#">192</a>	LETTER addressed to Sir Michael McMahon from Mark Pieters dated 8/27/2009 re: We (Em. Queridos Uitgeverij B.V ) are writing to you in regards to the proposed Settlement Agreement between Google Inc., and the Authors Guild and the Association of American Publishers. We would like to raise the following concerns and objections to this Settlement. (jfe) (Entered: 09/01/2009)
09/01/2009	<a href="#">193</a>	LETTER addressed to Sir Michael McMahon from Paul Roosenstein dated 8/27/2009 re: We, SWP publisher, are writing to you in regards to the proposed Settlement Agreement between Google Inc., and the Authors Guild and the Association of American Publishers. We would like to raise the following concerns and objections set forth within to this Settlement. (jfe) (Entered: 09/01/2009)
09/01/2009	<a href="#">194</a>	LETTER addressed to Sir Michael McMahon from Mark Pieters dated 8/27/2009 re: We (Athenaeum - Polak & Van Gennepe) are writing to you in regards to the proposed Settlement Agreement between Google Inc., and the Authors Guild and the Association of American Publishers. We would like to raise the following concerns and objections to this Settlement. (jfe) (Entered: 09/01/2009)
09/01/2009	<a href="#">195</a>	LETTER addressed to Sir Michael McMahon from Vic Van de Reijt dated 8/27/2009 re: We (Nijgh & Van Ditmar) are writing to you in regards to the proposed Settlement Agreement between Google Inc., and the Authors Guild and the Association of American Publishers. We would like to raise the following concerns and objections to this Settlement. (jfe) (Entered: 09/01/2009)

		09/01/2009)
09/01/2009	<a href="#">196</a>	LETTER addressed to Sir Michael McMahon from Jerker Nilsson dated 8/28/2009 re: We (Liber AB, herein after called "Liber") are writing to you in regards to the proposed Settlement Agreement between Google Inc., and the Authors Guild and the Association of American Publishers. (jfe) (Entered: 09/01/2009)
09/01/2009	<a href="#">197</a>	NOTICE OF APPEARANCE by David A. Zapolsky on behalf of Amazon.com, Inc. (Zapolsky, David) (Entered: 09/01/2009)
09/01/2009	<a href="#">198</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Amazon.com, Inc..(Zapolsky, David) (Entered: 09/01/2009)
09/01/2009	<a href="#">199</a>	LETTER addressed to Mr. McMahon from Peter Van Haaften dated 8/27/2009 re: Counsel writes to make the following objections and comments set forth within to the Google Book Settlement. (jfe) (Entered: 09/01/2009)
09/01/2009	<a href="#">200</a>	LETTER addressed to Mr. McMahon from Peter Van Haaften dated 8/27/2009 re: Counsel writes to make the following objections and comments set forth within to the Google Book Settlement. (jfe) (Entered: 09/01/2009)
09/01/2009	<a href="#">201</a>	LETTER addressed to Mr J. Michael McMahon from Miss Lynne Garner dated 8/27/2009 re: Counsel writes to object to the Google Book Settlement.. (jfe) (Entered: 09/01/2009)
09/01/2009	<a href="#">202</a>	LETTER addressed to Judge Denny Chin from Scott James dated 8/27/2009 re: For all of the reasons set forth within, Counsel objects to The Authors Guild, et al., vs. Google, Inc. settlement. Please intervene and stop it.(jfe) (Entered: 09/01/2009)
09/01/2009	<a href="#">203</a>	NOTICE OF APPEARANCE by Andrew C. DeVore on behalf of Arlo Guthrie, Julia Wright, Catherine Ryan Hyde, Eugene Linden (DeVore, Andrew) (Entered: 09/01/2009)
09/01/2009	<a href="#">204</a>	NOTICE OF APPEARANCE by Shirley Othmana Saed on behalf of The American Society of Media Photographers, Inc., Graphic Artists Guild, Picture Archive Council of America, North American Nature Photography Association, Joel Meyerowitz, Dan Budnick, Peter Turner, Lou Jacobs, Jr (Saed, Shirley) (Entered: 09/01/2009)
09/01/2009	<a href="#">205</a>	NOTICE OF APPEARANCE by Amin S. Kassam on behalf of Arlo Guthrie, Julia Wright, Catherine Ryan Hyde, Eugene Linden (Kassam, Amin) (Entered: 09/01/2009)
09/01/2009	<a href="#">206</a>	Objection of Amazon.com, Inc. to Proposed Settlement. Document filed by Amazon.com, Inc.. (Zapolsky, David) (Entered: 09/01/2009)
09/01/2009	<a href="#">207</a>	DECLARATION of David Nimmer in Support re: <a href="#">206</a> Objection (non-motion). Document filed by Amazon.com, Inc.. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F)

		(Zapolsky, David) (Entered: 09/01/2009)
09/01/2009	<a href="#">208</a>	NOTICE of Intent to Appear by Amazon.com, Inc. re: <a href="#">206</a> Objection (non-motion). Document filed by Amazon.com, Inc.. (Zapolsky, David) (Entered: 09/01/2009)
09/01/2009		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Note to Attorney Cynthia Arato to RE-FILE Document <a href="#">184</a> Notice (Other). Use the event type Joinder found under the event list Other Documents. (jar) (Entered: 09/02/2009)
09/01/2009	<a href="#">232</a>	MOTION for Edwin C. Komen to Appear Pro Hac Vice. Document filed by Federal Republic of Germany.(dle) (Entered: 09/03/2009)
09/02/2009	<a href="#">209</a>	Objection to Proposed Settlement. Document filed by Arlo Guthrie, Julia Wright, Catherine Ryan Hyde, Eugene Linden. (DeVore, Andrew) (Entered: 09/02/2009)
09/02/2009	<a href="#">210</a>	DECLARATION of Annie Guthrie on Behalf of Arlo Guthrie in Support re: <a href="#">209</a> Objection (non-motion). Document filed by Arlo Guthrie. (DeVore, Andrew) (Entered: 09/02/2009)
09/02/2009	<a href="#">211</a>	DECLARATION of Julia Wright in Support re: <a href="#">209</a> Objection (non-motion). Document filed by Julia Wright. (DeVore, Andrew) (Entered: 09/02/2009)
09/02/2009	<a href="#">212</a>	DECLARATION of Catherine Ryan Hyde in Support re: <a href="#">209</a> Objection (non-motion). Document filed by Catherine Ryan Hyde. (DeVore, Andrew) (Entered: 09/02/2009)
09/02/2009	<a href="#">213</a>	DECLARATION of Eugene Linden in Support re: <a href="#">209</a> Objection (non-motion). Document filed by Eugene Linden. (DeVore, Andrew) (Entered: 09/02/2009)
09/02/2009	<a href="#">214</a>	DECLARATION of Laura Leslie on Behalf of the Estate of Philip K. Dick in Support re: <a href="#">209</a> Objection (non-motion). Document filed by Arlo Guthrie, Julia Wright, Catherine Ryan Hyde, Eugene Linden. (DeVore, Andrew) (Entered: 09/02/2009)
09/02/2009	<a href="#">215</a>	DECLARATION of Andrew C. DeVore in Support re: <a href="#">209</a> Objection (non-motion). Document filed by Arlo Guthrie, Julia Wright, Catherine Ryan Hyde, Eugene Linden. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B1, # <a href="#">3</a> Exhibit B2, # <a href="#">4</a> Exhibit B3, # <a href="#">5</a> Exhibit B4, # <a href="#">6</a> Exhibit B5, # <a href="#">7</a> Exhibit C, # <a href="#">8</a> Exhibit D, # <a href="#">9</a> Exhibit E, # <a href="#">10</a> Exhibit F, # <a href="#">11</a> Exhibit G, # <a href="#">12</a> Exhibit H, # <a href="#">13</a> Exhibit I, # <a href="#">14</a> Exhibit J, # <a href="#">15</a> Exhibit K, # <a href="#">16</a> Exhibit L)(DeVore, Andrew) (Entered: 09/02/2009)
09/02/2009	<a href="#">216</a>	ENDORSED LETTER addressed to Judge Denny Chin from Daniel Fetterman dated 9/1/2009 re: request permission to file an amicus curiae brief, and to appear at the hearing, to address certain antitrust and copyright concerns with the proposed settlement agreement in this proceeding. ENDORSEMENT: This application is granted, but in light of the volume of materials being submitted to the Court, I would suggest that a 25-page brief would be more effective than a 40-page brief. As for permission to speak at

		the hearing, the Court will address this question in a future order. We need to see how many requests there are to speak. (Signed by Judge Denny Chin on 9/2/2009) (jar) (Entered: 09/02/2009)
09/02/2009	<a href="#">217</a>	ORDER: The deadline for filing objections and amicus curiae briefs in this case is hereby extended to 10:00 a.m. EST on Tuesday, September 8, 2009. Objectors and amici are also reminded that they are required to send a courtesy copy of any documents filed electronically to my Chambers. (Brief due by 9/8/2009.) (Signed by Judge Denny Chin on 9/2/2009) (jar) (Entered: 09/02/2009)
09/02/2009	<a href="#">218</a>	Objection to <i>Proposed Settlement</i> . Document filed by The American Society of Media Photographers, Inc., Graphic Artists Guild, Picture Archive Council of America, North American Nature Photography Association, Joel Meyerowitz, Dan Budnick, Peter Turner, Lou Jacobs, Jr. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit Exhibit D, # <a href="#">5</a> Exhibit E)(Saed, Shirley) (Entered: 09/02/2009)
09/02/2009	<a href="#">219</a>	JOINDER to join re: <a href="#">167</a> Objection (non-motion), Objection (non-motion). Document filed by Czernin Verlag.(Arato, Cynthia) (Entered: 09/02/2009)
09/02/2009	<a href="#">220</a>	DECLARATION of Benedikt Foeger re: <a href="#">219</a> Joinder, <a href="#">167</a> Objection (non-motion), Objection (non-motion)., DECLARATION of Benedikt Foeger in Support. Document filed by Czernin Verlag. (Arato, Cynthia) (Entered: 09/02/2009)
09/02/2009	<a href="#">221</a>	LETTER addressed to Office of the Clerk J. Michael McMahon from Uitgeverij Balans dated 8/27/09 re: The hearing in October 2009 regarding the Google settlement. (pl) (Entered: 09/02/2009)
09/02/2009	<a href="#">222</a>	LETTER addressed to Michael McMahon, Clerk of Court from Uitgeverij Agon dated 8/27/09 re: The hearing in October 2009 regarding the Google settlement. We would like to draw your attention to the copyrights of the Dutch books owned by our publishing house which appear to be included in the settlement reached between Google and the Authors Guild and Association of American Publishers. (pl) (Entered: 09/02/2009)
09/02/2009	<a href="#">223</a>	LETTER addressed to J. Michael McMahon, Clerk of Court from Uitgeverij De Arbeiderspers dated 8/27/09 re: The hearing in October 2009 regarding the Google settlement. (pl) (Entered: 09/02/2009)
09/02/2009	<a href="#">224</a>	LETTER addressed to J. Michael McMahon, Clerk of Court from Uitgeverij Singel Pockets dated 8/27/09 re: The hearing in October 2009 regarding the Google settlement. (pl) (Entered: 09/02/2009)
09/02/2009	<a href="#">225</a>	LETTER addressed to Judge Denny Chin from Michael A. Banks dated 9/1/2009 re: Author writes to request this court's permission to submit this letter as an amicus curiae supporting final settlement approval. (tve) (Entered: 09/02/2009)
09/02/2009	<a href="#">226</a>	LETTER addressed to Judge Denny Chin from Filomena Periera re: Author writes requesting this Court's permission to submit this letter as an amicus curiae supporting final settlement approve in the above referenced case.



		(tve) (Entered: 09/02/2009)
09/02/2009	<a href="#">227</a>	ENDORSED LETTER addressed to Judge Denny Chin from Matthew D. Ingber dated 9/2/2009 re: The Amici respectfully request that the Court grant them leave to file a brief amicus curiae. ENDORSEMENT: APPLICATION GRANTED. SO ORDERED. (Signed by Judge Denny Chin on 9/2/2009) (tve) (Entered: 09/02/2009)
09/02/2009	<a href="#">228</a>	ORDER FOR ADMISSION PRO HAC VICE: granting <a href="#">151</a> Motion for David Nimmer to Appear Pro Hac Vice. (Signed by Judge Denny Chin on 9/2/2009) (tve) (Entered: 09/02/2009)
09/02/2009	<a href="#">229</a>	ORDER FOR ADMISSION PRO HAC VICE: granting <a href="#">152</a> Motion for Alexander F. Wiles to Appear Pro Hac Vice. (Signed by Judge Denny Chin on 9/2/2009) (tve) (Entered: 09/02/2009)
09/02/2009	<a href="#">230</a>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION: granting <a href="#">154</a> Motion for Jennifer Lynch to Appear Pro Hac Vice. (Signed by Judge Denny Chin on 9/2/2009) (tve) (Entered: 09/02/2009)
09/02/2009	<a href="#">231</a>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION: granting <a href="#">156</a> Motion for Cindy Cohn to Appear Pro Hac Vice. (Signed by Judge Denny Chin on 9/2/2009) (tve) (Entered: 09/02/2009)
09/02/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">229</a> Order on Motion to Appear Pro Hac Vice, <a href="#">231</a> Order on Motion to Appear Pro Hac Vice, <a href="#">228</a> Order on Motion to Appear Pro Hac Vice, <a href="#">230</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (tve) (Entered: 09/02/2009)
09/02/2009	<a href="#">266</a>	MOTION for John B. Morris, Jr. to Appear Pro Hac Vice. Document filed by Amicus Curaie..(mro) (Entered: 09/08/2009)
09/02/2009	<a href="#">428</a>	ORDER: The Court has received requests for pre-motion conferences by the American Society of Media Photographers, Inc., the Graphic Artists Guild, the Picture Archive Council of America, the North American Nature Photographers Association, Joel Meyerowitz, Dan Budnik, Peter Turner, and Lou Jacobs, Jr., seeking leave to intervene in this action. I have construed their letters as motions to intervene and the motions are denied. The proposed interveners are free to file objections to the proposed settlement, but they must do so by the September 4, 2009 deadline. (Signed by Judge Denny Chin on 9/2/2009) (jar) (Entered: 09/10/2009)
09/02/2009	<a href="#">506</a>	LETTER addressed to J. Michael McMahon from Mai Spijkers dated 8/26/2009 re: We Prometheus/Bert Bakker are writing to you in regards to the propose settlement Agreement between Google Inc., and the Authors Guild and the Association of American Publishers. We would like to raise the following concerns and Objections to this Settlement. (jmi) (Entered: 09/11/2009)
09/03/2009	<a href="#">234</a>	NOTICE OF APPEARANCE by Joseph Solomon Hall on behalf of Ishmael Jones, Wendy Shalit, American Society of Journalists and Authors, Charlotte Allen, Harold Bloom, Elliot Abrams, Richard Arme, Jacques

		Barzun, Nicholas Basbanes, Stephen Bates, Shawn J. Bayern, Jack Beerman, Michael Behe, Michael Cox, Douglas Crase, Frank Gonzalez-Crussi, Midge Decter, John Derbyshire, Thomas M. Disch, Gerald Early, Mel Eisenberg, Richard A. Epstein, Henry Fetter, David D. Friedman, David Gelernter, Gabrielle Glaser, Mary Ann Glendon, Victor Davis Hanson, Robert Herbold, Arthur Herman, Charles Hill, Manuela Hoelterhoff, Richard Howard, Donald Kagan, David Kuo, Michael Ledeen, Susan Lee, Mary Lefkowitz, David Lehman, John Lehman, Howard Markel, Sherwin B. Nuland, Steven Ozment, Michael Perry, Norman Podhoretz, Diane Ravitch, Ralph Reed, Harriet Rubin, Sarah Ruden, Peter Schweizer, Roger Simon, Roy Spencer, Geoffrey R. Stone, Charles Sykes, Terry Teachout, Paco Underhill, Ruth Wisse, Elizabeth Wurtzel, John Yoo (Hall, Joseph) (Entered: 09/03/2009)
09/03/2009	<a href="#">235</a>	NOTICE OF APPEARANCE by Katherine B Forrest on behalf of DC Comics (Forrest, Katherine) (Entered: 09/03/2009)
09/03/2009		CASHIERS OFFICE REMARK on <a href="#">233</a> Motion to Appear Pro Hac Vice,,, in the amount of \$25.00, paid on 08/31/2009, Receipt Number 698602. (jd) (Entered: 09/03/2009)
09/03/2009	<a href="#">236</a>	NOTICE OF APPEARANCE by Mark Lloyd Silverstein on behalf of DC Comics (Silverstein, Mark) (Entered: 09/03/2009)
09/03/2009	<a href="#">237</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. E.C. Publications, Inc., Time Warner Communications Inc. and Warner Communications Inc as Corporate Parents. Document filed by DC Comics.(Forrest, Katherine) (Entered: 09/03/2009)
09/03/2009	<a href="#">238</a>	Objection to the Proposed Settlement Agreement. Document filed by DC Comics. (Forrest, Katherine) (Entered: 09/03/2009)
09/03/2009	<a href="#">239</a>	BRIEF Amicus Curiae. Document filed by New York Law School, Institute for Information Law and Policy.(Grimmelmann, James) (Entered: 09/03/2009)
09/03/2009	<a href="#">240</a>	NOTICE OF APPEARANCE by Thomas Cort Rubin on behalf of Microsoft Corporation (Rubin, Thomas) (Entered: 09/03/2009)
09/04/2009	<a href="#">298</a>	ORDER. The Electronic Privacy Information Center moves, pursuant to FRCP 24(b), to intervene in this action. The motion is denied. This case was filed some four years ago and has been conditionally settled; it is simply too late to permit new parties into the case. EPIC is free to file an objections to the proposed settlement, but it must do so by 10:00 a.m. EST on September 8, 2009 (Signed by Judge Denny Chin on 9/4/09) (dj) (Entered: 09/08/2009)
09/04/2009	<a href="#">304</a>	MOTION for Philip Roberts to Appear Pro Hac Vice. Document filed by Canadian Standard Association, Paul Dickson, Joseph Goulden, Association of American Publishers, Inc., Associational Plaintiffs, The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc., The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman.(mro) (Entered: 09/09/2009)

09/07/2009	<a href="#">241</a>	Amicus Curiae APPEARANCE entered by Nelson E. Roth on behalf of Cornell University. (Attachments: # <a href="#">1</a> Amicus Curiae Letter from Cornell University)(Roth, Nelson) (Entered: 09/07/2009)
09/08/2009	<a href="#">242</a>	NOTICE OF APPEARANCE by Nidhi Yadava on behalf of Hachette Livre SA, Librarie Arthme Fayard SA, Dunod Editeur SA, Les Editions Hatier SNC, Editions Larousse SAS, Editorial Salvat SL, Grupo Anaya SA, Algaida Editores, S.A., Alianza Editorial, S.A., Edicions Xerais De Galicia, S.A., Editorial Barcanova, S.A., Larousse Editorial, S.L, Grupo Editorial Bruno, S.L., Edelsa Grupo Didascalía, S.A., Hachette UK Limited (Yadava, Nidhi) (Entered: 09/08/2009)
09/08/2009	<a href="#">243</a>	NOTICE OF APPEARANCE by Robert C. Micheletto on behalf of Hachette Livre SA, Librarie Arthme Fayard SA, Dunod Editeur SA, Les Editions Hatier SNC, Editions Larousse SAS, Editorial Salvat SL, Grupo Anaya SA, Algaida Editores, S.A., Alianza Editorial, S.A., Edicions Xerais De Galicia, S.A., Editorial Barcanova, S.A., Larousse Editorial, S.L, Grupo Editorial Bruno, S.L., Edelsa Grupo Didascalía, S.A., Hachette UK Limited (Micheletto, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">244</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Hachette, S.A. as Corporate Parent. Document filed by Hachette Livre SA. (Micheletto, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">245</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Hachette Livre, S.A as Corporate Parent. Document filed by Librarie Arthme Fayard SA.(Micheletto, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">246</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Hachette Livre, S.A. as Corporate Parent. Document filed by Dunod Editeur SA.(Micheletto, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">247</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Hachette Livre, S.A. as Corporate Parent. Document filed by Les Editions Hatier SNC.(Micheletto, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">248</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Hachette Livre, S.A. as Corporate Parent. Document filed by Editions Larousse SAS.(Micheletto, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">249</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Hachette Livre Espana, S.A.U. as Corporate Parent. Document filed by Grupo Anaya SA.(Micheletto, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">250</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Hachette Livre Espana, S.A.U. as Corporate Parent. Document filed by Editorial Salvat SL.(Micheletto, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">251</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Grupo Anaya, S.A. as Corporate Parent. Document filed by Algaida Editores, S.A.. (Micheletto, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">252</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Grupo Anaya, S.A. as Corporate Parent. Document filed by Alianza Editorial, S.A..



		(Micheletto, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">253</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Hachette Livre, S.A. as Corporate Parent. Document filed by Edelsa Grupo Didascalía, S.A..(Micheletto, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">254</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Grupo Anaya, S.A. as Corporate Parent. Document filed by Edicions Xerais De Galicia, S.A..(Micheletto, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">255</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Grupo Anaya, S.A. as Corporate Parent. Document filed by Editorial Barcanova, S.A..(Micheletto, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">256</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Hachette Livre Espana, S.A.U. as Corporate Parent. Document filed by Grupo Editorial Bruno, S.L..(Micheletto, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">257</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Grupo Anaya S.A. and Education Management, S.A. as Corporate Parent. Document filed by Larousse Editorial, S.L..(Micheletto, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">258</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Hachette U.K. Holding Ltd. as Corporate Parent. Document filed by Hachette UK Limited..(Micheletto, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">259</a>	NOTICE OF APPEARANCE by Matthew Christian Schruers on behalf of Computer and Communications Industry Association (Schruers, Matthew) (Entered: 09/08/2009)
09/08/2009	<a href="#">260</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Computer and Communications Industry Association.(Schruers, Matthew) (Entered: 09/08/2009)
09/08/2009	<a href="#">261</a>	MOTION to File Amicus Brief of <i>Computer &amp; Communications Industry Association</i> . Document filed by Computer and Communications Industry Association. (Attachments: # <a href="#">1</a> CCIA Amicus Curiae Brief)(Schruers, Matthew) (Entered: 09/08/2009)
09/08/2009	<a href="#">262</a>	NOTICE OF APPEARANCE by Yasuhiro Saito on behalf of Takashi Atouda, Susumu Nakanishi, Akiko Shimojyu, Jiro Asada, Takeaki Hori, Yuko Matsumoto, Chihaya Takahashi, Shinobu Yoshioka, Kenta Yamada, Tomotsuyo Aizawa, Yu Ohara, Yasumasa Kiyohara, Takashi Tsujii, Akira Nogami, Hiroyuki Shinoda, Toshihiko Yuasa, Koichi Kato, Masahiko Motoki, Hidehiko Nakanishi, Yashio Uemura, Nobuo Uda, Tsukasa Yoshida (Attachments: # <a href="#">1</a> Certificate of Seervice)(Saito, Yasuhiro) (Entered: 09/08/2009)
09/08/2009	<a href="#">263</a>	BRIEF AMICUS CURIAE of <i>Consumer Watchdog</i> in Opposition to the Proposed Settlement Agreement. Document filed by Consumer Watchdog. (Fetterman, Daniel) (Entered: 09/08/2009)
09/08/2009	<a href="#">264</a>	Objection to the Proposed Settlement and to Certification of the Proposed

		<i>Settlement Class and Sub-Class by Members of Japan P.E.N. Club.</i> Document filed by Takashi Atouda, Susumu Nakanishi, Akiko Shimojyu, Jiro Asada, Takeaki Hori, Yuko Matsumoto, Chihaya Takahashi, Shinobu Yoshioka, Kenta Yamada, Tomotsuyo Aizawa, Yu Ohara, Yasumasa Kiyohara, Takashi Tsujii, Akira Nogami, Hiroyuki Shinoda, Toshihiko Yuasa, Koichi Kato, Masahiko Motoki, Hidehiko Nakanishi, Yashio Uemura, Nobuo Uda, Tsukasa Yoshida. (Attachments: # <a href="#">1</a> Declaration of Jiro Makino in Support of Objection, # <a href="#">2</a> Declaration of Naoki Gokita in Support of Objection, # <a href="#">3</a> Certificate of Service)(Saito, Yasuhiro) (Entered: 09/08/2009)
09/08/2009	<a href="#">265</a>	NOTICE of of Intent To Appear and Be Heard At The Fairness Hearing. Document filed by Takashi Atouda, Susumu Nakanishi, Akiko Shimojyu, Jiro Asada, Takeaki Hori, Yuko Matsumoto, Chihaya Takahashi, Shinobu Yoshioka, Kenta Yamada, Tomotsuyo Aizawa, Yu Ohara, Yasumasa Kiyohara, Takashi Tsujii, Akira Nogami, Hiroyuki Shinoda, Toshihiko Yuasa, Koichi Kato, Masahiko Motoki, Hidehiko Nakanishi, Yashio Uemura, Nobuo Uda, Tsukasa Yoshida. (Attachments: # <a href="#">1</a> Certificate of Service)(Saito, Yasuhiro) (Entered: 09/08/2009)
09/08/2009	<a href="#">267</a>	NOTICE OF APPEARANCE by Joseph Solomon Hall on behalf of Harold Bloom, Elliot Abrams, Richard Armeay, Jacques Barzun, Nicholas Basbanes, Stephen Bates, Shawn J. Bayern, Jack Beerman, Michael Behe, Michael Cox, Douglas Crase, Frank Gonzalez-Crussi, Midge Decter, John Derbyshire, Thomas M. Disch, Gerald Early, Mel Eisenberg, Richard A. Epstein, Henry Fetter, David D. Friedman, David Gelernter, Gabrielle Glaser, Mary Ann Glendon, Robert Herbold, Arthur Herman, Charles Hill, Manuela Hoelterhoff, Richard Howard, Ishmael Jones, Donald Kagan, David Kuo, Michael Ledeen, Susan Lee, Mary Lefkowitz, David Lehman, John Lehman, Howard Markel, Steven Ozment, Michael Perry, Norman Podhoretz, Diane Ravitch, Ralph Reed, Harriet Rubin, Sarah Ruden, Peter Schweizer, Roger Simon, Roy Spencer, Geoffrey R. Stone, Charles Sykes, Terry Teachout, Paco Underhill, Ruth Wisse, Elizabeth Wurtzel, John Yoo, Wendy Shalit, American Society of Journalists and Authors, Charlotte Allen (Hall, Joseph) (Entered: 09/08/2009)
09/08/2009	<a href="#">268</a>	NOTICE OF APPEARANCE by Kristin Hackett Neuman on behalf of Canadian Standard Association (Neuman, Kristin) (Entered: 09/08/2009)
09/08/2009	<a href="#">269</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying None as Corporate Parent. No Corporate Parent. Document filed by Microsoft Corporation.(Rubin, Thomas) (Entered: 09/08/2009)
09/08/2009	<a href="#">270</a>	NOTICE of OF FILING OF OBJECTIONS TO PROPOSED SETTLEMENT BY HACHETTE LIVRE, S.A., LIBRARIE ARTHME FAYARD, S.A., DUNOD EDATEUR, S.A., LES EDITIONS HATIER, S.N.C., EDITIONS, LAROUSSE, S.A.S., EDITORIAL SALVAT, S.L., GRUPO ANAYA, S.A., ALGAIDA EDITORES, S.A., ALIANZA EDITORIAL, S.A., EDICIONS XERAIS DE GALICIA, S.A., EDITORIAL BARCANOVA, S.A., LAROUSSE EDITORIAL, S.L., GRUPO EDITORIAL BRUO, S.L., EDELSA GRUPO DIDASCALIA, S.A., AND HACHETTE U.K. LIMITED. Document filed by Akiko Shimojyu.

		(Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7, # <a href="#">8</a> Exhibit 8, # <a href="#">9</a> Exhibit 9, # <a href="#">10</a> Exhibit 10)(Micheletto, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">271</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Canadian Standards Association.(Neuman, Kristin) (Entered: 09/08/2009)
09/08/2009	<a href="#">272</a>	<i>Objection of Canadian Standards Association to Proposed Settlement.</i> Document filed by Canadian Standards Association. (Neuman, Kristin) (Entered: 09/08/2009)
09/08/2009	<a href="#">273</a>	<i>Objection to Proposed Settlement and Notice of Intent to Appear.</i> Document filed by Eric Jager, Harold Bloom, Elliot Abrams, Richard Armey, Jacques Barzun, Nicholas Basbanes, Stephen Bates, Shawn J. Bayern, Michael Behe, Michael Cox, Douglas Crase, Frank Gonzalez-Crussi, Midge Decter, John Derbyshire, Thomas M. Disch, Gerald Early, Mel Eisenberg, Richard A. Epstein, Henry Fetter, David D. Friedman, David Gelernter, Gabrielle Glaser, Mary Ann Glendon, Victor Davis Hanson, Robert Herbold, Arthur Herman, Charles Hill, Manuela Hoelterhoff, Richard Howard, Ishmael Jones, Donald Kagan, David Kuo, Michael Ledeen, Susan Lee, Mary Lefkowitz, David Lehman, John Lehman, Howard Markel, Sherwin B. Nuland, Steven Ozment, Norman Podhoretz, Diane Ravitch, Ralph Reed, Harriet Rubin, Sarah Ruden, Peter Schweizer, Roger Simon, Roy Spencer, Geoffrey R. Stone, Charles Sykes, Terry Teachout, Paco Underhill, Ruth Wisse, Elizabeth Wurtzel, John Yoo, Wendy Shalit, American Society of Journalists and Authors, Charlotte Allen. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F, # <a href="#">7</a> Exhibit G)(Hall, Joseph) (Entered: 09/08/2009)
09/08/2009	<a href="#">274</a>	BRIEF <i>Amicus Curiae Brief of Sony Electronics Inc. In Support Of Proposed Google Book Search Settlement.</i> Document filed by Sony Electronics Inc..(Coplan, Jennifer) (Entered: 09/08/2009)
09/08/2009	<a href="#">275</a>	BRIEF <i>Amicus Brief of Antitrust Law and Economics Professors In Support Of The Settlement.</i> Document filed by Antitrust Law and Economics Professors.(Ingber, Matthew) (Entered: 09/08/2009)
09/08/2009	<a href="#">276</a>	Objection re: <a href="#">64</a> Order on Motion to Approve,,, <i>Objections of Microsoft Corporation to Proposed Settlement and Certification of Proposed Settlement Class and Sub-Classes.</i> Document filed by Microsoft Corporation. (Attachments: # <a href="#">1</a> Exhibit A to G, # <a href="#">2</a> Exhibit H to O, # <a href="#">3</a> Exhibit P to Q, # <a href="#">4</a> Exhibit R, # <a href="#">5</a> Exhibit S to T, # <a href="#">6</a> Exhibit U part 1 of 6, # <a href="#">7</a> Exhibit U part 2 of 6, # <a href="#">8</a> Exhibit U part 3 of 6, # <a href="#">9</a> Exhibit U part 4 of 6, # <a href="#">10</a> Exhibit U part 5 of 6, # <a href="#">11</a> Exhibit U part 6 of 6, # <a href="#">12</a> Exhibit V to Z) (Rubin, Thomas) (Entered: 09/08/2009)
09/08/2009	<a href="#">277</a>	Amicus Curiae APPEARANCE entered by Gary M. Becker on behalf of Richard Blumenthal CT Attorney General.(Becker, Gary) (Entered: 09/08/2009)
09/08/2009	<a href="#">278</a>	OPPOSITION BRIEF re: <a href="#">64</a> Order on Motion to Approve,,, <i>Objection to Proposed Settlement: Proposed Settlement Violates State Unclaimed</i>

		<i>Property Laws and Charitable Trust Laws, State May Not Be Included in Class Without its Consent.</i> Document filed by Richard Blumenthal CT Attorney General.(Becker, Gary) (Entered: 09/08/2009)
09/08/2009	<a href="#">279</a>	NOTICE of Intent to Appear. Document filed by Privacy Authors and Publishers. (Rudman, Samuel) (Entered: 09/08/2009)
09/08/2009	<a href="#">280</a>	<i>Objection to Settlement Agreement.</i> Document filed by Charles D Weller, weller. (Attachments: # <a href="#">1</a> Exhibit A --- Class Action Reports)(Horowitz, Eric) (Entered: 09/08/2009)
09/08/2009	<a href="#">281</a>	BRIEF IN OBJECTION TO PROPOSED SETTLEMENT. Document filed by Privacy Authors and Publishers. (Attachments: # <a href="#">1</a> Appendix A) (Rudman, Samuel) (Entered: 09/08/2009)
09/08/2009	<a href="#">282</a>	MEMORANDUM OF LAW <i>MEMORANDUM OF AMICUS CURIAE OPEN BOOK ALLIANCE IN OPPOSITION TO THE PROPOSED SETTLEMENT BETWEEN THE AUTHORS GUILD, INC., ASSOCIATION OF AMERICAN PUBLISHERS, INC., ET AL., AND GOOGLE INC..</i> Document filed by Open Book Alliance. (Boccanfuso, Anthony) (Entered: 09/08/2009)
09/08/2009	<a href="#">283</a>	MOTION for Discovery of <i>Putative Class Representatives and Defendant Google Inc..</i> Document filed by Eric Jager, Harold Bloom, Elliot Abrams, Phyllis Ammons, Jacques Barzun, Nicholas Basbanes, Stephen Bates, Shawn J. Bayern, Michael Behe, Michael Cox, Douglas Crase, Frank Gonzalez-Crussi, Midge Decter, John Derbyshire, Thomas M. Disch, Gerald Early, Mel Eisenberg, Richard A. Epstein, Henry Fetter, David D. Friedman, David Gelernter, Gabrielle Glaser, Mary Ann Glendon, Victor Davis Hanson, Robert Herbold, Arthur Herman, Charles Hill, Manuela Hoelterhoff, Richard Howard, Ishmael Jones, Donald Kagan, David Kuo, Michael Ledeen, Susan Lee, Mary Lefkowitz, David Lehman, John Lehman, Howard Markel, Sherwin B. Nuland, Steven Ozment, Norman Podhoretz, Diane Ravitch, Ralph Reed, Harriet Rubin, Sarah Ruden, Peter Schweizer, Roger Simon, Roy Spencer, Geoffrey R. Stone, Charles Sykes, Terry Teachout, Paco Underhill, Ruth Wisse, Elizabeth Wurtzel, John Yoo, Julia Wright, Wendy Shalit, American Society of Journalists and Authors, Charlotte Allen. Return Date set for 9/18/2009 at 05:00 PM. (Attachments: # <a href="#">1</a> Exhibit Discovery Requests)(Hall, Joseph) (Entered: 09/08/2009)
09/08/2009	<a href="#">284</a>	NOTICE OF APPEARANCE by Robert William Clarida on behalf of Lyrasis, Inc., NYLINK, Bibliographical Center for Research Rocky Mountain, Inc. (Clarida, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">285</a>	NOTICE OF APPEARANCE by Robert Cunningham Turner on behalf of Yahoo! Inc. (Turner, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">286</a>	<i>Objection to Settlement Agreement.</i> Document filed by Dirk Sutro. (Attachments: # <a href="#">1</a> Exhibit A -- Class Action Reports)(Horowitz, Eric) (Entered: 09/08/2009)
09/08/2009	<a href="#">287</a>	MEMORANDUM OF LAW in Opposition To <i>The Settlement Proposal On Behalf of the French Republic.</i> Document filed by French Republic. (Max,

		Theodore) (Entered: 09/08/2009)
09/08/2009	<a href="#">288</a>	MEMORANDUM OF LAW in Opposition re: <a href="#">55</a> MOTION to Approve / <i>Notice of Motion for Preliminary Settlement Approval.</i> . Document filed by Yahoo! Inc.. (Turner, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">289</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Lyrasis, Inc., NYLINK, Bibliographical Center for Research Rocky Mountain, Inc..(Clarida, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">290</a>	DECLARATION of Nicolas Georges in Opposition re: <a href="#">287</a> Memorandum of Law in Opposition. Document filed by French Republic. (Max, Theodore) (Entered: 09/08/2009)
09/08/2009	<a href="#">291</a>	MEMORANDUM OF LAW <i>MEMORANDUM OF AMICUS CURIAE THE INTERNET ARCHIVE IN OPPOSITION TO SETTLEMENT AGREEMENT.</i> Document filed by The Internet Archive. (Boccanfuso, Anthony) (Entered: 09/08/2009)
09/08/2009	<a href="#">292</a>	BRIEF <i>AMICI CURIAE OF LYRASIS, INC., NYLINK AND BIBLIOGRAPHICAL CENTER FOR RESEARCH ROCKY MOUNTAIN, INC. IN SUPPORT OF MODIFICATION OF PROPOSED SETTLEMENT.</i> Document filed by Lyrasis, Inc., NYLINK, Bibliographical Center for Research Rocky Mountain, Inc..(Clarida, Robert) (Entered: 09/08/2009)
09/08/2009	<a href="#">293</a>	Objection to <i>Proposed Settlement.</i> Document filed by Free Software Foundation, Inc.. (Williamson, Aaron) (Entered: 09/08/2009)
09/08/2009	<a href="#">294</a>	NOTICE of Intent to Appear at the Fairness Hearing on October 7, 2009, on behalf of the aforementioned members of the Publisher Sub-Class.. Document filed by Hachette Livre SA, Librairie Arthme Fayard SA, Dunod Editeur SA, Les Editions Hatier SNC, Editions Larousse SAS, Editorial Salvat SL, Grupo Anaya SA, Algaida Editores, S.A., Alianza Editorial, S.A., Edicions Xerais De Galicia, S.A., Editorial Barcanova, S.A., Larousse Editorial, S.L, Grupo Editorial Bruno, S.L., Edelsa Grupo Didascalia, S.A., Hachette UK Limited. (Micheletto, Robert) (Entered: 09/08/2009)
09/08/2009		***REJECTION OF ATTEMPTED PAPER FILING IN ECF CASE. The following document(s) Epic's Motion to Intervene, by Mark Rotenberg, was rejected by the Clerk's Office and must be FILED ELECTRONICALLY on the Court's ECF System. (eef) (Entered: 09/08/2009)
09/08/2009	<a href="#">295</a>	AFFIDAVIT OF SERVICE. Document filed by French Republic. (Max, Theodore) (Entered: 09/08/2009)
09/08/2009	<a href="#">296</a>	Objection Of Proquest LLC To Proposed Settlement. (rw) (rw). (Entered: 09/08/2009)
09/08/2009	<a href="#">297</a>	AFFIRMATION of Charles J. Sanders in Opposition re: <a href="#">55</a> MOTION to Approve / <i>Notice of Motion for Preliminary Settlement Approval.</i> . Document filed by Songwriters Guild of America. (Attachments: # <a href="#">1</a> Civil Cover Sheet Cover letter explaining delay in filing.)(Fedele, John) (Entered: 09/08/2009)
09/08/2009	<a href="#">299</a>	MOTION to Intervene. Document filed by Lewis Hyde, Harry Lewis, Open



		Access Trust Inc.. Return Date set for 9/30/2009 at 09:30 AM. (Attachments: # <a href="#">1</a> Supplement Affirmation of Charles R. Nesson, # <a href="#">2</a> Supplement Objections and Memorandum of Law)(Garbus, Martin) (Entered: 09/08/2009)
09/08/2009	<a href="#">300</a>	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - MOTION to Intervene <i>Objections to Proposed Settlement and Memorandum in Support of Motion to Intervene</i> . Document filed by Lewis Hyde, Harry Lewis, Open Access Trust Inc.. Return Date set for 9/30/2009 at 09:30 AM. (Garbus, Martin) Modified on 9/9/2009 (jar). (Entered: 09/08/2009)
09/08/2009	<a href="#">301</a>	REQUEST TO PARTICIPATE of Darlene Marshall <i>Objection to Class Action Settlement and Notice of Intent to Appear</i> . Document filed by Darlene Marshall.(Weiss, Matthew) (Entered: 09/08/2009)
09/08/2009		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Note to Attorney Martin Garbus to RE-FILE Document <a href="#">300</a> MOTION to Intervene <i>Objections to Proposed Settlement and Memorandum in Support of Motion to Intervene</i> . Use the event type Memorandum of Law in Opposition found under the event list Replies, Oppositions, Supporting Documents. (jar) (Entered: 09/09/2009)
09/08/2009	<a href="#">700</a>	MOTION for Gary Leland Reback to Appear Pro Hac Vice. Document filed by Open Book Alliance.(pl) (Entered: 09/15/2009)
09/09/2009	<a href="#">302</a>	LETTER addressed to Judge Denny Chin from Edward Feigenbaum, Jennifer Widom, Daphne Koller, Monica Lam, Nils Nilsson, Jeffrey Ullman, Terry Winograd, Jure Leskovec, John Ousterhout, Mehran Sahami, Russ Altman, Gary Bradski, Stuart Card, Goeff Gordon and Shirley Tessler dated September 3, 2009 re: Amicus curiae in support of the approval of the final settlement. (ad) (Entered: 09/09/2009)
09/09/2009	<a href="#">303</a>	LETTER addressed to Judge Denny Chin from Erez Lieberman-Aiden and Jean-Baptiste Michel dated September 3, 2009 re: Amici curiae in support of the settlement. Document filed by Darlene Marshall.(ad) (Entered: 09/09/2009)
09/09/2009	<a href="#">305</a>	LETTER addressed to Office of the Clerk from Anette Ziethen dated 9/1/09 re: join in the objections that have been presented to this court by Scott Gant and the group of foreign publishers and publishing associations...; (djc) (Entered: 09/09/2009)
09/09/2009	<a href="#">306</a>	ORDER The Computer and Communications Industry Association ("CCIA") moves for leave to file an amicus curiae brief in this case. CCIA's motion is granted, and its brief is accepted. SO ORDERED. (Signed by Judge Denny Chin on 9/9/2009) (jmi) (Entered: 09/10/2009)
09/09/2009	<a href="#">307</a>	ORDER denying <a href="#">283</a> Motion for Discovery.The Bloom Objectors' motion is denied. (Signed by Judge Denny Chin on 9/9/2009) (jmi) (Entered: 09/10/2009)
09/09/2009	<a href="#">308</a>	ORDER denying <a href="#">299</a> Motion to Intervene. Lewis Hyde, Harry Lewis, and the Open Access Trust, Inc. (the "proposed interveners") move, pursuant to

		Federal Rule of Civil Procedure 24(b), to intervene in this action. The motion is denied. This case was filed some four years ago and has been conditionally settled; it is simply too late to permit new parties into the case. The Court will, however, consider the objections raised by the proposed interveners. SO ORDERED.(Signed by Judge Denny Chin on 9/9/2009) (jmi) (Entered: 09/10/2009)
09/09/2009	<a href="#">309</a>	ORDER granting <a href="#">233</a> Motion for Michael J. Guzman to Appear Pro Hac Vice for Harold Bloom, Elliot Abrams, Charlotte Allen,Phyllis Ammons, Dick Arney, Jacques Barzun, Nicholas A. Basbanes, Stephen Bates, Shawn J.Bayem, Jack Beerman, Michael Behe, Michael Cox, Douglas Crase, Frank Gonzalez-Crussi, MidgeDeeter, John Derbyshire, The Estate of Thomas M. Disch, Gerald Early, Mel Eisenberg, Richard A.Epstein, Henry Fetter, David D. Friedman, David Gelemter, Gabrielle Glaser, Mary Ann Glendon,Victor Davis Hanson, Robert Herbold, Arthur Herman, Charles Hill, Manuela Hoelterhoff, RichardHoward, Ishmael Jones, Donald Kagan, David Kuo, Michael Ledeen, Susan Lee, Mary Lefkowitz,David Lehman, John Lehman, Howard Markel, Sherwin B. Nuland, Steven Ozment, Michael Perry,Norman Podhoretz, Diane Ravitch, Ralph Reed, Harriet Rubin, Sarah Ruden, Peter Schweizer, RogerSimon, Roy Spencer, Geoffrey R. Stone, Charles Sykes, Terry Teachout, Paco Underhill, Ruth Wisse,Elizabeth Wurtzel, and John Yoo. (Signed by Judge Denny Chin on 9/9/2009) (jmi) (Entered: 09/10/2009)
09/09/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">309</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jmi) (Entered: 09/10/2009)
09/09/2009	<a href="#">310</a>	ORDER granting <a href="#">232</a> Motion for Edwin C. Komen to Appear Pro Hac Vice for Federal Republic of Germany. (Signed by Judge Denny Chin on 9/9/2009) (jmi) (Entered: 09/10/2009)
09/09/2009	<a href="#">311</a>	ORDER granting <a href="#">304</a> Motion for Philip Roberts to Appear Pro Hac Vice for Canadian Standard Association, Paul Dickson, Joseph Goulden, Association of American Publishers, Inc., Associational Plaintiffs, The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc., The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman. (Signed by Judge Denny Chin on 9/9/2009) (jmi) (Entered: 09/10/2009)
09/09/2009	<a href="#">312</a>	QUESTIA MEDIA, INC.'S AMICUS CURIAE OPPOSITION BRIEF TO THE SETTLEMENT AGREEMENT: Questia Media, Inc. ("Questia") urges the Court not to approve the Settlement Agreement between Google, Inc. and the Plaintiffs. (jmi) (Entered: 09/10/2009)
09/09/2009	<a href="#">313</a>	BRIEF AMICUS CURIAE OF CONSUMER WATCHDOG IN OPPOSITION TO THE PROPOSED SETTLEMENT AGREEMENT The proposed Settlement Agreement would strip rights from millions of absent class members, worldwide, in violation of national and international copyright law, for the sole benefit of Google. If, as Google claims, its "limited" search-engine activities were protected by fair use, the public deserves an adjudication on this matter, to allow the creation of a

		competitive book-search market. And it is up to Congress to create a solution to the orphan-works problem that would allow all potential users to benefit, while protecting the copyright holders as well as international interests. The parties simply cannot justify this "solution" which does not adequately protect the Rightsholders and unfairly benefits a single party. Accordingly, Consumer Watchdog respectfully asks that the Court not approve the settlement. (jmi) (Entered: 09/10/2009)
09/09/2009	<a href="#">314</a>	BRIEF AMICUS CURIAE OF THE CENTER FOR DEMOCRACY & TECHNOLOGY IN SUPPORT OF APPROVAL OF THE SETTLEMENT AND PROTECTION OF READER PRIVACY The New Services enabled by the Proposed Settlement will be extraordinarily valuable, and will make available to the public a vast amount of knowledge and information that is largely inaccessible today. The Settlement should be approved. But the New Services create serious privacy concerns, and the Court must take affirmative action - as part of the settlement approval - to protect reader privacy. (jmi) (Entered: 09/10/2009)
09/09/2009	<a href="#">315</a>	BRIEF OF AMICUS CURIAE The Court should advise the parties to amend the settlement to uphold the rights of book owners, all copyright owners and embody the principles of a digital media exchange. Amicus request permission to appear at the Fairness Hearing currently set to be held on October 7, 2009. (jmi) (Entered: 09/10/2009)
09/09/2009	<a href="#">316</a>	LETTER addressed to Denny Chin from Edward John Hasbrouck dated 8/31/2009 re: By this letter, I opt out of the proposed settlement in this case. Although the settlement notice claims that, "your opt-out request..., must state which Sub-Class you wish to opt out of (either the Author Sub-Class or Publisher Sub-Class)," I believe that this is both incorrect and improper: Since I am opting out of the proposed settlement, I am not subject to its purported division of the proposed class into sub-classes. (jmi) (Entered: 09/10/2009)
09/09/2009	<a href="#">317</a>	OBJECTION TO PROPOSED SETTLEMENT Unless both the foregoing concerns can be resolved, I respectfully request that the proposed settlement agreement be rejected by this Court. I am submitting this in my capacity as an author and a member of the Authors Guild, not in my capacity as a lawyer. (jmi) (Entered: 09/10/2009)
09/09/2009	<a href="#">318</a>	LETTER addressed to The Office of the Clerk from Susanne Franzkeit dated 9/1/09 re: I am the managing director of the V&R unipress GmbH, a book publisher located in Gottingen, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">319</a>	LETTER addressed to Office of the Clerk from Reinhard Kawohl dated 9/1/09 re: I am proprietor and managing director of the Kawohl Verlag, a publisher of books, calendars and gifts located in Wesel, Germany; We write to object to the settlement agreement; In addition, we wish to inform this



		Court that our company did not receive any written notice of the settlement agreement, nor did we see any published notice of the settlement agreement. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">320</a>	LETTER addressed to Office of the Clerk from Ludwig Paulmichl dated 9/1/09 re: I am publisher of the Folio publishing house, a book publisher located in Vienna. We write to object to the settlement agreement. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">321</a>	LETTER addressed to Judge Denny Chin from Rayan Radia dated 9/4/2009 re: The Competitive Enterprise Institute, a 501(3) non-profit public interest organization that studies the intersection of risk, regulation and markets, hereby requests the Courts permission to submit this letter as an amicus curiae in the Authors Guild et al. v Google, Inc. (jmi) (Entered: 09/10/2009)
09/09/2009	<a href="#">322</a>	LETTER addressed to Office of the Clerk from Michael Schmitt dated 9/1/09 re: I am Managing Director of the Fachverlag Hans Carl GmbH, a book publisher located in Nuremberg, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Federal Republic of Germany.(mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">323</a>	LETTER addressed to Sir Michael McMahon from Uitgeverij Malmberg, Johan Leenaars dated 8/25/09 re: We, uitgeverij Malmberg, are writing in regards to the proposed settlement agreement. We would like to raise the following concerns and objections to this settlement: Consequences for European right holders; Determination of commercial availability; Bad quality of the database; Uncertainty about digitization status; Lack of representation of non-US rights holders in the Book Rights Registry; Deadline for making objections or opting out still too short. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">324</a>	LETTER addressed to Office of the Clerk from Dr. Manfred Biehal dated 9/1/09 re: I am CEO of the Deutscher Genossenschafts-Verlag eG, a book publisher located in Wiesbaden, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">325</a>	PRIVACY AUTHORS AND PUBLISHERS' OBJECTION TO PROPOSED SETTLEMENT. (jmi) (Entered: 09/10/2009)
09/09/2009	<a href="#">326</a>	LETTER addressed to Office of the Clerk from Alexandra Eib dated 9/1/09 re: I am the lawyer for the Bibliographisches Institut AG, a book publisher located in Mannheim, Germany; We write to object to the settlement agreement; In addition, we wish to inform this Court that the written notice that our company received of the Settlement agreement in German was

		extremely difficult to read and included a number of meaningless or nonsensical terms and had been translated very poorly.(mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">327</a>	LETTER addressed to Office of the Clerk from Wolf Dieter Eggert dated 9/1/09 re: I am Managing Director of the Hueber Verlag GmbH & Co. KG, a book publisher located in Ismaning, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">328</a>	LETTER addressed to Judge Denny Chin from Liana Levi dated 9/3/2009 re: My name is Liana Levi, and I am Manager and Editor in Chief of the Editions Liana Levi, a book publisher located in France. Editions Liana Levi is a member of the settlement class embraced by the proposed settlement agreement that is before this Court in this action (the "Settlement Agreement"), because it owns rights in books that are protected by U.S. copyright law. We write to object to the Settlement Agreement. (jmi) (Entered: 09/10/2009)
09/09/2009	<a href="#">329</a>	LETTER addressed to Judge Denny Chin from Jay Starkman dated 9/1/2009 re: I am the author and copyright holder of The Sex of a Hippopotamus: A Unique History of Taxes and Accounting (Twinset, 2008). It is detestable that the court would write judicial legislation through a "settlement" vehicle abridging my rights (and those of others) and granting those involuntarily ceded rights to Google or any other entity. (jmi) (Entered: 09/10/2009)
09/09/2009	<a href="#">330</a>	LETTER addressed to Office of the Clerk from Jan Weitendorf dated 9/1/09 re: I represent "Verlagsgrupe Oetinger" as CEO and publisher, a book publisher located in Hamburg, Germany; We write to object to the settlement agreement; We cannot afford to loose rights to Google via internet-this way of selling books has to be one of our "recoupment" possibilities for the future. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">331</a>	LETTER addressed to Office of the Clerk from Joachim Schmidt dated 9/1/09 re: I am CEO of the Erich Schmidt Verlag GmbH & Co., a book publisher located in Berlin, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">332</a>	LETTER addressed to Michael McMahon from Lex Jansen dated 8/27/09 re: The hearing in October 2009 regarding the Google settlement; We would like to draw your attention to the copyrights of the Dutch books owned by our publishing house which appear to be included in the settlement reached between Google and the Authors Guild and Association of American Publishers. We should first like to point out that we have not yet been consulted or heard in this settlement, even though our copyrights are

		involved; We have no problem with snippets of works published by our publishing house appearing in search results on Google, but we do intend to retain all rights on works jointly owned by us, our authors and/or our translators now and in the future. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">333</a>	LETTER addressed to Office of the Clerk from Detlef Holtgreffe dated 9/1/09 re: I am Publisher and President of the Brunnen Verlag GmbH, a book publisher located in GieBen, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">334</a>	LETTER addressed to Judge Denny Chin from Jennifer Jackson (Attorney General of Texas) dated 9/4/09 re: Texas asks the Court to modify the settlement agreement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">335</a>	LETTER addressed to Office of the Clerk from Stephan D. Job dated 9/1/09 re: I am managing director of the Carl Hanser Verlag GmbH & Co. KG, a book publisher located in Munich, Germany; We write to object to the settlement agreement. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">336</a>	LETTER addressed to Judge Denny Chin from Pamela Samuelson (Berkeley Law) dated 9/3/09 re: Google should not have a monopoly on a digital database of books. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">337</a>	LETTER addressed to Office of the Clerk from Gerhard Grossmann dated 9/1/09 re: I am Corporate Counsel of the et+k, edition text + kritik in Richard Boorberg Verlag GmbH & Co. KG, a book publisher located in Munchen, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations; We also wish to inform this Court that our company has not received any written notice of the settlement agreement, nor did we see any published notice of settlement agreement. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">338</a>	LETTER addressed to Office of the Clerk from Gerhard Grossmann dated 9/1/09 re: I am corporate counsel of the Richard Boorberg Verlag GmbH & Co KG, a book publisher located in Stuttgart, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">339</a>	LETTER addressed to Mr. Michael McMahon from Mr. Kees Holierhoek dated 8/31/09 re: We, the foundation of Dutch Authors, Stichting Lira, hereinafter Lira, are writing to you with regard to the proposed settlement agreement between Google and the Authors Guild and the Association of

		American Publishers. Lira has decided to join the settlement and to file claims with regard to one time cash payments, only on behalf of our rights holders who have mandated Lira hereto. In relation to future "Display Use" under the settlement, Lira is still surveying and evaluating which Lira member authors are interested in giving consent to Google with regard to (future) display use under the settlement. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">340</a>	LETTER addressed to Office of the Clerk from Ulrike Metzger dated 9/2/09 re: Ulrike Metzger, Managing Director of Ravensburger joins in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations as further set forth in this letter. Document filed by Ravensburger Buchverlag Otto Maier GmbH. (dle) (Entered: 09/10/2009)
09/09/2009	<a href="#">341</a>	LETTER addressed to Madam or Sir from Dr. A. Nagele dated 9/1/09 re: My name is Andreas Nagele, one of the partners of Gebr. Borntraeger Verlagsbuchhandlung of Stuttgart, Germany, a publisher of scholarly books and journals since 1790. Our books and journals are in distributed and read in US, and elsewhere; We write to object the settlement agreement; Further, roughly 90% of the data on Gebr. Borntraeger's publications, that Google Inc. has made available in the preview of its planned book registry is flawed, incomplete and downright incorrect, especially when it concerns the commercial availability of our copyrighted works; It appears to us that Google Inc. has simply chosen to label everything out of print, with very few exceptions. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">342</a>	LETTER addressed to Judge Denny Chin from Wade Henderson (Leadership Conference on Civil Rights) dated 9/3/09 re: Failure to approve the settlement would be tragic. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">343</a>	LETTER addressed to Madam or Sir from Dr. Walt Obermiller dated 9/1/09 re: I am partner of E. Schweizerbart'sche Verlagsbuchhandlung of Stuttgart, Germany, a publisher of scholarly books and journals since 1826. Our books and journals are in considerable circulation in the US and elsewhere; We write to object to the settlement agreement. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">344</a>	LETTER addressed to Office of the Clerk from Sven H. Koeltz re: I am owner of the Koeltz Scientific Books, a book publisher located in Konigstein, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">345</a>	LETTER addressed to Judge Denny Chin from Edward Feigenbaum et al (Stanford Computer Science) dated 9/3/09 re: In support of approval of the final settlement. Document filed by Peter Schweizer.(cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">346</a>	LETTER addressed to Office of the Clerk from Dietrich zu Klampen, publisher dated 9/1/09 re: Dietrich zu Klampen Verlag GbR joins in the

		objections that have been presented to this Court by Scott Gant et al. Document filed by Dietrich zu Klampen Verlag GbR.(dle) (Entered: 09/10/2009)
09/09/2009	<a href="#">347</a>	LETTER addressed to Office of the Clerk from Jan Mucha dated 9/1/09 re: I am the CEO of the IZ Immobilienzeitung Verlagsgesellschaft mbH, a book publisher located in Wiesbaden, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">348</a>	LETTER addressed to Office of the Clerk from Christian Schumacher-Gebler dated I am CFO of the Ullstein Buchverlage GmbH, a publisher located in Berlin, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations; We also wish to inform the Court that the written notice that our company received of the settlement agreement in German was extremely difficult to read.(mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">349</a>	LETTER addressed to Office of the Clerk from Rainer Schneider dated 9/1/09 re: I am general director and owner of the Schneider Verlag Hohengehren GmbH, a book publisher located in Baltmannsweiler, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">350</a>	LETTER addressed to Judge Denny Chin from Lezi Baskerville (NAFEO) dated 8/20/09 re: Request for approval of the proposed settlement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">351</a>	LETTER addressed to Office of the Clerk from Dr. Stefan Krummow, Legal Advisor dated 9/1/09 re: legal advisor to Aufbau Verlag GmbH & Co. KG joins the objections that have been presented to this Court by Scott Gant, et al. (dle) (Entered: 09/10/2009)
09/09/2009	<a href="#">352</a>	LETTER addressed to Office of the Clerk from Dr. Tilmann Michaletz and Martin Huppe dated 9/1/09 re: Cornelsen Verlag GmbH joins in the objections that thave been presented to this Court by Scott Gant, et al. Document filed by Cornelsen Verlag GmbH.(dle) (Entered: 09/10/2009)
09/09/2009	<a href="#">353</a>	LETTER addressed to Judge Denny Chin from Lateef Mitima (Institute of Intellectual Property) dated 9/8/09 re: Request for approval of settlement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">354</a>	LETTER addressed to Judge Denny Chin from Roberta Adelman (CUNY



		LEADS) dated 9/4/09 re: Request for approval of the settlement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">355</a>	LETTER addressed to Office of the Clerk from Gregor Rauh dated 9/1/09 re: Cornelsen Verlag Scriptor GmbH & Co. KG joins in the objections presented to this Court by Scott Gant et al. Document filed by Cornelsen Verlag Scriptor GmbH & Co. KG.(dle) (Entered: 09/10/2009)
09/09/2009	<a href="#">356</a>	LETTER addressed to Office of the Clerk from Bernhard Schmid dated 9/2/09 re: Karl-May-Verlag joins in the objections that have been presented to this Court by Scott Gant et al. Document filed by Karl-May-Verlag.(dle) (Entered: 09/10/2009)
09/09/2009	<a href="#">357</a>	LETTER addressed to Judge Denny Chin from Michael Keller and Lauren Schoenthaler (Stanford University Libraries) dated 9/8/09 re: Request for approval of the Proposed Settlement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">358</a>	LETTER addressed to Office of the Clerk from Raymond Johnson-Ohla dated 9/1/09 re: VDI Verlag GmbH joins in the objections presented to this Court by Scott Gant et al. Document filed by VDI Verlag GmbH.(dle) (Entered: 09/10/2009)
09/09/2009	<a href="#">359</a>	LETTER addressed to Judge Denny Chin from Leroy Watson (The National Grange) dated 9/3/09 re: Request for approval of the final settlement agreement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">360</a>	LETTER addressed to Office of the Clerk from Joachim Nourney dated 9/2/09 re: Verlag- Europa Lehrmittel joins in the objections that have been presented to this Court by Scott Gant et al.. Document filed by Verlag Europa-Lehrmittel.(dle) (Entered: 09/10/2009)
09/09/2009	<a href="#">361</a>	LETTER addressed to Judge Chin from Rodney Erickson et al (Committee on Institutional Cooperation) dated 9/4/09 re: Request for approval of the settlement agreement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">362</a>	LETTER addressed to Judge Denny Chin from Martin Wichert dated 9/1/09 re: Martin Wichert, Sales Director of the Hatje Cantz Verlag, a book publisher located in Ostfildern, Germany writes to object to the Settlement Agreement. Document filed by Martin Wichert.(ae) (Entered: 09/10/2009)
09/09/2009	<a href="#">363</a>	LETTER addressed to Office of the Clerk from Joachim Nourney dated 9/2/09 re: Fachbuchverlag Pfanneberg joins in the objections that have been presented to this Court by Scott Gant et al. Document filed by Fachbuchverlag Pfanneberg.(dle) (Entered: 09/10/2009)
09/09/2009	<a href="#">364</a>	LETTER addressed to Judge Denny Chin from Tom Kraushaar, Publisher dated 9/2/09 re: Tom Kraushaar, Publisher of the J.G. Cotta'sche Buchhandlung Nachfolger GmbH, writes to object to the Settlement Agreement. Filed by Tom Kraushaar. (ae) (Entered: 09/10/2009)
09/09/2009	<a href="#">365</a>	LETTER addressed to Judge Denny Chin from Sakari Laiho dated 9/1/09 re: Sakari Laiho, Director of the The Finnish Book Publishers Association writes to oppose the Settlement Agreement. Filed by Sakari Laiho(ae) (Entered: 09/10/2009)

09/09/2009	<a href="#">366</a>	LETTER addressed to Office of the Clerk from Ludger Kieyboldt dated 9/1/09 re: Friedrich Kiehl Verlag GmbH joins in the objections that have been presented to this Court by Scott Gant, et al. Document filed by Friedrich Kiehl Verlag GmbH.(dle) (Entered: 09/10/2009)
09/09/2009	<a href="#">367</a>	LETTER addressed to Judge Denny Chin from Peter Gollasch dated 9/2/09 re: Peter Gollasch, CFO of the Thienemann Verlag GmbH writes to the Court objecting to the Settlement Agreement. Filed by Peter Gollasch.(ae) (Entered: 09/10/2009)
09/09/2009	<a href="#">368</a>	LETTER addressed to Judge Denny Chin from Klaus W. Mueller, Carl-Auer Publ. dated 9/1/09 re: Klaus W. Mueller, General Manager of Carl-Auer Publishers writes to the Court objecting to the Settlement Agreement. Filed by Klaus W. Mueller.(ae) (Entered: 09/10/2009)
09/09/2009	<a href="#">369</a>	LETTER addressed to Office of the Clerk from Peter Kirchheim dated 9/1/09 re: P. Kirchheim Verlag joins in the objections that have been presented to this Court by Scott Gant et al. Document filed by P. Kerchheim Verlag.(dle) (Entered: 09/10/2009)
09/09/2009	<a href="#">371</a>	LETTER addressed to Judge Denny Chin from Jesus Sanchez Garcia dated 9/3/09 re: Grupo Anaya objects to the proposed Settlement Agreement. Document filed by Grupo Anaya SA.(dle) (Entered: 09/10/2009)
09/09/2009	<a href="#">372</a>	LETTER addressed to Judge Denny Chin from Ulich Pokern and Tilo Knoche dated 9/1/09 re: Parties Ulrich Pokern and Tilo Knoche, Executive Directors of Erns Klett Verlag GmbH jointly object the Settlement Agreement. Filed by Ulich Pokern, Tilo Knoche. (ae) (Entered: 09/10/2009)
09/09/2009	<a href="#">373</a>	LETTER addressed to Judge Denny Chin from Dr. W. Georg Olms dated 9/1/09 re: Dr. W. Georg Olms, Managing Director of the Georg Olms Verlag writes to object to the Settlement Agreement. Document filed by W. Georg Olms.(ae) (Entered: 09/10/2009)
09/09/2009	<a href="#">374</a>	LETTER addressed to Judge Denny Chin from Karin Wittenborg (University of Virginia Library) dated 9/3/09 re: Request for final approval of the settlement agreement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">375</a>	LETTER addressed to Judge Denny Chin from Dr. Wolfgang Illert dated 9/2/09 re: The Deutsche Stiftung Denkmalschutz writes objecting to the Settlement Agreement. Document filed by The Deutsche Stiftung Denkmalschutz.(ae) (Entered: 09/10/2009)
09/09/2009	<a href="#">376</a>	LETTER addressed to J. Michael McMahon, Clerk of Court from Hesys Sanchez Garcia dated 9/3/09 re: Objections of Grupo Editorial Bruno, S.L. to proposed Class Settlement. Document filed by Edelsa Grupo Didascalía, S.A..(pl) (Entered: 09/10/2009)
09/09/2009	<a href="#">377</a>	LETTER addressed to Judge Denny Chin from Robert Stein (Uniform Law Commission) dated 9/3/09 re: Not opting out of the proposed settlement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">378</a>	LETTER addressed to Judge Denny Chin from Margret Schneider dated 09/1/09 re: Dr. Stefan Schlegel, manager of the Vde Verlag GmbH writes to

		object to the Settlement Agreement. Document filed by Vde Verlag GmbH. (ae) (Entered: 09/10/2009)
09/09/2009	<a href="#">379</a>	LETTER addressed to Judge Denny Chin from Karl ZoBell and Millie Basden (DLA Paper) dated 8/26/09 re: Request for approval of the settlement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">380</a>	LETTER addressed to Judge Denny Chin from Nikolaus Hansen dated 9/1/09 re: Nikolaus Hansen, publisher of the Atrium Verlag AG, writes to object to the Settlement Agreement. Document filed by Atrium Veriag AG. (ae) (Entered: 09/10/2009)
09/09/2009	<a href="#">381</a>	LETTER addressed to Judge Denny Chin from Jennifer Nicholson (IFLA) dated 9/1/09 re: Territorial limits of the settlement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">382</a>	LETTER addressed to Judge Denny Chin from Eva Maria Buchholz dated 9/1/09 re: Evan Maria Buchhlz, head of book department of the Hinstorff Verlag GmbH writes to object to the Settlement Agreement. Document filed by Hinstorff Verlag GmbH.(ae) (Entered: 09/10/2009)
09/09/2009	<a href="#">383</a>	LETTER addressed to Judge Denny Chin from Gregory Crane (Tufts University) dated 8/7/09 re: In support of the books Google has digitalized reach the widest possible audience as quickly as possible. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">384</a>	LETTER addressed to Judge Denny Chin from Anne Kenney (Cornell University Library) dated 9/2/09 re: Supporting final settlement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">385</a>	LETTER addressed to Judge Denny Chin from Florian Sautter dated 9/1/09 re: Florian Sautter, owner of the "Verlag der Buchhandlung Sautter & Lackmann, writes to object to the Settlement Agreement. Document filed by Sautter & Lackmann Gachbuchhandlung.(ae) (Entered: 09/10/2009)
09/09/2009	<a href="#">386</a>	LETTER addressed to Office of the Clerk, U.S. District Court for the Southern District of New York from Dr. Martina Erdmann dated 9/1/09 re: objection to the Settlement Agreement. Document filed by Dr. Martina Erdmann.(pl) (Entered: 09/10/2009)
09/09/2009	<a href="#">387</a>	LETTER addressed to Judge Denny Chin from Jonathan Band (Jonathna Band PLLC) dated 9/3/09 re: Courtesy copies of the listed filings re settlement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">388</a>	LETTER addressed to Judge Denny Chin from Steffen Herrmann dated 9/1/09 re: Steffen Herrmann, publisher of Junius Verlag GmbH, writes to object to the Settlement Agreement. Document filed by Junius Verlag GmbH.(ae) (Entered: 09/10/2009)
09/09/2009	<a href="#">389</a>	LETTER addressed to Judge Denny Chin from Ulrich Grunwald dated 9/1/09 re: Ulrich Grunwald, Manager of the Verlag Handwerk und Technik GmbH, writes to object to the Settlement Agreement. Document filed by Verlag Handwerk und Technik GmbH.(ae) (Entered: 09/10/2009)



09/09/2009	<a href="#">390</a>	LETTER addressed to Judge Denny Chin from Raymond Nimmer and Jeff Dodd (University of Houston) dated 9/4/09 re: Request for rejection of the settlement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">391</a>	LETTER addressed to Judge Denny Chin from Hans J. Schmidtke dated 9/1/09 re: Hans J. Schmidtke, Publisher of the Cadmos Verlag GmbH, writes to object to the Settlement Agreement. Document filed by Cadmos Verlag GmbH.(ae) (Entered: 09/10/2009)
09/09/2009	<a href="#">392</a>	LETTER addressed to Judge Denny Chin from Harry Lewis (Author Sub-Class) dated 9/4/09 re: Objections to some of the terms of the settlement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">393</a>	LETTER addressed to Judge Denny Chin from Diane Aronson dated 9/3/09 re: Concerns about settlement etc. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">394</a>	LETTER addressed to Office of the Clerk, U.S. District Court for the Southern District of New York from Tanja Graf dated 9/2/09 re: objection to the Settlement Agreement. Document filed by Tanja Graf.(pl) (Entered: 09/10/2009)
09/09/2009	<a href="#">395</a>	LETTER addressed to Judge Denny Chin from Susan Bergholz dated 8/31/09 re: Objections to the settlement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">396</a>	LETTER addressed to Judge Denny Chin from Nikolaus Hansen dated 9/1/09 re: Nikolaus Hansen, publisher of the Arche Literatur Verlag AG, writes to object to the Settlement Agreement. Document filed by Arche Literatur Verlag AG.(ae) (Entered: 09/10/2009)
09/09/2009	<a href="#">397</a>	LETTER addressed to Judge Denny Chin from Mary Lynn Cabrall dated 9/4/09 re: Request for rejection of the settlement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">398</a>	LETTER addressed to Judge Denny Chin from Gary Rhoades (AAUP) dated 9/4/09 re: Concerns about the Google Library Project/settlement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">399</a>	LETTER addressed to Judge Denny Chin from Tim Teloeken dated 9/1/09 re: Tim Teloeken, director of Alba Fachverlag GmbH & Co.KG, writes to object to the Settlement Agreement. Document filed by Alba Fachverlag GmbH & Co.KG.(ae) (Entered: 09/10/2009)
09/09/2009	<a href="#">400</a>	LETTER addressed to Judge Denny Chin from Olswang LLP dated 9/8/09 re: that on behalf on behalf of the UK Agents, we respectfully request the Court's permission to file this letter as an amicus curiae brief to address certain concerns of UK authors who have not opted-out of the proposed settlement agreement in this proceeding. The within brief is in support of neither party. Document filed by Olswang LLP.(pl) (Entered: 09/10/2009)
09/09/2009	<a href="#">401</a>	LETTER addressed to Judge Denny Chin from Serge Eyrolles dated 9/3/09 re: Serge Eyrolles, President of the French Publishers Association, writes to object to the Settlement Agreement. Document filed by French Publishers Association.(ae) (Entered: 09/10/2009)
09/09/2009	<a href="#">402</a>	LETTER addressed to Judge Denny Chin from Motohisa Ohno re:

		Objections to Settlement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">403</a>	LETTER addressed to Judge Denny Chin from Martin Kahn (ProQuest) dated 9/3/09 re: Objections to settlement. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">404</a>	LETTER addressed to Office of the Clerk, U.S. District Court for the Southern District of New York from Irene Lindon, CEO dated 9/3/09 re: objection to the Proposed Settlement Agreement. Document filed by Les Editions De Minuit S.A..(pl) (Entered: 09/10/2009)
09/09/2009	<a href="#">405</a>	Objections To Settlement. Document filed by Harrasowitz, Media 24 et al. (cd) (Entered: 09/10/2009)
09/09/2009	<a href="#">406</a>	OBJECTIONS to Proposed Settlement and Brief of Amici Curiae Borsenverein Des Deutschen Buchhandels, Schweizer Buchhandler - Und Verleger - Verbank Sbv, Hauptverband Des Osterreichischen Buchhandels, Svenska Forlaggareforeningen. Document filed by Harrasowitz, Media24, Studentlitteratur AB, Norstedts Forlagsgrupp AB, Norstedts Kartor AB, Leopard Forlag AB, Borsenverein des Deutschen Buchhandels, Schweizer Buchhandler - und Verleger-Verband SBVV, Hauptverband des Osterreichischen Buchhandels, Svenska Forlaggareforeningen. (ae) (Entered: 09/10/2009)
09/09/2009	<a href="#">407</a>	LETTER addressed to Judge Denny Chin from Hiroshi Sakagami, President dated 9/4/09 re: objection to the Settlement Agreement. Document filed by The Japan Writers' Association.(pl) (Entered: 09/10/2009)
09/09/2009	<a href="#">408</a>	LETTER addressed to Office of the Clerk, U.S. District Court for the Southern District of New York from Geert Noorman, Director dated 9/1/09 re: Dutch objections and concerns Google Book Settlement. Document filed by The Dutch Publishers Association (NUV).(pl) (Entered: 09/10/2009)
09/09/2009	<a href="#">409</a>	LETTER addressed to Office of the Clerk, U.S. District Court for the Southern District of New York from Eckhart Holzboog dated 9/1/09 re: We therefore joinin the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations that includes the Borsenverein des Deutschen Buchhandels and others, for the reasons presented to this Court by those individuals and entities. Document filed by Frommann-holzboog e.K..(pl) (Entered: 09/10/2009)
09/09/2009	<a href="#">410</a>	LETTER addressed to Office of the Clerk, U.S. District Court for the Southern District of New York from Thomas Grundmann dated 9/1/09 re: We write to object to the Settlement Agreement. Document filed by Bouvier Berlag.(pl) (Entered: 09/10/2009)
09/09/2009	<a href="#">414</a>	LETTER addressed to Office of the Clerk from Maria Schonefeld dated 8/31/2009 re: We write to object to the Settlement Agreement. (jpo) (Entered: 09/10/2009)
09/09/2009	<a href="#">420</a>	LETTER addressed to Mr. McMahon from Tony Simpson dated 9/2/09 re: The proposed settlement affects published authors and rights holders. The NZSA owns the rights to numerous publications as well as being the principal advocate for the professional interests of New Zealand's writers,

		actively working to protect copyright through contractual negotiations. The proposed settlement affects our copyright and that of our members; We urge the Court to reject the proposed settlement on the grounds as detailed above. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">422</a>	LETTER addressed to Office of the Clerk J. Michael McMahon from Prof. Dr. Rainer Kuhlen dated 8/31/09 re: objection to the Settlement Agreement. Document filed by "Copyright for Education and Science" (CCES).(pl) (Entered: 09/10/2009)
09/09/2009	<a href="#">423</a>	LETTER addressed to Office of the Clerk from Kurt Mattes dated 9/1/09 re: I am owner of the Mattes Verlag GmbH, a book publisher located at Heidelberg in Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">429</a>	LETTER addressed to Mr. McMahon from Alison Gray dated 9/2/09 re: I write to object to the proposed settlement as a class member; For the reasons listed herein, I urge the Court to reject the proposed settlement. (mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">457</a>	LETTER addressed to Judge Denny Chin from Owen Atkinson dated 9/4/09 re: The Authors' Licensing Collecting Society(ALCS) wishes to submit this letter in relation to the final settlement approval in this case; The proposed Google settlement agreement is an important issue for our members; We have already identified more than 18,000 of our members and 37,000 works as being directly affected by the settlement. Document filed by Owen Atkinson.(mro) (Entered: 09/10/2009)
09/09/2009	<a href="#">492</a>	LETTER addressed to Judge Denny Chin from Giles Sandeman Allen dated 9/4/2009 re: Counsel writes to request an amendment in the determination of "in print". Please can the following clause or something similar be inserted, into the Attachment A to Settlement Agreement, probably at 3.2 (a)(i)(4), to say: "A Book is not "in-print" if the author-publisher contract is governed by foreign law which allows for automatic reversion to the Author of rights in the Book and the criteria for such automatic reversion have been met." (jfe) (Entered: 09/10/2009)
09/09/2009	<a href="#">500</a>	LETTER addressed to Sir from Racheli Edelman dated 4/9/2009 re: Counsel writes to object to the Settlement Agreement. (jfe) (Entered: 09/10/2009)
09/09/2009	<a href="#">507</a>	LETTER addressed to J. Michael McMahon from Eva Dreikurs Ferguson dated 8/29/2009 re: As copyright holder for the published works of Rudolf Dreikurs, Sadie Dreikurs, and Eva Dreikurs Ferguson, I am writing to send my objection regarding the Settlement between Google and Authors. I wish to be a member of the Settlement and request the Court to take into account my concerns when finalizing the Settlement. (jmi) (Entered: 09/11/2009)
09/09/2009	<a href="#">509</a>	LETTER addressed to Judge Denny Chin from Autouio dated 9/8/2009 re: The Federacion de Gremios de Editores de Espaiia (FGEE) is a private

		entity representing the interest of the publishing sector in Spain. We are writing to you in regards to the proposed Settlement Agreement of the class action copyright infringement litigation brought by the U.S. Author's Guild and others against Google Inc (hereinafter the "Settlement"). (jmi) (Entered: 09/11/2009)
09/09/2009	<a href="#">510</a>	LETTER addressed to Office of the Clerk from Dr. Zsuzsanna Bazing dated 9/1/2009 re: My name is Dr. Zsuzsanna Bazing, and I am the managing director of the Dialog Campus Kiado-NORDEX GmbH, a book publisher located in Passau Germany. Dialog Campus Kiado-NORDEX GmbH is a member of the settlement class embraced by the proposed settlement agreement that is before this Court in this action (the "Settlement Agreement"), because it owns rights in books that are protected by U.S. copyright law. We write to object to the Settlement Agreement. (jmi) (Entered: 09/11/2009)
09/09/2009	<a href="#">511</a>	LETTER addressed to Office of the Clerk from Dr. Zsuzsanna Bazing dated 9/1/2009 re: My name is Dr. Zsuzsanna Bazing, and I am the managing director of the Schenk Verlag GmbH, a book publisher located in Passau Germany. Schenk Verlag GmbH is a member of the settlement class embraced by the proposed settlement agreement that is before this Court in this action (the "Settlement Agreement"), because it owns rights in books that are protected by U.S. copyright law. We write to object to the Settlement Agreement. (jmi) (Entered: 09/11/2009)
09/10/2009	<a href="#">411</a>	LETTER addressed to Office of the Clerk from Gerhard Denndorf dated 9/2/2009 re: We write to object to the Settlement Agreement. (jpo) (Entered: 09/10/2009)
09/10/2009	<a href="#">412</a>	LETTER addressed to Office of the Clerk from Kristoffer Lind dated 8/31/2009 re: We write to object the Settlement Agreement. (jpo) (Entered: 09/10/2009)
09/10/2009	<a href="#">413</a>	LETTER addressed to Office of the Clerk from Bengt Fasth dated 8/31/2009 re: We write to object to Settlement Agreement. (jpo) (Entered: 09/10/2009)
09/10/2009	<a href="#">415</a>	LETTER addressed to Judge Denny Chin from Salley Shannon dated 9/4/09 re: As the author of several books, plus portions of anthologies, all of which were published before September 5, 2009, I write to put my objections before you; The so-called remedy is disproportionate, duplicitous, and bears little relationship to the offense; I do recognize that much about how Google operates its proprietary, making it difficult to monitor any limitations. Nevertheless, please direct that limits be set. It is time.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">416</a>	LETTER addressed to Mr. McMahon from Deborah Burnside dated 9/2/09 re: I write to object to the Proposed Settlement as a class member in support of the New Zealand Society of Author's objection. I am a New Zealand author and citizen and my books are published by New Zealand and Australian publishers.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">417</a>	LETTER addressed to Office of the Clerk from Klaus-Thorsten Firnig dated 9/1/09 re: I am Managing Director of the EGMONT Verlagsgesellschaften

		mbH, a book publisher located in Cologne, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">419</a>	LETTER addressed to Office of the Clerk from Carola Muller dated 9/2/09 re: I am CEO of the publishing house Vandenhoeck & Ruprecht, a book publisher located in Gottingen, Germany; We join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">421</a>	LETTER addressed to Mr. McMahon from Daphne Clair de Jong dated 9/2/09 re: I write to object to the proposed settlement as a class member; I urge the Court to reject the proposed settlement on the grounds listed herein. (mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">424</a>	LETTER addressed to Office of the Clerk from Manfred Krick dated 9/2/09 re: We are a German publishing house having its registered office at Bad Homburg, Germany. As a major publisher in the area of educational products we are distributing about 300 different educational books up to date for which we are holding the US copyright. As a so called rights holder under the settlement agreement we object to the proposed settlement agreement. (mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">425</a>	LETTER addressed to Office of the Clerk from Manfred Metzner re: I am CEO of the Verlag Das Wunderhorn GmbH, a book publisher located in Heidelberg, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">426</a>	LETTER addressed to Office of the Clerk from Hans Freiwald dated 9/2/09 re: I am Editorial Director of the CW Niemeyer Buchverlage GmbH, a book publisher located in Hameln, Germany; We write to object to the settlement agreement. (mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">427</a>	LETTER addressed to Office of the Clerk from Karl-Heinz Remmers dated 9/1/09 re: I am CEO of the Solarpraxis AG, a book publisher located in Berlin, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">430</a>	LETTER addressed to Office of the Clerk from Prof. Dr. Wulf D. v. Lucius dated 9/2/09 re: I am CEO of the Lucius & Lucius Verlagsgesellschaft mbH, a book publisher located in Stuttgart, Germany; We write to object to the



		settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">431</a>	LETTER addressed to Office of the Clerk from Dr. Hans-Robert Cram dated 9/2/09 re: I am managing director of the Dietrich Reimer Verlag GmbH, a book publisher located in Berlin, Germany, with a book list of more than 1,800 titles; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">432</a>	LETTER addressed to Office of the Clerk from Michael Schmitt, Parzeller & Co. KG dated 9/1/09 re: I am managing director of Parzeller & Co. KG, a book publisher located in Fluda, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">433</a>	LETTER addressed to Office of the Clerk from Daniela Filthaut dated 9/1/09 re: I am publishing director of the Gerstenberg Verlag GmbH & Co. KG, a book publisher located in Hildesheim, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">434</a>	LETTER addressed to Office of the Clerk from Adrian Schommers dated 9/2/09 re: I am the managing director of the Verlag Stahleisen GmbH, a book publisher located in Dusseldorf, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Adrian Schommers.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">435</a>	LETTER addressed to Office of the Clerk from Adrian Schommers dated 9/2/09 re: I am managing director of the Giesserei-Verlag GmbH, a book publisher located in Duseeldorf, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Adrian

		Schommers.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">436</a>	LETTER addressed to Office of the Clerk from Adrian Schommers dated 9/2/09 re: I am the managing director of the Montan-und Wirtschaftsverlag GmbH, a book publisher located in Dusseldorf, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Adrian Schommers.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">437</a>	LETTER addressed to Office of the Clerk from Dag Hernried dated 9/1/09 re: I am managing director of the Alfabeta Bokforlag AB, a book publisher located in Stockholm, Sweden; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Dag Hernried.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">438</a>	LETTER addressed to Office of the Clerk from Lena Andersson dated 9/2/09 re: I am Managing Director of the Berghs Forlag AB, a book publisher located in Stockholm, Sweden; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Lena Andersson. (mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">439</a>	LETTER addressed to Office of the Clerk from Catrine Christell Grimlund dated 8/31/09 re: I am owner of the Bokforlaget Opal AB, a book publisher located in Stockholm, Sweden; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Catrine Christell Grimlund. (mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">440</a>	LETTER addressed to Office of the Clerk from David Stansvik dated 8/31/09 re: I am managing director of the Bokforlaget Nya Doxa AB, a book publisher located in Nora, Sweden; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by David Stansvik.(mro) (Entered: 09/10/2009)

09/10/2009	<a href="#">441</a>	LETTER addressed to Office of the Clerk from Par Sjolinder dated 9/2/09 re: I am junior editor of the Modernista, a book publisher located in Stockholm, Sweden; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Par Sjolinder.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">442</a>	LETTER addressed to Judge Denny Chin from Kristoffer Lind dated 8/30/09 re: I am chairman of the Nordic Independent Publishers Association (Nordiska Oberoende Forlagas Forening, NOFF) located in Stockholm, Sweden. I write on behalf of NOFF in connection with the proposed settlement of the class action copyright infringement litigation brought by the US Authors Guild and others against Google's Book search service; We urge this Court not to approve the settlement agreement, for the reasons herein; To the extent necessary, we respectfully request that this Court accept this letter as an amicus curiae submission. Document filed by Kristoffer Lind.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">443</a>	LETTER addressed to Office of the Clerk from Karl Heinz Bonny dated 9/2/09 re: I am CEO of Landwirtschaftsverlag GmbH, a book publisher in Munster, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Karl Heinz Bonny.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">444</a>	LETTER addressed to Office of the Clerk from Andreas Schulz dated 9/2/09 re: I am the CEO of the Vista Point Verlag GmbH, a book publisher located in Cologne, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Andreas Schulz.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">445</a>	LETTER addressed to Office of the Clerk from Dr. Martin Wagner dated 9/2/09 re: I am legal counsel and head of the legal department of Langenscheidt KG, a book publisher located in Munich, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Martin Wagner.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">446</a>	LETTER addressed to Office of the Clerk from Dr. Hans-Jurgen Dietrich dated 9/1/09 re: I am the publishing director of the Ergon-Verlag GmbH, a book publisher located in Wurzburg, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court



		with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Dr.Hans-Jurgen Dietrich.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">447</a>	LETTER addressed to Office of the Clerk from Dr. Susanne Greiner dated 9/1/09; re: I am Geschäftsführer of the Johannes Verlag Einsiedeln, a book publisher located in Freiburg, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations Document filed by Susanne Greiner.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">448</a>	LETTER addressed to Office of the Clerk from Harald Kirbach dated 9/1/09 re: I am managing director of the Wirtschaftsverlag, a book publisher located in Bremerhaven, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations; We also wish to inform the Court that our company did not receive any written notice of the settlement agreement. Document filed by Harald Kirbach.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">449</a>	LETTER addressed to Office of the Clerk from Chris Schoen dated 9/1/09 re: I am CEO of ibidem-Verlag J. Haunschild/C. Schon GbR, a book publisher located in Stuttgart and Hannover, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Chris Schoen. (mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">450</a>	LETTER addressed to Office of the Clerk from Cordula Walter-Bolhofer dated 9/1/09 re: I am director of the Calypso Verlag, a book publisher located in 53819 Neunkirchen, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations; Our company did not receive any written notice of the settlement agreement, nor did we see any published notice of the settlement agreement. Document filed by Cordula Walter-Bolhofer.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">451</a>	LETTER addressed to Office of the Clerk from Georg Holzmeister dated 9/1/09 re: I am general manager of the Fidula-Verlag Holzmeister GmbH, a book publisher located in Boppard/Rhine in Germany; We write to object to

		the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Georg Holzmeister.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">452</a>	LETTER addressed to Office of the Clerk from Joachim Weidler dated 9/1/09 re: I am the publisher of Weidler Buchverlag Berlin, a book publisher located in Berlin (Germany); We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Joachim Weidler.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">453</a>	LETTER addressed to Office of the Clerk from Peter Hohl dated 9/1/09 re: I am managing director of hte SecuMedia Verlag, a book publisher located in Gai-Algesheim, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Peter Hohl.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">454</a>	LETTER addressed to Office of the Clerk from Dr. Reinhard Martini dated 9/2/09 re: I am the publisher of Junfermann Verlag, a book publisher located in Paderborn, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Reinhard Martini.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">455</a>	LETTER addressed to Office of the Clerk from Torbjorn Santerus re: I am founder and owner of the Santerus Forlag, a book publisher located in Stockholm, Sweden; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Torbjorn Santerus.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">456</a>	LETTER addressed to Judge Denny Chin from Russell Davis dated 9/2/09 re: This letter is sent in protest to the proposed settlement in The Authors Guild, Inc, et al v. Google, Inc. The objection is lodged on behalf of the Science Fiction and Fantasy Writers of America, Inc. ("SFWA"), a non profit organization of professional writers of science fiction, fantasy, and related genres; SFWA requests the opportunity to appear at the Fairness Hearing in this matter currently scheduled for October 7, 2009. Document filed by Russell Davis.(mro) (Entered: 09/10/2009)

09/10/2009	<a href="#">458</a>	LETTER addressed to Mr. McMahon from Gordon Charles Ell (pen-name Pita Graham) dated 9/2/09 re: I write to object to the proposed settlement as a class member. The grounds for my objection are: Court has misapplied the Berne Convention; Court has exceeded jurisdiction; Author sub-class not applicable to NZ authors, etc. Document filed by Gordon Charles Ell.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">459</a>	LETTER addressed to Mr. McMahon from Antonette R. Jones dated 9/3/09 re: I write to object to the proposed settlement as a class member. The grounds for my objection are listed herein. Document filed by Antonette R Jones.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">460</a>	LETTER addressed to Mr. McMahon from Ann Louise Mitcalfe dated 9/3/09 re: I write to object to the proposed settlement as a class member. The grounds for my objection are listed herein. Document filed by Ann Louise Mitcalfe.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">461</a>	LETTER addressed to Mr. McMahon from Malcolm Campbell dated 9/3/09 re: I write to object to the proposed settlement as a class member. The grounds for my objection are listed herein. Document filed by Malcolm Campbell.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">462</a>	LETTER addressed to Office of the Clerk from Ulf Heimdahl dated 8/31/09 re: I am managing director of the Informationsforlaget Heimdahls AB, a book publisher in Stockholm, Sweden; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Ulf Heimdahl.(mro) (Entered: 09/10/2009)
09/10/2009	<a href="#">463</a>	LETTER addressed to Office of the Clerk from Petter Luthersson dated 8/31/2009 re: Counsel writes to object to the Settlement Agreement. Counsel therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations that includes the Svenska Forlaggareforeningen, for the reasons presented to this Court by those individuals and entities. In addition, counsel wish to inform this Court that the written notice that our company received of the Settlement Agreement in Swedish was extremely difficult to read and included a number of meaningless or nonsensical terms and had obviously been translated very poorly. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">464</a>	OBJECTION AND NOTICE OF INTENT TO APPEAR OF CLASS MEMBER SHOJIRO AKASHI TO PROPOSED SETTLEMENT BETWEEN PLAINTIFFS THE AUTHORS GUILD, INC., ASSOCIATION OF AMERICAN PUBLISHERS, INC., ET AL. AND GOOGLE, INC. (db) (Entered: 09/10/2009)
09/10/2009	<a href="#">465</a>	THE PROPOSED GOOGLE SETTLEMENT: Views from the Booksellers Association of the United Kingdom & Ireland Limited. (db) (Entered: 09/10/2009)

09/10/2009	<a href="#">466</a>	SUPPLEMENTAL LIBRARY ASSOCIATION COMMENTS ON THE PROPOSED SETTLEMENT. By the Library Associations. (db) (Entered: 09/10/2009)
09/10/2009	<a href="#">467</a>	OBJECTION AND NOTICE OF INTENT TO APPEAR OF CLASS MEMBER JUNJI SUZUKI TO PROPOSED SETTLEMENT BETWEEN PLAINTIFFS THE AUTHORS GUILD, INC., ASSOCIATION OF AMERICAN PUBLISHERS, INC., ET AL. AND GOOGLE, INC. By 194 writers in Japan who are members of the Japan Visual Copyright Association. (db) (Entered: 09/10/2009)
09/10/2009	<a href="#">468</a>	LETTER addressed to Office of the Clerk from Johannes Lessmann dated 9/2/09 re: Join in the objections that have been presented to the Court by Scott Gant and the group of foreign publishers and publishing associations that includes the Borsenverein des Deutschen Buchhandels and others, for the reasons presented to the Court by those individuals and entities. (db) (Entered: 09/10/2009)
09/10/2009	<a href="#">469</a>	LETTER addressed to Office of the Clerk from Vittorio E. Klostermann dated 9/1/2009 re: Counsel writes to join in the objections that have been presented to this Court by Scott Gant and the group of Foreign publishers and publishing associations that includes the Borsenverein des Deutschen Buchhandels and others, for the reasons presented to this Court by those individuals and entities. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">470</a>	LETTER addressed to Settlement Administrator from Frank P. Scibilia dated 9/2/2009 re: Counsel writes to inform you, Google, Inc., and all other interested parties (including Class Counsel and the so-called "Book Rights Registry") that EMI is opting out of the settlement in Authors Guild, Inc. et al. v. Google, Inc., 05 CV 8136 (DC) (the "Google Books Settlement" or the "Settlement"). (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">471</a>	LETTER addressed to Judge Denny Chin from Arnaud Nourry dated 9/3/2009 re: Hachette respectfully requests that this Court reject the Proposed Settlement and/or decline to certify the class with regard to non-US Rightsholders. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">472</a>	LETTER addressed to Mr. Michael McMahon from Mr. E. A. Van Ingen dated 8/27/2009 re: Boom Publishers Amsterdam are writing to you in regards to the proposed Settlement Agreement between Google Inc., and the Authors Guild and the Association of American Publishers. Counsel would like to raise the following concerns and objections to this Settlement as set forth within.(jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">473</a>	LETTER addressed to Office of the Clerk from Ann Marie Skarp dated 8/31/09 re: We present this letter to this Court in English, for the Court's convenience and it was translated for us. (db) (Entered: 09/10/2009)
09/10/2009	<a href="#">474</a>	LETTER addressed to Judge Denny Chin from Karsten Blauert and Marie Svane dated 9/1/09 re: Request that the Court accept this letter as an Amicus Curiae submission. (db) (Entered: 09/10/2009)
09/10/2009	<a href="#">475</a>	LETTER addressed to Office of the Clerk from Wolfgang Foerster dated

		9/1/2009 re: Counsel writes to object to the Settlement Agreement. Counsel therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations that includes the Borsenverein des Deutschen Buchhandels and others, for the reasons presented to this Court by those individuals and entities. In addition, counsel wish to inform this Court that their company did not receive any written notice of the Settlement Agreement, nor did they see any published notice of the Settlement Agreement. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">476</a>	LETTER addressed to Mr. McMahon from Margaret Jefferies dated 9/3/09 re: Objection to Proposed Settlement as a class member. (db) (Entered: 09/10/2009)
09/10/2009	<a href="#">477</a>	LETTER addressed to Honorable Clerk from Jesus F. Gonzalez dated 8/25/2009 re: Counsel writes in objection to the Google Book Search Agreement. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">478</a>	LETTER addressed to Judge Denny Chin from Karsten Blauert and Marie Svane dated 9/1/09 re: Request that the Court accept this letter as an Amicus Curiae submission. (db) (Entered: 09/10/2009)
09/10/2009	<a href="#">479</a>	LETTER addressed to Mr..McMahon from Sander Knol dated 8/27/2009 re: Counsel writes to make the following objections and comments to the Google Book Settlement as set forth within. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">480</a>	LETTER addressed to Judge Denny Chin from Lewis Hyde dated 8/31/2009 re: Counsel writes to object to some of the terms of the settlement that has been proposed by the litigants in Case No. 05 CV 8136, The Authors Guild, Inc., et al. v. Google Inc. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">481</a>	LETTER addressed to Office of the Clerk from Patrik Widlund dated 8/31/09 re: We present this letter to this Court in English, for the Court's convenience and it was translated for us. (db) (Entered: 09/10/2009)
09/10/2009	<a href="#">482</a>	LETTER addressed to Sir Michael McMahon from Mai Spijkers dated 8/26/2009 re: Counsel writes in regards to the proposed Settlement Agreement between Google Inc., and the Author Guild and the Association of American Publishers. Counsel raises the following concerns and objections to the Settlement set forth within. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">483</a>	LETTER addressed to Office of the Clerk from Dorothea Kieler dated 9/1/09 re: We present this letter to this Court in English, for the Court's convenience and it was translated for us. (db) (Entered: 09/10/2009)
09/10/2009	<a href="#">484</a>	LETTER addressed to Office of the Clerk from Mr. Helmuth Bauer-Callwey dated 9/1/09 re: We present this letter to this Court in English, for the Court's convenience and it was translated for us. (db) (Entered: 09/10/2009)
09/10/2009	<a href="#">485</a>	LETTER addressed to Office of the Clerk from Dieter Bergemann dated 9/1/09 re: We present this letter to this Court in English, for the Court's convenience and it was translated for us. (db) (Entered: 09/10/2009)
09/10/2009	<a href="#">486</a>	LETTER addressed to Mr. McMahon from W.J. Van Oorschot dated 8/29/2009 re: Counsel writes to make the following objection and comments



		to the Google Book Search Settlement set forth within. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">487</a>	LETTER addressed to Office of the Clerk from Dr. med. Axel Bedurftig dated 9/1 re: We present this letter to this Court in English, for the Court's convenience and it was translated for us. (db) (Entered: 09/10/2009)
09/10/2009	<a href="#">488</a>	LETTER addressed to Sir from Stuart Bernstein dated 8/31/2009 re: Counsel writes to object to the Google Book Settlement. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">489</a>	LETTER addressed to Michael McMahon from Bert de Groot dated 8/25/2009 re: Counsel writes to draw your attention to the copyrights of the Dutch books owned by our publishing house which appear to be included in the settlement reached between Google and the Authors Guild and Association of American Publishers. Counsel should first like to point out that they have not yet been consulted or heard in this settlement, even though our copyrights are involved. Google's actions have raised many questions, comments and objections as set forth within. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">490</a>	THE GOOGLE SETTLEMENT: Letter dated 5/27/09 from Forlaeggerforeningen (Danish Publishers Association). (db) (Entered: 09/10/2009)
09/10/2009	<a href="#">491</a>	LETTER addressed to Office of the Clerk from Erik Hellqvist dated 8/31/09 re: We present this letter to this Court in English, for the Court's convenience and it was translated for us. (db) (Entered: 09/10/2009)
09/10/2009	<a href="#">493</a>	LETTER addressed to Sir Michael McMahon from A.M.W. Holl dated 9/1/09 re: Objection to Proposed Settlement Agreement. (db) (Entered: 09/10/2009)
09/10/2009	<a href="#">494</a>	LETTER addressed to Office of the Clerk from Ann Spaak dated 8/31/09 re: We present this letter to this Court in English, for the Court's convenience and it was translated for us. (db) (Entered: 09/10/2009)
09/10/2009	<a href="#">495</a>	LETTER addressed to Office of the Clerk from Bror Tronbacke dated 8/31/09 re: We present this letter to this Court in English, for the Court's convenience and it was translated for us. (db) (Entered: 09/10/2009)
09/10/2009	<a href="#">496</a>	LETTER addressed to Judge Denny Chin from Mathias Lilleengen dated 9/4/2009 re: Counsel writes on behalf of our member publishers in connection with the proposed settlement of the class-action copyright infringement litigation brought by the U.S. Authors Guild and others against Google's Book Search service. counsel respectfully request that this Court accept this letter as an amicus curiae submission. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">497</a>	OBJECTION OF JAPANESE PUBLISHERS COMENT TO THE SETTLEMENT. by Japanese publishers. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">498</a>	LETTER addressed to Office of the Clerk from Juerg Flury dated 9/1/2009 re: Counsel writes in objection to the Settlement Agreement. (jfe) (Entered: 09/10/2009)

09/10/2009	<a href="#">499</a>	LETTER addressed to Office of the Clerk from Dr. Andreas Barth dated 1/09/2009 re: Counsel writes to object to the Settlement Agreement. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">501</a>	LETTER addressed to Mr. McMahon from Anthony Holcroft dated 9/3/2009 re: Counsel writes to object to the Proposed Settlement as a class member. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">502</a>	LETTER addressed to Office of the Clerk from Bausassessor Dipl.-Ing. Johannes Lohaus dated 9/1/2009 re: Counsel writes to object to the Settlement Agreement. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">503</a>	LETTER addressed to Office of the Clerk from Hildegard Wehler dated 9/1/2009 re: Counsel writes to object to the Settlement Agreement. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">504</a>	LETTER addressed to Office of the Clerk from Karin Low dated 9/1/2009 re: Counsel writes to object to the Settlement Agreement. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">505</a>	LETTER addressed to Office of the Clerk from Martin Kegel dated 9/2/2009 re: Counsel writes to object to the Settlement Agreement. (jfe) (Entered: 09/10/2009)
09/10/2009	<a href="#">512</a>	LETTER addressed to Office of the Clerk from Dr. Peter Hanser-Strecker and Michael Petry dated 9/1/2009 re: Our name is Dr. Peter Hanser-Strecker (managing director and shareholder of Schott Music GmbH & Co. KG) and Michael Petry (managing director of the SCHOTT MUSIC GmbH & Co. KG). Schott Music GmbH & Co. KG is a music book publisher located in Mainz, Germany. SCHOTT MUSIC GmbH & Co. KG is a member of the settlement class embraced by the proposed settlement agreement that is before this Court in this action (the "Settlement Agreement"), because it owns rights in books that are protected by U.S. copyright law. We write to object to the Settlement Agreement. (jmi) (Entered: 09/11/2009)
09/10/2009	<a href="#">513</a>	LETTER addressed to J. Michael McMahon from Susan J. Gordon dated 8/30/2009 re: I am a professional book author and freelance magazine/newspaper writer objecting to the Google Book Settlement because it is not fair or good for writers or most publishers. Google gets to write copyright law, has no restrictions its use of reader information, and provides no language forbidding censorship. I also find the premise that I am "in" (that is, accepting of the entire settlement agreement) unless I "opt out" to be unfair and outrageous. (jmi) (Entered: 09/11/2009)
09/10/2009	<a href="#">514</a>	LETTER addressed to Judge Denny Chin from Paul N. Courant dated 9/4/2009 re: I, hereby, request this court's permission to submit this letter as an amicus curiae supporting final settlement approval in the above-referenced case. (jmi) (Entered: 09/11/2009)
09/10/2009	<a href="#">515</a>	LETTER addressed to Office of the Clerk from Bernd Vincent Walbaum dated 9/1/2009 re: My name is Bernd Vincent Walbaum, and I am the managing director of Edition Peters GmbH resp. C. F. Peters GmbH & Co. KG, a publisher located in Frankfurt/Main, Germany. C. F. Peters is a

		member of the settlement class embraced by the proposed settlement agreement that is before this Court in this action (the "Settlement Agreement"), because it owns rights in books that are protected by U.S. copyright law. (jmi) (Entered: 09/11/2009)
09/10/2009	<a href="#">516</a>	LETTER addressed to Office of the Clerk from Bernd Vincent Walbaum dated 9/1/09 re: I am the managing direct of Edition Peters GmbH resp. C. F. Peters GmbH & Co. KG, a publisher located in Frankfurt/Main, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Bernd Vincent Walbaum.(mro) (Entered: 09/11/2009)
09/10/2009	<a href="#">517</a>	LETTER addressed to Office of the Clerk from Ingwert Paulsen dated 9/2/09 re: I am the owner of the Verlag der Nation Ingwert Paulsen Jr., a book publisher located in Husum, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Ingwert Paulsen. (mro) (Entered: 09/11/2009)
09/10/2009	<a href="#">518</a>	LETTER addressed to Judge Denny Chin from Sudi Shayesteh and Merrill Parra dated 9/8/09 re: We write this letter on behalf of the City University of New York Committee on student disability Issues to respectfully request that the court approve the settlement between the Authors Guild and Google in the above referenced case. Document filed by Sudi Shayesteh, Merrill Parra.(mro) (Entered: 09/11/2009)
09/10/2009	<a href="#">519</a>	LETTER addressed to Judge Denny Chin from Gary Rhoades dated 9/4/09 re: The American Association of University Professors (AAUP) submits this letter in response to the proposed settlement agreement in this case. This letter is neither in opposition to nor in support of the proposed settlement agreement; instead it raises concerns about the Google Library Project and the proposed settlement agreement on behalf of the interests of college and university faculty and the public in enabling the free exchange of information. Document filed by Gary Rhoades.(mro) (Entered: 09/11/2009)
09/10/2009	<a href="#">520</a>	LETTER addressed to Judge Denny Chin from Isabelle Jeuge-Maynard dated 9/3/09 re: I am a citizen of France and the legal representative (president) of Editions Larousse SAS; As a European publisher, Editions Larousse objects to the proposed settlement and strenuously urges the Court to reject it due to the significant unfair and inequitable effects that it will have on all non-US Authors and Publishers. The proposed settlement is purely and simply unacceptable from the point of view of a European publisher. Document filed by Isabelle Jeuge-Maynard.(mro) (Entered: 09/11/2009)
09/10/2009	<a href="#">521</a>	LETTER addressed to Judge Denny Chin from Nathalie Jouven dated 9/3/09



		re: I am a citizen of France and Legal Representative of Les Editions Hatier SNC; As a European publisher, Les Editions Hatier SNC objects to the proposed settlement and strenuously urges the Court to reject it due to the significant unfair and inequitable effects that it will have on all non-US Authors and Publishers. The proposed settlement is purely and simply unacceptable from the point of view of a European publisher. Document filed by Nathalie Jouven.(mro) (Entered: 09/11/2009)
09/10/2009	<a href="#">522</a>	LETTER addressed to Judge Denny Chin from Serge Eyrolles dated 9/3/09 re: I am a citizen of France and President of the French Publishers Association, the leading association of book publishers in my country; On September 2, 2009, our Executive Committee and General Council formally authorized SNE to present objections to this Court regarding the settlement and objections are listed herein. Document filed by Serge Enyrolles.(mro) (Entered: 09/11/2009)
09/10/2009	<a href="#">523</a>	LETTER addressed to Judge Denny Chin from Jesus Sanchez Garcia dated 9/3/09 re: I am a citizen of Spain and consejero-secretario del Consejo de Administracion de Grupo Editorial Bruno,SL; As a European publisher, Grupo Editorial Bruno SL objects to the proposed settlement and strenuously urges the Court to reject it due to the significant unfair and inequitable effects that it will have on all non-US Authors and Publishers. The proposed settlement is purely and simply unacceptable from the point of view of a European publisher. Document filed by Jesus Sanchez Garcia. (mro) (Entered: 09/11/2009)
09/10/2009	<a href="#">524</a>	LETTER addressed to Sir Michael McMahon from Mr. E.A. van Ingen dated 9/2/09; re: We are writing in regards to the proposed settlement agreement. We like to raise concerns and objections to this settlement, listed herein. Document filed by E.A. van Ingen.(mro) (Entered: 09/11/2009)
09/10/2009	<a href="#">525</a>	LETTER addressed to Office of the Clerk from Eva Swartz dated 9/2/09 re: I am the CEO of Natur & Kultur, a book publisher located in Stockholm, Sweden; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Eva Swartz.(mro) (Entered: 09/11/2009)
09/10/2009	<a href="#">526</a>	LETTER addressed to Judge Denny Chin from Arnaud Nourry dated 9/3/09 re: I am a citizen of France and Chief Executive Officer of Hachette Livre SA; As a European publisher, Hachette Livre objects to the proposed settlement and strenuously urges the Court to reject it due to the significant unfair and inequitable effects that it will have on all non-US Authors and Publishers. The proposed settlement is purely and simply unacceptable from the point of view of a European publisher. Document filed by Arnaud Nourry.(mro) (Entered: 09/11/2009)
09/10/2009	<a href="#">527</a>	LETTER addressed to Office of the Clerk from Vincent Montagne dated 9/4/09 re: I am chairman of Media Participations Paris, a publishing group operating in France, Belgium, and Switzerland through different subsidiaries

		namely Dargaud, Dupuis, Le Lombard, Fleurus, Magnificat, Mame, Mango, Kana, Rustica, etc; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Vincent Montagne.(mro) (Entered: 09/11/2009)
09/10/2009	<a href="#">528</a>	LETTER addressed to Office of the Clerk from Bjorn Andersson dated 8/31/09 re: I am publisher of the Historiska Media, a book publisher located in Lund, Sweden, Historika Media is a member of the settlement class embraced by the proposed settlement agreement; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Bjorn Andersson. (mro) (Entered: 09/11/2009)
09/10/2009	<a href="#">529</a>	LETTER addressed to Judge Denny Chin from Ben-Ami Freier dated 9/9/09 re: This letter is being submitted to respectfully request that the Court approve the settlement between the Authors Guild and Google. We believe the proposed settlement represents a historic opportunity to increase access to a vast library of information by people with disabilities. Document filed by Ben-Ami Freier.(mro) (Entered: 09/11/2009)
09/10/2009	<a href="#">530</a>	LETTER addressed to Judge Denny Chin from Alain Kouck dated 9/2/09 re: We, Editis Holding, are writing to you in regards to the proposed settlement agreement between Google, Inc and the Authors Guild and the Association of American Publishers. We would like to raise objections that arise in Europe/France from the above mentioned settlement agreement; Objections listed herein. Document filed by Alain Kouck.(mro) (Entered: 09/11/2009)
09/10/2009	<a href="#">531</a>	OBJECTION AND NOTICE TO APPEAR ON BEHALF OF ABSENT CLASS MEMBER, DAVID MEININGER (jmi) (Entered: 09/11/2009)
09/10/2009	<a href="#">532</a>	QUESTIA MEDIA, INC.'S AMICUS CURIAE BRIEF IN OPPOSITION TO THE SETTLEMENT AGREEMENT Questia Media, Inc. ("Questia") urges the Court not to approve the Settlement Agreement between Google, Inc. and the Plaintiffs. Among other things, the settlement calls for Google. (jmi) (Entered: 09/11/2009)
09/10/2009	<a href="#">533</a>	OBJECTION OF JIRO MAKINO AND IWAO KIDOKORO TO THE PROPOSED SETTLEMENT AND TO CERTIFICATION OF THE PROPOSED SETTLEMENT CLASS AND SUB-CLASSES The Settlement Agreement contains serious defects in that it requires a decision which exceeds proper scope of jurisdiction for the case and in that it ignores the global nature of the Internet (its capacity that all of the users in the entire world can use it simultaneously). It disregards the fact that works will be distributed in the entire world, and regards the issue as a domestic issue within the U.S. Furthermore, the Settlement Agreement focuses its scope only on a legal decision as to permissibility of digitization of the subject

		works, and contains significant defects in that it ignores the underlying issue of existing mode of "digital data search system." It fails to acknowledge important issues of how to guarantee fairness and diversity of the search by giving priority to economy without making sufficient consideration in cultural diversity. As a result, it suffers from extreme bias of the search results. For the reasons explained above, we respectfully request that the Court to reject the Settlement Agreement or decline to certify the class with respect to Japanese or foreign authors. (jmi) (Entered: 09/11/2009)
09/10/2009	<a href="#">534</a>	OBJECTIONS TO THE PROPOSED SETTLEMENT AND MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE For the foregoing reasons and under the authority of Rule 24, Intervenor respectfully claim their right to intervene as of right. Additionally, Intervenor give notice of their intention to appear and speak at the October 7, 2009 fairness hearing. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">418</a>	LETTER addressed to Office of the Clerk from Markus Hatzer dated 9/2/09 re: I am the managing director of the Studienverlag GmbH, a book publisher located in Austria; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. (mro) Modified on 9/11/2009 (mro). (Additional attachment(s) added on 9/11/2009: # <a href="#">1</a> letter doc) (mro). (Entered: 09/10/2009)
09/11/2009	<a href="#">508</a>	LETTER addressed to J. Michael McMahon from Michael Kincaid dated 8/28/2009 re: I am writing to object to the class-action Google copyright settlement. As an author potentially affected by the Settlement, a labyrinth of terms, conditions, and definitions formulated without my consultation, I object, first, to the distraction and inconvenience entailed in trying to comprehend those terms, conditions, etc.; to discern the increment of justice (if any) contained therein; and to decide on a fit response, one that does justice to my own interests. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">535</a>	LETTER addressed to Judge Denny Chin from Jesus Sanchez Garcia dated 9/3/2009 re: Objections of EDELSA GRUPO DIDASCALIA, S.A. to Proposed Class Settlement. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">536</a>	LETTER addressed to Office of the Clerk from Dorotea Bromberg dated 8/31/2009 re: My name is Dorotea Bromberg, and I am CEO of the Brombergs Bokforlag AB, a book publisher located in Stockholm, Sweden. Brombergs Bokforlag AB is a member of the settlement class embraced by the proposed settlement agreement that is before this Court in this action (the "Settlement Agreement"), because it owns rights in books that are protected by U.S. copyright law. We write to object to the Settlement Agreement. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">537</a>	LETTER addressed to Judge Denny Chin dated 9/3/2009 re: I, Serge Eyrolles, am a citizen of France and President of the French Publishers Association (Syndicat National de l'Editioni SNE), the leading association of book publishers in my country. SNE represents 530 member companies

		whose combined business endeavors account for the bulk of French publishing. Its missions include: advocating publishers' interests, supporting creativity by defending freedom to publish and promoting the respect of intellectual property rights, promoting and defending the fixed book price and promoting literacy. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">538</a>	LETTER addressed to J. Michael McMahon from Mr. W.J. Sbetenhorst dated 9/2/2009 re: We, Boom uitgevers Den Haag, are writing to you in regards to the proposed Settlement Agreement between Google Inc., and the Authors Guild and the Association of American Publishers. We would like to raise the following concerns and objections to this Settlement. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">539</a>	LETTER addressed to J. Michael McMahon from Racheli Edelman dated 4/9/2009 re: The scope and the details of the Google Settlement agreement were brought to our attention too late to file an objection in court. Only today I have found out that one can also send a letter to the court in this matter and state our position. Reading the settlement agreement between Google and its American parties. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">540</a>	LETTER addressed to Office of the Clerk from Ann Douglas dated 9/4/2009 re: As the author of 28 works of non-fiction, both for adults and for children, as well as numerous anthology contributions, I am writing to vigorously oppose the terms of the Google Books settlement. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">541</a>	LETTER addressed to J. Michael McMahon from Dana P. Tierney dated 9/3/2009 re: Our clients are members of the publisher subclass and the purpose of this correspondence is to advise that they "opt out" of the Google Book Settlement. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">542</a>	LETTER addressed to J. Michael McMahon from Jo Tatchell dated 9/3/2009 re: I am opting in but would like to register the following concerns: Concern about the lack of European representation on the Book Rights Registry, and the ability of the settlement to ensure comprehensive distribution of income to authors. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">543</a>	LETTER addressed to J. Michael McMahon from Gary Mokotoff dated 9/4/2009 re: Avotaynu is a publisher of books for which the copyright owners are the authors themselves. We wish to object to the proposed settlement between Google, Inc. and various copyright owners. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">544</a>	LETTER addressed to Judge Denny Chin from Michael W. Perry dated 9/2/2009 re: I should introduce myself. I was also one of the seven authors or their representatives who requested that the court extend the deadlines for the Google settlement by four months. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">545</a>	LETTER addressed to J. Michael McMahon from Dr. Diane A. Hebley dated 9/3/2009 re: As a class member, I wish to support the New Zealand Society of Authors in their objection to the Proposed Settlement. (jmi) (Entered: 09/11/2009)

09/11/2009	<a href="#">546</a>	LETTER addressed to J. Michael McMahon from Gary K. Hebley dated 9/3/2009 re: As a class member, I wish to support the New Zealand Society of Authors in their objection to the Proposed Settlement. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">547</a>	OBJECTION TO CLASS ACTION SETTLEMENT AND NOTICE OF INTENT TO APPEAR OF THE UNDERSIGNED STATES REPRESENTED BY THEIR RESPECTIVE ATTORNEYS GENERAL ON BEHALF OF THEMSELVES AND REGISTERED CHARITIES WITHIN THEIR POLITICAL BOUNDARIES In closing if this Court approves the Proposed Settlement, the State Objectors suggests a modification of the proposed settlement agreement requiring the parties to include a provision in the BRR's articles of incorporation or other enabling document to comply with state unclaimed property laws in the same manner as ASCAP and BMI. This will ensure the fairest and most reasonable result for rightsholders, ensure the preservation of charitable assets and further the public purposes of the unclaimed property laws. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">548</a>	LETTER addressed to Office of the Clerk from Annette Sabelus dated 9/2/2009 re: My name is Annette Sabelus, and I am Head of Rights Department of the Piper Verlag GmbH, a book publisher located in Munich, Germany. Piper Verlag is a member of the settlement class embraced by the proposed settlement agreement that is before this Court in this action (the "Settlement Agreement"), because it owns rights in books that are protected by U.S. copyright law. We write to object to the Settlement Agreement. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">549</a>	QUESTIA MEDIA, INC.'S AMICUS CURIAE BRIEF IN OPPOSITION TO THE SETTLEMENT AGREEMENT By ignoring copyright laws and by twisting this class action settlement to its own ends, Google will obtain a monopoly for the commercial exploitation of millions of orphan works. Questia asks the Court not to provide Google with an unfair advantage. The orphan works problem can be solved, but it should be solved through legislation for the benefit of all, not through a class action settlement for the benefit of one company. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">550</a>	OBJECTION TO PROPOSED SETTLEMENT Unless both the foregoing concerns can be resolved, I respectfully request that the proposed settlement agreement be rejected by this Court. I am submitting this in my capacity as an author and a member of the Authors Guild, not in my capacity as a lawyer. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">551</a>	LETTER addressed to Judge Denny Chin from Oliver Nora dated 9/3/2009 re: For each of the foregoing reasons, Fayard respectfully requests that this Court reject the Proposed Settlement and/or decline to certify the class with regard to non-US Rightsholders. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">552</a>	LETTER addressed to J. Michael McMahon from Springer Uitgeverij dated 9/2/2009 re: We, Springer Uitgeverij BV, are writing to you in regards to the proposed Settlement Agreement between Google Inc., and the Authors Guild and the Association of American Publishers. We would like to raise the following concerns and objections to this Settlement. (jmi) (Entered: 09/11/2009)



		09/11/2009)
09/11/2009	<a href="#">553</a>	LETTER addressed to Judge Denny Chin from Alian Kouck dated 9/2/2009 re: We, EDITIS HOLDING, are writing to you in regards to the proposed Settlement Agreement between Google Inc., and the Authors Guild (AG) and the Association of American Publishers (AAP). We would like to raise the following objections that arise in Europe/France from the above mentioned Settlement Agreement. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">554</a>	LETTER addressed to Office of the Clerk from Eginhard Hohne dated 9/3/2009 re: we are a Hungarian publishing house having its registered office at Celldomolk, Hungary. As a major publisher in the area of educational products we are distributing about 300 different educational books up-to-date for which we are holding the US copyright. As a so called rightsholder under the Settlement Agreement we object. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">555</a>	LETTER addressed to Judge Denny Chin from Jurgen-Matthias Springer dated 9/2/2009 re: My name is Jurgen-Matthias Springer, and I am Managing Director of the Peter Lang GmbH, a book publisher located in Frankfurt am Main, Germany. Peter Lang GmbH is a member of the settlement class embraced by the proposed settlement agreement that is before this Court in this action (the "Settlement Agreement"), because it owns rights in books that are protected by U.S. copyright law. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">556</a>	LETTER addressed to Office of the Clerk from Dr. Joachim Kaps dated 9/2/2009 re: My name is Dr. Joachim Kaps, and I am Managing Director of TOKYOPOP GmbH, a book publisher located in Hamburg, Germany. TOKYOPOP GmbH is a member of the settlement class embraced by the proposed settlement agreement that is before this Court in this action (the "Settlement Agreement"), because it owns rights in books that are protected by U.S. copyright law. We write to object to the Settlement Agreement. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">557</a>	LETTER addressed to Office of the Clerk from Dr. Albrecht Weiland dated 9/3/2009 re: My name is Dr. Albrecht Weiland, and I am CEO of the Verlag Schnell & Steiner GmbH a book publisher located in Regensburg, Germany. Verlag Schnell & Steiner GmbH is a member of the settlement class embraced by the proposed settlement agreement that is before this Court in this action (the "Settlement Agreement"), because it owns rights in books that are protected by U.S. copyright law. We write to object to the Settlement Agreement. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">558</a>	Objection of Editions Larousse SAS to Proposed Class Settlement. For each of the foregoing reasons, Editions Larousse respectfully requests that this Court reject the Proposed Settlement and/or decline to certify the class with regard to non-US Rightsholders. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">559</a>	LETTER addressed to Office of the Clerk from Ursula Rosengart dated 9/1/09 re: I am CEO of the GABAL Verlag, a book publisher located in Offenbach, Germany; We write to object to the settlement agreement. We do

		not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Ursula Rosengart.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">560</a>	LETTER addressed to Office of the Clerk from Alexander Potyka dated 9/1/09 re: I am manager of the Picus Verlag Ges. m.b.H., a book publisher located in Vienna, Austria; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Alexander Potyka.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">561</a>	LETTER addressed to Office of the Clerk from Dr. Carsten C. Hubner dated 9/2/09 re: I am managing director of the ADAC Verlad GmbH, a book publisher located in Munich, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Carsten C. Hubner.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">562</a>	LETTER addressed to Sir from Elisabeth Zerlauth dated 9/3/09 re: We, E. DORNER GmbH, are an Austrian publishing house having its registered office at Vienna, Austria. As a major publisher in the area of educational products we are distributing about different educational up to date for which we are holding the US copyright; As a so called rights holder under the settlement agreement we object to the proposed settlement agreement. Document filed by Elisabeth Zerlauth.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">563</a>	LETTER addressed to Mr. McMahon from Johan de Koning dated 9/3/09 re: We, Standaard Uitgeverij NV, are writing you in regards to the proposed settlement agreement between Google, Inc and the Authors Guild, etc. We raise concerns and objections to this settlement listed herein. Document filed by Johan de Koning.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">564</a>	LETTER addressed to Office of the Clerk from Joachim Kamphausen dated 9/2/09 re: I am publisher of the J. Kamphausen Verlag & Distribution GmbH, located in Bielefeld, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Joachim Kamphausen.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">565</a>	LETTER addressed to Office of the Clerk from Michael Cramm dated 9/2/09 re: I am the contract manager of the Taschen GmbH, a book

		publisher located in Cologne, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Michael Cramm.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">566</a>	LETTER addressed to Office of the Clerk from Albrecht Oldenbourg dated 9/3/09 re: We are a German publishing house having its registered office at Wuerzburg, Germany; As a so called rights holder under the settlement agreement we object. Document filed by Albrecht Oldenbourg.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">567</a>	LETTER addressed to Office of the Clerk` from Regina Lindhoff and Simone Linden dated 9/2/09 re: I am the head of the public relations of Mehr Zeit fur Kinder e. V., a book publisher located in Frankfurt, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Regina Lindhoff.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">568</a>	LETTER addressed to Mr. McMahon from John C. Lorenz dated 8/30/09 re: Please accept this letter as the formal objection of the American Association of Petroleum Geologists to the Google Copyright settlement referenced above. Document filed by John C. Lorenz.(mro) (Entered: 09/11/2009)
09/11/2009		CASHIERS OFFICE REMARK on <a href="#">232</a> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 09/01/2009, Receipt Number 698924. (jd) (Entered: 09/11/2009)
09/11/2009		CASHIERS OFFICE REMARK on <a href="#">266</a> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 09/02/2009, Receipt Number 699011. (jd) (Entered: 09/11/2009)
09/11/2009	<a href="#">569</a>	LETTER addressed to Sir or Madam from Dana P. Tierney dated 9/3/09 re: Our clients are members of the publisher subclass and the purpose of this correspondence is to advise that they "opt out" of the Google Book Settlement. Document filed by Dana P. Tierney.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">570</a>	LETTER addressed to Office of the Clerk from Paul A. Heider dated 9/2/09 re: I am Geschäftsführer of the Steyler Verlag and Steyler Verlagsbuchhandlung GmbH, a book publisher located in Nettetal, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Paul A. Heider.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">571</a>	LETTER addressed to Judge Denny Chin from Sara Mella dated 9/2/09 re: I



		am the managing director of Otava Publishing Company Ltd located in Helsinki, Finland; I write to let this Court know that our company as a copyright hold is opposed to this settlement agreement. Document filed by Sara Mella.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">572</a>	LETTER addressed to Office of the Clerk from Mie Li Doy dated 9/3/2009 re: My name is Irene Lindon and I am CEO of LES EDITIONS DE MINUIT S.A., a book publisher located in France. LES EDITIONS DE MINUIT is a member of the settlement class embraced by the proposed settlement agreement that is before this Court in this action (the "Settlement Agreement"), because it owns rights in books that are protected by U.S. copyright law. We write to object to the Settlement Agreement. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">573</a>	LETTER addressed to Sir from Diana Kimpton dated 9/2/09 re: I am a member of the settlement class for this case and I am writing to object to the proposed settlement agreement. Document filed by Diana Kimpton.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">574</a>	LETTER addressed to Office of the Clerk from Norbert Treuheit dated 9/1/09 re: I am publisher and executive of the ars vivendi publishing house, a book publisher located in Cadolzburg, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Norbert Treuheit. (mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">575</a>	LETTER addressed to J. Michael McMahon from K.D. Wood dated 9/4/2009 re: I am a New Zealand citizen and a New Zealand author, publisher; illustrator etc., with copyrights that are protected by the New Zealand Copyright Act 1994, by any contracts under copyright protection, and by the Berne Convention for the Protection of Literary and Artistic Work. The United States does not have jurisdiction to over-ride these protections. (jmi) (Entered: 09/11/2009)
09/11/2009	<a href="#">576</a>	LETTER addressed to Office of the Clerk from Teresa Cremisi dated 9/3/09 re: I am CEO of the Flammarion Group, a book publisher in France; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Teresa Cremisi.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">577</a>	LETTER addressed to Office of the Clerk from Kristin Nilsson dated 8/31/09 re: I am publisher of the Folkuniversitetets forlag, a book publisher located in Lund, Sweden; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this

		Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Kristin Nilsson.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">578</a>	LETTER addressed to Office of the Clerk from Helga Schreiber, ppa dated 9/3/09 re: I am publishing director of Buchverlage LangenMuller Herbig nymphenburger terra magica, a book publisher located in Munich, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Brigitte Fleissner-Mikorey.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">579</a>	LETTER addressed to Office of the Clerk from Dr. Sven Fund dated 9/3/09; re: I am the managing director of the Walter de Gruyter GmbH & CO. KG, Sellier de Gruyter and De Gruyter Rechtswissenschaften-Verlags GmbH, a book publishers located in Berlin, Germany; I am publishing director of Buchverlage LangenMuller Herbig nymphenburger terra magica, a book publisher located in Munich, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Sven Fund.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">580</a>	LETTER addressed to Judge Denny Chin from Olivier Nora dated 9/3/09 re: I am a citizen of France and chief executive officer of Librairie Arthème Fayard SA; Fayard objects to the proposed settlement and strenuously urges the Court to reject it. Document filed by Olivier Nora.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">581</a>	LETTER addressed to Office of the Clerk from Kobushi Shobo dated 8/31/09 re: For the reasons listed herein, Kobushi Shobo protests the actions carried out by Google, Inc, and demands that Google, Inc. immediately cease its digitalization and release to the public of books published by Kobushi Shobo. Document filed by Kobushi Shobo.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">582</a>	LETTER addressed to Office of the Clerk from Bernhard Buckner dated 9/3/09 re: I am financial director of Suhrkamp GmbH & Co. KG, a book publisher located in Frankfurt, Germany; I am publishing director of Buchverlage LangenMuller Herbig nymphenburger terra magica, a book publisher located in Munich, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Bernhard Buckner.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">583</a>	LETTER addressed to Sir Michael McMahon from Hans Nijenhuis, dated

		9/4/09; re: We, publishing house De Bezige Bij/ Thomas Rap, based in Amsterdam, The Netherlands, are writing you in regards to the proposed settlement agreement; We raise concerns and objections to this settlement herein. Document filed by Hans Nijenhuis.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">584</a>	LETTER addressed to Office of the Clerk from Dr. Martin Wagner dated 9/3/09 re: I am legal counsel and head of the legal department of Mentor Verlag GmbH a book publisher located in Munich, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Martin Wagner.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">585</a>	LETTER addressed to Office of the Clerk from Dr. Martin Wagner dated 9/3/09 re: I am legal counsel and head of the legal department of Axel Juncker Verlag GmbH, a book publisher located in Munich, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Martin Wagner.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">586</a>	LETTER addressed to Office of the Clerk from Dr. Martin Wagner dated 9/3/09 re: I am legal counsel and head of the legal department of Polyglott Verlag GmbH, a book publisher located in Munich, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Martin Wagner.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">587</a>	LETTER addressed to Office of the Clerk from Tatjana Sepin dated 9/1/09 re: I am manager rights and permissions of S. Karger AG, a book publisher located in Basel, Switzerland; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Tatjana Sepin.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">588</a>	LETTER addressed to Sir from Ulrike Jurgens dated 9/3/09 re: We are a German publishing house having its registered office at Braunschweig Germany; As a so called rights holder under the settlement agreement we object. Document filed by Ulrike Jurgens.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">589</a>	LETTER addressed to Office of the Clerk, from Eginhard Hohne dated 9/3/09 re: We are a Hungarian publishing house having its registered office

		of Budapest, Hungary; As a so called rights holder under the settlement agreement we object. Document filed by Eginhard Hohne.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">590</a>	LETTER addressed to Office of the Clerk dated 9/3/09 re: We are a Polish publishing house having its registered office at Lodz, Poland. As a major publisher in the area of educational products we are distributing about 400 different educational books up to date for which we are holding the US copyright. As a so called rights holder under the settlement agreement we object to the proposed settlement agreement. Document filed by Eginhard Hohne.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">591</a>	LETTER addressed to Sir, from Bernd Tofflinger dated 9/3/09 re: We are a German publishing house having its registered office at Braunschweig, Germany. As a major publisher in the area of educational products we are distributing about 300 different educational books up to date for which we are holding the US copyright. As a so called rights holder under the settlement agreement we object to the proposed settlement agreement. Document filed by Bernd Tofflinger.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">592</a>	LETTER addressed to Sir Michael McMahon dated 9/3/09 re: We, Sanoma Uitgevers BV, are writing in regards to the proposed settlement; We raise concerns and objections to this settlement herein. Document filed by Henk Scheenstra.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">593</a>	LETTER addressed to Office of the Clerk from Antoine Gallimard dated 9/3/09 re: I am chairman and chief executive officer of the Edition Gallimard, SA, a book publisher located in France; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Antoine Gallimard.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">594</a>	LETTER addressed to Office of the Clerk from Claude Portmann dated 9/3/0* re: I am owner and manager of the C.F. Portmann Verlag and Edition Hu&Hott, a book published located in Erlenbach, Switzerland; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Claude Portmann.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">595</a>	LETTER addressed to Office of the Clerk from Michael Schweins dated 9/2/09 re: I am the president of the Ars Edition GmbH, a book publisher located in Munich, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers

		and publishing associations. Document filed by Michael Schweins.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">596</a>	LETTER addressed to Office of the Clerk from Robert Dimbleby dated 9/3/09 re: I am the publishing manager of Hogrefe Publishing GmbH, a book publisher located in Gottingen, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Robert Dimbleby.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">597</a>	LETTER addressed to Office of the Clerk from Dr. Michael Vogtmeier dated 9/2/09 re: I am publishing director of the Hogrefe Verlag GmbH & Co. KG, a book publisher located in Gottingen, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Michael Vogtmeier.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">598</a>	LETTER addressed to Office of the Clerk from Dr. Martin Wagner dated 9/3/09 re: I am legal counsel of Langescheidt ELT GmbH, a book publisher in Munich, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Martin Wagner.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">599</a>	LETTER addressed to Office of the Clerk from Klaas Jarchow dated 9/1/09 re: I am publisher of the Murman Verlag, a book publisher located in Hamburg, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Klaas Jarchow.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">600</a>	LETTER addressed to Sir Michael McMahon from Mr. E.A. van Ingen dated 9/2/09 re: We, Publishing House Nelissen are writing to you in regards to the proposed settlement agreement; We would like to raise concerns and objections to this settlement listed herein. Document filed by E.A. van Ingen.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">601</a>	LETTER addressed to Whom it may concern from Stephen Cox dated 9/3/09 re: I would like to formally make an objection to the action to Google.com violating my book copyrights by way of creating a book database including my materials without my permission. Document filed by Stephen Cox.(mro) (Entered: 09/11/2009)



09/11/2009	<a href="#">602</a>	LETTER addressed to Office of the Clerk from Francis Esmenard dated 9/4/09 re: I am the CEO of Albin Michel Group, a book publisher located in France; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Francis Esmenard.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">603</a>	NOTICE OF APPEARANCE by William Irwin Kohn on behalf of Canadian Standard Association (Kohn, William) (Entered: 09/11/2009)
09/11/2009	<a href="#">604</a>	LETTER addressed to Judge Denny Chin from Nathalie Jouven dated 9/3/09 re: I am a citizen of France and Chief Executive Officer of Dunod Editeur SA; Dunod objects to the proposed settlement. Document filed by Nathalie Jouven.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">605</a>	LETTER addressed to Judge Denny Chin from Jennifer B. Coplan dated 9/8/09 re: Enclosed please find a courtesy copy of the Amicus Curiar Brief of Sony Electronics. in support of proposed Google Book Search settlement, which was electronically filed earlier today. (mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">606</a>	LETTER addressed to Office of the Clerk from Oskar Klan dated 9/3/09 re: I am editor in chief of the Schwaneberger Verlag GmbH, a book publisher in Unterschleibheim, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Oskar Klan.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">607</a>	LETTER addressed to Office of the Clerk from Axel Schonberger dated 9/2/09 re: I am the owner of the Axel Schonberger Verlag located in Frankfurt, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Axel Schonberger.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">608</a>	LETTER addressed to Office of the Clerk from Axel Schonberger dated 9/2/09 re: I am chief executive officer of the Valentia GmbH located in Frankfurt, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Axel Schonberger.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">609</a>	LETTER addressed to Office of the Clerk from Ingwert Paulsen dated 9/2/09 re: I am the owner of the Hamburger Lesehefte Verlag, Inh located in Husum, Germany; We write to object to the settlement agreement. We do

		not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Ingwert Paulsen.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">610</a>	LETTER addressed to Office of the Clerk from Ingwert Paulsen dated 9/2/09 re: I am the owner of the Mattheisen Verlag Ingwert Paulsen, located in Husum, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Ingwert Paulsen.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">611</a>	LETTER addressed to Office of the Clerk from Albrecht Koschutzke dated 9/3/09 re: I am the CEO of the Verlag J. H. W. Dietz Nachf GmbH, located in Bonn, Germany; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Albrecht Koschutzke.(mro) (Entered: 09/11/2009)
09/11/2009	<a href="#">612</a>	LETTER addressed to Judge Denny Chin from Mr. Thijs VerLoren van Themaat dated 9/2/2009 re: We, Verloren Publisher from Hilversum, The Netherlands, are writing to you in regards to the proposed Settlement Agreement between Google Inc., and the Authors Guild and the Association of American Publishers. We would like to raise the following concerns and objections to this Settlement. (jmi) (Entered: 09/14/2009)
09/11/2009	<a href="#">613</a>	LETTER addressed to Judge Denny Chin from Neckar-Verlag dated 9/3/2009 re: We are a German publishing house having its registered office at Villingen-Schwenningen, Germany. As a major publisher in the area of educational and other products we are distributing about 300 different books (150 educational up-to-date for which we are holding the US copyright. As a so called rightsholder under the Settlement Agreement we object to the proposed settlement agreement between Google Inc., and the Authors Guild and the Association of American Publishers (the "Settlement Agreement"). (jmi) (Entered: 09/14/2009)
09/11/2009	<a href="#">614</a>	LETTER addressed to Judge Denny Chin from Bardo Jensch dated 9/1/2009 re: My name is Mr. Bardo Jensch, and I am officer with procuration of the Schwabenverlag Aktiengesellschaft, a book publisher located in Ostfildern (Germany). Schwabenverlag Aktiengesellschaft is a member of the settlement class embraced by the proposed settlement agreement that is before this Court in this action (the "Settlement Agreement"), because it owns rights in books that are protected by U.S. copyright law. We write to object to the Settlement Agreement. (jmi) (Entered: 09/14/2009)
09/11/2009	<a href="#">615</a>	LETTER addressed to Office of the Clerk from Liana Levi dated 9/3/09 re: I am the Manager and Editor in Chief of the Editions Liana Levi, a book

		<p>publisher located in France. We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by the French Publishers Association (Syndicat National de L'Edition/SNE), for the reasons presented to this Court by this entity. (tro) (Entered: 09/14/2009)</p>
09/11/2009	<a href="#">616</a>	<p>LETTER addressed to Judge Denny Chin from Hans A. Baensch dated 9/2/2009 re: My name is Han -Albrecht Baensch, and I am the owner and Manager of Mergus Verlag GmbH (publisher), Im Wiele 27, 49328 Melle, Germany. Mergus Verlag GmbH is a member of the settlement class embraced by the proposed settlement agreement that is before this Court in this action (the "Settlement Agreement"), because it owns rights in books that are protected by U.S. Copyright laws. We wright to object to the Settlement Agreement. (jmi) (Entered: 09/14/2009)</p>
09/11/2009	<a href="#">617</a>	<p>LETTER addressed to Judge Denny Chin from Vivian Vande Velde dated 9/1/2009 re: I am writing to express my displeasure with everything about the handling of the Google Settlement. (jmi) (Entered: 09/14/2009)</p>
09/11/2009	<a href="#">618</a>	<p>LETTER addressed to Judge Denny Chin from Annette Sievers dated 9/2/2009 re: My name is Annette Sievers, and I am managing director of the pmv Peter Meyer Verlag, a book publisher located in Frankfurt am Main. pmv Peter Meyer Verlag is a member of the settlement class embraced by the proposed settlement agreement that is before this Court in this action (the Settlement Agreement), because it own rights in books that are protected by U.S. copyright law. We write to object to the Settlement Agreement. (jmi) (Entered: 09/14/2009)</p>
09/11/2009	<a href="#">619</a>	<p>LETTER addressed to Judge Denny Chin from Norbert Froitzheim dated 9/2/2009 re: My name is Norbert Froitzheim and I am member of the executive board of the Deutscher Arzte-Verlag G3mbH, a book publisher located in Cologne, Germany. The Deutscher Arzte-Verlag GmbH is a member of the settlement class embraced by the propose settlement agreement that is before this Court in this action (the "Settlement Agreement"), because it owns rights in books that are protected by U.S. copyright law. (jmi) (Entered: 09/14/2009)</p>
09/11/2009	<a href="#">620</a>	<p>LETTER addressed to J. Michael McMahon from Andrzej Karpowicz dated 9/3/2009 re: Acting on behalf of the author, Mr Waldemar Lysiak I hereby inform you that my Client does not consent to have his books covered by the provisions of the settlement, regarding the Google Book Search software. This concerns in particular, but without limitations, the following titles published by various publishers in Poland and USA. (jmi) (Entered: 09/14/2009)</p>
09/11/2009	<a href="#">621</a>	<p>LETTER addressed to J. Michael McMahon from Stephen Nachmanovitch dated 9/3/2009 re: Digitizing the contents of the great libraries of the world - for both the functions of backup and accessibility - is an exciting project. (jmi) (Entered: 09/14/2009)</p>



09/11/2009	<a href="#">622</a>	LETTER addressed to J. Michael McMahon from G. Emil Ward dated 9/4/2009 re: I am the copyrights holder for: Massachusetts Landlord-Tenant Practice: Law and Forms, formerly published by Lexis-Nexis. The copyright was assigned back to me by that publisher approximately six years ago which assignment I sent to the Copyrights Office in recent months. (jmi) (Entered: 09/14/2009)
09/11/2009	<a href="#">623</a>	LETTER addressed to J. Michael McMahon from Regina Harris Baiocchi dated 9/1/2009 re: This letter serves as my formal notification to OPT OUT of the Google Book Settlement. My OPT out request. (jmi) (Entered: 09/14/2009)
09/11/2009	<a href="#">624</a>	DECLARATION of Ministerialdirigent Dr. Johannes Christian Wichard. (jmi) (Entered: 09/14/2009)
09/11/2009	<a href="#">625</a>	Objection of Alex M.G. Burton to Class Settlement. (jmi) (Entered: 09/14/2009)
09/11/2009	<a href="#">626</a>	BRIEF AMICI CURIAE OF LYRASIS, INC., NYLINK AND BIBLIOGRAPHICAL CENTER FOR RESEARCH ROCKY MOUNTAIN, INC. IN SUPPORT OF MODIFICATION OF PROPOSED SETTLEMENT. (jmi) (Entered: 09/14/2009)
09/11/2009	<a href="#">627</a>	Objection OF AMERICAN PSYCHOLOGICAL ASSOCIATION TO PROPOSED SETTLEMENT. (jmi) (Entered: 09/14/2009)
09/11/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">309</a> Order on Motion to Appear Pro Hac Vice, <a href="#">311</a> Order on Motion to Appear Pro Hac Vice, <a href="#">310</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jmi) (Entered: 09/14/2009)
09/11/2009	<a href="#">628</a>	LETTER addressed to Office of the Clerk from Georg Kessler dated 9/2/2009 re:My name is Georg Kessler, and I am Managing Director/Publisher of the GRAFE UND UNZER Publishers, a book publisher located in Munich, Germany. GRAFE UND UNZER Publishers is a member of the settlement class embraced by the proposed settlement agreement that is before this Court in this action (the "Settlement Agreement"), because it owns rights in books that are protected by U.S. copyright law. We write to object to the Settlement Agreement. (jmi) (Entered: 09/14/2009)
09/11/2009	<a href="#">631</a>	LETTER addressed to Office of the Clerk from Kurt Stellfeld dated 9/1/2009 re: Counsel writes to object to the Settlement Agreement. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">632</a>	LETTER addressed to Office of the Clerk from Stefan Ruhling dated 9/1/2009 re: Counsel writes to object to the Settlement Agreement. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">633</a>	Objection of Takashi Yamamoto. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">634</a>	LETTER addressed to Office of the Clerk from Gunter Berg dated 9/2/2009 re: Counsel writes to object to the Settlement Agreement.. (jfe) (Entered: 09/14/2009)

		09/14/2009)
09/11/2009	<a href="#">635</a>	LETTER addressed to Office of the Clerk from Dr. Christine Autenrieth dated 9/2/2009 re: Counsel writes to object to the Settlement Agreement.. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">636</a>	LETTER addressed to Office of the Clerk from Ingwert Paulsen dated 9/2/2009 re: Counsel writes to object to the Settlement Agreement.. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">637</a>	LETTER addressed to Office of the Clerk from Wilmar Diepgrond dated 9/2/2009 re: Counsel writes to object to the proposed Settlement Agreement. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">638</a>	LETTER addressed to Office of the Clerk from Jurgen Kleidt dated 9/2/2009 re: Counsel writes to object to the Settlement Agreement.. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">639</a>	LETTER addressed to Office of the Clerk from Dr. Christine Autenrieth dated 9/2/2009 re: Counsel writes to object to the Settlement Agreement.. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">640</a>	LETTER addressed to Office of the Clerk from Dieter Krause dated 9/2/2009 re: Counsel writes to object to the Settlement Agreement.. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">641</a>	LETTER addressed to Office of the Clerk from Ingwert Paulsen dated 9/2/2009 re: Counsel writes to object to the Settlement Agreement.. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">642</a>	LETTER addressed to Office of the Clerk from Dr. Katharina Eleonore Meyer dated 9/2/2009 re: Counsel writes to object to the Settlement Agreement.. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">643</a>	LETTER addressed to Office of the Clerk from Oliver Waffender dated 9/2/2009 re: Counsel writes to object to the Settlement Agreement.. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">644</a>	OBJECTION AND NOTICE TO APPEAR ON BEHALF OF ABSENT CLASS MEMBER, DAVID MEININGER. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">645</a>	NFS'S OBJECTION TO THE PROPOSED SETTLEMENT. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">646</a>	LETTER addressed to Office of the Clerk from Erna Paris re: Counsel writes to object to the Settlement Agreement.. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">647</a>	DECLARATION OF LYNNE D. FINNEY, AUTHOR, COPYRIGHT OWNER, AND PUBLISHER, IN OPPOSITION TO SETTLEMENT AGREEMENT. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">648</a>	LETTER addressed to Office of the Clerk from Ralf Frenzel dated 9/1/2009 re: Counsel writes to object to the Settlement Agreement.. (jfe) (Entered: 09/14/2009)

09/11/2009	<a href="#">649</a>	LETTER addressed to Sir from Jean L. Cooper dated 9/2/09 re: I am a librarian and an author, and as I have standing as a member of the author class in the Google Book Settlement; I am opposed to the Settlement for the reasons stated herein. Document filed by Jean L. Cooper.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">650</a>	LETTER addressed to Michael McMahon from Jean L. Cooper dated 9/2/2009 re: Counsel writes to oppose the Settlement Agreement. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">651</a>	LETTER addressed to Office of the Clerk from Kazufumi Watanabe dated 9/3/09 re: We strongly reject the action carried out by Google, as it infringes upon the publication and sale of books based upon contracts signed between the author (copyright holder) and the publishing company. Document filed by Kazufumi Watanabe.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">652</a>	LETTER addressed to Office of the Clerk from Mitchell Allen dated 9/4/09 re: I am writing as president, publisher, and owner of Left Coast Press, Inc., a scholarly for profit publishing house of humanities and social sciences based on the San Francisco Bay Area, and on behalf of authors we publish; We wish to express our objections to the settlement before settlement administrator here and hope you reject the settlement terms. Document filed by Mitchell Allen.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">653</a>	LETTER addressed to Judge Denny Chin from Jesus Sanchez Garcia dated 9/3/09 re: For the reasons herein, Edelsa Grupo Didascalia respectfully requests that this Court reject the proposed settlement and/or decline to certify the class with regard to non-US rights holders. Document filed by Jesus Sanchez Garcia.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">654</a>	LETTER addressed to Sir from Dr. Comelia Heering dated 9/3/09 re: We are a German publishing house having its registered office at Essen, Germany; As a so called rights holder under the settlement agreement we object. Document filed by Comelia Heering.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">655</a>	LETTER addressed to Sir from Dr. Comelia Heering dated 9/3/09 re: We are a German publishing house having its registered office at Braunschweig, Germany; As a so called rights holder under the settlement agreement we object. Document filed by Comelia Heering.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">656</a>	LETTER addressed to Office of the Clerk from Karin Schmidt-Friderichs dated 9/2/09 re: We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Karin Schmidt-Friderichs.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">658</a>	LETTER addressed to Office of the Clerk from Dr. Felix Breidenstein dated 9/1/09 re: I am the executive director of the German Bible Society; We write to object to the settlement agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicate filings. We therefore join in the

		objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations. Document filed by Felix Breidenstein.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">660</a>	LETTER Brief from Mumia Abu-Tamal re: Objection to the pending settlement. Document filed by Mumia Abu-Tamal.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">661</a>	LETTER addressed to Judge Denny Chin from Antonio dated 9/8/09 re: We would like to join in the objections against the settlement presented by the Associazione Italiana Editori. Document filed by Federacion de Gremios de Editores de Espana.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">662</a>	LETTER addressed to Sir from Dr. Comelia Heering dated 9/3/09 re: As a so called rights holder under the settlement agreement we object to the proposed settlement agreement. Document filed by Comelia Heering.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">663</a>	LETTER addressed to Sir from Dr. Comelia Heering dated 9/3/09 re: As a so called rights holder under the settlement agreement we object to the proposed settlement agreement. Document filed by Comelia Heering.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">664</a>	LETTER addressed to Mr. McMahon from Robert K. Massie dated 9/8/09 re: I am sending you this copy of a letter I sent last week to the Google Book Search Committee Settlement Administration which has so far not permitted me to opt put of the settlement as I wish to do and as I first told them in April. (mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">665</a>	LETTER addressed to Judge Denny Chin from Salley Shannon dated 9/4/09 re: Writes to object to the proposed settlement agreement. Document filed by Salley Shannon.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">666</a>	LETTER addressed to Sir/Madam from Minoru Ito dated 9/3/09 re: We write to express our rejection to the settlement and request to opt out of the settlement. Document filed by Minoru Ito.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">667</a>	LETTER addressed to Office of the Clerk from Rose Teo dated 9/4/09 re: As a so called rights holder under the settlement agreement we object to the proposed settlement agreement. Document filed by Rose Teo.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">668</a>	LETTER addressed to Sir Michael McMahon from Aime Van Hecke dated 9/2/09 re: We raise concerns and objections to this settlement listed herein. Document filed by Aime Van Hecke.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">669</a>	LETTER addressed to Judge Denny Chin from Giles Sandeman-Allen dated 9/4/09 re: If the settlement is agreed in principle, I am writing to request for an amendment in the determination of "in print". Document filed by Giles Sandeman-Allen.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">670</a>	LETTER addressed to Sir from Stephanie Golden dated 9/5/09 re: Im writing to object to the Google settlement in its correct form. Document filed by Stephanie Golden.(mro) (Entered: 09/14/2009)

09/11/2009	<a href="#">671</a>	LETTER addressed to Judge Denny Chin from Arnaud Nourry dated 9/3/09 re: For the reasons herein, Hachette UK respectfully requests that this Court reject the proposed settlement and/or decline to certify the class with regard to non-US rights holders. Document filed by Arnaud Nourry.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">672</a>	LETTER addressed to Judge Denny Chin from Isabelle Magnac dated 9/3/09 re: For the reasons herein, Salvat respectfully requests that this Court reject the proposed settlement and/or decline to certify the class with regard to non-US rights holders. Document filed by Isabelle Magnac.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">673</a>	LETTER addressed to Mr. McMahon from Barbara Helen Else re: Counsel writes to object to the proposed settlement as a class member. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">674</a>	LETTER from Donica Bettanin re: It appears to us that there needs to be serious thought given to the administrative demands and possible problems of the settlement for rights holders outside the USA. (mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">675</a>	LETTER addressed to Mr. McMahon from Marie Langley dated 3/9/2009 re: Counsel writes to object to the proposed settlement as a class member. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">676</a>	LETTER addressed to The Court from Jesse Rutherford dated 9/3/09 re: For the reasons herein, I respectfully request that this Court reject the proposed settlement and/or decline to certify the class with regard to non-US rights holders. Document filed by Jesse Rutherford.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">677</a>	LETTER addressed to Office of the Clerk from Marianne Rubelmann dated 9/2/2009 re: Counsel writes to object to the Settlement Agreement. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">678</a>	LETTER addressed to Clerk Michael McMahon from John Mouldin dated 8/31/09 re: If you respect the actions listed herein, you can take on my behalf: make sure my comments and objections are heard by Court. Document filed by John Mouldin.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">679</a>	LETTER addressed to Mr. McMahon from Chris Else dated 9/3/2009 re: Counsel writes to object to the proposed settlement as a class member. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">680</a>	LETTER addressed to Mr. McMahon from Jeanetter Wilson dated 9/3/2009 re: Counsel writes to object to the proposed settlement as a class member. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">681</a>	LETTER addressed to Settlement Administrator dated 9/2/09 re: SATV is opting out of the settlement in Authors Guild, Inc. et al. Document filed by Frank P. Scibilia.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">682</a>	LETTER addressed to Judge Denny Chin from Olswang LLP dated 9/8/2009 re: Counsel respectfully request the Court's permission to file this letter as an amicus curiae brief to address certain concerns of UK authors



		who have not opted-out of the proposed settlement agreement in this proceeding. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">683</a>	LETTER addressed to Judge Denny Chin from Alain Kouck dated 9/2/09 re: We would like to raise objections to the settlement agreement listed herein. Document filed by Alain Kouck.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">684</a>	LETTER addressed to Mr. McMahon from Kim Griggs dated 9/4/2009 re: Counsel writes to object to the proposed settlement as a class member. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">685</a>	LETTER addressed to Judge Denny Chin from Holly K. Towle dated 8/31/2009 re: Counsel writes to object to the Google Book Settlement.(jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">686</a>	LETTER addressed to Office of the Clerk from Dirk Sieben dated 9/2/09 re: We write to object to the proposed settlement agreement. Document filed by Dirk Sieben.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">687</a>	LETTER addressed to Judge Denny Chin from Olivier Nora dated 9/3/2009 re: Counsel writes to object to the Proposed Settlement Agreement. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">688</a>	LETTER addressed to Office of the Clerk from Klaus Humann dated 9/2/09 re: We write to object to the settlement agreement. Document filed by Klaus Humann.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">689</a>	AFFIRMATION OF SERVICE of Mika Hasegawa re: <a href="#">464</a> Objection (non-motion). (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">690</a>	LETTER addressed to Office of the Clerk from Professor Barbara Scheuch-Voetterle dated 9/2/09 re: We write to object to the settlement agreement. Document filed by Barbara Scheuch-Voetterle.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">691</a>	AFFIRMATION OF SERVICE of Junji Suzuki re: <a href="#">467</a> Objection (non-motion), Objection (non-motion). (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">692</a>	LETTER addressed to Office of the Clerk from Dr. h.c. Karl-Peter Winters dated 9/1/09 re: We write to object to the settlement agreement. Document filed by h.c. Karl-Peter Winters.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">693</a>	LETTER addressed to Office of the Clerk from Brigitte Balke-Schmidt dated 9/2/2009 re: Counsel writes to object to the Settlement Agreement. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">694</a>	LETTER addressed to Mr. McMahon from Vibeke Viteri-Loohuis dated 9/2/09 re: We hope that the court will seriously consider the objections and remarks made herein. Document filed by Vibeke Viteri-Loohuis.(mro) (Entered: 09/14/2009)
09/11/2009	<a href="#">695</a>	LETTER addressed to Office of the Clerk from Brigitte Balke-Schmidt dated 9/2/2009 re: Counsel writes to object to the Google Book Settlement.. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">696</a>	LETTER addressed to Office of the Clerk from Lothar Schirmer dated

		9/2/2009 re: Counsel writes to object to the proposed settlement as a class member. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">697</a>	LETTER addressed to Judge Denny Chin from Jesus Sanchez Garcia dated 9/3/2009 re: Counsel writes to object to the proposed settlement as a class member. (jfe) (Entered: 09/14/2009)
09/11/2009	<a href="#">698</a>	LETTER addressed to Mr. McMahon from Tony Simpson dated 9/2/2009 re: Counsel writes to object to the proposed settlement as a class member. (jfe) (Entered: 09/14/2009)
09/14/2009	<a href="#">629</a>	DECLARATION of Nicolas Georges. (jfe) (Entered: 09/14/2009)
09/14/2009	<a href="#">630</a>	LETTER addressed to Office of the Clerk from Manfred Finkeldey dated 9/3/2009 re: We are German publishing house and write to object the proposed Settlement Agreement between Google Inc., and the Authors Guild and the Association of American Publishers for the reasons set forth within. (jfe) (Entered: 09/14/2009)
09/14/2009	<a href="#">657</a>	MOTION for Kristin H. Neuman to Withdraw as Attorney <i>Motion For Leave To Withdraw Appearance On Behalf Of The Canadian Standards Association</i> . Document filed by Canadian Standards Association.(Neuman, Kristin) (Entered: 09/14/2009)
09/14/2009	<a href="#">659</a>	AFFIDAVIT of Kristin H. Neuman in Support re: <a href="#">657</a> MOTION for Kristin H. Neuman to Withdraw as Attorney <i>Motion For Leave To Withdraw Appearance On Behalf Of The Canadian Standards Association..</i> Document filed by Canadian Standards Association. (Neuman, Kristin) (Entered: 09/14/2009)
09/14/2009	<a href="#">699</a>	CERTIFICATE OF SERVICE of Motion For Leave To Withdraw Appearance served on Cindy A. Cohn, Hadley Perkins Roeltgen, J. Kate Reznick (See attached certificate) on 9/14/09. Service was made by Mail. Document filed by Canadian Standards Association. (Neuman, Kristin) (Entered: 09/14/2009)
09/15/2009	<a href="#">701</a>	LETTER addressed to Office of the Clerk from Dr. Moritz Hagenmuller dated 9/1/09 re: Moritz Hagenmuller, Managing Director of the Books on Demand GmbH, join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations that includes the Borsenverein des Deutschen Buchhandels and others, for the reasons presented to this Court by those individuals and entities. Document filed by Moritz Hagenmuller.(tro) (Entered: 09/15/2009)
09/15/2009	<a href="#">702</a>	LETTER addressed to Office of the Clerk from Tobias Koerner dated 9/4/09 re: Tobias Koerner, join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations that includes as further set forth in this letter. Document filed by Tobias Koerner.(tro) (Entered: 09/15/2009)
09/15/2009	<a href="#">703</a>	LETTER addressed to J. Michael McMahon from Sander van Vlerken dated 8/28/09 re: Publishing House De Geus, write to you in regards to the proposed Settlement Agreement between Google, Inc. and the Authors

		Guild and the Association of American Publishers. We would like to raise the concerns and objections listed herein to the Settlement. Document filed by Publishing House De Geus.(tro) (Entered: 09/15/2009)
09/15/2009	<a href="#">704</a>	LETTER addressed to Office of the Clerk from Eva Swartz dated 9/2/09 re: Eva Swartz, CEO of Natur & Kultur join in the objections that have been presented to this Court by Scott Gant and the group of foreign publishers and publishing associations as further set forth in this letter. Document filed by Eva Swartz.(tro) (Entered: 09/15/2009)
09/15/2009	<a href="#">705</a>	STATEMENT OF OBJECTIONS TO PROPOSED SETTLEMENT dated 9/8/09. Document filed by Elizabeth Greenberg. (tro) (Entered: 09/15/2009)
09/15/2009	<a href="#">706</a>	STATEMENT OF OBJECTIONS TO THE PROPOSED SETTLEMENT dated 9/7/09. Document filed by Rebecca C. Jones. (tro) (Entered: 09/15/2009)
09/15/2009	<a href="#">707</a>	LETTER addressed to Office of the Clerk from Andrea Warren dated 9/7/09 re: Andrea Warren writes to object the settlement. Document filed by Andrea Warren.(tro) (Entered: 09/15/2009)
09/15/2009	<a href="#">708</a>	OBJECTION TO CLASS-ACTION SETTLEMENT AND NOTICE OF INTENT TO APPEAR OF THE UNDERSIGNED STATES REPRESENTED BY THEIR RESPECTIVE ATTORNEYS GENERAL ON BEHALF OF THEMSELVES AND REGISTERED CHARITIES WITHIN THEIR POLITICAL BOUNDARIES. Document filed by The State of Missouri. (tro) (Entered: 09/15/2009)
09/15/2009	<a href="#">709</a>	OBJECTION OF PROQUEST LLC TO PROPOSED SETTLEMENT. Document filed by Proquest, LLC. (tro) (Entered: 09/15/2009)
09/15/2009	<a href="#">710</a>	OBJECTIONS OF WASHINGTON LEGAL FOUNDATION TO PROPOSED SETTLEMENT AND TO CERTIFICATION OF THE PROPOSED SETTLEMENT CLASS AND SUBCLASSES. Document filed by The Washington Legal Foundation. (tro) (Entered: 09/15/2009)
09/15/2009	<a href="#">711</a>	NOTICE OF INTENT TO APPEAR AT FAIRNESS HEARING and STATEMENT OF OBJECTIONS TO PROPOSED SETTLEMENT. Document filed by Sarah E. Cazoneri. (tro) (Entered: 09/15/2009)
09/15/2009	<a href="#">712</a>	STATEMENT OF OBJECTIONS TO PROPOSED SETTLEMENT. Document filed by Dale Henderson. (tro) (Entered: 09/15/2009)
09/15/2009	<a href="#">713</a>	STATEMENT OF OBJECTIONS TO PROPOSED SETTLEMENT. Document filed by Matthew B. Cazoneri. (tro) (Entered: 09/15/2009)
09/15/2009	<a href="#">714</a>	LETTER addressed to Judge Denny Chin from Donna J. Wood dated 9/11/09 re: Objections to the Proposed Settlement Agreement. Document filed by Donna J. Wood.(tro) (Entered: 09/15/2009)
09/15/2009	<a href="#">715</a>	OBJECTION OF FREE SOFTWARE FOUNDATION, INC. AND KARL FOGEL TO PROPOSED SETTLEMENT. Document filed by Karl Fogel, Free Software Foundation, Inc. (tro) (Entered: 09/15/2009)



09/15/2009	<a href="#">717</a>	MOTION for Edward F. Siegel to Appear Pro Hac Vice. Document filed Charles D. Weller. (mro) (Entered: 09/16/2009)
09/15/2009	<a href="#">718</a>	MOTION for Lee L. Kaplan to Appear Pro Hac Vice. Document filed by Questia Media, Inc.(mro) (Entered: 09/16/2009)
09/15/2009	<a href="#">719</a>	MOTION for Charles D. Ossola, Elaine Metlin and Victor S. Perlman to Appear Pro Hac Vice. Document filed by The American Society of Media Photographers, Inc., Graphic Artists Guild, Picture Archive Council of America, North American Nature Photography Association, Joel Meyerowitz, Dan Budnick, Peter Turner, Lou Jacobs.(mro) Modified on 9/17/2009 (mro). (Entered: 09/16/2009)
09/16/2009	<a href="#">716</a>	ORDER: September 8, 2009 was the deadline by which objections and amicus curiae briefs were to be filed with the Court. In light of the volume of submissions, and the apparent public interest in the case, the following procedures shall govern the fairness hearing: By 10/2/09 the parties shall respond in writing to the filings in this case. The fairness hearing shall proceed as scheduled on 10/7/09 at 10:00 a.m. Any person who wishes to speak at the fairness hearing must submit a request to speak by sending an email to googlebookcase@nysd.uscourts.gov by 5:00 p.m. EDT on 9/21/09. The parties shall post a copy of this order on the settlement website forthwith. Details regarding courtroom seating, press access, and an overflow room will be provided in a later order. (Signed by Judge Denny Chin on 9/16/09) (tro) (Entered: 09/16/2009)
09/17/2009		CASHIERS OFFICE REMARK on <a href="#">700</a> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 09/08/2009, Receipt Number 699182. (jd) (Entered: 09/17/2009)
09/17/2009		CASHIERS OFFICE REMARK on <a href="#">304</a> Motion to Appear Pro Hac Vice, in the amount of \$25.00, paid on 09/08/2009, Receipt Number 699159. (jd) (Entered: 09/17/2009)
09/18/2009	<a href="#">720</a>	NOTICE of Statement of Interest. Document filed by United States of America. (Clopper, John) (Entered: 09/18/2009)
09/21/2009	<a href="#">721</a>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION: ORDER granting <a href="#">719</a> Motion for Charles D. Ossola and Victor S. Perlman to Appear Pro Hac Vice for The American Society of Media Photographers, Inc., Graphic Artists Guild, Picture Archive Council of America, North American Nature Photography Association, Joel Meyerowitz, Dan Budnick, Peter Turner, Lou Jacobs. (Signed by Judge Denny Chin on 9/19/09) (db) (Entered: 09/21/2009)
09/21/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">721</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (db) (Entered: 09/21/2009)
09/21/2009	<a href="#">722</a>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION: ORDER granting <a href="#">718</a> Motion for Lee L. Kaplan to Appear Pro Hac Vice for Questia Media, Inc. (Signed by Judge Denny Chin on 9/19/09) (db) (Entered: 09/21/2009)

09/21/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">722</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (db) (Entered: 09/21/2009)
09/21/2009	<a href="#">723</a>	ORDER ADMITTING EDWARD F. SIEGEL PRO HAC VICE: ORDER granting <a href="#">717</a> Motion for Edward F. Siegel to Appear Pro Hac Vice for Charles D. Weller. (Signed by Judge Denny Chin on 9/19/09) (db) (Entered: 09/21/2009)
09/21/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">723</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (db) (Entered: 09/21/2009)
09/21/2009	<a href="#">724</a>	MEMORANDUM ENDORSEMENT re: MOTION FOR LEAVE TO WITHDRAW APPEARANCE ON BEHALF OF THE CANADIAN STANDARDS ASSOCIATION. ORDER granting <a href="#">657</a> Motion to Withdraw Attorney. Attorney Kristin Hackett Neuman terminated. ENDORSEMENT: Approved. SO ORDERED. (Signed by Judge Denny Chin on 9/19/09) (db) (Entered: 09/21/2009)
09/21/2009	<a href="#">725</a>	LETTER addressed to Mr. McMahon from The Berne Convention for the Protection of Literary and Artistic Works dated 9/3/09 re: Objection to the Proposed Settlement. (db) (Entered: 09/21/2009)
09/21/2009	<a href="#">726</a>	LETTER addressed to Mr. McMahon from Ann Mitcalfe dated 9/3/09 re: Objection to the Proposed Settlement. (db) (Entered: 09/21/2009)
09/21/2009	<a href="#">727</a>	LETTER addressed to Google Settlement from Dolores Karl dated 9/1/09 re: To opt out of the Google-Authors Guild Settlement. (db) (Entered: 09/21/2009)
09/21/2009	<a href="#">730</a>	MOTION for Robert J. LaRocca to Appear Pro Hac Vice. Document filed by Paul Dickson, Joseph Goulden, The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman.(mro) (Entered: 09/22/2009)
09/21/2009	<a href="#">734</a>	ORDER, that Gary Leland Reback, Esq. be admitted to the Bar of this Court pro hac vice as counsel for Amicus Curiae Open Book Alliance, upon payment of the applicable fee to the Clerk of Court. (Signed by Judge Denny Chin on 9/19/09) (pl) Modified on 9/24/2009 (pl). (Entered: 09/24/2009)
09/22/2009	<a href="#">728</a>	MOTION for Hearing / <i>Notice of Unopposed Motion of the Author Sub-Class and the Publisher Sub-Class to Adjourn October 7, 2009 Final Fairness Hearing and Schedule Status Conference</i> . Document filed by Association of American Publishers, Inc., The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc..(Keller, Bruce) (Entered: 09/22/2009)
09/22/2009	<a href="#">729</a>	MEMORANDUM OF LAW in Support re: <a href="#">728</a> MOTION for Hearing / <i>Notice of Unopposed Motion of the Author Sub-Class and the Publisher Sub-Class to Adjourn October 7, 2009 Final Fairness Hearing and Schedule Status Conference</i> .. Document filed by Association of American Publishers, Inc., The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc.. (Keller, Bruce) (Entered: 09/22/2009)

		09/22/2009)
09/22/2009	<a href="#">731</a>	MOTION for Charles B. Casper to Appear Pro Hac Vice. Document filed by Microsoft Corporation.(mro) (Entered: 09/22/2009)
09/22/2009	<a href="#">732</a>	MOTION for Richard Montgomery Donaldson to Appear Pro Hac Vice. Document filed by Microsoft Corporation.(mro) (Entered: 09/22/2009)
09/23/2009		CASHIERS OFFICE REMARK on <a href="#">717</a> Motion to Appear Pro Hac Vice, <a href="#">718</a> Motion to Appear Pro Hac Vice, <a href="#">719</a> Motion to Appear Pro Hac Vice, in the amount of \$125.00, paid on 09/15/2009, Receipt Number 700022, 700067 & 700099. (jd) (Entered: 09/23/2009)
09/23/2009	<a href="#">733</a>	BRIEF OF AMICUS CURIAE. Document filed by Public Knowledge.(ad) (Entered: 09/24/2009)
09/23/2009		***Attorney Sherman Siy for Public Knowledge, Jef Pearlman for Public Knowledge added. (ad) (Entered: 09/25/2009)
09/24/2009		CASHIERS OFFICE REMARK on <a href="#">730</a> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 09/21/2009, Receipt Number 700386. (jd) (Entered: 09/24/2009)
09/24/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">734</a> Order on Motion to Appear Pro Hac Vice,, to the Attorney Admissions Clerk for updating of Attorney Information. (pl) (Entered: 09/24/2009)
09/24/2009	<a href="#">735</a>	ORDER, that on September 22, 2009, plaintiffs moved for an adjournment of the fairness hearing currently scheduled for October 7, 2009. Defendant Google, Inc. does not oppose the motion. Under all the circumstances, it makes no sense to conduct a hearing on the fairness and reasonableness of the current settlement agreement, as it does not appear that the current settlement will be the operative one. Accordingly, the Court will not proceed with the fairness hearing on October 7, 2009. The Court will, however, conduct a status conference on October 7 at 10 00 a.m. to determine how to proceed with the case as expeditiously as possible, as this case has now been pending for over four years The parties shall attend. Additional relief as set forth in this Order. (Signed by Judge Denny Chin on 9/24/09) (pl) (Entered: 09/24/2009)
09/24/2009	<a href="#">736</a>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Reconsideration. Document filed by The American Society of Media Photographers, Inc.. (Attachments: # <a href="#">1</a> Exhibit Motion to Intervene, # <a href="#">2</a> Exhibit Letter to Chambers, # <a href="#">3</a> Text of Proposed Order Proposed Order) (Saed, Shirley) Modified on 9/25/2009 (jar). (Entered: 09/24/2009)
09/24/2009	<a href="#">737</a>	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU (Certificate of Service) - MOTION for Reconsideration <i>certificate of service</i> . Document filed by The American Society of Media Photographers, Inc..(Saed, Shirley) Modified on 9/25/2009 (jar). (Entered: 09/24/2009)
09/24/2009		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Shirley Saed to RE-FILE Document <a href="#">736</a> MOTION for Reconsideration.. ERROR(S): Supporting

		Documents must be filed individually. Use the event type Memorandum of Law found under event list Replies, Opposition, Supporting Documents. NOTE: The Motion must be correctly re-filed. (jar) (Entered: 09/25/2009)
09/24/2009		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Note to Attorney Shirley Saed to RE-FILE Document <a href="#">737</a> MOTION for Reconsideration <i>certificate of service</i> . The Certificate of Service may be include with the Motion for Reconsideration. However, you may use the event type Certificate of Service Other found under the event list Service of Process (case name and case number must be include with Certificate before re-filing). (jar) (Entered: 09/25/2009)
09/24/2009	<a href="#">743</a>	MOTION for Marc Rotenberg to Appear Pro Hac Vice. Document filed by Electronic Privacy Information Center.(mro) (Entered: 09/28/2009)
09/25/2009	<a href="#">738</a>	MOTION for Reconsideration of <i>Denial of Motion to Intervene for the Limited Purposes of Objecting to the Proposed Class Action Settlement Agreement and Preserving Right to Appeal</i> . Document filed by The American Society of Media Photographers, Inc., Graphic Artists Guild, Picture Archive Council of America, North American Nature Photography Association, Joel Meyerowitz, Dan Budnick, Peter Turner, Lou Jacobs, Jr. (Saed, Shirley) (Entered: 09/25/2009)
09/25/2009	<a href="#">739</a>	MEMORANDUM OF LAW in Support re: <a href="#">738</a> MOTION for Reconsideration of <i>Denial of Motion to Intervene for the Limited Purposes of Objecting to the Proposed Class Action Settlement Agreement and Preserving Right to Appeal</i> .. Document filed by The American Society of Media Photographers, Inc., Graphic Artists Guild, Picture Archive Council of America, North American Nature Photography Association, Joel Meyerowitz, Dan Budnick, Peter Turner, Lou Jacobs, Jr. (Saed, Shirley) (Entered: 09/25/2009)
09/25/2009	<a href="#">740</a>	ORDER granting <a href="#">731</a> Motion for Charles B. Casper to Appear Pro Hac Vice. (Signed by Judge Denny Chin on 9/25/09) (js) (Entered: 09/25/2009)
09/25/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">740</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (js) (Entered: 09/25/2009)
09/25/2009	<a href="#">741</a>	ORDER granting <a href="#">732</a> Motion for Richard Montgomery Donaldson to Appear Pro Hac Vice. (Signed by Judge Denny Chin on 9/25/09) (js) (Entered: 09/25/2009)
09/25/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">741</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (js) (Entered: 09/25/2009)
09/25/2009	<a href="#">742</a>	ORDER granting <a href="#">730</a> Motion for Robert J. LaRocca to Appear Pro Hac Vice. (Signed by Judge Denny Chin on 9/25/09) (js) (Entered: 09/25/2009)
09/25/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">742</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (js) (Entered: 09/25/2009)

09/25/2009	<a href="#">744</a>	MOTION for Mark Edward Avsec to Appear Pro Hac Vice. Document filed by Canadian Standard Association.(mro) (Entered: 09/28/2009)
09/28/2009		CASHIERS OFFICE REMARK on <a href="#">732</a> Motion to Appear Pro Hac Vice, <a href="#">731</a> Motion to Appear Pro Hac Vice in the amount of \$50.00, paid on 09/22/2009, Receipt Number 700437. (jd) (Entered: 09/28/2009)
09/28/2009	<a href="#">745</a>	MOTION for Norman W. Marden to Appear Pro Hac Vice. Document filed by Commonwealth of Pennsylvania.(mro) (Entered: 10/01/2009)
09/29/2009		CASHIERS OFFICE REMARK on <a href="#">743</a> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 09/24/2009, Receipt Number 700552. (jd) (Entered: 09/29/2009)
09/29/2009		CASHIERS OFFICE REMARK on <a href="#">744</a> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 09/25/2009, Receipt Number 701530. (jd) (Entered: 09/29/2009)
10/01/2009		CASHIERS OFFICE REMARK on <a href="#">745</a> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 09/28/2009, Receipt Number 701643. (jd) (Entered: 10/01/2009)
10/01/2009	<a href="#">746</a>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION, that Marc Rotenberg is admitted to practice pro hac vice as counsel for EPIC. (Signed by Judge Denny Chin on 10/1/09) (pl) (Entered: 10/01/2009)
10/01/2009	<a href="#">747</a>	ORDER, granting <a href="#">744</a> Motion for Mark E. Avsec, Esq. to Appear Pro Hac Vice be admitted to the Bar of this court pro hac vice as counsel for Canadian Standards Association, upon payment of the pro hac vice fee to the Clerk of the Court. (Signed by Judge Denny Chin on 10/1/09) (pl) (Entered: 10/01/2009)
10/02/2009	<a href="#">748</a>	NOTICE of of Objection. Document filed by Electronic Privacy Information Center. (Rotenberg, Marc) (Entered: 10/02/2009)
10/06/2009	<a href="#">749</a>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT (LETTER) - TRANSCRIPT REQUEST <i>Court Reporter Request</i> for proceedings held on Oct. 7, 2009 before Judge Denny Chin. Document filed by Darlene Marshall.(Weiss, Matthew) Modified on 10/8/2009 (jar). (Entered: 10/06/2009)
10/06/2009	<a href="#">750</a>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Writ of Mandamus as to Judge Denny Chin. Document filed by Darlene Marshall. (Weiss, Matthew) Modified on 10/8/2009 (jar). (Entered: 10/06/2009)
10/06/2009	<a href="#">751</a>	ORDER: The Court has received the following requests regarding the status conference scheduled for October 7, 2009, at 10 a.m. in this case: 1. To have a court reporter present at the status conference; and 2. To audio or video record the status conference. The first request is granted; it was always the Court's intention to have a court reporter present to transcribe the conference. The second request is denied; the Court will not permit audio or video recording of the proceeding. (Signed by Judge Denny Chin on 10/6/2009) (rw) (Entered: 10/06/2009)



10/06/2009		***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. <a href="#">749</a> HAS BEEN REJECTED. Note to Attorney Matthew Weiss : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (jar) (Entered: 10/08/2009)
10/06/2009		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Matthew Weiss to RE-FILE Document <a href="#">750</a> MOTION for Writ of Mandamus as to Judge Denny Chin. ERROR(S): Case number missing from document. (jar) (Entered: 10/08/2009)
10/07/2009	<a href="#">752</a>	NOTICE OF APPEAL from <a href="#">428</a> Order,, Document filed by The American Society of Media Photographers, Inc., Picture Archive Council of America, North American Nature Photography Association, Joel Meyerowitz, Dan Budnick, Peter Turner, Lou Jacobs, Jr. Filing fee \$ 455.00, receipt number E 702434. (nd) (Entered: 10/07/2009)
10/07/2009		Transmission of Notice of Appeal to the District Judge re: <a href="#">752</a> Notice of Appeal,. (nd) (Entered: 10/07/2009)
10/07/2009		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <a href="#">752</a> Notice of Appeal,. (nd) (Entered: 10/07/2009)
10/08/2009	<a href="#">753</a>	MANDATE of USCA (Certified Copy) USCA Case Number 09-41420-op. IT IS HEREBY ORDERED that the Petitioner's Emergency Petition for Writ of Mandamus is DENIED. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 10/6/2009. (nd) (Entered: 10/08/2009)
10/08/2009	<a href="#">754</a>	ENDORSED LETTER addressed to Judge Denny Chin from Michael J. Boni dated 10/5/09 re: Plaintiffs request that the Court deny the ASMP movants' motion for reconsideration. ENDORSEMENT: The Clerk of the Court shall accept this letter for filing, and the ASMP movants shall respond by 10/14/09. (Signed by Judge Denny Chin on 10/7/09) (tro) (Entered: 10/08/2009)
10/09/2009	<a href="#">755</a>	ORDER granting <a href="#">745</a> Motion for Norman W. Marden to Appear Pro Hac Vice for Commonwealth of Pennsylvania. (Signed by Judge Denny Chin on 10/8/2009) (jmi) (Entered: 10/09/2009)
10/09/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">755</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jmi) (Entered: 10/09/2009)
10/09/2009	<a href="#">756</a>	NOTICE OF APPEAL from <a href="#">308</a> Order on Motion to Intervene. Document filed by Lewis Hyde, Harry Lewis, Nicholas Negroponte, Charles Nesson. Filing fee \$ 455.00, receipt number E 702610. (nd) (Entered: 10/09/2009)
10/09/2009		Transmission of Notice of Appeal to the District Judge re: <a href="#">756</a> Notice of Appeal. (nd) (Entered: 10/09/2009)
10/09/2009		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <a href="#">756</a> Notice of Appeal. (nd) (Entered: 10/09/2009)

10/14/2009	<a href="#">757</a>	REPLY MEMORANDUM OF LAW in Support re: <a href="#">738</a> MOTION for Reconsideration of Denial of Motion to Intervene for the Limited Purposes of Objecting to the Proposed Class Action Settlement Agreement and Preserving Right to Appeal.. Document filed by The American Society of Media Photographers, Inc., Graphic Artists Guild, Picture Archive Council of America, North American Nature Photography Association, Joel Meyerowitz, Dan Budnick, Peter Turner, Lou Jacobs, Jr. (Attachments: # <a href="#">1</a> Exhibit Exhibit 1, # <a href="#">2</a> Exhibit Exhibit 2)(DeVries, Christina) (Entered: 10/14/2009)
10/14/2009	<a href="#">758</a>	CERTIFICATE OF SERVICE of Reply in Support of Motion for Reconsideration served on The Authors Guild on October 14, 2009. Service was made by Mail. Document filed by The American Society of Media Photographers, Inc., Graphic Artists Guild, Picture Archive Council of America, North American Nature Photography Association, Joel Meyerowitz, Dan Budnick, Peter Turner, Lou Jacobs, Jr. (DeVries, Christina) (Entered: 10/14/2009)
10/16/2009	<a href="#">759</a>	NOTICE OF APPEARANCE by Christina Jacqueline DeVries on behalf of The American Society of Media Photographers, Inc., Graphic Artists Guild, Picture Archive Council of America, North American Nature Photography Association, Joel Meyerowitz, Dan Budnick, Lou Jacobs, Jr (DeVries, Christina) (Entered: 10/16/2009)
10/16/2009	766	TRANSCRIPT of proceedings held on 10/7/09 before Judge Denny Chin. (tro) (Entered: 11/05/2009)
10/22/2009	<a href="#">760</a>	NOTICE of Amended Settlement Issues. Document filed by Electronic Frontier Foundation et al.. (Rudman, Samuel) (Entered: 10/22/2009)
10/28/2009	<a href="#">761</a>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION to Withdraw. Document filed by Eric Jager, Harold Bloom, Elliot Abrams, Charlotte Allen, Phyllis Ammons, Richard Arney, Jacques Barzun, Nicholas Basbanes, Stephen Bates, Shawn J. Bayern, Jack Beerman, Michael Behe, Michael Cox, Douglas Crase, Frank Gonzalez-Crussi, Midge Decter, John Derbyshire, Thomas M. Disch, Gerald Early, Mel Eisenberg, Richard A. Epstein, Henry Fetter, David D. Friedman, David Gelernter, Gabrielle Glaser, Mary Ann Glendon, Victor Davis Hanson, Robert Herbold, Arthur Herman, Charles Hill, Manuela Hoelterhoff, Richard Howard, Ishmael Jones, Donald Kagan, David Kuo, Michael Ledeen, Susan Lee, Mary Lefkowitz, David Lehman, John Lehman, Howard Markel, Sherwin B. Nuland, Steven Ozment, Michael Perry, Norman Podhoretz, Diane Ravitch, Ralph Reed, Harriet Rubin, Sarah Ruden, Roy Spencer, Geoffrey R. Stone, Charles Sykes, Terry Teachout, Paco Underhill, Ruth Wisse, Elizabeth Wurtzel, John Yoo, Wendy Shalit, American Society of Journalists and Authors. (Attachments: # <a href="#">1</a> Affidavit In Support of Withdrawal)(Hall, Joseph) Modified on 10/29/2009 (jar). (Entered: 10/28/2009)
10/28/2009		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Joseph Hall to RE-FILE Document <a href="#">761</a> MOTION to Withdraw. ERROR(S): Supporting Document

		must be filed individually. Use the event type Affidavit in Support found under event list Replies, Oppositions, Supporting Documents. NOTE: The Motion must be correctly re-filed. (jar) (Entered: 10/29/2009)
10/29/2009	<a href="#">762</a>	MOTION to Withdraw. Document filed by Eric Jager, Harold Bloom, Elliot Abrams, Charlotte Allen, Phyllis Ammons, Richard Arney, Jacques Barzun, Nicholas Basbanes, Stephen Bates, Shawn J. Bayern, Jack Beerman, Michael Behe, Michael Cox, Douglas Crase, Frank Gonzalez-Crussi, Midge Decter, John Derbyshire, Thomas M. Disch, Gerald Early, Mel Eisenberg, Richard A. Epstein, Henry Fetter, David D. Friedman, Gabrielle Glaser, Mary Ann Glendon, Victor Davis Hanson, Robert Herbold, Arthur Herman, Charles Hill, Manuela Hoelterhoff, Ishmael Jones, Donald Kagan, David Kuo, Michael Ledeen, Mary Lefkowitz, David Lehman, John Lehman, Howard Markel, Sherwin B. Nuland, Steven Ozment, Michael Perry, Norman Podhoretz, Diane Ravitch, Ralph Reed, Harriet Rubin, Sarah Ruden, Roy Spencer, Geoffrey R. Stone, Charles Sykes, Terry Teachout, Ruth Wisse, Elizabeth Wurtzel, John Yoo, Wendy Shalit.(Hall, Joseph) (Entered: 10/29/2009)
10/29/2009	<a href="#">763</a>	AFFIDAVIT of Joseph S. Hall in Support re: <a href="#">762</a> MOTION to Withdraw.. Document filed by Eric Jager, Harold Bloom, Elliot Abrams, Charlotte Allen, Phyllis Ammons, Richard Arney, Jacques Barzun, Nicholas Basbanes, Stephen Bates, Shawn J. Bayern, Jack Beerman, Michael Behe, Michael Cox, Douglas Crase, Frank Gonzalez-Crussi, Midge Decter, John Derbyshire, Thomas M. Disch, Gerald Early, Mel Eisenberg, Richard A. Epstein, Henry Fetter, David Gelernter, Gabrielle Glaser, Mary Ann Glendon, Robert Herbold, Arthur Herman, Charles Hill, Manuela Hoelterhoff, Richard Howard, Ishmael Jones, David Kuo, Michael Ledeen, Susan Lee, Mary Lefkowitz, David Lehman, John Lehman, Howard Markel, Sherwin B. Nuland, Steven Ozment, Michael Perry, Norman Podhoretz, Diane Ravitch, Ralph Reed, Sarah Ruden, Peter Schweizer, Roy Spencer, Geoffrey R. Stone, Charles Sykes, Terry Teachout, Paco Underhill, Ruth Wisse, Elizabeth Wurtzel, John Yoo, Wendy Shalit, American Society of Journalists and Authors. (Hall, Joseph) (Entered: 10/29/2009)
10/30/2009	<a href="#">764</a>	MEMO ENDORSED ON MOTION FOR LEAVE TO WITHDRAW APPEARANCE. ENDORSEMENT: Approved. So Ordered. (Signed by Judge Denny Chin on 10/30/09) (dle) (Entered: 11/02/2009)
11/04/2009	<a href="#">765</a>	MEMORANDUM DECISION for the reasons set forth above, denying <a href="#">738</a> Motion for Reconsideration. (Signed by Judge Denny Chin on 11/4/09) (cd) (Entered: 11/04/2009)
11/09/2009	<a href="#">767</a>	ENDORSED LETTER addressed to Judge Denny Chin from Michael J. Boni dated 11/9/09 re: counsel for plaintiff writes on behalf of the parties, I write to advise the Court that plaintiffs expect to file their motion seeking preliminary approval of the Amended Settlement Agreement by no later than this Friday, November 13, 2009. ENDORSEMENT: Approved. So Ordered. (Signed by Judge Denny Chin on 11/9/09) (pl) (Entered: 11/09/2009)
11/13/2009	<a href="#">768</a>	MOTION to Approve / <i>Notice of Motion for Preliminary Approval of</i>



		<i>Amended Settlement Agreement.</i> Document filed by Association of American Publishers, Inc., The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc..(Keller, Bruce) (Entered: 11/13/2009)
11/13/2009	<a href="#">769</a>	MEMORANDUM OF LAW in Support re: <a href="#">768</a> MOTION to Approve / <i>Notice of Motion for Preliminary Approval of Amended Settlement Agreement..</i> Document filed by Association of American Publishers, Inc., The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc.. (Keller, Bruce) (Entered: 11/13/2009)
11/13/2009	<a href="#">770</a>	DECLARATION of Michael J. Boni in Support re: <a href="#">768</a> MOTION to Approve / <i>Notice of Motion for Preliminary Approval of Amended Settlement Agreement..</i> Document filed by Association of American Publishers, Inc., The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc.. (Attachments: # <a href="#">1</a> Exhibit 1 - Amended Settlement Agreement, # <a href="#">2</a> Exhibit 2 - Changes made to Amended Settlement Agreement)(Keller, Bruce) (Entered: 11/13/2009)
11/16/2009	<a href="#">782</a>	THIRD AMENDED COMPLAINT amending <a href="#">1</a> Complaint, <a href="#">36</a> Amended Complaint, <a href="#">59</a> Second Amended Complaint, against Google Inc.Document filed by Canadian Standard Association, Association of American Publishers, Inc., Associational Plaintiffs, The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc., The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman. Related document: <a href="#">1</a> Complaint filed by The Author's Guild, Betty Miles, Herbert Mitgang, Daniel Hoffman, <a href="#">36</a> Amended Complaint, filed by The Author's Guild, Betty Miles, Joseph Goulden, Paul Dickson, Herbert Mitgang, Daniel Hoffman, <a href="#">59</a> Second Amended Complaint,, filed by The Author's Guild, Joseph Goulden, Simon & Schuster, Inc., Herbert Mitgang, Associational Plaintiffs, John Wiley & Sons, Inc., Betty Miles, Paul Dickson, Association of American Publishers, Inc., Daniel Hoffman, The McGraw-Hill Companies, Inc., Pearson Education, Inc. (ae) (Entered: 12/04/2009)
11/19/2009	<a href="#">771</a>	NOTICE of Withdrawal of Objection re: <a href="#">297</a> Affirmation in Opposition to Motion,. Document filed by Songwriters Guild of America. (Fedele, John) (Entered: 11/19/2009)
11/19/2009	<a href="#">772</a>	ORDER GRANTING PRELIMINARY APPROVAL OF AMENDED SETTLEMENT AGREEMENT: granting <a href="#">768</a> Motion to Approve preliminary approval of an Amended Settlement Agreement among plaintiffs and defendant. All other provisions as set forth in this order. A final settlement/fairness hearing shall be held on February 18, 2010 at 10:00 a.m. So Ordered. (Signed by Judge Denny Chin on 11/19/09) (js) (Entered: 11/19/2009)
11/19/2009	<a href="#">773</a>	STIPULATION AND ORDER FOR AMENDMENT: The Clerk of the Court is directed to docket the Third Amended Complaint as filed on the date this stipulation and order are entered on the docket, and plaintiffs shall follow up with submission of an electronic version of the amended

		complaint in accordance with the Court's ECF Rules and Instructions. So Ordered (Signed by Judge Denny Chin on 11/19/09) (js) (Entered: 11/19/2009)
11/19/2009		Set Deadlines/Hearings: Settlement Conference set for 2/18/2009 at 10:00 AM before Judge Denny Chin. (js) (Entered: 11/20/2009)
11/19/2009	<a href="#">777</a>	MOTION for Jonathan Band to Appear Pro Hac Vice. Document filed by America Library Association, Association of College and Research Libraries and Association of Research Libraries.(mro) (Entered: 11/24/2009)
11/20/2009	<a href="#">774</a>	MOTION for Reconsideration of <i>Order Granting Preliminary Approval of Amended Settlement Agreement</i> . Document filed by Amazon.com, Inc.. (Wiles, Alexander) (Entered: 11/20/2009)
11/20/2009	<a href="#">775</a>	MEMORANDUM OF LAW in Support re: <a href="#">774</a> MOTION for Reconsideration of <i>Order Granting Preliminary Approval of Amended Settlement Agreement</i> .. Document filed by Amazon.com, Inc.. (Wiles, Alexander) (Entered: 11/20/2009)
11/24/2009	<a href="#">776</a>	ORDER granting <a href="#">266</a> Motion for John B. Morris, Jr. to Appear Pro Hac Vice for Amicus Curaie. (Signed by Judge Denny Chin on 11/23/2009) (jmi) (Entered: 11/24/2009)
11/24/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">776</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jmi) (Entered: 11/24/2009)
11/25/2009	<a href="#">778</a>	ENDORSED LETTER addressed to Judge Denny Chin from John D. Clopper dated 11/24/09 re: Counsel requests that the Court clarify the Government's deadline for submitting a statement regarding the amended settlement agreement in this action as 2/4/2010. ENDORSEMENT: SO ORDERED. (Signed by Judge Denny Chin on 11/25/09) (tro) (Entered: 11/30/2009)
12/01/2009	<a href="#">779</a>	MEMORANDUM DECISION denying <a href="#">774</a> Motion for Reconsideration. Amazon's motion for reconsideration is denied. Amazon may set forth its arguments in its objections to the proposed settlement in conjunction with the final settlement approval process. Amazon also requests that the Court amend its preliminary approval order with regard to the mechanism by which objectors may submit objections to the proposed settlement. The order provides that objectors may now object only to amended terms of the settlement agreement, and that the time for objecting to the original settlement terms has passed. The Court will consider objections to the amended settlement in conjunction with previously-submitted objections to the original settlement. Amazon asks that, instead, objectors be permitted to withdraw their previous objections and to submit superseding objections that relate to both the original and the amended settlement terms. This request is denied, but to the extent that objectors find it necessary to refer to their prior objections now to present "cohesive and accurate filings," they may do so. (Signed by Judge Denny Chin on 12/1/09) (tro) (Entered: 12/02/2009)
12/01/2009	<a href="#">780</a>	AMENDED NOTICE OF APPEAL re: <a href="#">752</a> Notice of Appeal, <a href="#">765</a> Order on

		Motion for Reconsideration, <a href="#">428</a> Order. Document filed by The American Society of Media Photographers, Inc., Graphic Artists Guild, Picture Archive Council of America, North American Nature Photography Association, Joel Meyerowitz, Dan Budnick, Peter Turner, Lou Jacobs, Jr. (nd) (Entered: 12/02/2009)
12/02/2009		Transmission of Notice of Appeal to the District Judge re: <a href="#">780</a> Amended Notice of Appeal,. (nd) (Entered: 12/02/2009)
12/02/2009		Transmission of Amended Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <a href="#">780</a> Amended Notice of Appeal,. (nd) (Entered: 12/02/2009)
12/03/2009	<a href="#">781</a>	ORDER granting <a href="#">777</a> Motion for Jonathan Band to Appear Pro Hac Vice for America Library Association, Association of College and Research Libraries and Association of Research Libraries. (Signed by Judge Denny Chin on 12/3/2009) (jmi) (Entered: 12/04/2009)
12/03/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">781</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jmi) (Entered: 12/04/2009)
12/04/2009		CASHIERS OFFICE REMARK on <a href="#">777</a> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 11/19/2009, Receipt Number 706520. (jd) (Entered: 12/04/2009)
01/26/2010	<a href="#">783</a>	LETTER addressed to Judge Denny Chin from Dina Cox dated 1/19/10 re: Proposed Google Book Settlement and I am opting out, filed by Dina Cox. (cd) (Entered: 01/26/2010)
01/26/2010	<a href="#">784</a>	LETTER addressed to Judge Denny Chin from Edward Lipsett dated 1/12/2010 re: By this letter, I opt out of the proposed settlement in this case. (jmi) (Entered: 01/27/2010)
01/26/2010	<a href="#">785</a>	LETTER addressed to Judge Denny Chin from Luis Ortiz dated 1/11/2010 re: By this letter, I opt out of the proposed settlement in this case. (jmi) (Entered: 01/27/2010)
01/26/2010	<a href="#">786</a>	LETTER addressed to Judge Denny Chin from Jonatha Ceely dated 1/19/2010 re: By this letter, I opt out of the proposed settlement in this case. (jmi) (Entered: 01/27/2010)
01/26/2010	<a href="#">787</a>	LETTER addressed to Judge Denny Chin from Margaret Jane Ross dated 1/20/2010 re: By this letter, I opt out of the proposed settlement in this case. (jmi) (Entered: 01/27/2010)
01/26/2010	<a href="#">788</a>	LETTER addressed to Judge Denny Chin from Margaret Jane Ross (Mr. Cooke) dated 1/19/2010 re: By this letter, I opt out of the proposed settlement in this case. (jmi) (Entered: 01/27/2010)
01/26/2010	<a href="#">789</a>	LETTER addressed to Judge Denny Chin from Dina E. Cox dated 1/19/2010 re: By this letter, I opt out of the proposed settlement in this case. (jmi) (Entered: 01/27/2010)

01/26/2010	<a href="#">790</a>	LETTER addressed to Judge Denny Chin from Barbara Morrison dated 1/26/2010 re: I opt out of the proposed settlement in this case. I am opting out of both the "Author Sub-Class" and the "Publisher Sub-Class", and out of the settlement in its entirety. I have written and/or published works under names including, but not limited to, the following variant spellings, forms, pen names, and/or pseudonyms: B.Morrison, Barbara Morrison. I am the owner of Cottey House Press. (mbe) (mbe). (Entered: 01/27/2010)
01/26/2010	<a href="#">791</a>	LETTER addressed to Judge Denny Chin from Paul N. Courant dated 1/18/2010 re: I write to express my interest in speaking at the Fairness Hearing per your order of 19 November 2009. My interest in the case are many. I am an active scholar in economics and public policy, and am the author of many works that are subject to the settlement. I am also the University Librarian and Dean of Libraries at the University of Michigan, and was the Provost and Executive Vice-President of the University at the time that Google began scanning the University's collections. In my role as librarian I oversee the University of Michigan Press, a significant academic publisher. As Provost and as Librarian I have been closely engaged for several years with the Google scanning project, and the aspects of the settlement that have implication for participating libraries. As an active scholar and member of the author class, as an academic administrator, and as the head of a major research library with responsibility for a university press, it is my strongly held opinion that the settlement will be of great benefit to the general public and to scholarly practice and progress. I would be most grateful for the opportunity to share these views with the Court at the Fairness Hearing.(mbe) (Entered: 01/27/2010)
01/26/2010	<a href="#">792</a>	LETTER addressed to Judge Denny Chin from Antonio Ma. Avila dated 1/26/2010 re: I am the Executive Director of the Federation de Gremios de Editores de Espana. We write to object to the Amended Settlement Agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicative filings. We therefore object to the Amended Settlement Agreement by reference to the observations of Borsenverein de Deutschen Buchhandels, Syndicat National de l'edition and Associazione Italiana Editore, in its amicus curiae letter, which hereby become an integral part of our own objections as filed herewith. (mbe) (Entered: 01/27/2010)
01/26/2010	<a href="#">796</a>	LETTER addressed to Judge Denny Chin from Racheli Edelman dated 1/24/2010 re: I am and Israeli Publisher of Schocken Publishing house and the Hebrew Encyclopedia. We were very pleased to get the honorable court decision to exclude all books that are not being published in the US in the Canada, the UK and Australia from the Google Settlement agreement. Nevertheless we would like to make sure that all the books that were published by the following publishing houses will be removed from the Google Books sites. Therefore we will be grateful if the court will authorize Google not to put the above mentioned publishing houses titles on their books sites.(mbe) (Entered: 01/27/2010)
01/26/2010	<a href="#">797</a>	LETTER addressed to Judge Denny Chin from Sandra Csillag dated 1/18/2010 re: We respectfully request the court's permission to submit this

		letter as an amicus curiae brief opposing approval of the Amended Settlement Agreement in the above case. Literar-Mechana therefore requests the Court to deny final approval of the Amended Settlement Agreement unless the following amendments are made.(mbe) (Entered: 01/27/2010)
01/26/2010		***DELETED DOCUMENT. Deleted document number 793 Letter. The document was filed as a duplicate entry in this case. (dj) (Entered: 01/27/2010)
01/26/2010		***DELETED DOCUMENT. Deleted document number 794 letter. The document was filed as a duplicate entry in this case. (dj) (Entered: 01/27/2010)
01/26/2010		***DELETED DOCUMENT. Deleted document number 795 letter. The document was filed as a duplicate entry in this case. (dj) (Entered: 01/27/2010)
01/26/2010		****DELETED DOCUMENT. Deleted document number 798 letter. The document was filed as a duplicate entry in this case. (dj) (Entered: 01/27/2010)
01/26/2010	<a href="#">812</a>	LETTER addressed to Judge Denny Chin from Antonio Ma. Avila dated 1/26/10 re: Antonio Ma. Avila writes to object to the Amended Settlement Agreement. We do not have the resources to provide this Court with legal briefing regarding our objections nor do we wish to burden this Court with duplicative filings. We therefore object to the Amended Settlement Agreement by reference to the observations of Borsenverein des Deutschen Buchhandels, Syndicat National de l'edition and Associazione Italiana Editore. in its amicus curiae letter, which hereby become an integral part of our own objections as filed herewith. (pl) (Entered: 01/27/2010)
01/26/2010	<a href="#">813</a>	LETTER addressed to Office of the Clerk, U.S. District Court for the Southern District of New York from Douglas Johnson and Maureen Johnson dated 1/26/10 re: I am opting out of both the "Author Sub-Class" and the "Publisher Sub-Class," and out of the settlement in its entirety. (pl) (Entered: 01/27/2010)
01/27/2010	<a href="#">799</a>	LETTER addressed to J. Michael McMahon from Graham Swift dated 1/14/2010 re: Google Book Settlement. Please find enclosed for your reference a copy of my letter, mailed (by UK certified airmail) on 14th January 2010 to the Google Book Search Administrator, by which I opt out of the Google Book Settlement. Please confirm your receipt and filing of this letter and enclosure. (mbe) (Entered: 01/27/2010)
01/27/2010	<a href="#">800</a>	LETTER addressed to Judge Denny Chin from David R. M. Prest dated undated re: party notifies the Court that is opting out of ht proposed settlement in this case. Opting out of both the Author Sub-Class and Publisher Sub-Class and our to the settlement in its entirety. (dj) (Entered: 01/27/2010)
01/27/2010	<a href="#">801</a>	LETTER addressed to the Clerk of the Court from Blaine Regan Newton dated 1/12/10 re: party notified the Court that he is opting our of the settlement in this case, both the Author sub-Class and the Publisher Sub-



		Class and out of the settlement in its entirety. (dj) (Entered: 01/27/2010)
01/27/2010	<a href="#">802</a>	LETTER addressed to the Clerk of the Court from Vivian Kane dated 1/5/10 re: party notified the Court that she is opting out of the settlement in this case, both the Author sub-Class and the Publisher Sub-Class and out of the settlement in its entirety. (dj) (Entered: 01/27/2010)
01/27/2010	<a href="#">804</a>	LETTER addressed to the Clerk of the Court from Leigh Faulkner, dated 1/12/10 re: party notified the Court that she is opting out of the settlement in this case, both the Author sub-Class and the Publisher Sub-Class and out of the settlement in its entirety. (dj) (Entered: 01/27/2010)
01/27/2010	<a href="#">805</a>	LETTER addressed to the Clerk of the Court from Alisa Smith, dated 1/6/08 re: party notifies the Court that she is opting out of the settlement in this case, both the Author sub-Class and the Publisher Sub-Class and out of the settlement in its entirety. (dj) (Entered: 01/27/2010)
01/27/2010	<a href="#">806</a>	LETTER addressed to the Clerk of the Court from Blaine Regan Newton dated 1/12/10 re: party notified the Court that she is opting out of the settlement in this case, both the Author sub-Class and the Publisher Sub-Class and out of the settlement in its entirety. (dj) (Entered: 01/27/2010)
01/27/2010	<a href="#">807</a>	LETTER from Niyogi Books dated undated re: OBJECTIONS OF NIYOGI BOOKS, IPP CATALOGUE PUBLICATIONS, STAR PUBLICATIONS PVT. LTD., PIJSTAK MAHAL, UNICORN BOOKS I)VT. LTD, LAXMI PUBLICATIONS PVT. LTD., PRAGUN PUBLICATION, ESS ESSPUBLICATIONS, NEW CENTURY PUBLICATION, DAYA PUBLISHING HOUSE, ARORA LAW BOOK AGENCY, DR. SAROJINI PRITAM AND AAKAR BOOKS TO THE PROPOSED REVISED SETTLEMENT AND BRIEF OF AMICI CURIAE, FEDERATION OF INDIAN PUBLISHERS, THE INDIAN REPROGRAPHIC RIGHTS ORGANIZATION AND PROFESSOR RAVI SHANKER (dj) (Entered: 01/27/2010)
01/27/2010	<a href="#">808</a>	LETTER addressed to Court from Clare Morrall dated 1/13/10 re: this is to give notice that I am opting out of the Author Sub-Class in the Google Book Settlement, and from any participation in the settlement. (dj) (Entered: 01/27/2010)
01/27/2010	<a href="#">809</a>	LETTER addressed to Clerk of Court from Matthew Charles Francis dated 1/14/10 re: party notifies court that he is opting out of both the Author Sub-Class and Publisher Sub-Class and out of the settlement in its entirety. (dj) (Entered: 01/27/2010)
01/27/2010	<a href="#">810</a>	LETTER addressed to Google Book Search Settlement Admin. from Heather Morrall dated undated re: party gives notice that he is opting out of the Author Sub-Class in the Google Book Settlement, and from any participation in the settlement. (dj) (Entered: 01/27/2010)
01/27/2010	<a href="#">811</a>	MEMORANDUM OF LAW <i>MEMORANDUM OF AMICUS CURIAE THE INTERNET ARCHIVE IN OPPOSITION TO AMENDED SETTLEMENT AGREEMENT</i> . Document filed by The Internet Archive. (Boccanfuso, Anthony) (Entered: 01/27/2010)

01/27/2010	<a href="#">814</a>	LETTER addressed to Office of the Clerk, U.S. District Court for the Southern District of New York from Andrea Winterbottom dated 1/4/10 re: Andrea Winterbottom writes by this letter, to opt out of the proposed settlement in this case. I am opting out of both the "Author Sub-Class" and the "Publisher Sub-Class," and out of the settlement in its entirety. (pl) (Entered: 01/27/2010)
01/27/2010	<a href="#">815</a>	LETTER addressed to Google Book Search Settlement Administrator from Chelsea Duke dated 1/4/10 re: Chelsea Duke writes to request that I opt out of the Google Book Settlement in respect of the following work: Title: High Heels and a Head Torch: The Essential Guide for Girls Who Backpack. I am opting out of the Author Sub-Class and am the author of the work. (pl) (Entered: 01/27/2010)
01/27/2010	<a href="#">816</a>	LETTER addressed to Office of the Clerk, U.S. District Court for the Southern District of New York from David McRae dated 1/7/10 re: By this letter, I opt out of the proposed settlement in this case. I am opting out of both the "Author Sub-Class" and the "Publisher Sub-Class" and out of the settlement in its entirety. (pl) (Entered: 01/27/2010)
01/27/2010	<a href="#">817</a>	LETTER addressed to Office of the Clerk J. Michael McMahon from Diana Kimpton dated 1/10/10 re: that as a result of the within objections, I ask the court to refuse to certify the class and to reject the Amended Settlement Agreement. If the Amended Settlement goes back for renegotiation, the minimum changes required include a) limiting its scope to books published in the USA b) limiting its scope to allowing Google to scan books for search purposes only and to display snippets of strictly limited length, determined as a percentage of the whole work or insert. c) treating all in-copyright books the same so that no book that is still in copyright could be used in any way by Google without the express consent of the copyright holder. This would remove all the problems associated with deciding if a book is Not Commercially Available, remove the need for an unclaimed works fiduciary and give all copyright holders the protection they are entitled to under International Copyright Law. (pl) (Entered: 01/27/2010)
01/27/2010	<a href="#">818</a>	LETTER addressed to Office of the Clerk, U.S. District Court for the Southern District of New York from Erika Faith Larsen dated 1/27/10 re: By this letter, I opt out of the proposed settlement in this case. I am opting out of both the "Author Sub-Class" and the "Publisher Sub-Class," and out of the settlement in its entirety. (pl) (Entered: 01/27/2010)
01/27/2010	<a href="#">819</a>	LETTER addressed to Office of the Clerk, U.S. District Court for the Southern District of New York from Thomas King, Hartley Goodweather dated 1/27/10 re: By this letter, I opt out of the proposed settlement in this case. I am opting out of both the "Author Sub-Class" and the "Publisher Sub-Class" and out of the settlement in its entirety. (pl) (Entered: 01/27/2010)
01/27/2010	<a href="#">820</a>	NOTICE of FILING OF OBJECTION TO AMENDED SETTLEMENT. Document filed by Hachette Livre SA, Librairie Arthme Fayard SA, Dunod Editeur SA, Les Editions Hatier SNC, Editions Larousse SAS. (Attachments: # <a href="#">1</a> Exhibit 1)(Micheletto, Robert) (Entered: 01/27/2010)

01/27/2010	<a href="#">821</a>	LETTER addressed to Google Book Search Settlement Administrator from Tony Peake dated 12/24/09 re: This is to confirm that as an author I wish to opt out of the Google settlement, which I have already done on line. In addition, I do not want my books to be digitized - and I request that any books of mine that have been digitized be removed from Google's database. (pl) (Entered: 01/27/2010)
01/27/2010	<a href="#">822</a>	NOTICE of FILING OF OBJECTION TO AMENDED SETTLEMENT. Document filed by Hachette UK Limited. (Attachments: # <a href="#">1</a> Exhibit 1) (Micheletto, Robert) (Entered: 01/27/2010)
01/27/2010	<a href="#">823</a>	Objection of Amazon.com, Inc., to Proposed Amended Settlement. Document filed by Amazon.com, Inc.. (Wiles, Alexander) (Entered: 01/27/2010)
01/27/2010	<a href="#">824</a>	NOTICE OF APPEARANCE by Cindy A. Cohn on behalf of Electronic Frontier Foundation et al. (Cohn, Cindy) (Entered: 01/27/2010)
01/27/2010	<a href="#">826</a>	LETTER addressed to Judge Denny Chin from Jacqueline C. Hushion dated 1/27/10 re: request that the Court approve the amended Google Book Settlement as proposed. Document filed by The Canadian Publishers' Council.(dle) (Entered: 01/28/2010)
01/27/2010		***DELETED DOCUMENT. Deleted document number 803 LETTER. The document was incorrectly filed in this case. (ae) (Entered: 03/19/2010)
01/28/2010	<a href="#">825</a>	LETTER addressed to Judge Denny Chin from Simon Juden dated 1/27/10 re: request thta the Court approve the Amended Settlement Agreement. Document filed by Publisher's Association.(dle) (Entered: 01/28/2010)
01/28/2010	<a href="#">827</a>	LETTER addressed to Judge Denny Chin from Magdalena Vinent dated 1/22/10 re: CEDRO requests the Court's permission to submit this letter as an amicus curiae brief opposing approval of the amended settlement agreement. Document filed by CEDRO.(dle) (Entered: 01/28/2010)
01/28/2010	<a href="#">828</a>	LETTER addressed to Judge Denny Chin from Antoine Gallimard dated 1/26/10 re: objection to the amended settlement agreement. Document filed by Antoine Gallimard.(dle) (Entered: 01/28/2010)
01/28/2010	<a href="#">829</a>	LETTER addressed to Judge Denny Chin from Francis Esmenard, President dated 1/26/10 re: objection to the Amended Settlement Agreement. Document filed by Editions Albin Michel.(dle) (Entered: 01/28/2010)
01/28/2010	<a href="#">830</a>	LETTER addressed to Judge Denny Chin from Maree McCaskill dated 1/28/10 re: request that the Court accept and approve the Amended Settlement in the form in which it currently appears. Document filed by Australian Publishers Association.(dle) (Entered: 01/28/2010)
01/28/2010	<a href="#">831</a>	LETTER addressed to Judge Denny Chin from Alain Kouck dated 1/26/10 re: objection to the Amended Settlement Agreement. Document filed by Editis Group.(dle) (Entered: 01/28/2010)
01/28/2010	<a href="#">832</a>	LETTER addressed to J. Michael McMahon, Clerk of the Court from John Mauldin dated 1/18/10 re: objection to the Amended Settlement Agreement. Document filed by John Mauldin.(dle) (Entered: 01/28/2010)



01/28/2010	<a href="#">833</a>	LETTER addressed to Judge Denny Chin from Irene Lindon dated 1/26/10 re: objection to the Amended Settlement Agreement. Document filed by Les Editions De Minuit S.A.(dle) (Entered: 01/28/2010)
01/28/2010	<a href="#">834</a>	LETTER addressed to Judge Denny Chin from Michel Prigent dated 1/26/10 re: objection to the Amended Settlement Agreement. Document filed by Presses Universitaires de France.(dle) (Entered: 01/28/2010)
01/28/2010	<a href="#">835</a>	NOTICE OF APPEARANCE by Ron Lazebnik on behalf of Science Fiction and Fantasy Writers of America, Inc., American Society of Journalists and Authors, Inc. (Lazebnik, Ron) (Entered: 01/28/2010)
01/28/2010	<a href="#">836</a>	LETTER addressed to Judge Denny Chin from Serge Eyrolles dated 1/26/10 re: objection to the Amended Settlement Agreement. Document filed by French Publishers Association.(dle) (Entered: 01/28/2010)
01/28/2010	<a href="#">837</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Science Fiction and Fantasy Writers of America, Inc..(Lazebnik, Ron) (Entered: 01/28/2010)
01/28/2010	<a href="#">838</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Society of Journalists and Authors, Inc..(Lazebnik, Ron) (Entered: 01/28/2010)
01/28/2010	<a href="#">839</a>	LETTER addressed to Judge Denny Chin from Ursula K. LeGuin dated 1/25/10 re: author LeGuin opts out of settlement and provides petition regarding the Google Book Settlement including 367 signatures. Document filed by Ursula K. LeGuin.(dle) (Entered: 01/28/2010)
01/28/2010	<a href="#">840</a>	MEMORANDUM OF LAW <i>SUPPLEMENTAL MEMORANDUM OF AMICUS CURIAE OPEN BOOK ALLIANCE IN OPPOSITION TO THE PROPOSED SETTLEMENT BETWEEN THE AUTHORS GUILD, INC., ASSOCIATION OF AMERICAN PUBLISHERS, INC., ET AL., AND GOOGLE INC.</i> . Document filed by Open Book Alliance. (Boccanfuso, Anthony) (Entered: 01/28/2010)
01/28/2010	<a href="#">841</a>	SECOND BRIEF of Consumer Watchdog, Amicus Curiae, in Opposition to re: <a href="#">768</a> MOTION to Approve / Notice of Motion for Preliminary Approval of Amended Settlement Agreement. Document filed by Consumer Watchdog. (Fetterman, Daniel) (Entered: 01/28/2010)
01/28/2010	<a href="#">842</a>	Amicus Curiae APPEARANCE entered by John Burnett Morris, Jr on behalf of Center for Democracy & Technology.(Morris, John) (Entered: 01/28/2010)
01/28/2010	<a href="#">843</a>	Objection to the Amended Proposed Settlement. Document filed by Takashi Atouda, Jiro Asada, Takeaki Hori, Shinobu Yoshioka, Kenta Yamada, Tomotsuyo Aizawa, Yu Ohara, Yasumasa Kiyohara, Takashi Tsujii, Akira Nogami, Hiroyuki Shinoda, Toshihiko Yuasa, Hidehiko Nakanishi, Yashio Uemura, Nobuo Uda, Tsukasa Yoshida. (Saito, Yasuhiro) (Entered: 01/28/2010)
01/28/2010	<a href="#">844</a>	NOTICE of Intent to Appear and Be Heard at the Fairness Hearing. Document filed by Takashi Atouda, Jiro Asada, Takeaki Hori, Shinobu

		Yoshioka, Kenta Yamada, Tomotsuyo Aizawa, Yu Ohara, Yasumasa Kiyohara, Takashi Tsujii, Akira Nogami, Hiroyuki Shinoda, Toshihiko Yuasa, Hidehiko Nakanishi, Yashio Uemura, Nobuo Uda, Tsukasa Yoshida. (Saito, Yasuhiro) (Entered: 01/28/2010)
01/28/2010	<a href="#">845</a>	NOTICE OF APPEARANCE by Cynthia S. Arato on behalf of Carl Hanser Verlag, Lynley Hood (Arato, Cynthia) (Entered: 01/28/2010)
01/28/2010	<a href="#">846</a>	NOTICE OF APPEARANCE by Cynthia S. Arato on behalf of New Zealand Society of Authors (Arato, Cynthia) (Entered: 01/28/2010)
01/28/2010	<a href="#">847</a>	NOTICE OF APPEARANCE by Alexandra A. E. Shapiro on behalf of Carl Hanser Verlag, Lynley Hood, New Zealand Society of Authors (Shapiro, Alexandra) (Entered: 01/28/2010)
01/28/2010	<a href="#">848</a>	MOTION to File Amicus Brief by <i>Japan P.E.N. Club in Opposition to Amended Proposed Settlement</i> . Document filed by Japan P.E.N. Club. (Attachments: # <a href="#">1</a> Japan P.E.N. Club's Amicus Curiae Brief in Opposition to Amended Proposed Settlement Agreement)(Saito, Yasuhiro) (Entered: 01/28/2010)
01/28/2010	<a href="#">849</a>	Objection to <i>Amended Class Action Settlement Agreement</i> . Document filed by Arlo Guthrie, Julia Wright, Catherine Ryan Hyde, Eugene Linden. (Attachments: # <a href="#">1</a> Exhibit Objections of Guthrie, et al. to Proposed Settlement Agreement, # <a href="#">2</a> Exhibit Supplemental Declaration of Catherine Ryan Hyde)(DeVore, Andrew) (Entered: 01/28/2010)
01/28/2010	<a href="#">850</a>	NOTICE of Objections to Amended Class Action Settlement And Notice of Intent To Appear at the February 18, 2010 Fairness Hearing. Document filed by Darlene Marshall. (Weiss, Matthew) (Entered: 01/28/2010)
01/28/2010	<a href="#">851</a>	Objection of the State of Connecticut to <i>Amended Class-Action Settlement</i> . Document filed by Richard Blumenthal CT Attorney General. (Becker, Gary) (Entered: 01/28/2010)
01/28/2010	<a href="#">852</a>	MEMORANDUM OF LAW in Opposition to the <i>Amended Settlement Agreement</i> . Document filed by Federal Republic of Germany. (Max, Theodore) (Entered: 01/28/2010)
01/28/2010	<a href="#">853</a>	DECLARATION of Nicolas Georges in Opposition re: <a href="#">768</a> MOTION to Approve / <i>Notice of Motion for Preliminary Approval of Amended Settlement Agreement</i> .. Document filed by French Republic. (Max, Theodore) (Entered: 01/28/2010)
01/28/2010	<a href="#">854</a>	LETTER addressed to Judge Denny Chin from Susan Price dated 1/27/10 re: Request that the Court refuse to certify the class and to reject the Amended Settlement Agreement. (db) (Entered: 01/28/2010)
01/28/2010	<a href="#">855</a>	SUPPLEMENTAL OBJECTION OF SCOTT E. GANT TO PROPOSED SETTLEMENT, AND TO CERTIFICATION OF THE PROPOSED SETTLEMENT CLASS AND SUB-CLASSES. (db) (Entered: 01/28/2010)
01/28/2010	<a href="#">856</a>	LETTER addressed to Judge Denny Chin from James Grimmelman dated 1/28/10 re: The Court should reject the Proposed Amended Settlement

		Agreement. (db) (Entered: 01/28/2010)
01/28/2010	<a href="#">857</a>	LETTER addressed to Judge Denny Chin from Dr. Robert Staats and Rainer Just, Co-Managing Directors, VG WORT dated 1/21/10 re: Request that the Court deny final approval of the Amended Settlement Agreement. (db) (Entered: 01/28/2010)
01/28/2010	<a href="#">858</a>	LETTER addressed to Mr. McMahon from Marc Maurer, President, National Federation of the Blind dated 1/19/10 re: Request for the Opportunity of the National Federation of the Blind to address the court briefly at the February 18 fairness hearing. (db) (Entered: 01/28/2010)
01/28/2010	<a href="#">859</a>	NOTICE of Supplemental Objections. Document filed by Charles D Weller, Dirk Sutro. (Siegel, Edward) (Entered: 01/28/2010)
01/28/2010	<a href="#">860</a>	Objection re: <a href="#">768</a> MOTION to Approve / <i>Notice of Motion for Preliminary Approval of Amended Settlement Agreement..</i> Document filed by Commonwealth of Pennsylvania, Attorney General. (Marden, Norman) (Entered: 01/28/2010)
01/28/2010	<a href="#">861</a>	NOTICE OF APPEARANCE by Derek Tam Ho on behalf of AT&T CORP. (Ho, Derek) (Entered: 01/28/2010)
01/28/2010	<a href="#">862</a>	REPLY. Document filed by Writers' Representatives LLC. (Chu, Lynn) (Entered: 01/28/2010)
01/28/2010	<a href="#">863</a>	Objection <i>to the Amended Settlement Agreement</i> . Document filed by AT&T CORP.. (Attachments: # <a href="#">1</a> Exhibit Exhibits A-I)(Guzman, Michael) (Entered: 01/28/2010)
01/28/2010	<a href="#">864</a>	MEMORANDUM OF LAW in Opposition <i>to the Amended Settlement Agreement</i> . Document filed by Science Fiction and Fantasy Writers of America, Inc., American Society of Journalists and Authors, Inc.. (Lazebnik, Ron) (Entered: 01/28/2010)
01/28/2010	<a href="#">865</a>	DECLARATION of Ron Lazebnik. Document filed by Science Fiction and Fantasy Writers of America, Inc., American Society of Journalists and Authors, Inc.. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C) (Lazebnik, Ron) (Entered: 01/28/2010)
01/28/2010	<a href="#">866</a>	NOTICE of Intent to Appear. Document filed by Science Fiction and Fantasy Writers of America, Inc., American Society of Journalists and Authors, Inc.. (Lazebnik, Ron) (Entered: 01/28/2010)
01/28/2010	<a href="#">867</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Carl Hanser Verlag, New Zealand Society of Authors.(Arato, Cynthia) (Entered: 01/28/2010)
01/28/2010	<a href="#">868</a>	Objection <i>to the Amended Settlement Agreement</i> . Document filed by Carl Hanser Verlag, Lynley Hood, New Zealand Society of Authors. (Arato, Cynthia) (Entered: 01/28/2010)
01/28/2010	<a href="#">869</a>	DECLARATION of Pierfrancesco Attanasio in Support re: <a href="#">868</a> Objection (non-motion). Document filed by Associazione Italiana Editori. (Arato,

		Cynthia) (Entered: 01/28/2010)
01/28/2010	<a href="#">870</a>	DECLARATION of Stephan Joss in Support re: <a href="#">868</a> Objection (non-motion). Document filed by Carl Hanser Verlag. (Arato, Cynthia) (Entered: 01/28/2010)
01/28/2010	<a href="#">871</a>	DECLARATION of Inge Kralupper in Support re: <a href="#">868</a> Objection (non-motion). Document filed by Hauptverband des Österreichischen Buchhandels. (Arato, Cynthia) (Entered: 01/28/2010)
01/28/2010	<a href="#">872</a>	DECLARATION of Christian Sprang in Support re: <a href="#">868</a> Objection (non-motion). Document filed by Borsenverein des Deutschen Buchhandels. (Arato, Cynthia) (Entered: 01/28/2010)
01/28/2010	<a href="#">873</a>	NOTICE OF APPEARANCE by Cynthia S. Arato on behalf of Associazione Italiana Editori (Arato, Cynthia) (Entered: 01/28/2010)
01/28/2010	<a href="#">874</a>	Objection of Microsoft Corporation to Proposed Amended Settlement and Certification of Proposed Settlement Class and Sub-Classes. Document filed by Microsoft Corporation. (Rubin, Thomas) (Entered: 01/28/2010)
01/29/2010	<a href="#">875</a>	LETTER addressed to Judge Denny Chin from Teresa Cremisi dated 1/26/2010 re: We therefore object to the amended settlement agreement by reference to the observations of French Publishers Association in its amicus curiae letter, which hereby become an integral part of our own objections as filed herewith. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">876</a>	LETTER addressed to Office of the Clerk, J. Michael McMahon from M. Le Fanu dated 1/22/2010 re: In conclusion, our Management Committee and most members who have expressed a view consider that at a time when the creative industries are struggling to find "new models" for the digital age which can satisfy both rights holders and users, the Google Book Settlement offers a reasonable and practical way forward. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">877</a>	LETTER addressed to Office of the Clerk, J. Michael McMahon from Rodger Touchie dated 1/28/2010 re: We consider the amended Settlement to be in the best interest of the majority of our members, particularly because it allows many Canadian publishers and/or authors to opt out of the agreement, with a process for doing so that is logical and transparent. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">878</a>	LETTER addressed to Judge Denny Chin from Franziska Eberhard dated 1/21/2010 re: ProLitteris therefore requests the Court to deny final approval of the Amended Settlement Agreement unless the following amendments are made, as set forth in this letter. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">879</a>	NOTICE OF INTENT TO APPEAR: I, Scott E. Gant, hereby notify the Court of my intent to appear at the Fairness Hearing in the above captioned case, currently scheduled for February 18, 2010. As explained in my Objection, filed in August 2009, I will be appearing in my individual capacity, as a member of the proposed Author Sub-Class. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">880</a>	LETTER addressed to Judge Denny Chin from John B. Morris dated

		1/28/2010 re: I am writing for two purposes: to submit an amended version of our amicus brief and to request tp appear at the hearing. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">881</a>	LETTER addressed to Judge Denny Chin from Samantha Holman dated 1/26/2010 re: Requesting that Court's permission to submit this letter as an amicus curiae brief opposing approval of the Amended Settlement Agreement in this case. (jpo) (jpo). (Entered: 01/29/2010)
01/29/2010	<a href="#">882</a>	LETTER addressed to Judge Denny Chin from Christian Cherdon dated 1/22/2010 re: Requesting that the Court deny final approval of the Amended Settlement Agreement. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">883</a>	LETTER addressed to Judge Denny Chin from Antonio Ma. Avila dated 1/26/2010 re: We therefore object to the Amended Settlement Agreement. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">884</a>	LETTER addressed to Office of the Clerk, J. Michael McMahon from William Ash dated 1/12/2010 re: As an authors and publishers, I and my partner, Naomi Otsubo, would like to state our objections to the amended Google Book Settlement. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">885</a>	LETTER addressed to Office of the Clerk, J. Michael McMahon from Paulina Borsook dated 1/26/2010 re: Requesting that the Court junk Google Book Settlement 2.0 in favor of something that actually benefits and respects creators, and shows vision not blinded by Google dust. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">886</a>	LETTER addressed to Office of the Clerk, J. Michael McMahon from Donic Bettanin dated 1/22/2010 re: We wish to lodge an objection to the Amendments to the Original Google Book Settlement. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">887</a>	LETTER addressed to Judge Denny Chin from Jennifer S. Jackson dated 1/27/2010 re: The State of Texas writes to object to the Amended Settlement Agreement. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">888</a>	LETTER addressed to Office of the Clerk, J. Michael McMahon from Stuart Bernstein dated 1/26/2010 re: We beseech the Court to give authors back their rights. Force Google to negotiate like any other publisher. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">889</a>	LETTER addressed to William F. Cavanaugh from Joanne Merriam dated 1/25/2010 re: I write to express my views and concerns regarding how the United States should respond to the Amended Settlement Agreement filed on November 13, 2009. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">890</a>	LETTER addressed to Judge Denny Chin from Tony Simpson dated 1/27/2010 re: Requesting the Court's permission to submit this letter as an amicus brief opposing approval of the Amended Settlement Agreement in this case. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">891</a>	LETTER addressed to Judge Denny Chin from Kees Holierhoek dated 1/26/2010 re: Requesting the Court's permission to submit this letter as an



		amicus curiae brief opposing approval of the Amended Settlement Agreement. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">892</a>	LETTER addressed to Office of the Clerk, J. Michael McMahon from Moira Munro dated 1/16/2010 re: I hope that the Court will refuse to certify the class and reject the Amended Settlement Agreement. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">893</a>	LETTER addressed to Office of the Clerk, J. Michael McMahon from Pamela Samuelson dated 1/27/2010 re: I am writing to express my intent to appear at the Fairness Hearing for the above cited case, currently scheduled for February 18, 2010. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">894</a>	LETTER addressed to Office of the Clerk from Martin Kahn dated 1/27/2010 re: Requesting the Court's approval to withdraw its objections, filed on September 8, 2009, pursuant to Rules 23(e)(5) of the F.R.C.P.. (jpo) (Entered: 01/29/2010)
01/29/2010	<a href="#">895</a>	BRIEF OF AMICUS CURIAE PUBLIC KNOWLEDGE IN OPPOSITION TO THE AMENDED PROPOSED SETTLEMENT. Document filed by Public Knowledge.(jpo) (Entered: 01/29/2010)
02/01/2010	<a href="#">896</a>	NOTICE of Intent to Appear at the Feb. 18, 2010 Fairness Hearing. Document filed by Microsoft Corporation. (Rubin, Thomas) (Entered: 02/01/2010)
02/01/2010	<a href="#">897</a>	NOTICE OF APPEARANCE by Alexandra A. E. Shapiro on behalf of Associazione Italiana Editori (Shapiro, Alexandra) (Entered: 02/01/2010)
02/02/2010	<a href="#">898</a>	LETTER addressed to Judge Denny Chin from Gregory Crane dated 8/7/2009 re: In support of the books Google has digitalized reach the widest possible audience as quickly as possible. (jfe) (Entered: 02/02/2010)
02/02/2010	<a href="#">899</a>	LETTER addressed to Judge Denny Chin from Lewis Hyde dated 1/27/2010 re: Counsel writes to amend the letter of objection that counsel wrote last August in regard to The Authors Guild, Inc., et al. v. Google Inc. (jfe) (Entered: 02/02/2010)
02/02/2010	<a href="#">900</a>	LETTER addressed to Judge Denny Chin from James L. Turk dated 1/28/2010 re: CAUT writes to you to register its objection to the proposed amended settlement agreement. (jfe) (Entered: 02/02/2010)
02/02/2010	<a href="#">901</a>	OBJECTION OF WASHINGTON LEGAL FOUNDATION TO AMENDED PROPOSED SETTLEMENT AND TO CERTIFICATION OF THE PROPOSED SETTLEMENT CLASS AND SUBCLASSES. Filed by Richard A. Samp. (jfe) (Entered: 02/02/2010)
02/02/2010	<a href="#">902</a>	NOTICE OF INTENT TO APPEAR filed by Science Fiction and Fantasy Writers of America, Inc., and the American Society of Journalists and Authors, Inc. (jfe) (Entered: 02/02/2010)
02/02/2010	903	LETTER addressed to Judge Denny Chin from Ron Lazebrik dated 1/28/2010 re: Counsel writes to inform that SFWA and ASJA are members of the Author Sub-Class in this action and object to the proposed amended

		settlement agreement. Attached herein is that Objection of Science Fiction and Fantasy Writes of America, Inc., and American Society of Journalists and Authors Inc., to the Amended Settlement Agreement. (jfe) (Entered: 02/02/2010)
02/02/2010	<a href="#">904</a>	NOTICE of Intent to Appear at the February 18, 2010 Fairness Hearing. Document filed by Arlo Guthrie, Julia Wright, Catherine Ryan Hyde, Eugene Linden. (DeVore, Andrew) (Entered: 02/02/2010)
02/02/2010	<a href="#">905</a>	NOTICE of of Intent to Appear by Amazon.com, Inc.. Document filed by Amazon.com, Inc.. (Wiles, Alexander) (Entered: 02/02/2010)
02/02/2010	<a href="#">906</a>	MOTION for Kiran Sriram Raj to Appear Pro Hac Vice. Document filed by AT&T CORP.(mro) (Entered: 02/03/2010)
02/02/2010	<a href="#">907</a>	MOTION for Michael Kerry Kellogg to Appear Pro Hac Vice. Document filed by AT&T CORP.(mro) (Entered: 02/03/2010)
02/03/2010	<a href="#">908</a>	NOTICE of INTENT TO APPEAR AT THE FEBRUARY 18, 2010 FAIRNESS HEARING. Document filed by The Internet Archive. (Boccanfuso, Anthony) (Entered: 02/03/2010)
02/03/2010	<a href="#">909</a>	NOTICE of INTENT TO APPEAR AT THE FEBRUARY 18, 2010 FAIRNESS HEARING. Document filed by Open Book Alliance. (Boccanfuso, Anthony) (Entered: 02/03/2010)
02/03/2010	<a href="#">910</a>	NOTICE of of Intent to Appear at Fairness Hearing. Document filed by Electronic Privacy Information Center. (Rotenberg, Marc) (Entered: 02/03/2010)
02/03/2010	<a href="#">911</a>	REQUEST TO PARTICIPATE of Consumer Watchdog <i>at the February 18, 2010 Fairness Hearing as Amicus Curiae</i> . Document filed by Consumer Watchdog.(Fetterman, Daniel) (Entered: 02/03/2010)
02/04/2010		CASHIERS OFFICE REMARK on <a href="#">906</a> Motion to Appear Pro Hac Vice, <a href="#">907</a> Motion to Appear Pro Hac Vice in the amount of \$50.00, paid on 02/02/2010, Receipt Number 893451. (jd) (Entered: 02/04/2010)
02/04/2010	<a href="#">912</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Associazione Italiana Editori.(Arato, Cynthia) (Entered: 02/04/2010)
02/04/2010	<a href="#">913</a>	NOTICE of Intent to Appear. Document filed by Carl Hanser Verlag, Lynley Hood, New Zealand Society of Authors, Associazione Italiana Editori, Borsenverein des Deutschen Buchhandels, Schweizer Buchhandler - und Verleger-Verband SBVV, Hauptverband des Osterreichischen Buchhandels. (Arato, Cynthia) (Entered: 02/04/2010)
02/04/2010	<a href="#">914</a>	NOTICE of Intent to Appear at the February 18, 2010 Fairness Hearing re: <a href="#">851</a> Objection (non-motion). Document filed by Richard Blumenthal CT Attorney General. (Becker, Gary) (Entered: 02/04/2010)
02/04/2010	<a href="#">915</a>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - REQUEST TO PARTICIPATE of Sony Electronics at the February 18,

		2010 Fairness Hearing as Amicus Curiae(LETTER). Document filed by Sony Electronics Inc..(Coplan, Jennifer) Modified on 2/5/2010 (KA). (Entered: 02/04/2010)
02/04/2010	<a href="#">916</a>	NOTICE of Intent to Appear. Document filed by AT&T CORP.. (Guzman, Michael) (Entered: 02/04/2010)
02/04/2010	<a href="#">917</a>	NOTICE of to Appear at the Fairness Hearing. Document filed by Questia Media Inc.. (Kaplan, Lee) (Entered: 02/04/2010)
02/04/2010	<a href="#">918</a>	NOTICE of Intent to Appear at the Fairness Hearing on February 18, 2010. Document filed by Federal Republic of Germany. (Max, Theodore) (Entered: 02/04/2010)
02/04/2010	<a href="#">919</a>	NOTICE of Intent to Appear at the Fairness Hearing on February 18, 2010. Document filed by French Republic. (Max, Theodore) (Entered: 02/04/2010)
02/04/2010	<a href="#">920</a>	LETTER addressed to Judge Denny Chin from Lateet Mtima and Steven D. Jamar dated 1/27/2010 re: The Institute of Intellectual Property and Social Justice at the Howard University School of Law respectfully requests leave to address the Court on February 18, 2010, on the Google Books Settlement Agreement. (tve) (Entered: 02/04/2010)
02/04/2010	<a href="#">921</a>	LETTER addressed to Judge Denny Chin from Brett Smith dated 1/28/2010 re: The Free Software Foundation writes to urge the Court to reject the proposed settlement until the objections further set forth in this letter are addressed, including that terms are incorporated to ensure that works covered by Free licenses are always included in the Google Books Search database under the terms of that same license. (tve) (Entered: 02/04/2010)
02/04/2010	<a href="#">922</a>	NOTICE of Statement of Interest. Document filed by United States of America. (Clopper, John) (Entered: 02/04/2010)
02/04/2010	<a href="#">923</a>	NOTICE of Intent to appear at Fairness Hearing on 2/18/2010. *Letter Addressed to Judge Denny Chin, From Sarah Canzoneri, dated 1/28/2010 re: Objection to the Settlement Agreement, attached hereto. Document filed by Sarah E. Cazoneri. (tro) Modified on 2/5/2010 (tro). (Entered: 02/05/2010)
02/04/2010	<a href="#">924</a>	PETITION to Withdraw ProQuest LLC's Objections to the First Proposed Settlement. Document filed by Proquest, LLC. (tro) (Entered: 02/05/2010)
02/04/2010	<a href="#">925</a>	SUPPLEMENTAL OBJECTION of Alex M.G. Burton re: For the reasons set forth in Mr. Burton's original and supplemental objection, this settlement should not be approved or the settlement classes certified. (tro) (Entered: 02/05/2010)
02/04/2010	<a href="#">926</a>	LETTER addressed to Judge Denny Chin from Philip Roberts dated 1/29/2010 re: The John Hopkin's University's Withdrawal of Objection to Settlement Agreement and Certificate of Service. *Withdrawal of Objection to Settlement Agreement attached hereto. (tro) (Entered: 02/05/2010)
02/04/2010	<a href="#">927</a>	LETTER addressed to Office of the Clerk, J. Michael McMahon from Susan Bergholz dated 1/26/2010 re: Objection to the settlement agreement. (tro)



		(tro). (Entered: 02/05/2010)
02/05/2010		***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. <a href="#">915</a> HAS BEEN REJECTED. Note to Attorney Jennifer B. Coplan : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (KA) (Entered: 02/05/2010)
02/05/2010	<a href="#">928</a>	LETTER addressed to Judge Denny Chin from Jennifer B. Coplan dated 2/4/2010 re: Requesting leave from the Court to appear at the fairness hearing scheduled for February 18, 2010. (jpo) (Entered: 02/05/2010)
02/05/2010	<a href="#">929</a>	NOTICE OF INTENT TO BE HEARD: Please let it be known that Joseph V. Saphia, attorney for amicus curiae VG Wort, intends to appear and be heard at this Court's February 18, 2009 hearing. (jpo) (Entered: 02/05/2010)
02/05/2010	<a href="#">930</a>	ORDER: The Hearing will be held at 500 Pearl Street, New York, New York in Courtroom 23B at 10:00 a.m. on February 18, 2010. Overflow seating will be available in Courtroom 11A, where video of the proceeding will be provided. Seats will be reserved in the Courtroom for the parties, the government, and the twenty-six above-listedobjectors, supporters, and amici. If any of the objectors, supporters, or amici listed above has not provided the name of the representative who will be speaking, it shall provide the name in writing to the Court promptly. (Signed by Judge Denny Chin on 2/5/2010) (jpo) (Entered: 02/05/2010)
02/06/2010	<a href="#">931</a>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - NOTICE OF APPEARANCE by Lynn T. Chu on behalf of Writers' Representatives LLC(LETTER). (Chu, Lynn) Modified on 2/8/2010 (KA). (Entered: 02/06/2010)
02/08/2010		***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. <a href="#">931</a> HAS BEEN REJECTED. Note to Attorney Lynn Chu : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (KA) (Entered: 02/08/2010)
02/08/2010	<a href="#">932</a>	ORDER; that two additional entities have also notified the Court of their desire to be heard at the fairness hearing against the proposed settlement in this case: (1) The Commonwealth of Pennsylvania; and (2) Writers' Representatives LLC and Richard A. Epstein. They will be permitted to speak at the hearing, in accordance with the procedures set forth in the order dated February 5, 2010. (Signed by Judge Denny Chin on 2/8/10) (pl) (Entered: 02/08/2010)
02/09/2010	<a href="#">933</a>	NOTICE of Intent To Appear. Document filed by Charles Nesson, Nicholas Negroponte, Lewis Hyde, Harry Lewis. (Garbus, Martin) (Entered: 02/09/2010)
02/09/2010	<a href="#">934</a>	NOTICE of of Intent to Appear by Marc Rotenberg on Behalf of the Electronic Privacy Information Center. Document filed by Electronic

		Privacy Information Center. (Rotenberg, Marc) (Entered: 02/09/2010)
02/09/2010	<a href="#">936</a>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting <a href="#">906</a> Motion for Kiran Sriram Raj to Appear Pro Hac Vice. Kiran Sriram Raj is admitted to practice pro hac vice as counsel for AT&T Corp. and its affiliates in this action. (Signed by Judge Denny Chin on 2/9/2010) (tro) (Entered: 02/11/2010)
02/09/2010	<a href="#">937</a>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting <a href="#">907</a> Motion for Michael K. Kellogg to Appear Pro Hac Vice. Michael K. Kellogg is admitted to practice pro hac vice as counsel for AT&T Corp. and its affiliates in this action. (Signed by Judge Denny Chin on 2/9/2010) (tro) (Entered: 02/11/2010)
02/09/2010	<a href="#">938</a>	ENDORSED LETTER addressed to Office of the Clerk, J. Michael McMahon from Stuart Bernstein dated 2/4/2010 re: Please accept this letter as a notice of my intent to speak at the 2/18/2010 Fairness Hearing in the matter of the Amended Google Book Settlement. ENDORSEMENT: As this request was received on 2/9/2010, it is untimely. In light of the number of requests to speak, this request is DENIED as untimely. Mr. Bernstein is welcome to attend. (Signed by Judge Denny Chin on 2/9/2010) (tro) (Entered: 02/11/2010)
02/10/2010	<a href="#">935</a>	NOTICE of Withdrawal of Request to Appear at the February 18, 2010 Fairness Hearing. Document filed by Questia Media Inc.. (Kaplan, Lee) (Entered: 02/10/2010)
02/11/2010	<a href="#">939</a>	NOTICE of INTENT TO APPEAR that the undersigned, of the law firm of Eaton & Van Winkle, LLP, intends to appear at the Fairness Hearing in the above-captioned action, currently scheduled for February 18,2010. ENDORSEMENT: Counsel may appear, but as this matter us untimely and numerous request to speck have been received counsel will not be permitted to speck. SO ORDERED. Document filed by Lewis Hyde, Harry Lewis, Charles Nesson, Nicholas Negroponte. (jmi) Modified on 2/11/2010 (jmi). (Entered: 02/11/2010)
02/11/2010	<a href="#">940</a>	NOTICE of State of CT Withdrawal of Request to Appear at Feb 18, 2010 Fairness Hearing re: <a href="#">914</a> Notice (Other). Document filed by Richard Blumenthal CT Attorney General. (Becker, Gary) (Entered: 02/11/2010)
02/11/2010	<a href="#">941</a>	BRIEF of Google Inc. in Support of Motion for Final Approval of Amended Settlement Agreement. Document filed by Google Inc..(Gratz, Joseph) (Entered: 02/11/2010)
02/11/2010	<a href="#">942</a>	MOTION for Attorney Fees <i>Notice of Motion and Motion for Approval of Attorneys' Fees and Reimbursement of Costs</i> . Document filed by Paul Dickson, Joseph Goulden, The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman.(Boni, Michael) (Entered: 02/11/2010)
02/11/2010	<a href="#">943</a>	MEMORANDUM OF LAW in Support re: <a href="#">942</a> MOTION for Attorney Fees <i>Notice of Motion and Motion for Approval of Attorneys' Fees and Reimbursement of Costs. Memorandum of Law in Support of Motion of Counsel for the Author Sub-Class for an Award of Fees and Reimbursement</i>

		<i>of Costs</i> . Document filed by Paul Dickson, Joseph Goulden, The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman. (Boni, Michael) (Entered: 02/11/2010)
02/11/2010	<a href="#">944</a>	DECLARATION of Michael J. Boni (w/Exhibits A-E) in Support re: <a href="#">942</a> MOTION for Attorney Fees <i>Notice of Motion and Motion for Approval of Attorneys' Fees and Reimbursement of Costs</i> .. Document filed by Paul Dickson, Joseph Goulden, The Author's Guild, Herbert Mitgang, Betty Miles, Daniel Hoffman. (Attachments: # <a href="#">1</a> Exhibit F -- Declaration of Sanford P. Dumain, # <a href="#">2</a> Exhibit G -- Declaration of Robert J. LaRocca) (Boni, Michael) (Entered: 02/11/2010)
02/11/2010	<a href="#">945</a>	MOTION to Approve Amended Settlement Agreement / <i>Notice of Motion for Final Approval of Amended Settlement Agreement</i> . Document filed by Association of American Publishers, Inc., The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc.. (Attachments: # <a href="#">1</a> [Proposed] Final Judgment and Order of Dismissal) (Keller, Bruce) (Entered: 02/11/2010)
02/11/2010	<a href="#">946</a>	DECLARATION of Daniel Clancy in Support re: <a href="#">945</a> MOTION to Approve Amended Settlement Agreement / <i>Notice of Motion for Final Approval of Amended Settlement Agreement</i> .. Document filed by Google Inc.. (Gratz, Joseph) (Entered: 02/11/2010)
02/11/2010	<a href="#">947</a>	MEMORANDUM OF LAW in Support re: <a href="#">945</a> MOTION to Approve Amended Settlement Agreement / <i>Notice of Motion for Final Approval of Amended Settlement Agreement</i> . / <i>Memorandum of Law in Support of Plaintiffs' Motion for Final Settlement Approval</i> . Document filed by Association of American Publishers, Inc., The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc.. (Keller, Bruce) (Entered: 02/11/2010)
02/11/2010	<a href="#">948</a>	DECLARATION of Daphne Keller in Support re: <a href="#">945</a> MOTION to Approve Amended Settlement Agreement / <i>Notice of Motion for Final Approval of Amended Settlement Agreement</i> .. Document filed by Google Inc.. (Attachments: # <a href="#">1</a> Exhibit A (Google Books Privacy Policy))(Gratz, Joseph) (Entered: 02/11/2010)
02/11/2010	<a href="#">949</a>	DECLARATION of Richard Sarnoff in Support re: <a href="#">945</a> MOTION to Approve Amended Settlement Agreement / <i>Notice of Motion for Final Approval of Amended Settlement Agreement</i> .. Document filed by Association of American Publishers, Inc., The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc.. (Keller, Bruce) (Entered: 02/11/2010)
02/11/2010	<a href="#">950</a>	DECLARATION of Owen Atkinson in Support re: <a href="#">945</a> MOTION to Approve Amended Settlement Agreement / <i>Notice of Motion for Final Approval of Amended Settlement Agreement</i> .. Document filed by Association of American Publishers, Inc., The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc.. (Keller, Bruce) (Entered: 02/11/2010)
02/11/2010	<a href="#">951</a>	DECLARATION of Jeffrey P. Cunard in Support re: <a href="#">945</a> MOTION to

		Approve Amended Settlement Agreement / <i>Notice of Motion for Final Approval of Amended Settlement Agreement..</i> Document filed by Association of American Publishers, Inc., The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc.. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit)(Cunard, Jeffrey) (Entered: 02/11/2010)
02/11/2010	<a href="#">952</a>	DECLARATION of Paul Aiken in Support re: <a href="#">945</a> MOTION to Approve Amended Settlement Agreement / <i>Notice of Motion for Final Approval of Amended Settlement Agreement..</i> Document filed by Association of American Publishers, Inc., The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc.. (Keller, Bruce) (Entered: 02/11/2010)
02/11/2010	<a href="#">953</a>	DECLARATION of Tiffaney Allen in Support re: <a href="#">945</a> MOTION to Approve Amended Settlement Agreement / <i>Notice of Motion for Final Approval of Amended Settlement Agreement..</i> Document filed by Association of American Publishers, Inc., The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc.. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit)(Cunard, Jeffrey) (Entered: 02/11/2010)
02/11/2010	<a href="#">954</a>	DECLARATION of Belinda Bulger in Support re: <a href="#">945</a> MOTION to Approve Amended Settlement Agreement / <i>Notice of Motion for Final Approval of Amended Settlement Agreement..</i> Document filed by Association of American Publishers, Inc., The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc.. (Attachments: # <a href="#">1</a> Exhibits 1-5 to Bulger Declaration, # <a href="#">2</a> Exhibit 6 to Bulger Declaration)(Keller, Bruce) (Entered: 02/11/2010)
02/11/2010	<a href="#">955</a>	SUPPLEMENTAL MEMORANDUM OF LAW in Support re: <a href="#">945</a> MOTION to Approve Amended Settlement Agreement / <i>Notice of Motion for Final Approval of Amended Settlement Agreement. / Plaintiffs' Supplemental Memorandum Responding to Specific Objections.</i> Document filed by Association of American Publishers, Inc., The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc.. (Keller, Bruce) (Entered: 02/11/2010)
02/12/2010	<a href="#">956</a>	DECLARATION of Katherine Kinsella in Support re: <a href="#">945</a> MOTION to Approve Amended Settlement Agreement / <i>Notice of Motion for Final Approval of Amended Settlement Agreement..</i> Document filed by Association of American Publishers, Inc., The McGraw-Hill Companies, Inc., Pearson Education, Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc.. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit, # <a href="#">4</a> Exhibit, # <a href="#">5</a> Exhibit, # <a href="#">6</a> Exhibit, # <a href="#">7</a> Exhibit, # <a href="#">8</a> Exhibit)(Cunard, Jeffrey) (Entered: 02/12/2010)
02/22/2010	<a href="#">957</a>	MANDATE of USCA (Certified Copy) as to <a href="#">756</a> Notice of Appeal filed by Lewis Hyde, Harry Lewis USCA Case Number 09-4224-cv(con. Ordered that the appeal is DISMISSED. Catherine O'Hagan Wolfe, Clerk USCA. Certified: 2/19/2010. (nd) (Entered: 02/22/2010)

02/24/2010	<a href="#">958</a>	Objection <i>[supplemental]</i> . Document filed by David Meininger. (Davis, John) (Entered: 02/24/2010)
02/24/2010	<a href="#">959</a>	NOTICE OF APPEARANCE by John W. Davis on behalf of David Meininger (Davis, John) (Entered: 02/24/2010)
02/25/2010	<a href="#">960</a>	MANDATE of USCA (Certified Copy) as to <a href="#">780</a> Amended Notice of Appeal, filed by Picture Archive Council of America, Lou Jacobs, Jr, Peter Turner, North American Nature Photography Association, Dan Budnick, The American Society of Media Photographers, Inc., Joel Meyerowitz, Graphic Artists Guild, <a href="#">752</a> Notice of Appeal, filed by Picture Archive Council of America, Lou Jacobs, Jr, Peter Turner, North American Nature Photography Association, Dan Budnick, Joel Meyerowitz, The American Society of Media Photographers, Inc. USCA Case Number 09-4161. Insofar as no opposition has been filed hereto, IT IS HEREBY ORDERED that the motion for voluntary Dismissal be, and it hereby is GRANTED. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 2/22/2010. (nd) (Entered: 02/25/2010)
03/09/2010	<a href="#">961</a>	ENDORSED LETTER addressed to Judge Denny Chin from David Bolt dated 1/28/10 re: Canadian authors who are part of the proposed Author Sub Class object to the amended settlement in the Google Book Search Copyright Class Action. ENDORSEMENT: This letter is accepted for filing as a timely objection. So Ordered. (Signed by Judge Denny Chin on 3/9/10) (dle) (Entered: 03/09/2010)
03/10/2010	962	TRANSCRIPT of proceedings held on 2/18/2010 before Judge Richard Owen. (jfe) (Entered: 03/10/2010)
03/10/2010	963	TRANSCRIPT of proceedings held on 2/18/2010 before Judge Denny Chin. (jfe) (Entered: 03/10/2010)
03/25/2010	<a href="#">964</a>	MOTION for Paul D. Rothstein to Appear Pro Hac Vice. Document filed by Darlene Marshall.(mro) (Entered: 03/26/2010)
03/30/2010	<a href="#">965</a>	NOTICE OF APPEARANCE by Rachel Eve Schwartz on behalf of David Meininger (Schwartz, Rachel) (Entered: 03/30/2010)
04/02/2010	<a href="#">966</a>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting <a href="#">964</a> Motion for Paul D. Rothstein to Appear Pro Hac Vice. Paul D. Rothstein is admitted to practice pro hac vice as counsel for Objector Darlene Marshall in this action. (Signed by Judge Denny Chin on 4/2/2010) (tro) (Entered: 04/02/2010)
04/09/2010		CASHIERS OFFICE REMARK on <a href="#">964</a> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 03/25/2010, Receipt Number 898543. (jd) (Entered: 04/09/2010)
04/09/2010		CASHIERS OFFICE REMARK on <a href="#">964</a> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 03/25/2010, Receipt Number 898543. (jd) (Entered: 04/09/2010)
09/30/2010	<a href="#">967</a>	MEMO ENDORSEMENT on re: <a href="#">848</a> Motion to File Amicus Brief. ENDORSEMENT: The application was granted, as the brief was accepted



		and the Japan P.E.N. Club's lawyer was heard at the hearing. So Ordered. (Signed by Judge Denny Chin on 9/30/2010) (jfe) (Entered: 09/30/2010)
10/12/2010	968	TRANSCRIPT of proceedings held on February 18, 2010 at 10:10 am before Judge Denny Chin. (eef) (Entered: 10/13/2010)
01/11/2011	<a href="#">969</a>	Letter from Edward R. Clark dated January 3, 2011 re: Please advise if the Court has approved the settlement in the above case. Considering the Fairness Hearing was conducted nearly a year ago, I'm suspicious that the Settlement Administrator, Rust Consulting, Inc. of Minneapolis, MN is not being honest, claiming the Court has not approved the settlement. (arc) (Entered: 01/25/2011)
02/18/2011	<a href="#">970</a>	STIPULATION AND ORDER TO EXTEND CASH PAYMENT DEADLINE: The parties to the above-captioned case and to The McGraw-Hill Companies, Inc., et al. v. Google Inc., No. 05 CV 8881, by and through their undersigned counsel, hereby agree that the proposed Amended Settlement Agreement, dated November 13,2009, is amended as follows: (see order). (Signed by Judge Denny Chin on 2/18/2011) (jar) (Entered: 02/18/2011)
03/22/2011	<a href="#">971</a>	OPINION: #100080 In the end, I conclude that the ASA is not fair, adequate, and reasonable. As the United States and other objectors have noted, may of the concerns raised in the objections would be ameliorated if the ASA were converted from an "opt-out" settlement to an "opt-in" settlement. I urge the parties to consider revising the ASA accordingly. The motion for final approval of the ASA is denied, without prejudice to renewal in the event the parties negotiate a revised settlement agreement. The motion for an award of attorneys' fees and costs is denied, without prejudice. The Court will hold a status conference on 4/25/2011, at 4:30 p.m. in Courtroom 11A of the Daniel Patrick Moynihan Courthouse. (Status Conference set for 4/25/2011 at 04:30 PM in Courtroom 11A, 500 Pearl Street, New York, NY 10007 before Judge Denny Chin.) (Signed by Judge Denny Chin on 3/22/2011) (tro) Modified on 3/24/2011 (ajc). (Entered: 03/22/2011)
03/24/2011	<a href="#">972</a>	ORDER: The Court's Opinion, dated March 22, 2011, is hereby amended at pages 47 and 48 to list the appearance of counsel for the United States of America, as further set forth in this Order. (Signed by Judge Denny Chin on 3/24/2011) (mro) (Entered: 03/24/2011)
04/05/2011	<a href="#">973</a>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - BILL OF COSTS (Petition to Preserve Claim For Incentive Award And Attorneys' Fees). Document filed by Darlene Marshall.(Weiss, Matthew) Modified on 4/6/2011 (ka). (Entered: 04/05/2011)
04/06/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF DOCUMENT ERROR. Note to Attorney Matthew Jay Weiss to MANUALLY RE-FILE Document No. <a href="#">973</a> Petition. This document is not filed via ECF. (ka) (Entered: 04/06/2011)
04/15/2011	<a href="#">974</a>	ENDORSED LETTER addressed to Judge Denny Chin from Bruce P. Keller dated 4/14/2011 re: The parties respectfully request that the upcoming status conference scheduled for 4/25/11 be rescheduled for 6/1/11

		at 4 p.m. ENDORSEMENT: Application granted. So Ordered. (Signed by Judge Denny Chin on 4/14/2011) (jfe) (Entered: 04/15/2011)
04/16/2011	976	NOTICE of Filing Amended Certificate of Service. Document filed by Darlene Marshall. (mbe) (Entered: 04/21/2011)
04/18/2011	975	NOTICE of Compliance with the Clerk's 4/6/2011 Note to refile document Manually. (mbe) (Entered: 04/18/2011)
07/19/2011		Minute Entry for proceedings held before Judge Denny Chin: Status Conference held on 7/19/2011, ( Status Conference set for 9/15/2011 at 11:00 AM before Judge Denny Chin.). (mbe) (Entered: 07/20/2011)
07/26/2011	<a href="#">977</a>	NOTICE OF APPEARANCE by Ilaria Maggioni on behalf of Robert M. Kunstadt (Maggioni, Ilaria) (Entered: 07/26/2011)
07/26/2011	<a href="#">978</a>	BRIEF CITATION OF NEW AUTHORITY (SUPREME COURT'S WAL-MART OPINION ON CLASS ACTION CERTIFICATION). Document filed by Robert M. Kunstadt.(Maggioni, Ilaria) (Entered: 07/26/2011)
08/01/2011	<a href="#">979</a>	TRANSCRIPT of Proceedings re: Conference held on 7/19/2011 before Judge Denny Chin. Court Reporter/Transcriber: Thomas Murray, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/25/2011. Redacted Transcript Deadline set for 9/5/2011. Release of Transcript Restriction set for 11/3/2011.(McGuirk, Kelly) (Entered: 08/01/2011)
08/01/2011	<a href="#">980</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 7/19/11 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 08/01/2011)
09/14/2011	<a href="#">981</a>	ENDORSED LETTER addressed to Judge Denny Chin from Colin A. Underwood dated 9/12/2011 re: We write to inform the Court that, as a result of our firm's recent hiring of Julian Perlman from Mishcon de Reya New York LLP and Mr. Perlman's prior representation of plaintiffs in this litigation, our firm is in the process of being retained by the American Society of Media Photographers ("ASMP") as special counsel in connection with ASMP's claims against Google. ENDORSEMENT: The Court will address this issue at the conference tomorrow. (Signed by Judge Denny Chin on 9/14/2011) (lmb) (Entered: 09/14/2011)
09/15/2011		Minute Entry for proceedings held before Judge Denny Chin: Status Conference held on 9/15/2011. All counsel present. Status Conference held. The parties have submitted a proposed scheduling order. The Court will adopt the proposed schedule and issue an order. (mro) (Entered: 09/16/2011)

09/16/2011		Magistrate Judge Andrew J. Peck is so redesignated. (pgu) (Entered: 09/16/2011)
09/16/2011	<a href="#">982</a>	SCHEDULING ORDER: Any Motion to Amend the Third Amended Complaint by October 14, 2011. Plaintiffs' Class Certification Motion by December 12, 2011. Defendants' Response Class Certification Motion by January 26, 2012. Plaintiffs' Reply in further support of Class Certification Motion by March 12, 2012. Motions for summary judgment due by 5/31/2012. Responses to summary judgment motion due by 7/9/2012 Reply in support of summary judgment due by 7/30/2012. Expert deposition from 5/14/12 through 5/25/2012. Merits discovery shall be completed by 3/30/2012. Oral Argument set for 9/6/2012 at 11:00 AM before Judge Denny Chin. (Signed by Judge Denny Chin on 9/16/2011) (jfe) (Entered: 09/16/2011)
09/21/2011	<a href="#">983</a>	TRANSCRIPT of Proceedings re: Conference held on 9/15/2011 before Judge Denny Chin. Court Reporter/Transcriber: Thomas Murray, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/17/2011. Redacted Transcript Deadline set for 10/27/2011. Release of Transcript Restriction set for 12/23/2011.(McGuirk, Kelly) (Entered: 09/21/2011)
09/21/2011	<a href="#">984</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 9/15/2011 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 09/21/2011)
09/21/2011		***DELETED DOCUMENT. Deleted document number <a href="#">985</a> Transcript. The document was incorrectly filed in this case. (tro) (Entered: 09/21/2011)
10/14/2011	<a href="#">985</a>	FOURTH AMENDED CLASS ACTION COMPLAINT amending <a href="#">782</a> Amended Complaint against Google Inc. with JURY DEMAND.Document filed by Paul Dickson, Joseph Goulden, Daniel Hoffman, Betty Miles, Herbert Mitgang, The Authors Guild. Related document: <a href="#">782</a> Amended Complaint filed by Canadian Standard Association, Simon & Schuster, Inc., Herbert Mitgang, John Wiley & Sons, Inc., Betty Miles, Association of American Publishers, Inc., Daniel Hoffman, The McGraw-Hill Companies, Inc., Pearson Education, Inc.(mro) (Entered: 10/17/2011)
10/20/2011	<a href="#">986</a>	ENDORSED LETTER addressed to Judge Denny Chin from Joseph C. Gratz dated 10/18/2011 re: Counsel for both parties request that the Court permit Defendant to file its response to the complaint on or before 11/7/2011. ENDORSEMENT: Approved, but FINAL. SO ORDERED. (Signed by Judge Denny Chin on 10/20/2011) (ft) (Entered: 10/21/2011)
10/28/2011	<a href="#">987</a>	ENDORSED LETTER addressed to Judge Denny Chin from Joseph C.



		Gratz dated 10/25/2011 re: Counsel for the defendant writes on behalf of all parties to request an extension of Defendants time to file its response to the complaint, until 11/28/2011. ENDORSEMENT: Application GRANTED. The deadline set forth in the Court's 9/16/11 Scheduling Order shall otherwise remain in place. SO ORDERED. (Signed by Judge Denny Chin on 10/28/2011) (ft) (Entered: 10/31/2011)
11/29/2011	<a href="#">988</a>	SCHEDULING ORDER: IT IS HEREBY ORDERED as follows: The following deadlines shall apply: a. Defendant's motions to dismiss shall be filed by December 23, 2011. b. Plaintiffs' oppositions to defendant's motions shall be filed by January 23, 2012. c. Defendant's replies shall be filed by February 3, 2012. The deadlines set forth in the Court's September 16, 2011 Scheduling Order shall remain in place. Motions due by 12/23/2011. Responses due by 1/23/2012. Replies due by 2/3/2012. (Signed by Judge Denny Chin on 11/28/2011) (rjm) (Entered: 11/29/2011)
12/12/2011	<a href="#">989</a>	MOTION to Certify Class. Document filed by Paul Dickson, Joseph Goulden, Daniel Hoffman, Betty Miles, Herbert Mitgang, The Authors Guild. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Zack, Joanne) (Entered: 12/12/2011)
12/12/2011	<a href="#">990</a>	MEMORANDUM OF LAW in Support re: <a href="#">989</a> MOTION to Certify Class.. Document filed by Paul Dickson, Joseph Goulden, Daniel Hoffman, Betty Miles, Herbert Mitgang, The Authors Guild. (Zack, Joanne) (Entered: 12/12/2011)
12/12/2011	<a href="#">991</a>	DECLARATION of Joanne Zack in Support re: <a href="#">989</a> MOTION to Certify Class.. Document filed by Paul Dickson, Joseph Goulden, Daniel Hoffman, Betty Miles, Herbert Mitgang, The Authors Guild. (Attachments: # <a href="#">1</a> Exhibit 1-12, # <a href="#">2</a> Exhibit 13-23)(Zack, Joanne) (Entered: 12/12/2011)
12/22/2011	<a href="#">992</a>	MOTION to Dismiss <i>Fourth Amended Complaint</i> . Document filed by Google Inc.. Responses due by 1/23/2012(Gratz, Joseph) (Entered: 12/22/2011)
12/22/2011	<a href="#">993</a>	MEMORANDUM OF LAW in Support re: <a href="#">992</a> MOTION to Dismiss <i>Fourth Amended Complaint</i> .. Document filed by Google Inc.. (Gratz, Joseph) (Entered: 12/22/2011)
12/22/2011	<a href="#">994</a>	NOTICE of Request for Judicial Notice in Support of Motion to Dismiss <i>Fourth Amended Complaint</i> re: <a href="#">992</a> MOTION to Dismiss <i>Fourth Amended Complaint</i> .. Document filed by Google Inc.. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3)(Gratz, Joseph) (Entered: 12/22/2011)
01/17/2012	<a href="#">995</a>	STIPULATION AND ORDER FOR WITHDRAWAL OF HERBERT MITGANG, DANIEL HOFFMAN, AND PAUL DICKSON AS REPRESENTATIVE PLAINTIFFS: All claims of representative plaintiffs Herbert Mitgang, Daniel Hoffman, and Paul Dickson are voluntarily dismissed. The dismissals are without prejudice, and Herbert Mitgang, Daniel Hoffman, and Paul Dickson retain all right as members of the putative class in this action. The foregoing is without costs, disbursements, or counsel fees to any party. Herbert Mitgang, Paul Dickson and Daniel Hoffman terminated. (Signed by Judge Denny Chin on 1/17/2012) (ft)

		(Entered: 01/17/2012)
01/17/2012	<a href="#">996</a>	SCHEDULING ORDER: The following deadlines shall apply: a. Plaintiffs' opposition to defendant's motion to dismiss shall be filed by 2/6/2012; b. Defendant's response to the class certification motion shall be filed by 2/8/2012; c. Defendant's reply in support of its motion to dismiss shall be filed by 2/17/2012; d. Plaintiffs' reply in support of their class certification motion shall be filed by 4/3/2012; e. Fact discovery shall be completed by 4/13/2012. The remaining deadlines set forth in the Court's 9/16/2011 Scheduling Order shall remain in place. (Signed by Judge Denny Chin on 1/17/2012) (ft) (Entered: 01/17/2012)
02/06/2012	<a href="#">997</a>	MEMORANDUM OF LAW in Opposition re: <a href="#">992</a> MOTION to Dismiss <i>Fourth Amended Complaint</i> .. Document filed by The Authors Guild. (Zack, Joanne) (Entered: 02/06/2012)
02/08/2012	<a href="#">998</a>	MOTION for Amin Kassam and Andrew DeVore to Withdraw as Attorney. Document filed by Arlo Guthrie, Catherine Ryan Hyde, Eugene Linden, Julia Wright.(Kassam, Amin) (Entered: 02/08/2012)
02/08/2012	<a href="#">999</a>	DECLARATION of Amin Kassam in Support re: <a href="#">998</a> MOTION for Amin Kassam and Andrew DeVore to Withdraw as Attorney.. Document filed by Arlo Guthrie, Catherine Ryan Hyde, Eugene Linden, Julia Wright. (Kassam, Amin) (Entered: 02/08/2012)
02/08/2012	<a href="#">1000</a>	MEMORANDUM OF LAW in Opposition re: <a href="#">989</a> MOTION to Certify Class.. Document filed by Google Inc.. (Gratz, Joseph) (Entered: 02/08/2012)
02/08/2012	<a href="#">1001</a>	DECLARATION of Hal Poret in Opposition re: <a href="#">989</a> MOTION to Certify Class.. Document filed by Google Inc.. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Appendix A, # <a href="#">3</a> Appendix B, # <a href="#">4</a> Appendix C, # <a href="#">5</a> Appendix D, # <a href="#">6</a> Appendix E, # <a href="#">7</a> Appendix F)(Gratz, Joseph) (Entered: 02/08/2012)
02/08/2012	<a href="#">1002</a>	DECLARATION of E. Gabriel Perle in Opposition re: <a href="#">989</a> MOTION to Certify Class.. Document filed by Google Inc.. (Gratz, Joseph) (Entered: 02/08/2012)
02/08/2012	<a href="#">1003</a>	DECLARATION of Joseph C. Gratz in Opposition re: <a href="#">989</a> MOTION to Certify Class.. Document filed by Google Inc.. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7, # <a href="#">8</a> Exhibit 8, # <a href="#">9</a> Exhibit 9, # <a href="#">10</a> Exhibit 10A, # <a href="#">11</a> Exhibit 10B, # <a href="#">12</a> Exhibit 11, # <a href="#">13</a> Exhibit 12, # <a href="#">14</a> Exhibit 13, # <a href="#">15</a> Exhibit 14, # <a href="#">16</a> Exhibit 15, # <a href="#">17</a> Exhibit 16)(Gratz, Joseph) (Entered: 02/08/2012)
02/08/2012	<a href="#">1004</a>	DECLARATION of Daniel Clancy in Opposition re: <a href="#">989</a> MOTION to Certify Class.. Document filed by Google Inc.. (Gratz, Joseph) (Entered: 02/08/2012)
02/17/2012	<a href="#">1005</a>	REPLY MEMORANDUM OF LAW in Support re: <a href="#">992</a> MOTION to Dismiss <i>Fourth Amended Complaint</i> .. Document filed by Google Inc.. (Gratz, Joseph) (Entered: 02/17/2012)
03/27/2012	<a href="#">1006</a>	MEMO ENDORSEMENT on <a href="#">998</a> MOTION FOR LEAVE TO

		WITHDRAW APPEARANCE: Motion GRANTED. DeVore and DeMarco, LLP, is hereby RELIEVED as counsel for the class members listed above. ***Attorney Andrew C. DeVore and Amin S. Kassam terminated. (Signed by Judge Denny Chin on 3/26/2012) (ab) (Entered: 03/27/2012)
03/28/2012	<a href="#">1007</a>	SCHEDULING ORDER: At the request of the parties Opening expert reports shall be filed by May 4, 2012. b. Rebuttal expert reports shall be filed by May 24, 2012. c. Expert depositions shall be completed between May 28, 2012 to June 8, 2012. d. Motions for Summary Judgment shall be filed by June 14, 2012. e. Oppositions to Motions for Summary Judgment shall be filed by July 23, 2012. f. Replies in Support of Motions for Summary Judgment shall be filed by August 13, 2012. Motions due by 6/14/2012. Responses due by 7/23/2012 Replies due by 8/13/2012. (Signed by Judge Denny Chin on 3/27/2012) (js) (Entered: 03/28/2012)
04/03/2012	<a href="#">1008</a>	REPLY MEMORANDUM OF LAW in Support re: <a href="#">989</a> MOTION to Certify Class.. Document filed by Jim Bouton, Joseph Goulden, Betty Miles. (Zack, Joanne) (Entered: 04/03/2012)
04/03/2012	<a href="#">1009</a>	DECLARATION of Joanne Zack in Support re: <a href="#">989</a> MOTION to Certify Class.. Document filed by Jim Bouton, Joseph Goulden, Betty Miles. (Zack, Joanne) (Entered: 04/03/2012)
04/03/2012	<a href="#">1010</a>	DECLARATION of Joanne Zack in Support re: <a href="#">989</a> MOTION to Certify Class.. Document filed by Jim Bouton, Joseph Goulden, Betty Miles. (Attachments: # <a href="#">1</a> Exhibit 1-3, # <a href="#">2</a> Exhibit 4-8, # <a href="#">3</a> Exhibit 9-12, # <a href="#">4</a> Exhibit 13-14, # <a href="#">5</a> Exhibit 15, # <a href="#">6</a> Exhibit 16, # <a href="#">7</a> Exhibit 17-18)(Zack, Joanne) (Entered: 04/03/2012)
04/05/2012	<a href="#">1011</a>	MOTION for Genevieve Rosloff to Appear Pro Hac Vice. Document filed by Google Inc..(bwa) (Entered: 04/11/2012)
04/05/2012	<a href="#">1012</a>	MOTION for David F. McGowan to Appear Pro Hac Vice. Document filed by Google Inc..(bwa) (Entered: 04/11/2012)
04/11/2012	<a href="#">1013</a>	ORDER FOR ADMISSION PRO HAC VICE FOR GENEVIEVE ROSLOFF granting <a href="#">1011</a> Motion for Genevieve Rosloff to Appear Pro Hac Vice. (Signed by USCJ Denny Chin By Designation on 4/5/2012) (rjm) Modified on 4/11/2012 (rjm). (Entered: 04/11/2012)
04/11/2012	<a href="#">1014</a>	ORDER FOR ADMISSION PRO HAC VICE FOR DAVID F. MCGOWAN granting <a href="#">1012</a> Motion for David F. McGowan to Appear Pro Hac Vice. (Signed by USCJ Denny Chin By Designation on 4/4/2012) (rjm) (Entered: 04/11/2012)
04/16/2012	<a href="#">1015</a>	ORDER. The Court is in receipt of letters from Google and the Authors Guild plaintiffs, both dated April 12, 2012. Google's request for leave to file a surreply is denied. Its request for an order compelling Mr. Edelman and Mr. Gervais to appear for depositions within the next two weeks is also denied, as expert depositions are scheduled for May 28th to June 8, 2012. Google's objection to the inclusion of expert reports in the Authors Guild plaintiffs' reply brief is noted and can be addressed at oral argument. The motions to dismiss (in both cases) and the motion for class certification (in

		The Authors Guild case) having been fully submitted[ the Court will hold oral argument on these motions on May 3, 2012 at 10:00 AM. (Oral Argument set for 5/3/2012 at 10:00 AM before Judge Denny Chin.) (Signed by U.S. Circuit Judge Denny Chin Sitting by Designation on 4/16/2012) (rjm) Modified on 4/16/2012 (rjm). (Entered: 04/16/2012)
04/24/2012		CASHIERS OFFICE REMARK on <a href="#">1012</a> Motion to Appear Pro Hac Vice in the amount of \$200.00, paid on 04/05/2012, Receipt Number 1034548. (jd) (Entered: 04/24/2012)
04/24/2012		CASHIERS OFFICE REMARK on <a href="#">1011</a> Motion to Appear Pro Hac Vice in the amount of \$200.00, paid on 04/05/2012, Receipt Number 1034585. (jd) (Entered: 04/24/2012)
05/03/2012		Minute Entry for proceedings held before Judge Denny Chin: Motion Hearing held on 5/3/2012. Case called for motion argument on Defendants motions to dismiss 1st amended complaint (in both cases) and Plaintiffs motion for class certification in the Authors Guild case- 05 cv 8136. Motions argued; decision reserved. (cd) (Entered: 05/04/2012)
05/15/2012	1016	SEALED DOCUMENT placed in vault.(mps) (Entered: 05/15/2012)
05/15/2012	<a href="#">1017</a>	ORDER: Plaintiffs are permitted to file under seal a Reply Declaration in Support of Plaintiffs Motion for Class Certification (Confidential Portion). A public Reply Declaration in Support of Plaintiffs Motion for Class Certification has already been filed, but does not contain the confidential pages to be filed under seal. (Signed by Judge Denny Chin on 5/14/2012) (js) (Entered: 05/15/2012)
05/16/2012	1018	SEALED DOCUMENT placed in vault.(nm) (Entered: 05/16/2012)
05/17/2012	<a href="#">1019</a>	TRANSCRIPT of Proceedings re: ARGUMENT held on 5/3/2012 before Judge Denny Chin. Court Reporter/Transcriber: Linda Fisher, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/11/2012. Redacted Transcript Deadline set for 6/21/2012. Release of Transcript Restriction set for 8/20/2012.(McGuirk, Kelly) (Entered: 05/17/2012)
05/17/2012	<a href="#">1020</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a ARGUMENT proceeding held on 5/3/12 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 05/17/2012)
05/18/2012	<a href="#">1021</a>	NOTICE of Supplemental Authority. Document filed by Google Inc.. (Attachments: # <a href="#">1</a> Exhibit A)(Gratz, Joseph) (Entered: 05/18/2012)
05/30/2012	<a href="#">1022</a>	RESPONSE re: <a href="#">1021</a> Notice (Other) of Supplemental Authority. Document

		filed by Joseph Goulden, Betty Miles, The Authors Guild, Jim Bouton. (Zack, Joanne) (Entered: 05/30/2012)
05/31/2012	<a href="#">1023</a>	OPINION # 101856. For the reasons stated above, Google's motions to dismiss the claims of the associational plaintiffs are denied and the AG Representative Plaintiffs' motion for class certification is granted. Re: <a href="#">989</a> MOTION to Certify Class filed by Betty Miles, The Authors Guild, Joseph Goulden, Paul Dickson, Herbert Mitgang, Daniel Hoffman, <a href="#">992</a> MOTION to Dismiss <i>Fourth Amended Complaint</i> filed by Google Inc. (Signed by U.S. Circuit Judge Denny Chin Sitting by Designation on 5/31/2012) (rjm) Modified on 5/31/2012 (rjm). Modified on 6/1/2012 (ft). (Entered: 05/31/2012)
05/31/2012	<a href="#">1025</a>	INTERNET CITATION NOTE: Material from decision with Internet citation re: <a href="#">1023</a> Memorandum & Opinion. (Attachments: # <a href="#">1</a> U.S. Copyright Office - Search Copyright Records) (tro) (Entered: 06/11/2012)
06/01/2012	<a href="#">1024</a>	ENDORSED LETTER addressed to Judge Denny Chin from Joanne Zack and Joseph C. Gratz dated 5/23/2012 re: We write regarding three matters related to the upcoming briefing on the parties' contemplated motions for summary judgment. ENDORSEMENT: Redactions are to be kept to a minimum. Approved. SO ORDERED. (Signed by Judge Denny Chin on 6/01/2012) (ama) Modified on 6/7/2012 (ama). (Entered: 06/01/2012)
06/11/2012	<a href="#">1026</a>	ORDER GRANTING PLAINTIFFS' MOTION FOR CLASS CERTIFICATION: It is hereby Ordered that the Class is certified, defined as set forth within this Order. Betty Miles, Joseph Goulden, and Jim Bouton are designated as Representative Plaintiffs for the Class. Boni & Zack LLC is appointed Lead Counsel, and Milberg LLP and Kohn, Swift & Graf, P.C. are appointed Class Counsel. (Signed by Judge Denny Chin, Sitting by designation on 6/11/2012) (jfe) (Entered: 06/11/2012)
06/14/2012	<a href="#">1027</a>	ANSWER to <a href="#">985</a> Amended Complaint,, with JURY DEMAND. Document filed by Google Inc..(Gratz, Joseph) (Entered: 06/14/2012)