

**IN THE 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, individually and on behalf of  
all others similarly situated,

Plaintiffs-Appellees,

v.

Google Inc.,

Defendant-Appellant.

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Case No. 12-3200

**PLAINTIFFS-APPELLEES' RESPONSE TO MOTION BY PROPOSED  
AMICI CURIAE COPYRIGHT HOLDERS AND ONLINE PLATFORMS  
FOR EXTENSION OF TIME TO SEEK LEAVE AND FILE AMICUS  
CURIAE BRIEF**

Plaintiffs-Appellees respectfully oppose the motion of proposed amici curiae Yahoo! Inc., Pinterest, Inc., and Electronic Arts Inc. ("Proposed Amici") for an extension of time to seek leave and file an amicus curiae brief.

This case has received extensive media coverage,<sup>1</sup> and one of the Proposed Amici, Yahoo! Inc., objected to the proposed class settlement, and was part of a coalition that filed an amicus brief in the District Court in connection with the proposed settlement in 2009. Yet, Proposed Amici assert that it was only after Google filed its opening brief on November 9, 2012 that they “coalesced around a decision to furnish their own perspectives.” Decl. of Andrew P. Bridges in Support of Motion for Extension of Time, ¶ 5. Further, Google’s arguments in opposition to class certification have been thoroughly presented in the District Court, as well as in a Rule 23(f) petition and reply, docketed on June 14, 2012 and July 11, 2012, respectively.

Proposed Amici have had more than ample time to prepare an amicus brief, and we see no reason why Proposed Amici could not have filed their brief within the time permitted by the Federal Rules of Appellate Procedure, as did the other amicus curiae (Docket Nos. 55 & 57).

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<sup>1</sup> This litigation has garnered widespread publicity, including both Judge Chin’s class certification opinion and Google’s appeal thereof. *See, e.g.*, Larry Neumeister, *NY judge grants class status in Google book fight*, BLOOMBERG BUSINESSWEEK, May 31, 2012, <http://www.businessweek.com/ap/2012-05/D9V414F82.htm>; *Second Circuit Allows Google to Appeal Class Certification in Google Books Cases*, BLOOMBERG, August 15, 2012, <http://www.bna.com/second-circuit-allows-n12884911182/>; Chad Bray, *Suit Over Google Book Scanning Delayed on Appeal*, WALL STREET JOURNAL, September 17, 2012, [http://online.wsj.com/article/SB1000087239639044399560457800225024\\_6274018.html](http://online.wsj.com/article/SB1000087239639044399560457800225024_6274018.html), among others.

Proposed Amici assert that they need additional time to “prepare a brief that will be helpful in aiding the Court’s understanding of the unique pressures on, and distortions of, intellectual property and related litigation that class actions cause.” Decl. of Andrew P. Bridges in Support of Motion for Extension of Time, ¶ 6. Counsel for the parties, having considerable experience in these matters and having litigated this case now for seven years, are well-equipped to present the issues before this Court. Similarly, Proposed Amici’s argument that extra time is necessary for its counsel<sup>2</sup> to “articulate the views of several different companies” in one brief is equally unpersuasive. Accordingly, Proposed Amici’s motion for an extension to file an amicus brief should be denied.

Dated: November 21, 2012

Respectfully submitted,

/s/ Michael J. Boni  
Michael J. Boni  
BONI & ZACK LLC  
15 St. Asaphs Road  
Bala Cynwyd, PA 19004  
Tel: (610) 822-0200  
Fax: (610) 822-0206  
mboni@bonizack.com

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<sup>2</sup> Counsel for the proposed movants, Andrew P. Bridges, is no stranger to Google, having represented Google against the copyright infringement claims in *Perfect 10 v. Amazon.com, Inc.*, 508 F.3d 1146 (9th Cir. 2007).

Robert J. LaRocca  
KOHNSWIFT & GRAF, P.C.  
One South Broad Street, Suite 2100  
Philadelphia, PA 19107  
Tel: (215) 238-1700  
Fax: (215) 238-1968  
rlarocca@kohnsswift.com

Sanford P. Dumain  
MILBERG LLP  
One Pennsylvania Plaza  
New York, NY 10119  
Tel: (212) 594-5300  
Fax: (212) 868-1229  
sdumain@milberg.com

*Counsel for Plaintiffs-Appellees*