

# EXHIBIT 4

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
THE AUTHORS GUILD, INC., et al.,  
Plaintiffs,

-against-

HATHITRUST, et al.,  
Defendants.  
-----X

USDC SDNY  
DOCUMENT  
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DATE FILED: 10/12/12

11 CIVIL 6351 (HB)

**JUDGMENT**

Whereas before the Court are two motions for judgment on the pleadings and three motions for summary judgment; also before the Court are two unopposed motions for leave to file briefs as amici, and the matter having come before the Honorable Harold Baer, Jr., United States District Judge, and the Court, on October 10, 2012, having rendered its Opinion and Order denying Plaintiffs' motions, granting in part and denying in part Defendants' motion for judgment on the pleadings: the Associational Plaintiffs have Article III standing; the U.S. Associational Plaintiffs lack statutory standing; and Plaintiffs' OWP claims are not ripe, granting Defendants' and Defendant Intervenors' motions for summary judgment: their participation in the MDP and the present application of the HDL are protected under fair use, and granting the two unopposed motions for leave to file briefs as amici, it is,

**ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated October 10, 2012, Plaintiffs' motions are denied; Defendants' motion for judgment on the pleadings is granted in part and denied in part: the Associational Plaintiffs have Article III standing; the U.S. Associational Plaintiffs lack statutory standing; and Plaintiffs' OWP claims are not ripe; Defendants' and Defendant Intervenors' motions for summary judgment are granted: their participation in the MDP and the present application of the HDL are

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protected under fair use; and the two unopposed motions for leave to file briefs as amici are granted;

accordingly, the case is closed.

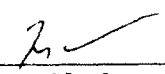
**Dated:** New York, New York  
October 12, 2012

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**

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**Deputy Clerk**

THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON \_\_\_\_\_