

# 13-4829-CV

---

## United States Court of Appeals for the Second Circuit

---

THE AUTHORS GUILD, BETTY MILES, JIM BOUTON, JOSEPH  
GOULDEN, individually and on behalf of all others similarly situated,

*Plaintiffs-Appellants,*

HERBERT MITGANG, DANIEL HOFFMAN, individually and on behalf of all  
others similarly situated, PAUL DICKSON, THE MCGRAW-HILL  
COMPANIES, INC., PEARSON EDUCATION, INC., SIMON & SCHUSTER,  
INC., ASSOCIATION OF AMERICAN PUBLISHERS, INC., CANADIAN  
STANDARD ASSOCIATION, JOHN WILEY & SONS, INC., individually and  
on behalf of all others similarly situated,

*Plaintiffs,*

v.

GOOGLE, INC.,

*Defendant-Appellee.*

---

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

---

---

### JOINT APPENDIX (UN-SEALED REDACTED VERSION) Volume 5 of 6 (Pages A-1201 to A-1500)

---

DURIE TANGRI  
217 Leidesdorff Street  
San Francisco, California 94111  
(415) 362-6666

– and –

WILMER CUTLER PICKERING HALE  
AND DORR LLP  
1875 Pennsylvania Avenue, NW  
Washington, DC 20006  
(202) 663-6600

*Attorneys for Defendant-Appellee*

FRANKFURT KURNIT KLEIN & SELZ, P.C.  
488 Madison Avenue, 10<sup>th</sup> Floor  
New York, New York 10022  
(212) 980-0120

– and –

JENNER & BLOCK  
1099 New York Avenue, NW, Suite 900  
Washington, DC 20001  
(202) 639-6000

*Attorneys for Plaintiffs-Appellants*

## TABLE OF CONTENTS

	<b>Page</b>
District Court Docket Entries .....	A-1
Excerpts from the Objection of Amazon.com, Inc. to Proposed Settlement, dated September 1, 2009 .....	A-53
Excerpts from the Objections of Microsoft Corporation to Proposed Settlement and Certification of Proposed Settlement Class and Sub-Classes, dated September 8, 2009 .....	A-65
Excerpts from the Memorandum of <i>Amicus Curiae</i> Open Book Alliance in Opposition to the Proposed Settlement, filed September 8, 2009 .....	A-78
Excerpts from the Objection of Yahoo!Inc. to Final Approval of the Proposed Class Action Settlement, filed September 8, 2009 .....	A-80
Declaration of Michael J. Boni in Support of Motion to Approve the Amended Settlement Agreement, dated November 13, 2009 (Omitted herein)	
Exhibit 2 to Boni Declaration – Amended Settlement Agreement, dated November 13, 2009 .....	A-83
Opinion of the Honorable Denny Chin, dated March 22, 2011 .....	A-127
Fourth Amended Class Action Complaint, dated October 14, 2011 .....	A-175
Defendant Google Inc.’s Answer to Plaintiffs’ Fourth Amended Complaint, dated June 14, 2012 .....	A-191

	<b>Page</b>
Declaration of Judith A. Chevalier in Support of Defendant Google Inc.’s Motion for Summary Judgment, dated July 18, 2012 .....	A-201
Exhibit A to Chevalier Declaration – Expert Report of Judith A. Chevalier, dated May 4, 2012 .....	A-203
Declaration of Dan Clancy in Support of Defendant Google Inc.’s Motion for Summary Judgment, dated July 26, 2012 .....	A-222
Exhibit A to Clancy Declaration – Cooperative Agreement between Google Inc. and Regents of the University of Michigan/University Library, dated June 15, 2005.....	A-228
Exhibit B to Clancy Declaration – Search Results Page for the Query “Steve Hovley” .....	A-241
Exhibit C to Clancy Declaration – Portion of an About the Book Page that is Displayed when one clicks on <i>Ball Four</i> in the Search Results Pictured in Exhibit B .....	A-243
Exhibit D to Clancy Declaration – Portion of the About the Book Page Depicted in Exhibit C Showing the Snippets Displayed.....	A-245
Exhibit E to Clancy Declaration – Excerpt from a Search Page for Black’s Law Dictionary .....	A-247
Exhibit F to Clancy Declaration – Page Showing <i>Foul Ball</i> in Partner Program Preview .....	A-249

	<b>Page</b>
Exhibit G to Clancy Declaration – Webpage at <a href="http://books.google.com/googlebooks/testimonials.html">http://books.google.com/ googlebooks/testimonials.html</a> Reflecting User Comments on Google Books .....	A-251
Exhibit H to Clancy Declaration – Quantitative Analysis of Culture Using Millions of Digitized Books by Jean-Baptiste Michel .....	A-259
Declaration of Joseph C. Gratz in Support of Defendant Google Inc.’s Motion for Summary Judgment, dated July 27, 2012 .....	A-267
Exhibit 1 to Gratz Declaration – Excerpts of Deposition Transcript of Paul N. Courant, dated April 23, 2012.....	A-270
Exhibit 2 to Gratz Declaration – Excerpts of Deposition Transcript of Paul Aiken, dated April 19, 2012 .....	A-283
Exhibit 3 to Gratz Declaration – Excerpts of Plaintiffs’ Responses and Objections to Defendant Google Inc.’s First Set of Interrogatories, dated April 27, 2012.....	A-298
Exhibit 4 to Gratz Declaration – Excerpts of Deposition Transcript of Judith A. Chevalier, dated June 8, 2012 .....	A-307
Exhibit 5 to Gratz Declaration – Letter from Pamela Samuelson to the Honorable Denny Chin, dated February 13, 2012.....	A-310
Exhibit 6 to Gratz Declaration – Excerpts of Deposition Transcript of Eric Zohn, dated April 13, 2012 .....	A-316

	<b>Page</b>
Exhibit 7 to Gratz Declaration – Exhibit 2 to the Deposition Transcript of Eric Zohn .....	A-322
Declaration of Albert N. Greco in Support of Defendant Google Inc.’s Motion for Summary Judgment, dated July 23, 2012 .....	A-325
Exhibit A to Greco Declaration – Expert Report of Albert N. Greco, dated May 3, 2012 .....	A-327
Declaration of Kurt Groetsch in Support of Defendant Google Inc.’s Motion for Summary Judgment, dated July 25, 2012 .....	A-335
Declaration of Bruce S. Harris in Support of Defendant Google Inc.’s Motion for Summary Judgment, dated July 23, 2012 .....	A-340
Exhibit A to Harris Declaration – Expert Report of Bruce S. Harris, dated May 3, 2012, with Exhibits D-H .....	A-342
Declaration of Brad Hasegawa in Support of Defendant Google Inc.’s Motion for Summary Judgment, dated July 25, 2012 .....	A-392
Declaration of Stephane Jaskiewicz in Support of Defendant Google Inc.’s Motion for Summary Judgment, dated July 25, 2012 .....	A-395
Declaration of Gloriana St. Clair in Support of Defendant Google Inc.’s Motion for Summary Judgment, dated July 18, 2012 .....	A-398
Exhibit A to St. Clair Declaration – Expert Report of Gloriana St. Clair, dated May 3, 2012 .....	A-400

	<b>Page</b>
Local Rule 56.1 Statement in Support of Defendant Google Inc.’s Motion for Summary Judgment, dated July 27, 2012 .....	A-417
Declaration of Joanne Zack in Support of Plaintiffs’ Motion for Partial Summary Judgment, dated July 26, 2012.....	A-429
Exhibit 1 to Zack Declaration – U.S. Copyright Office Certificate of Registration No. A173097 .....	A-435
Exhibit 2 to Zack Declaration – U.S. Copyright Office Certificate of Registration No. TX0000338841 .....	A-438
Exhibit 3 to Zack Declaration – U.S. Copyright Office Certificate of Registration No. A346254.....	A-441
Exhibit 4 to Zack Declaration – Printouts from Google’s Website displaying Search Results in Jim Bouton, <i>Ball Four</i> .....	A-444
Exhibit 5 to Zack Declaration – Printouts from Google’s Website displaying Search Results for the Term “pitch” in Jim Bouton, <i>Ball Four</i> .....	A-510
Exhibit 6 to Zack Declaration – Printouts from Google’s Website displaying Search Results for the Term “pitches” in Jim Bouton, <i>Ball Four</i> .....	A-516
Exhibit 7 to Zack Declaration – Printouts from Google’s Website displaying Search Results in Betty Miles, <i>The Trouble with Thirteen</i> .....	A-522

	<b>Page</b>
Exhibit 8 to Zack Declaration – Printouts from Google’s Website displaying Search Results in Joseph Goulden, <i>The Superlawyers: the Small and Powerful World of the Great Washington Law Firms</i> .....	A-532
Exhibit 9 to Zack Declaration – Excerpts from a Spreadsheet produced by Google identifying approximately 2.7 million scanned Books Google has distributed to Libraries .....	A-542
Exhibit 10 to Zack Declaration – Printout from <a href="http://www.authorsguild.org/about/history.html">http://www.authorsguild.org/about/ history. html</a> .....	A-546
Exhibit 11 to Zack Declaration – Printout from <a href="http://investor.google.com/corporate/faq.html">http://investor.google.com/ corporate/faq.html</a> .....	A-549
Exhibit 12 to Zack Declaration – “Google Checks Out Library Books,” dated December 14, 2004 .....	A-555
Exhibit 13 to Zack Declaration – Pages 1, 2, 15, and 56 of Google Inc.’s 2011 Form 10-K .....	A-559
Exhibit 14 to Zack Declaration – Pages 1, 3, and 50 of Google Inc.’s 2010 Form 10-K .....	A-564
Exhibit 15 to Zack Declaration – Google Print Partner Development: Global Sales Conference (Filed Under Seal. Reproduced in the Confidential Appendix at pp. CA-1-CA-16) .....	A-568

	<b>Page</b>
Exhibit 16 to Zack Declaration – Deposition Transcript of Daniel Clancy (Filed Under Seal. Reproduced in the Confidential Appendix at pp. CA-17-CA-83) .....	A-569
Exhibit 17 to Zack Declaration – Google Book Partner Program Standard Terms and Conditions .....	A-570
Exhibit 18 to Zack Declaration – Deposition Transcript of Thomas Turvey (Filed Under Seal. Reproduced in the Confidential Appendix at pp. CA-84-CA-115).....	A-579
Exhibit 19 to Zack Declaration – Printout from <a href="http://support.google.com/books/bin/answer.py?hl=en&amp;answer=437291">http://support.google.com/ books/bin/answer.py?hl=en&amp;answer=437291</a> .....	A-580
Exhibit 20 to Zack Declaration – Announcement from Google, “Committee on Institutional Cooperation (CIC) Joins Google’s Library Project,” dated June 6, 2007 .....	A-582
Exhibit 21 to Zack Declaration – Declaration of Daniel Clancy in Support of Google Inc.’s Opposition to Plaintiffs’ Motion for Class Certification, filed February 8, 2012.....	A-586
Exhibit 22 to Zack Declaration – Printout from <a href="http://support.google.com/books/bin/answer.py?hl=en&amp;answer=43751">http://support.google.com/ books/bin/answer.py?hl=en&amp;answer=43751</a> .....	A-591
Exhibit 23 to Zack Declaration – Compilation of Documents produced by Google (Portions of Exhibit 23 Filed Under Seal. Reproduced in the Confidential Appendix at pp. CA-116-CA-308) .....	A-593



	<b>Page</b>
Exhibit 24 to Zack Declaration – Deposition Transcript of Kurt Groetsch (Filed Under Seal. Reproduced in the Confidential Appendix at pp. CA-309-CA-340) ...	A-685
Exhibit 25 to Zack Declaration – Deposition Transcript of Stephane Jaskiewicz (Filed Under Seal. Reproduced in the Confidential Appendix at pp. CA-341-CA-372) ...	A-686
Exhibit 26 to Zack Declaration – Defendant Google Inc.’s Supplemental Narrative Responses and Objections to Plaintiffs’ Second Request for Production of Documents and Things (Filed Under Seal. Reproduced in the Confidential Appendix at pp. CA-373-CA-388) ...	A-687
Exhibit 27 to Zack Declaration – Excerpts from the Defendant Google Inc.’s Responses and Objections to Plaintiffs’ First Set of Requests for Admission.....	A-688
Exhibit 28 to Zack Declaration – Printout from <a href="http://www.google.com/googlebooks/library.html">http://www.google.com/ googlebooks/library.html</a> .....	A-705
Exhibit 29 to Zack Declaration – QA Training Manual (Filed Under Seal. Reproduced in the Confidential Appendix at pp. CA-389-CA-407) ...	A-707
Exhibit 30 to Zack Declaration – Excerpts from a Spreadsheet produced by Google	A-708

	<b>Page</b>
Exhibit 31 to Zack Declaration – E-mail from Joseph Gratz to Joanne Zack, dated December 9, 2011 (Filed Under Seal. Reproduced in the Confidential Appendix at pp. CA-408-CA-409) ...	A-712
Exhibit 32 to Zack Declaration – Library of Congress Trip Report (Filed Under Seal. Reproduced in the Confidential Appendix at pp. CA-410-CA-422) ...	A-713
Exhibit 33 to Zack Declaration – Deposition Transcript of Paul Courant (Redacted Version. Unredacted Version Reproduced in the Confidential Appendix at pp. CA-423-CA-437) .....	A-714
Exhibit 34 to Zack Declaration – “Google Print Full Text Book Mini-GPS,” dated December 10, 2003 (Filed Under Seal. Reproduced in the Confidential Appendix at pp. CA-438-CA-454) ...	A-748
Exhibit 35 to Zack Declaration – “Google Print: A Book Discovery Program,” dated October 15, 2004 (Filed Under Seal. Reproduced in the Confidential Appendix at pp. CA-455-CA-478) ...	A-749
Exhibit 36 to Zack Declaration – Deposition Transcript of Gloriana St. Clair .....	A-750
Exhibit 37 to Zack Declaration – Expert Report of Daniel Gervais .....	A-782

	<b>Page</b>
Exhibit 38 to Zack Declaration – Deposition Transcript of James Crawford (Filed Under Seal. Reproduced in the Confidential Appendix at pp. CA-479-CA-497) ...	A-797
Exhibit 39 to Zack Declaration – Expert Report of Benjamin Edelman.....	A-798
Exhibit 40 to Zack Declaration – Deposition Transcript of Bruce Harris.....	A-808
Exhibit 41 to Zack Declaration – Deposition Transcript of Albert Greco .....	A-825
Exhibit 42 to Zack Declaration – Deposition Transcript of Judith Chevalier (Redacted Version. Confidential Pages Reproduced in the Confidential Appendix at pp. CA-498-CA-501).....	A-852
Exhibit 43 to Zack Declaration – Defendant Google Inc.’s Responses and Objections to Plaintiffs’ First Set of Interrogatories.....	A-909
Plaintiffs’ Statement of Undisputed Facts in Support of Their Motion for Partial Summary Judgment, dated July 26, 2012 (Public Redacted Version. Confidential Pages Reproduced in the Confidential Appendix at pp. CA-502-CA-508).....	A-927
Plaintiffs’ Response to Defendant Google Inc.’s Local Rule 56.1 Statement, dated August 26, 2013 (Public Redacted Version. Confidential Pages Reproduced in the Confidential Appendix at pp. CA-509-CA-516).....	A-949

	<b>Page</b>
Declaration of Michael J. Boni in Support of Plaintiffs' Opposition to Defendant Google's Motion for Summary Judgment, dated August 26, 2013 .....	A-979
Exhibit 1 to Boni Declaration – Compilation of Google Snippet Displays from Jim Bouton's Baseball Memoir <i>Ball Four</i> .....	A-982
Exhibit 2 to Boni Declaration – Google Snippet Displays from Joseph Goulden's History <i>Superlawyers</i> .....	A-1074
Exhibit 3 to Boni Declaration – Google Snippet Displays from Betty Miles's Novel <i>The Trouble with Thirteen</i> .....	A-1172
Exhibit 4 to Boni Declaration – Internal Memos produced by Google to The American Society of Media Photographers, Inc. (Filed Under Seal. Reproduced in the Confidential Appendix at pp. CA-517-CA-521) ...	A-1204
Exhibit 5 to Boni Declaration – Cover, Table of Contents, and Complete Chapter Two with Answer Key for <i>The Seinfeld Aptitude Test</i> by Beth Golub (Carol Publishing Group, 1994) .....	A-1205
Exhibit 6 to Boni Declaration – Cover, Table of Contents, and First Three Pages of each Chapter from <i>Welcome to Twin Peaks</i> (1990 Publications International Ltd.) .....	A-1244

	<b>Page</b>
Exhibit 7 to Boni Declaration – Excerpts from the Deposition of Bradley Hasegawa (Filed Under Seal. Reproduced in the Confidential Appendix at pp. CA-522-CA-538) ...	A-1271
Exhibit 8 to Boni Declaration – Printout from a Webpage on Amazon.com, obtained by clicking on the “Amazon” Link on the Google Books Page for Joseph Goulden’s book <i>Superlawyers</i> .....	A-1272
Exhibit 9 to Boni Declaration – Printout from a Webpage on Amazon.com, obtained by running a Search on Amazon.com for “Steve Hovley” .....	A-1277
Exhibit 10 to Boni Declaration – Printout from a Webpage on Amazon.com, obtained by running a Search on Amazon.com for “Minoru Yasui” .....	A-1287
Declaration of Paul Aiken in Support of Plaintiffs’ Opposition to Defendant Google’s Motion for Summary Judgment, dated August 26, 2013 .....	A-1290
Attachment A to Aiken Declaration – Amazon Press Release: “Amazon.com Launches “Search Inside the Book” Enabling Customers to Discover Books by Searching and Previewing the Text Inside” .....	A-1302
Attachment B to Aiken Declaration – “The Great Library of Amazonia,” <i>Wired</i> <i>Magazine</i> , November 12, 2003.....	A-1305

	<b>Page</b>
Attachment C to Aiken Declaration – “News: A9, Amazon’s Search Portal, Goes Live: Reverberations Felt in Valley,” <i>John Battelle’s Search Blog</i> , April 14, 2004.....	A-1314
Attachment D to Aiken Declaration – “Can Amazon Unplug Google?” Business 2.0, April 15, 2004.....	A-1319
Attachment E to Aiken Declaration – “Amazon to Take Searches on Web to a New Depth,” <i>The New York Times</i> , September 15, 2004 .....	A-1325
Attachment F to Aiken Declaration – “Amazon’s A9 Launches Visual Yellow Pages,” <i>Search Engine Watch</i> , January 26, 2005 .....	A-1329
Attachment G to Aiken Declaration – “Google Hires Amazon Search Chief,” <i>Seattle Post-Intelligencer</i> , February 7, 2006 .....	A-1333
Attachment H to Aiken Declaration – “Google Announces New Mapping Innovations at Where 2.0 Conference,” <i>News from Google</i> , May 29, 2007 .....	A-1337
Declaration of Joseph C. Gratz in Opposition to Plaintiffs’ Motion for Partial Summary Judgment, dated August 26, 2013 .....	A-1340
Exhibit 1 to Gratz Declaration – Portion of the Web Page resulting from a Search on the Library of Congress Catalog at <a href="http://catalog.loc.gov">http://catalog.loc.gov</a> for the Query “500 Pearl Street” .....	A-1344

	<b>Page</b>
Exhibit 2 to Gratz Declaration – Portion of the Web Page resulting from a Search on <a href="https://books.google.com">https://books.google.com</a> for the Query “500 Pearl Street” .....	A-1346
Exhibit 3 to Gratz Declaration – Portion of the Web Page that results from clicking on the Result <i>Alas! What Brought Thee Hither?: The Chinese in New York, 1800-1950</i> in Exhibit 2.....	A-1348
Exhibit 4 to Gratz Declaration – Portion of the Web Page resulting from a Search on <a href="https://books.google.com">https://books.google.com</a> for the Query “Hong Kee Kang” .....	A-1350
Exhibit 5 to Gratz Declaration – Portion of the Web Page that results from clicking on the Result <i>Chinese America, History and Perspectives</i> in Exhibit 4 .....	A-1352
Exhibit 6 to Gratz Declaration – Printout from <a href="http://www.amazon.com/gp/offer-listing/B002H9DITW">http://www.amazon.com/gp/offer- listing/B002H9DITW</a> .....	A-1354
Exhibit 7 to Gratz Declaration – Marc Egnal, <i>Evolution of the Novel in the United States: The Statistical Evidence</i> , 37:2 Soc. Sci. Hist. 231 (2013) .....	A-1356
Exhibit 8 to Gratz Declaration – Written Testimony submitted by Paul Aiken to the Committee on the Judiciary of the United States House of Representatives in connection with a September 10, 2009 Hearing titled “Competition and Commerce in Digital Books” ...	A-1381

	<b>Page</b>
Exhibit 9 to Gratz Declaration – Excerpts of the Deposition Transcript of Paul Aiken.....	A-1412
Exhibit 10 to Gratz Declaration – Excerpts of the Deposition Transcript of Betty Miles .....	A-1419
Exhibit 11 to Gratz Declaration – Excerpts of Plaintiffs’ Reponses and Objections to Defendant Google Inc.’s First Set of Interrogatories to Plaintiffs The Authors Guild, Inc., Jim Bouton, Joseph Goulden and Betty Miles herein, served on April 27, 2012.....	A-1425
Exhibit 12 to Gratz Declaration – Excerpts of the Deposition Transcript of Jim Bouton.....	A-1432
Exhibit 13 to Gratz Declaration – Excerpts of the Deposition Transcript of Joseph Goulden.....	A-1435
Exhibit 14 to Gratz Declaration – Exhibit 6 to the Deposition of Paul Aiken .....	A-1445
Exhibit 15 to Gratz Declaration – Deposition Transcript of Daniel Gervais .....	A-1448
Exhibit 16 to Gratz Declaration – Deposition Transcript of Benjamin G. Edelman ....	A-1509
Exhibit 17 to Gratz Declaration – Exhibit 5 to the Deposition of Jim Bouton .....	A-1588
Exhibit 18 to Gratz Declaration – Exhibit 2 to the Deposition of Betty Miles .....	A-1590



	<b>Page</b>
Exhibit 19 to Gratz Declaration – Exhibit 16 to the Deposition of Benjamin G. Edelman .....	A-1592
Exhibit 20 to Gratz Declaration – Excerpts of the Deposition Transcript of Judith A. Chevalier .....	A-1595
Declaration of Scott Dougall in Opposition to Plaintiffs’ Motion for Partial Summary Judgment, dated August 22, 2013 .....	A-1602
Google Inc.’s Responses and Objections to Plaintiffs’ Statement of Undisputed Facts in Support of Their Motion for Partial Summary Judgment, dated August 26, 2013 (Public Redacted Version. Confidential Pages Reproduced in the Confidential Appendix at pp. CA-539-CA-555) .....	A-1605
Notice of Appeal, dated December 23, 2013 .....	A-1639

## From inside the book

4 pages matching **barclay** in this book

Page 28

year. Aunt Sylvia has a friend whose kids go to  
Barclay. She says they love it. I'm going to the city this

## From inside the book

11 pages matching **chair** in this book

Page 12

son, but his way of thinking was a lot more serious, quite  
sophisticated.

"What are you getting Kate for her birthday?" I  
asked. Kate was going to be thirteen on Saturday. She  
was having a sleep-over party. It was the first time she

## From inside the book

2 pages matching **bruce** in this book

Page 56

Anyway, that's not all, Rachel went right on. "I met these kids Aunt Sylvia knows, who go to Barclay. Erica and Bruce. They were so nice, Annie! They weren't stuck-up or anything. They told me a lot of

## From inside the book

3 pages matching **dance** in this book

Page 51

... I don't have to change anything or anything," I

said.

All of a sudden, I got the feeling of how you move when you dance. It just seemed to come to me. The gown swirled around my legs. I was doing it!

## From inside the book

10 pages matching miss in this book

Page 67

her body twitched and went still. I tried to hear her heart, but there was no sound. "Nora!" I cried, hugging her close. "Oh, Nora, I'm going to miss you so much!" I missed her terribly already.

Page 68

house. I heard her talking to Dad. He came out to the porch and hugged me.

"I'm sorry, Coke." He bent down and touched Nora gently. "I'm going to miss her," he said. "She was a

Page 73

wishing Nora would run out the door and jump down the steps and throw herself at me with her tail thumping happily against my legs.

One afternoon as I was walking slowly up the

**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

**EXHIBIT**

**4**

**TO THE DECLARATION OF MICHAEL J. BONI IN SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANT GOOGLE'S MOTION FOR SUMMARY JUDGMENT**

**[FILED UNDER SEAL]**

**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

**EXHIBIT**

**5**

**TO THE DECLARATION OF MICHAEL J. BONI IN SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANT GOOGLE'S MOTION FOR SUMMARY JUDGMENT**

**T H E**

# Seinfeld

**A P T I T U D E****T E S T**

Hundreds of spectacular  
questions on minute  
details from TV's  
greatest show about  
absolutely nothing

**BETH B. GOLUB**



**THE**  
**SEINFELD**  
**APTITUDE TEST**

**H**undreds of Spectacular  
Questions on Minute Details  
from TV's Greatest Show  
about Absolutely Nothing

**BETH B. GOLUB**

A CITADEL PRESS BOOK

Published by Carol Publishing Group



Copyright © 1994 by Beth B. Golub  
 All rights reserved. No part of this book may be reproduced in any form, except by a newspaper or magazine reviewer who wishes to quote brief passages in connection with a review.

A Citadel Press Book  
 Published by Carol Publishing Group  
 Citadel Press is a registered trademark of Carol Communications, Inc.  
 Editorial Offices: 600 Madison Avenue, New York, N.Y. 10022  
 Sales & Distribution Offices: 120 Enterprise Avenue,  
 Secaucus, N.J. 07094

In Canada: Canadian Manda Group, P.O. Box 920, Station U,  
 Toronto, Ontario M8Z 5P9

Queries regarding rights and permissions should be addressed to  
 Carol Publishing Group, 600 Madison Avenue, New York, N.Y. 10022

Carol Publishing Group books are available at special discounts for  
 bulk purchases, sales promotions, fund-raising, or educational purposes.  
 Special editions can be created to specifications.

For details contact: Special Sales Department, Carol Publishing Group,  
 120 Enterprise Avenue, Secaucus, N.J. 07094

Book design by Jessica Shatan

Manufactured in the United States of America  
 10 9 8 7 6 5 4 3 2 1

#### Library of Congress Cataloging-in-Publication Data

Golub, Beth B.

The "Seinfeld" aptitude test : hundreds of spectacular questions  
 on minute details from TV's greatest show about absolutely nothing /  
 by Beth B. Golub.

p. cm.

"A Citadel Press book."

ISBN 0-8065-1583-X (pbk.)

1. Seinfeld—Miscellanea. I. Title.

PN1992.77.S4285G65 1994

791.43'72—dc20

94-20348

CIP

# CONTENTS

Introduction	ix
<i>The Seinfeld Aptitude Test</i> Scoring System	xi
LEVEL 1: Wuss Questions	3
MATCHING QUIZZES	
Family Trees	22
New York, New York No. 1	24
LEVEL 2: This, That, and the Other Questions	29
MATCHING QUIZZES	
Edibles	47
Oh, Boy!	48
Potpourri	49
LEVEL 3: Tough Monkey Questions	53
MATCHING QUIZZES	
A.K.A.	72
New York, New York No. 2	73
Edibles, Too	75

## viii

## Contents

LEVEL 4: Atomic Wedgie Questions	79
MATCHING QUIZZES	
New York, New York No. 3	98
More Potpourri	100
LEVEL 5: Master of Your Domain Questions	103
MATCHING QUIZZES	
Answer Key	107



## INTRODUCTION

It was a nothing that he knew too well. It was all a nothing . . . Some lived in it and never felt it but he knew it all was *nada y pues nada y nada y pues nada*.

—ERNEST HEMINGWAY, *A Clean, Well-Lighted Place*

**S**o explains the format-bending premise and appeal of TV's most innovative sitcom, *Seinfeld*. Each episode is devoted to the trifling, picayune, and petty annoyances encountered by the show's characters on a daily basis—looking for a parking space, missing rent-a-car reservations, dilemmas in dating, anxiety about switching barbers.

At the center of these misadventures is stand-up comedian Jerry Seinfeld, who plays himself. Jerry is the nucleus of a fabulous foursome consisting of best friend George Costanza, ex-girlfriend Elaine Benes, and eccentric next-door neighbor Kramer. Together they ponder the meaning of the mundane: Jujufruits, atomic wedgies, fake wood wallpaper, puffy shirts, open-lipped kisses. The more insignificant, the better. Clearly, *Seinfeld* has succeeded in transforming *nothing* into *something* that audiences find endlessly fascinating. For these minutiae-minded viewers, this book is the ultimate diagnosis of their devotion.

\*Place and character names not shown on the screen or listed in the credits are spelled phonetically.

# THE SEINFELD APTITUDE TEST SCORING SYSTEM

**T**he *Seinfeld Aptitude Test* consists of 550 questions that are divided into five levels of increasing difficulty, culminating in the Master of Your Domain Questions.

As a respite between levels, twist open a Snapple, double-dip a chip, and demonstrate your Seinfeldian savvy by tackling the ten (noncredit) topical matching quizzes. Afterwards, go back and see how you scored on the 550 questions.

## CORRECT ANSWERS 0-140

141-280

281-420

421-550

## HONORARY TITLES

**George:** You can't sustain a romance or hold a job. Not that there's anything wrong with that.

**Kramer:** You could have scored higher but were interrupted by an impending intestinal requirement.

**Elaine:** You're a tenacious professional who is test smart, but whose IQ seems to fluctuate widely.

**Jerry:** You're superman.

A-1213

Case 1:05-cv-08136-DC Document 1073-9 Filed 08/26/13 Page 9 of 39



LEVEL 2



# THIS, THAT, AND THE OTHER QUESTIONS

NEATLY DARKEN THE INTENDED CIRCLE OR WRITE  
OUT YOUR ANSWER. USE A NO. 2 PENCIL.

- 1** What game does George play with the Bubble Boy?
- Ⓐ Chutes and Ladders
  - Ⓑ Pictionary
  - Ⓒ Trivial Pursuit
  - Ⓓ Twister
- 2** What is Kramer's first name?
- 3** Elaine is in the bridal party of a lesbian wedding as what?
- 4** According to Kramer, all of the following are scams *except*
- Ⓐ the Dewey decimal system
  - Ⓑ free-range chicken
  - Ⓒ one-hour Martinizing
  - Ⓓ the carpet sweeper

30

The *Seinfeld* Aptitude Test

**5** What is Jerry's last guess to recall a date's name that rhymes with a female body part?

**6** Which of Elaine's cohorts has *not* seen her naked?

- (A) Jerry
- (B) George
- (C) Kramer

**7** What happens to Kramer at Elaine's charity bachelor auction?

- (A) His derriere is pinched by an admiring woman.
- (B) He falls off the runway into the crowd.
- (C) He is sold to the lowest bidder.

**8** Whose father wears sneakers in the pool?

- (A) Jerry's
- (B) George's
- (C) Elaine's
- (D) Kramer's

**9** How does Elaine develop back trouble while staying with the Seinfelds?

**10** Calvin Klein hires Kramer to model what?

**11** After witnessing a bris, George reacts by

- (A) throwing up
- (B) fainting
- (C) breaking out in hives
- (D) breaking into song

**12** Who is a phony e

**13** George's girlfriend

- (A) The p
- (B) The a
- (C) The p

**14** Who is a business j

**15** John's girlfriend

**16** What

**17** Who is when he g

**18** What is constantly

- (A) Huck
- (B) Biff L
- (C) Tom J
- (D) Holde

**19** Elaine's what artic



**12** Whose address and phone number does George use as a phony employment reference?

**13** George claims he has no “hand” with which girlfriend?

- Ⓐ The pianist
- Ⓑ The accountant
- Ⓒ The performance artist

**14** Who is Kramer’s chubby buddy and sometimes business partner?

**15** John F. Kennedy, Jr., befriends which of Jerry’s ex-girlfriends?

**16** What does Jerry’s cousin Jeffrey do for a living?

**17** Who substitutes for Jerry’s neighborhood car parker when he goes on vacation?

**18** What figure in American literature does Jerry constantly compare George to?

- Ⓐ Huck Finn
- Ⓑ Biff Loman
- Ⓒ Tom Joad
- Ⓓ Holden Caulfield

**19** Elaine is ejected from Yankee Stadium for wearing what article of clothing?

32

The *Seinfeld* Aptitude Test

L

**20** Jerry and Kramer witness what surgical procedure?

- (A) A splenectomy
- (B) An appendectomy
- (C) A vasectomy

**21** How does George avoid taking an IQ test administered by his girlfriend?**22** Kramer poses as Elaine's new boyfriend so that she can break up with

- (A) her writer boyfriend
- (B) her psychiatrist boyfriend
- (C) her baseball player boyfriend
- (D) her artist boyfriend

**23** What is Elaine's ex-roommate's occupation?**24** Jerry wears his watch on which wrist?**25** Elaine describes a couple's ugly newborn baby as looking like

- (A) a pekinese
- (B) a troll
- (C) Granny

**26** What was George's first career on the show?**27** Elaine gets George a job in her office doing what?**28** How  
locked ap

- (A) She ki
- (B) She ch
- (C) She sp
- (D) She dr

**29** What  
comparte**30** Who c  
cabinets?**31** Jerry h  
of lining?**32** Accord  
damaging e

- (A) When h
- (B) When h
- (C) When h
- (D) When h

**33** What is  
that opens a**34** Kramer  
what?

**28** How does Elaine escape from Crazy Joe Davola's locked apartment?

- Ⓐ She kicks him in the groin.
- Ⓑ She clubs him in the knee.
- Ⓒ She sprays him with cherry Binaca.
- Ⓓ She drops a bowling ball on his toe.

**29** What video of George's is stolen from Jerry's glove compartment?

**30** Who *always* snoops in other peoples' medicine cabinets?

**31** Jerry buys an expensive suede jacket with what kind of lining?

**32** According to George, what was the single most damaging experience of his life?

- Ⓐ When he broke his parents' favorite statue
- Ⓑ When he had his first sexual experience
- Ⓒ When he received his SAT scores
- Ⓓ When he saw his father naked

**33** What is the name of the Pakistani-owned restaurant that opens across from Jerry's apartment?

**34** Kramer envisions creating a cologne that smells like what?

34

The *Seinfeld* Aptitude Test

Levi

**35** Elaine meets a pediatrician in the Hamptons who uses what word to describe her beauty?

- (A) "Bitchin'"
- (B) "Radiant"
- (C) "Breathtaking"
- (D) "Scrumptious"

**36** What ploy do George, Jerry, and Elaine utilize to get seated at a busy Chinese restaurant?

**37** According to George, what famous news personality has had a nose job?

- (A) Connie Chung
- (B) Peter Jennings
- (C) Willard Scott

**38** What is Kramer's apartment number?

**39** How does Jerry get his watch back?

**40** George's decorated bedsheets feature what animals?

- (A) Dinosaurs
- (B) Dalmations
- (C) Ducks

**41** Why is Elaine mortified by her Christmas-card photo?

**42** Jerry receives what defective birthday gift from Kramer?

- (A) A two-line phone

- (B) A mohair
- (C) A Salad
- (D) A case o

**43** Kramer video store w

**44** How is ( in his parents

**45** What is topless at the  
(A) "Yo Yo M  
(B) "Boutros  
(C) "Nice raci

**46** What ser Elaine's baby

**47** After his distressed abo  
(A) His TV  
(B) His watch  
(C) His answe  
(D) His stereo

**48** George se store. What de



- Ⓑ A mohair sweater
- Ⓒ A Salad Shooter
- Ⓓ A case of motor oil

**43** Kramer romances a lesbian woman he meets in a video store who shares his passion for what sport?

**44** How is George punished for having sex with a woman in his parents' bed?

**45** What is Jerry's response to seeing George's girlfriend topless at the beach?

- Ⓐ "Yo Yo Ma!"
- Ⓑ "Boutros Boutros-Ghali!"
- Ⓒ "Nice rack!"

**46** What service people are working in the midst of Elaine's baby shower for a college friend?

**47** After his apartment is robbed, Jerry is most distressed about which missing item?

- Ⓐ His TV
- Ⓑ His watch
- Ⓒ His answering machine
- Ⓓ His stereo

**48** George sells his father's old clothes to a used clothing store. What defect do they have?

36

The *Seinfeld* Aptitude Test

Lev

**49** Kramer leaves what item in Jerry's stolen car that is, remarkably, returned to him?

- (A) His gloves
- (B) His golf clubs
- (C) His carpet sweeper

**50** What is George's immediate response to seeing his girlfriend's nose unbandaged?

**51** Why does Kramer leave New York for California?

**52** George is announced by the doorman at the NBC president's apartment building as

- (A) Mr. Cabana
- (B) Mr. Bonanza
- (C) Mr. Cantstandya

**53** How does Elaine discover that Jerry's girlfriend's breasts are real?

**54** How is George's hand-modeling career cut short?

**55** Name the woman who dates both Jerry and George at different times.

- (A) Marlene, the sexy southern cashier
- (B) Jodi, the masseuse
- (C) Noel, the concert pianist

**56** Who creates a "written list" of excuses to avoid an annoying friend?

**57** How m

- (A) 10
- (B) 20
- (C) 30
- (D) 40

**58** What is

**59** Accord  
he fasted?

**60** Kramer  
the voice of

- (A) Mary H.
- (B) Dr. Rutl
- (C) Charo

**61** George

**62** Mr. Sei

- (A) The che
- (B) The dipl
- (C) The Prir
- (D) The exe

**63** Crazy J  
circus chara

**64** Who ph

**57** How many pairs of undershorts does George own?

- Ⓐ 10
- Ⓑ 20
- Ⓒ 30
- Ⓓ 40

**58** What is Elaine's father's occupation?

**59** According to Jerry, what did Gandhi consume before he fasted?

**60** Kramer involuntarily convulses every time he hears the voice of what celebrity?

- Ⓐ Mary Hart
- Ⓑ Dr. Ruth Westheimer
- Ⓒ Charo

**61** George writes with which hand?

**62** Mr. Seinfeld popularized what raincoat style?

- Ⓐ The chesterfield
- Ⓑ The diplomat
- Ⓒ The Prince Albert
- Ⓓ The executive

**63** Crazy Joe Davola attends the opera dressed as what circus character?

**64** Who photographs Elaine for her Christmas card?

38

The *Seinfeld* Aptitude Test

Leve

**65** Kramer decorates his apartment with fake-wood wallpaper so it will resemble what structure?

- (A) A fort
- (B) A ski lodge
- (C) A shed
- (D) A log cabin

**66** George's accountant girlfriend wears what eating utensil as a hair accessory?

**67** What does Jerry's apartment cleaner steal from his apartment?

**68** Jerry and Elaine visit the Seinfelds for what occasion?

**69** George keeps what on his winter jacket because he thinks women find it attractive?

- (A) The price tag
- (B) A Dukakis pin
- (C) A lift-ticket
- (D) A name tag

**70** To what does "They're real and they're spectacular!" refer?

**71** Why does Elaine exchange her babka for another at the bakery?

**72** George discovers a baldness cure developed by a doctor from what country?

- (A) Russia
- (B) China
- (C) Tibet

**73** What kind of backscratcher?

**74** What does she do?

- (A) She's a mother
- (B) She's a clown
- (C) She's a liar
- (D) She's a peeper

**75** Who calls?

**76** According to what?

**77** What happens right before she?

**78** George's limo ride with?

- (A) "Over the top"
- (B) "Getting to the point"
- (C) "If I Were a Rich Man"
- (D) "The Party"

**79** What ingredients in Chinese food?



- Ⓐ Russia
- Ⓑ China
- Ⓒ Tibet

**73** What kitchen implement does Kramer use as a backscratcher?

**74** What does Jerry's "virgin" girlfriend do for a living?

- Ⓐ She's a masseuse.
- Ⓑ She's a closet organizer.
- Ⓒ She's a lineswoman.
- Ⓓ She's a performance artist.

**75** Who calls George, "Georgie"?

**76** According to Jerry, the whole concept of lunch is based on what food?

**77** What happens to Elaine's sixty-six-year-old boyfriend right before she breaks up with him?

**78** George unconsciously whistles what tune during a limo ride with neo-Nazis?

- Ⓐ "Over the Rainbow" from *The Wizard of Oz*
- Ⓑ "Getting to Know You" from *The King and I*
- Ⓒ "If I Were a Rich Man" from *Fiddler on the Roof*
- Ⓓ "The Party's Over" from *Bells Are Ringing*

**79** What ingredient does Kramer like added to his Chinese food?

40

The *Seinfeld* Aptitude Test

Level

**80** Who sneezes on the NBC president's lunch?

- (A) David Lett
- (B) Joe Davola
- (C) Saddam H

**81** George, Kramer, and Elaine's macho boyfriend embark on which of the following disastrous expeditions?

- (A) Sky diving
- (B) Canoeing
- (C) Rock climbing
- (D) Spelunking

**88** Why is G

**89** To what d

**82** Why do Jerry and Elaine get stranded at a party on Long Island?

- 90** What is t  
who constantly
- (A) Mr. Seame
- (B) Mr. Neime
- (C) Mr. Heym

**83** Jerry has a dispute with a girlfriend over what men's clothing commercial?

**91** Jerry is o

**84** George ponders all of the following career alternatives after losing his real-estate job *except*

- (A) talk show host
- (B) projectionist
- (C) general manager of a baseball team
- (D) stunt double

**92** Why does  
refinished whi

**85** Elaine's electronic organizer has what defect?

- 93** What far  
a sauna?
- (A) Dr. Seuss
- (B) Norman M
- (C) L. Ron H
- (D) Salman R

**86** Which of the foursome prefers to be on the bottom during sex?

**94** Who rep

**87** George and Kramer are late picking up Jerry and Elaine at a bakery because their car is blocked by a double-parker. The offender turns out to be

**95** What is t

- Ⓐ David Letterman
- Ⓑ Joe Davola
- Ⓒ Saddam Hussein

**88** Why is George fired from his job at Elaine's office?

**89** To what does "I don't have a square to spare" refer?

**90** What is the name of George's high school gym teacher who constantly harassed him?

- Ⓐ Mr. Seaman
- Ⓑ Mr. Neiman
- Ⓒ Mr. Heyman

**91** Jerry is obsessed with what superhero?

**92** Why does George have his parents' coffee table refinished while they're out of town?

**93** What famous writer does Kramer think he meets in a sauna?

- Ⓐ Dr. Seuss
- Ⓑ Norman Mailer
- Ⓒ L. Ron Hubbard
- Ⓓ Salman Rushdie

**94** Who repeatedly shrieks, "*S-t-e-l-l-a!*"?

**95** What is George's customary order at the coffee shop?

42

The *Seinfeld* Aptitude Test

Level

**96** Jerry intentionally throws away what gift from his parents?

- (A) An air con
- (B) A TV
- (C) A bed

**97** What kind of fruit does Kramer eat whole?

- (A) A pineapple
- (B) An orange
- (C) An apple
- (D) A banana

**98** Newman has a weakness for what type of sweet treat?

**99** George has a public \_\_\_\_\_ phobia?

**100** Why does Jerry's model girlfriend end their relationship?

- (A) She thinks his comedy act isn't funny.
- (B) She catches him picking his nose.
- (C) She finds his table manners offensive.
- (D) She thinks she's allergic to him.

**101** What does George purchase at a roadside stand during his trip to the Hamptons?

**102** Who said "You should have seen her face. It was the exact same look my father gave me when I told him I wanted to be a ventriloquist"?

**103** Jerry, George, Elaine, and Kramer drive to a New Jersey shopping mall so that Kramer can purchase what for his apartment?

# **NEXT QUESTION MU**

**104** What de

**105** George during a failed

- (A) A poppyse
- (B) A piece of
- (C) A piece of

**106** What is York City may

**107** Who pa

**108** Who ha clothing?

**109** How di intentionally r

**110** While i

- (A) insider tra
- (B) indecent e
- (C) mass mur



- Ⓐ An air conditioner
- Ⓑ A TV
- Ⓒ A bed

NEXT QUESTION MUST FOLLOW

**104** What does Elaine get at the mall?

**105** George unknowingly has what stuck in his teeth during a failed job interview?

- Ⓐ A poppyseed
- Ⓑ A piece of spinach
- Ⓒ A piece of dental floss

**106** What issue sweeps Rudolph Giuliani into the New York City mayor's office?

**107** Who paints Kramer's portrait?

**108** Who has an allergic reaction to an article of Jerry's clothing?

**109** How did George's sadistic high-school gym teacher intentionally refer to him?

**110** While in L.A., Kramer is falsely arrested for

- Ⓐ insider trading
- Ⓑ indecent exposure
- Ⓒ mass murder

44

The *Seinfeld* Aptitude Test

Level 2

**111** What does George get on his shirt at a baby shower?

**112** Susan's grandfather's dying words were

- Ⓐ "Remember the Alamo!"
- Ⓑ "*Semper fidelis!*"
- Ⓒ "Cherish the cabin!"
- Ⓓ "Live free or die!"

**113** Jerry has a cutout of what racy sports car on his refrigerator?

**114** According to Mr. Seinfeld, which impressionistic painter was nearsighted?

**115** George's breakup with his "pretentious" accountant girlfriend causes her to

- Ⓐ join a cult
- Ⓑ commit herself to a mental institution
- Ⓒ enter a convent
- Ⓓ join the circus

**116** Who's considered a "chucker" in basketball?

**117** What video does Elaine borrow from Jerry that she returns two weeks late?

- Ⓐ *Havana*
- Ⓑ *Caddyshack*
- Ⓒ *Rochelle, Rochelle*
- Ⓓ *The Ten Commandments*

**118** Kramer d certain stop?

**119** What sec grave?

- Ⓐ His first se
- Ⓑ His SAT sc
- Ⓒ His inabilit

**120** Who pay

**121** Who said "love"?

**122** Crushed leaves the net

- Ⓐ Greenpeac
- Ⓑ the priesth
- Ⓒ the Peace
- Ⓓ the circus

**123** George discovers it h

**124** To whic when he rem comes along

- Ⓐ The toilet
- Ⓑ The mass
- Ⓒ The tenni

**118** Kramer dashes off the subway to get what snack at a certain stop?

**119** What secret does George claim he will take to his grave?

- Ⓐ His first sexual encounter
- Ⓑ His SAT scores
- Ⓒ His inability to get into podiatry school

**120** Who pays for George's therapy sessions?

**121** Who said "I never tasted a cough medicine I didn't love"?

**122** Crushed by Elaine's rejection, the NBC president leaves the network and joins

- Ⓐ Greenpeace
- Ⓑ the priesthood
- Ⓒ the Peace Corps
- Ⓓ the circus

**123** George wears a trendy new suit to an interview and discovers it has what defect?

**124** To which of Jerry's girlfriends is George referring when he remarks "A woman who hates me this much comes along once in a lifetime!"?

- Ⓐ The toilet paper miser
- Ⓑ The masseuse
- Ⓒ The tennis lineswoman

46

The *Seinfeld* Aptitude Test

**125** What is the name of the nun who becomes infatuated with Kramer?

**126** What morning show host appears as himself and interviews Jerry?

**127** How does Jerry confirm that his car has been stolen?

- (A) He contacts the police.
- (B) He calls his car phone.
- (C) He is told by Newman, an eyewitness.

**128** What does George use for eyewear after his glasses are stolen?

**129** While in the Hamptons, why doesn't Jerry's girlfriend partake in the big lobster dinner?

**130** How tall is Kramer?

- (A) 6 feet, 1 inch barefoot
- (B) 6 feet, 2½ inches (minus his hair)
- (C) Exactly 6 feet, 4 inches

MATCH  
C

- 1** Chicken salad
- 2** Pretzels
- 3** Mini-Ritz crackers
- 4** Creamed corn
- 5** Roasted potatoes
- 6** Gyros
- 7** Kishke
- 8** A tomato
- 9** Babka
- 10** Lobster

- a** Kramer feels
- b** Mrs. Costanza
- c** Jerry, Elaine on subway
- d** Hurling at C
- e** Elaine's hair
- f** The exact color
- g** Kramer uses
- h** These make
- i** Jerry uses t
- j** George urg

STOP



## EDIBLES

MATCH THE FOLLOWING FOODS WITH THE  
CORRESPONDING DESCRIPTIONS.

- 1** Chicken salad
  - 2** Pretzels
  - 3** Mini-Ritz crackers
  - 4** Creamed corn
  - 5** Roasted potatoes
  - 6** Gyros
  - 7** Kishke
  - 8** A tomato
  - 9** Babka
  - 10** Lobster
- 
- a** Kramer feels as loose as this after a massage
  - b** Mrs. Costanza prepares this on special occasions
  - c** Jerry, Elaine, and Kramer share this craving on the subway
  - d** Hurlled at George by one of Jerry's girlfriends
  - e** Elaine's has a hair on it
  - f** The exact opposite of what George regularly orders
  - g** Kramer uses this as bird food
  - h** These make Kramer "thirsty"
  - i** Jerry uses this as a peace offering
  - j** George urges his date to "go for it"

**OH, BOY!****P**

MATCH EACH NICKNAME WITH THE APPROPRIATE "BOY."

MATCH THE  
APPROPRIA  
HAVE

- 1** Bubble Boy
- 2** Butcher Boy
- 3** Aqua Boy
- 4** Cable Boy
- 5** Pretty Boy
- 6** Golden Boy
- 7** Fly Boy
- 8** Triangle Boy

- a** Jerry
- b** George
- c** Keith Hernandez
- d** Elaine's artist ex-boyfriend
- e** Obnoxious plastic-tent dweller
- f** Jerry's favorite old T-shirt
- g** The mohel
- h** Elaine's sweaty exercise companion

- 1** Would like to
- 2** Wears PABA-i
- 3** Observes com
- 4** Almost attend
- 5** Nicknamed th
- 6** Has a weakne
- 7** Believes home
- 8** Is a bathroom

- a** Jerry
- b** George
- c** Elaine
- d** Kramer
- e** Newman

## POTPOURRI

MATCH THE FOLLOWING TRADEMARKS WITH THE  
APPROPRIATE CHARACTERS. SOME CHARACTERS  
HAVE MORE THAN ONE TRADEMARK.

- 1** Would like to have "shoehorn hands"
- 2** Wears PABA-free sunblock
- 3** Observes coma etiquette
- 4** Almost attended barber school
- 5** Nicknamed the "little bulldog" in college
- 6** Has a weakness for Jujufruits
- 7** Believes home package delivery should be prohibited
- 8** Is a bathroom stall man

- a** Jerry
- b** George
- c** Elaine
- d** Kramer
- e** Newman

## ANSWER KEY

### LEVEL 1

- 1** c
- 2** A Pez dispenser
- 3** b
- 4** As a ball boy
- 5** e (According to Jerry, it's a "potpourri" of all these odors.)
- 6** He offers her fifty dollars to go over to a stranger's table and take a bite out of an egg roll.
- 7** Somewhere in Florida
- 8** c
- 9** The subway
- 10** b
- 11** Junior Mints
- 12** a
- 13** His wife
- 14** Cereal boxes
- 15** c
- 16** He decides to go against his instincts and do the complete opposite of what he would normally do.
- 17** c
- 18** Refraining from masturbating
- 19** Kramer (after watching a nude woman in the apartment across the street)





112

The *Seinfeld* Aptitude Test

## Family Trees

- 1** f
- 2** c
- 3** i
- 4** d
- 5** a
- 6** h
- 7** e
- 8** g
- 9** j
- 10** b

## New York, New York No. 1

- 1** f
- 2** d
- 3** i
- 4** g
- 5** a
- 6** j
- 7** c
- 8** b
- 9** e
- 10** h

## LEVEL 2

- 1** c
- 2** It's never been mentioned.

- 3** The l
- 4** b
- 5** Dolor
- 6** b
- 7** b
- 8** b
- 9** She s  
bar.
- 10** His li
- 11** b
- 12** Jerry's
- 13** a
- 14** Newm
- 15** Marla
- 16** He wc
- 17** Georg
- 18** b
- 19** An On
- 20** a
- 21** He ha  
her th
- 22** b
- 23** She's ε
- 24** His lei
- 25** a
- 26** He wa
- 27** Workir
- 28** c
- 29** Rochel
- 30** Krame

- 3** The best man
- 4** b
- 5** Dolores
- 6** b
- 7** b
- 8** b
- 9** She sleeps on a Hide-A-Bed that has a protruding bar.
- 10** His line of underwear
- 11** b
- 12** Jerry's
- 13** a
- 14** Newman
- 15** Marla, the "virgin"
- 16** He works for the New York City Parks Department.
- 17** George
- 18** b
- 19** An Orioles baseball cap that she refuses to remove
- 20** a
- 21** He has Elaine take it for him (by passing it out to her through his girlfriend's bedroom window).
- 22** b
- 23** She's a waitress-actress
- 24** His left wrist
- 25** a
- 26** He was a real-estate broker.
- 27** Working as a proofreader
- 28** c
- 29** *Rochelle, Rochelle*
- 30** Kramer



- 31** A pink, candy-striped lining
- 32** a and d
- 33** The Dream Café
- 34** The beach
- 35** c
- 36** Elaine tries to slip the maître d' a twenty-dollar bribe.
- 37** b
- 38** 5B
- 39** He buys it back from Uncle Leo.
- 40** a
- 41** Her nipple is exposed.
- 42** a
- 43** Golf
- 44** His father grounds him.
- 45** b
- 46** Cable TV installers
- 47** c
- 48** They are moth-ridden.
- 49** a
- 50** He faints.
- 51** Because Jerry revokes his key privileges
- 52** b
- 53** She accidentally bumps into her in the sauna.
- 54** He is pushed into a hot iron and burns his hands.
- 55** a
- 56** Jerry
- 57** d
- 58** He's a famous writer.
- 59** Triscuits

- 60** a
- 61** He
- 62** d
- 63** A cl
- 64** Krai
- 65** b ar
- 66** Cho
- 67** A st
- 68** Mr. i  
outg
- 69** c
- 70** The
- 71** It ha
- 72** b
- 73** A sp
- 74** b
- 75** Geor
- 76** Tuna
- 77** He st
- 78** c
- 79** Extra
- 80** Elain
- 81** c
- 82** Georg  
drives
- 83** Levi's
- 84** d
- 85** An al
- 86** Kram
- 87** c

## Answer Key

115

- 60** a
- 61** He is a lefty.
- 62** d
- 63** A clown
- 64** Kramer
- 65** b and d
- 66** Chopsticks
- 67** A statue
- 68** Mr. Seinfeld is being honored at a dinner as the outgoing president of the condo association.
- 69** c
- 70** The authenticity of Jerry's girlfriend's breasts
- 71** It has a hair on it.
- 72** b
- 73** A spatula
- 74** b
- 75** George's mother
- 76** Tuna
- 77** He suffers a stroke.
- 78** c
- 79** Extra MSG
- 80** Elaine
- 81** c
- 82** George gets lucky with a woman from his office and drives home with her.
- 83** Levi's cotton Dockers
- 84** d
- 85** An alarm that doesn't shut off
- 86** Kramer
- 87** c





116

The *Seinfeld* Aptitude Test

- 88** He had sex on his desk with the cleaning lady.  
**89** Toilet paper  
**90** c  
**91** Superman  
**92** Jerry carelessly leaves his mug on the table, which makes a ring.  
**93** d  
**94** Elaine  
**95** Tuna on toast  
**96** A watch  
**97** c  
**98** Drake's Coffee Cake  
**99** Bathroom  
**100** b  
**101** Tomatoes  
**102** George (describing his girlfriend's reaction to his confession that he cheated on the IQ test she administered)  
**103** a  
**104** Two goldfish  
**105** b  
**106** His campaign pledge to investigate the nonfat yogurt scandal  
**107** Jerry's artist-girlfriend, Nina  
**108** His accountant  
**109** "Can't-stand-ya"  
**110** c (He is mistaken for a serial killer known as the "Smog Strangler.")  
**111** Chocolate cake  
**112** c

- 113** A Poi  
**114** Mone  
**115** b  
**116** Georg  
**117** a  
**118** A gyr  
**119** b  
**120** His r  
**121** Georg  
**122** a  
**123** The f  
*swoos*  
**124** b  
**125** Sister  
**126** Bryan  
**127** b  
**128** Prescr  
**129** She k  
**130** b

## Edibles

- 1** f  
**2** h  
**3** g  
**4** a  
**5** b  
**6** c  
**7** i  
**8** d

## Answer Key

117

- 113** A Porsche  
**114** Monet  
**115** b  
**116** George  
**117** a  
**118** A gyro sandwich  
**119** b  
**120** His mother  
**121** George (to his date)  
**122** a  
**123** The fabric rubs between his thighs and produces a *swoosh* like sound  
**124** b  
**125** Sister Roberta  
**126** Bryant Gumbel  
**127** b  
**128** Prescription swimming goggles  
**129** She keeps kosher.  
**130** b

## Edibles

- 1** f  
**2** h  
**3** g  
**4** a  
**5** b  
**6** c  
**7** i  
**8** d



118

The *Seinfeld* Aptitude Test**9** e**10** j

Oh, Boy!

**1** e**2** g**3** b**4** a**5** c**6** f**7** h (Jerry dubs him this because he's a pilot.)**8** d

Potpourri

**1** d**2** b**3** a**4** e**5** b**6** c**7** d**8** b

LEVEL 3

**1** b**2** In a parking garage**3** c**4** Jerry (expressing his reluctance to have dinner with Elaine's intellectually intimidating father)**5** c**6** Monk**7** a**8** c**9** "Statu**10** That**11** c**12** Estell**13** For he**14** d**15** Kram**16** John (**17** a**18** Volun**19** b**20** Kram**21** The b

table.

**22** c**23** Baked**24** The P**25** c**26** So he

while g

**27** a**28** A golf**29** The "L**30** "Tippy**31** c**32** 5A**33** David I



## WHAT'S YOUR *Seinfeld* IQ?

Just how well do you command the buzzwords, peccadilloes, petty annoyances, and triflingly complex escapades of Jerry Seinfeld, Elaine Benes, George Costanza, and Kramer—the fabulously neurotic foursome that makes the offbeat hit TV series *Seinfeld* tick?

What article of clothing does Jerry make famous on the *Today Show*?

Where does George meet a woman who handcuffs him to a bed and steals his clothes?

What kind of fruit does Kramer eat whole?

- (A) A pineapple
- (B) An orange
- (C) An apple
- (D) A banana

According to Elaine, how should you be seated in restaurants based on what principle?

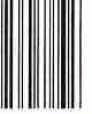
If you think you know *Seinfeld*, you should really keep track of *Seinfeld* minutiae—challenge yourself and your friends with these 550 trivia questions and 10 extra matching quizzes. No, *The Seinfeld Aptitude Test* can't tell you whether you're Master of Your Domain, but it will certify your status as King or Queen of *Seinfeld* trivia. So twist open a Snapple, double-dip a chip, and open this book to satisfy your between-episode cravings.

ISBN 0-8065-1583-X



9 780806 515830

5 0 8 9 5 >



This book has not been approved or licensed by any entity involved in creating or producing *Seinfeld*.

Design by John Gall

A Citadel Press Book  
 Carol Publishing Group

\*TW-630-924\*

### Answers:

The Puffy Shirt, The Subway, C. Who's Hungriest

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

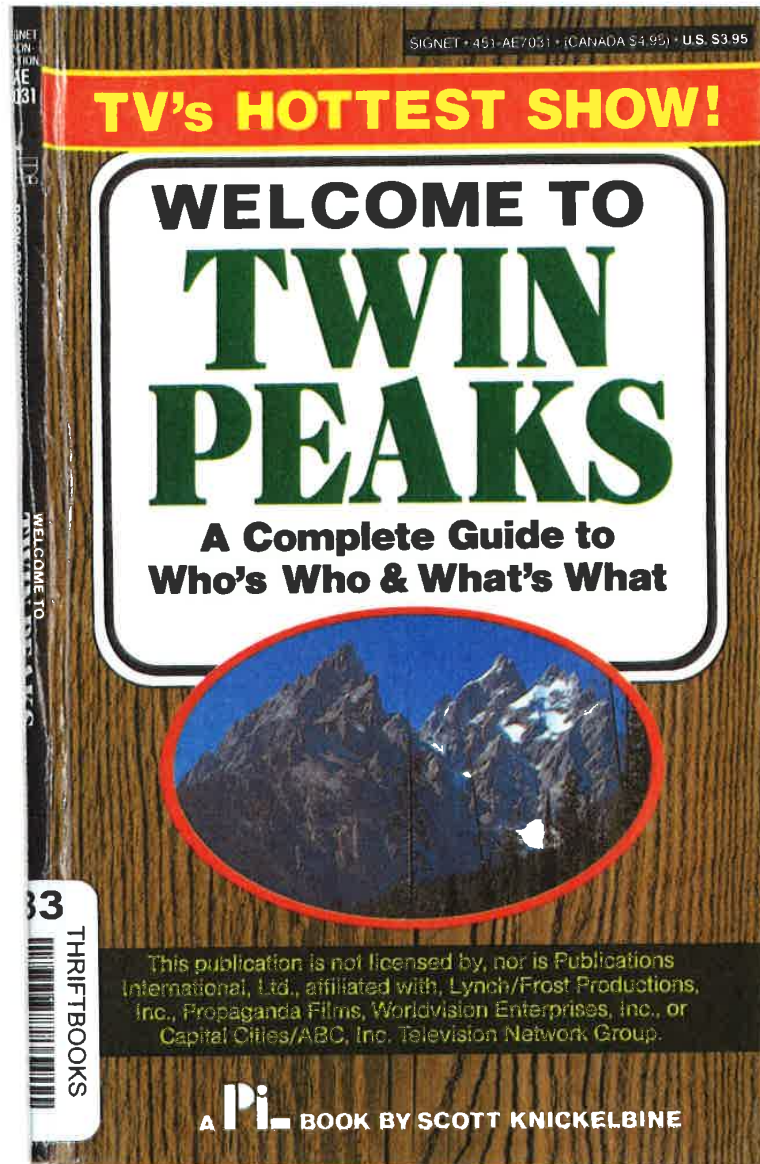
----- X	
The Authors Guild, Inc., Associational Plaintiff,	:
Betty Miles, Joseph Goulden, and Jim Bouton,	:
individually and on behalf of all others similarly	:
situated,	:
	:
Plaintiffs,	:
	:
v.	:
	:
Google Inc.,	:
	:
Defendant.	:
	:
----- X	

Case No. 05 CV 8136-DC

**EXHIBIT**

**6**

**TO THE DECLARATION OF MICHAEL J. BONI IN SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANT GOOGLE'S MOTION FOR SUMMARY JUDGMENT**



# **WELCOME TO TWIN PEAKS**

**A Complete Guide to  
Who's Who & What's What**

**A  BOOK BY SCOTT KNICKELBINE**

This publication is not licensed by, nor is Publications International, Ltd., affiliated with, Lynch/Frost Productions, Inc., Propaganda Films, Worldvision Enterprises, Inc., or Capital Cities/ABC, Inc. Television Network Group.



All rights reserved under International and Pan American copyright conventions. Copyright © 1990 Publications International, Ltd. This publication may not be reproduced or quoted in whole or in part by mimeograph or any other printed or electronic means, or for presentation on radio, television, videotape, or film without written permission from Louis Weber, C.E.O. of Publications International, Ltd., 7373 N. Cicero Ave., Lincolnwood, Illinois 60646. Permission is never granted for commercial purposes. Printed in U.S.A.

This publication is not licensed by, nor is Publications International, Ltd., affiliated with, Lynch/Frost Productions, Inc., Propaganda Films, Worldvision Enterprises, Inc., or Capital Cities/ABC, Inc. Television Network Group.

*Twin Peaks* copyright MCMLXXXIX by Lynch/Frost Productions Inc. All rights reserved. The video *Twin Peaks* is licensed by Warner Home Video (U.K.) Limited. *Floating into the Night* copyright 1989 by Warner Bros. Records Inc., a Warner Communications Company.

**Photo Credits:**

© 1990 Capital Cities/ABC, Inc.: 11, 15, 19, 21, 24, 28, 58, 62; Cinema Collectors: 22, 34, 36; De Laurentiis Entertainment Group Inc.: 105; © 1990 Entertainment Weekly Inc.: 8; Steve Granitz/Retna Ltd.: 31; Michael Grecco/Outline Press: 32; Ward Keller/World Class Photohistory: 114, 119; © 1990 Karen Kuehn/Matrix: 121; David Lynch/© 1989 Warner Bros. Records: 125; © 1990 Dewey Nicks/Visages: 17; Frank W. Ockenfels/Outline Press: 14; Photofest: 25, 40; The Samuel Goldwyn Company © 1990 PolyGram Filmproduktion GmbH: 106; Siede Preis Photography: 45, 54, 80; © 1990 Craig Sjodin/Capital Cities/ABC, Inc.: 27; *US Magazine* © 1990 Straight Arrow Publishers Inc.: 8; Barry Talesnick/Retna Ltd.: 88; © 1984 Universal City Studios, Inc. and Dino De Laurentiis Corporation: 101; © 1990 Warner Bros., Inc.: 12; © 1990 Warner Home Video: 86.  
Front Cover: **Siede Preis Photography**; © 1989 **Leigh A. Rohr**. Other photography by Sam Griffith Studio Inc.

**CONTENTS**

CHAPTER ONE	
<b>AMERICA'S CRAZIEST MYSTERY . . . . .</b>	<b>4</b>
CHAPTER TWO	
<b>JUST PLAIN FOLKS . . . . .</b>	<b>13</b>
CHAPTER THREE	
<b>"IT'S LIKE A BEAUTIFUL DREAM. . .AND THE MOST TERRIBLE NIGHTMARE" . . . . .</b>	<b>35</b>
CHAPTER FOUR	
<b>THE MAN WHO DREAMED UP TWIN PEAKS . . . . .</b>	<b>87</b>
CHAPTER FIVE	
<b>BEHIND THE CAMERA AT TWIN PEAKS . . . . .</b>	<b>112</b>
CHAPTER SIX	
<b>"THERE'S ALWAYS MUSIC IN THE AIR" . . . . .</b>	<b>120</b>
CHAPTER SEVEN	
<b>HOT BLACK COFFEE AND CHERRY PIE . . . . .</b>	<b>126</b>

## CHAPTER ONE

**AMERICA'S CRAZIEST  
MYSTERY**

**A**ll it took was one dead body. One corpse of a homecoming queen, wrapped in plastic and wound in white tape. Its discovery set off an investigation that would slowly, slowly begin to unravel a hundred other mysteries in the little town, a place where everybody seemed so wholesome and decent, but where, in reality, everybody had at least one dirty little secret.

And it took just one corpse in plastic to change the face of television – possibly forever.

The corpse was, of course, the blue and beautiful body of Laura Palmer, and the television show is *Twin Peaks* – the collaboration of David Lynch, one of America's strangest and most critically acclaimed film directors, and Mark Frost, a veteran writer of some of television's most successful shows. *Twin Peaks* had viewers racing home to catch each episode,

network execs tearing up their fall scheduling plans, and critics revising their preconceived notions about what's possible on TV.

Most of the television in-group gave *Twin Peaks* about as much chance of survival as a log in a lumberyard. To their chagrin, and to everybody's surprise, the loopy, brooding, and surrealistic soap proved a solid hit with the public. The show topped all shows in the Emmy nominations with 14, beating out such small-screen powerhouses as *L.A. Law*, *Cheers*, and *Murphy Brown*. Lynch was nominated for producing, directing, writing, creating song lyrics, and composing the series' main title theme music with Angelo Badalamenti. *Twin Peaks* itself was nominated as best drama series, Kyle MacLachlan for best lead actor, Piper Laurie for best lead actress, Sherilyn Fenn for best supporting actress. "I think it's fantastic," Lynch told the *Los Angeles Times*. "I'm going right out to buy a new chain saw and a dozen doughnuts."

The show was also a winner in the ratings game. The April 8, 1990, premiere of *Twin Peaks* got a Nielsen rating of 21.7 and a 33 share, meaning that 33 percent of all those watching television at that time were watching *Twin Peaks*. It ranked number five for the week. The first season's cliff-hanger finale won its time period in the overnight Nielsen ratings.

Robert Iger, president of ABC Entertainment, has said that the survival of the

show was never in jeopardy once it stood up respectably to its Thursday night competition, but that many at the network thought the show would fail and fail quickly. But Iger was willing to take a chance: "Once we stop experimenting," he told the *Los Angeles Times*, "once we stop trying to create new viewing experiences, then it's over. Then we're dead."

Originally scoffers, the other networks have taken notice of the phenomenal success of *Twin Peaks*. The presidents of NBC and CBS have both made announcements on programming plans that have widely been interpreted in the industry as allusions to the creative originality of *Twin Peaks*.

Although some of the most important episodes in the first season topped the ratings, the show's survival was in doubt as much of the original audience seemed to slip away. But history suggests that heavy Emmy recognition can stoke a show's ratings, especially a show that needs to "find an audience." One of Mark Frost's previous projects, *Hill Street Blues*, for example, had poor ratings when it first hit the air, but after snagging 21 nominations and virtually sweeping the major awards in 1981, viewership began to grow. It eventually became a ratings success. "I think you can draw a direct comparison to *Hill Street*," Ted Harbert, ABC's executive vice president for prime time, told the *Los Angeles Times*. "There was a show that

## CHAPTER TWO

**JUST PLAIN FOLKS****Special Agent Dale Cooper**

**A**rguably the best thing about *Twin Peaks*, Agent Cooper is a straight-arrow FBI agent with a playful, boyish nature and near-psychic deductive powers. Actor Kyle MacLachlan, who plays Cooper, says that Cooper's personality quirks are a combination of traits from David Lynch and Mark Frost. As Michael Sragow has written of Cooper in *American Film*, "MacLachlan puts together combinations of naiveté and authority that would stagger and defeat lesser actors. He catalogues the banal aspects of his mission, like what he eats for lunch on the road (tuna on wheat, slice of cherrypie and coffee), as if the recitation calms him, like a supermundane mantra."

Kyle MacLachlan's career has been tied to Lynch's own. He appeared in Lynch's ill-fated motion picture *Dune* as the messiahlike Paul

Atreides, and he made a big impression on critics in *Blue Velvet* as Jeffrey Beaumont, the all-American boy with a perverted twist. He has appeared in other films as well. MacLachlan made *The Hidden* in 1987 with director Jack Sholder, in which he plays an FBI agent who's actually a space alien. Is it just coincidence that Special Agent Cooper also seems to be (as critic and *Peaks* freak John Leonard puts it) "receiving messages from outer space through fillings in his teeth"?

MacLachlan has been nominated for an Emmy for his role in *Twin Peaks*, and he will also appear in Oliver Stone's soon-to-be-released epic on The Doors.



**Left:** Kyle MacLachlan, who has appeared in several of Lynch's films, plays the seemingly clairvoyant Agent Cooper. **Opposite:** In *Twin Peaks*, Sheriff Truman (Michael Ontkean) is secretly seeing Josie Packard (Joan Chen).



**Sheriff Harry S. Truman**

Sheriff Truman is a down-to-earth cop who simply can't fathom Cooper's loopy investigative style. Until the evidence can no longer be denied, he can't believe Cooper's intimations about the dastardly goings-on in Twin Peaks. But he doesn't mind taking a backseat to the brainy FBI agent. "I think I'd better start studying medicine," he tells Cooper, "because I'm beginning to feel like Dr. Watson." Truman is carrying on an affair with Jocelyn Packard, which may prove to be an embarrassment if her secret dealings with Hank Jennings (Norma's husband) ever come to light.



## CHAPTER THREE

# **“IT’S LIKE A BEAUTIFUL DREAM. . .AND THE MOST TERRIBLE NIGHTMARE”**

### **Episode One**

**T**his two-hour series pilot was directed by David Lynch.

In the bucolic Northwest lumber town of Twin Peaks, Pete Martell discovers a body on the riverfront outside the Packard Mill. He calls Sheriff Truman. . . “She’s dead, wrapped in plastic,” he sputters. Truman, Deputy Andy, and Doc Hayward go to inspect the body, which they discover to be that of Laura Palmer – the most popular girl in town. The body is wrapped in plastic sheeting and wound in white tape.



*Twin Peaks* begins with the discovery of Laura Palmer's body wrapped in plastic.

Meanwhile, Mrs. Palmer calls frantically around town, trying to find the missing Laura. Her husband, Leland, is at the Great Northern Hotel with Benjamin Horne making a sales pitch for "Ghostwood Country Club and Estates" to a group of Norwegians. It becomes apparent that Horne hasn't yet acquired the land for the development. Leland is called out of the presentation to answer a phone call from his wife. At that moment, Truman drives up to inform Leland of his daughter's death. This scene – with the Sheriff wordlessly conveying the tragic news, and an extended shot of the dropped telephone receiver, over which we hear Mrs. Palmer screaming – is one of the most powerful in the series. It's also unusual for a television whodunit. Usually, the discovery of a corpse is simply the event that gets the investigation underway; here, it is treated

sensitively, like something happening to real human beings.

Next we are introduced to the Double R Diner and its owner, Norma Jennings. Bobby Briggs, Laura's boyfriend, is there and offers Shelly Johnson, the waitress, a ride home. Bobby and Shelly are having a secret affair. Shelly assures Bobby that her husband, Leo, is not at home – he called her from Butte, Montana, at midnight and couldn't possibly be back yet. But as Bobby drives toward Shelly's house, Leo's truck – an ominous, powerful-looking truck – is in front of the house.

At the high school, Donna Hayward and James Hurley, two of Laura's closest friends, are shocked at the announcement of Laura's death. Bobby is called in for questioning and denies killing Laura. The school principal makes a tearful announcement over the intercom system, and the camera slowly moves in to a portrait of Laura in the school's trophy case. The clear implication is that the town has lost one of its finest young girls, someone that everyone loved. But we learn later that there is more than one side to Laura Palmer.

Under sedation, Mrs. Palmer tells the police that she last saw Laura go into her room at 9:00 the previous evening, where she apparently received one phone call. In Laura's bedroom, the police find her diary, which is locked, and a video camera. Word comes that Mr. Pulaski,

## CHAPTER FOUR

**THE MAN WHO  
DREAMED UP  
TWIN PEAKS**

**D**avid Lynch's entire biography in the press kit for his most recent film, *Wild at Heart*, reads: "Eagle Scout, Missoula, Montana." But there's much more to the life of this quirky, brilliant, creative mastermind. Born January 20, 1946, in Missoula, Montana, Lynch was the son of a research scientist for the USDA who was transferred frequently. Lynch's childhood was spent first in Boise, Idaho, and Spokane, Washington – the same woodsy, bucolic settings that would reappear in *Blue Velvet* and, of course, *Twin Peaks*. Then his family moved to the South: Durham, North Carolina, and Alexandria, Virginia, where he attended high school.

Growing up, David Lynch had an almost blissfully happy childhood – something you

would never expect from the tortured visions of childhood and parenthood that appear in every one of his films. But the sensitive boy did begin to realize that there was a darker reality behind the bland surroundings he grew up in. "Every once in a while, I would go to New York City to visit my grandparents and it would really freak me out," Lynch recalled to *Blitz* magazine. "I would see things in the subway. I think I started feeling fear. . .there was real fear of the unknown."

"You know little by little, just by studying science, that certain things are hidden – there are things you can't see," Lynch said in a *Rolling Stone* interview. "And your mind can begin to create many things to worry about. And then once you're exposed to fearful things, and you see that really and truly many, many, many things are wrong – and so many people are participating in strange and horrible things – you begin to worry that the peaceful, happy life could vanish or be threatened."

Lynch was indeed an Eagle Scout as a youth – he was even given the honor of seating VIPs at the inauguration of President John F. Kennedy. That's something to keep in mind when Agent Cooper worries aloud about "who pulled the trigger on JFK."

At first, Lynch was interested in being a painter, and he started attending weekend classes at the Corcoran School of Art in



Washington, D.C., with buddy Jack Fisk. After high school, both of them went to Boston Museum School. Lynch stayed a year, but he felt his fellow students weren't serious enough. He and Jack Fisk went to Europe in 1965. They planned to go for three years, but wound up staying only 15 days. "The mood wasn't right for me," Lynch told writers J. Hoberman and Jonathan Rosenbaum.

In late 1965, Lynch moved to Philadelphia to attend the Philadelphia Academy of Fine Art. Eventually, after marrying his first wife, Peggy, he bought a 12-room house in a deserted industrial area across the street from a morgue. Philadelphia was a terrifying experience for Lynch. "There was racial tension and just. . . violence and fear," he told writer Gary Indiana in a 1978 interview. Later, in the midst of publicity for his first commercially successful film, *The Elephant Man*, Lynch would recall to reporter Henry Bromell, "There was violence and hate and filth. A little girl pleading with her father to come home, and he's sitting on the curb. Guys ripping another guy out of a car while it's still moving. All kinds of scenes. It wasn't those things that did it, though. It was what they did when they sank inside of me. *Eraserhead* came out of that."

According to *Newsweek*, Lynch was fascinated by the body bags hanging outside the neighboring morgue. "The bags had a big zipper,

## CHAPTER FIVE

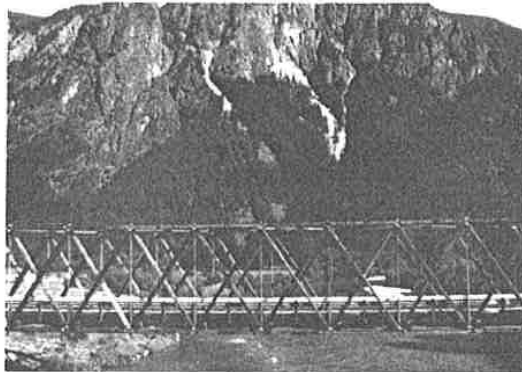
**BEHIND THE CAMERA  
AT TWIN PEAKS****Mark Frost—The Other Guy  
at Twin Peaks**

**M**ark Frost, the *Hill Street Blues* veteran and one half of Lynch/Frost Productions, brings just as much of his personal background to the series as Lynch does. As a child, Frost spent his summers at his family's vacation home, located in Taborton in upstate New York. There, he became fascinated with the town's secrets, which included hidden affairs, political intrigues, and stories about the ghosts of murdered girls haunting the forests. "But it was all so hard to pin down because they were always just things that you would hear, and you never, never asked questions," Frost recalled to the *Los Angeles Times*.

Frost came to Hollywood in 1976, where he joined Steven Bochco on the writing staff of *The Six Million Dollar Man*. He left that show after a year to work as a PBS documentary producer and to write plays for the Guthrie Theater in Minneapolis. It was several years before he returned to L.A., once again at the invitation of Steven Bochco, to write for *Hill Street Blues*.

When *Hill Street* was finally taken off the air, after six years, Frost wrote the screenplay for the film *The Believers*, directed by John Schlesinger. He teamed up with David Lynch in 1986. The duo wrote two feature screenplays, entitled *Goddess* and *One Saliva Bubble*, neither of which attracted studio backing. *Twin Peaks* was the first commercial success for what came to be called Lynch/Frost Productions.

"The germ of *Twin Peaks*," Frost told the *Seattle Weekly*, "came out of David and I just talking about a town, a city in the Northwest full of mysteries, secret relationships, a sort of *film noir* undertone. . . That led to the idea of starting with the discovery of a body, a mysterious crime that would get the show off the ground, serve as a spinal column for the series. That in turn led us to topography, a map of the town, and that gave way to a history of the town that ended up going back over 100 years. And that suggested what kind of people lived there now and their interrelations, the



Much of the imaginary town of Twin Peaks is really in Snoqualmie, Washington. Here is the railroad bridge Ronette walked across.

way their pasts are connected, with the town's and each other's."

"One of the reasons our partnership is relatively free of contention is that we have a shared perception about what the world is, what reality is, what life is," Frost told *The New York Times*. "There is a design behind the world that we are living in, which is veiled to most of us most of the time, but every once in a while you catch a glimpse of it. To David Lynch, any film or television show should be life casting a shadow."

The production firm that participates in *Twin Peaks*, Propaganda Films, is one

## CHAPTER SIX

**“THERE’S ALWAYS  
MUSIC IN THE AIR”**

**I** love this music,” Audrey Horne tells Donna as she listens to some ethereal, jazzy piece emanating from the jukebox at the Double R Diner. “Isn’t it too dreamy?”

Dreamy is the word for it, all right. In *Twin Peaks*, as in most of David Lynch’s films, music is so important that it’s almost a character in itself. The series sound track, which at times sounds like a soap-opera score on Percodan and at other times sounds more like bebop from Venus, crests at odd times in the series – at the discovery of Laura Palmer’s corpse, for instance. Throughout the series, the recurring themes are effectively used to underscore emotional impact, reinforcing Lynch’s vision of romance and evil.

The musical genius behind *Twin Peaks* is Angelo Badalamenti, an award-winning

composer who also collaborated with Lynch on the scores for *Blue Velvet*, *Wild at Heart*, and *Industrial Symphony No. 1*, a multimedia piece that premiered on stage in November 1989 and was released on video in the fall of 1990. Badalamenti has also written the scores for *Cousins*, *Tough Guys Don't Dance*, *Wait Until Spring*, and *National Lampoon's Christmas Vacation*.



Angelo Badalamenti, the creator of the eerie, hypnotic *Twin Peaks* music, has collaborated with Lynch on other projects.



In addition, Badalamenti has written scores for commercials, including David Lynch's ads for Obsession perfume. He has occasionally turned his hand to arranging, producing out pieces for such pop groups as the Pet Shop Boys.

Angelo Badalamenti worked with Lynch in the fall of 1989 to create the romantic, ominous music for *Twin Peaks*. After 20 minutes, he told *Entertainment Weekly*, he had produced the signature theme for the series, which he calls the "Love Theme." "You just wrote 75 percent of the score," Lynch told him excitedly. "It's the mood of the whole piece. It *is Twin Peaks*."

"David and I read each other very well in the creative world," Badalamenti said in the interview. "We can tune in to each other." According to Badalamenti, Lynch describes the mood he wants to create. Then the composer begins to improvise on one of the banks of electronic keyboards at his Manhattan studio. Lynch makes suggestions to fine-tune the piece, and the composition proceeds from there.

Julee Cruise performs the vocals for the two Lynch/Badalamenti compositions featured in *Twin Peaks*, "The Nightingale" and "Falling." She also appears as the lead singer of the group that's performing at the Road House just before the big fight breaks out. A native of Iowa, Cruise has been performing professionally from the age of 11. In Minneapolis, she performed at the Guthrie Theater and was a resident actress at

## CHAPTER SEVEN

**HOT BLACK COFFEE  
AND CHERRY PIE****Logjam — The *Twin Peaks* Quiz**

**A**ll right, everybody – put on your thinking caps and stuff wads of cotton in your ears, because here's a little quiz to see how well you know *Twin Peaks* trivia. Some of the answers to these questions you can get just from having read this book. Others – and you *Peaks* freaks will know which ones they are – can be deduced only from watching the series. And some answers are revealed only in dreams and visions. . .

1. As Leland Palmer moans, “We’ve got to dance for Laura,” what song is playing on the record player?
2. Who actually made the pot of coffee that Pete finds the fish in?

3. What is Agent Cooper's room number at the Great Northern?
4. What's the name of Leo Johnson's truck?
5. What, according to Agent Cooper, is the true test of any hotel?
6. What does Agent Cooper whittle during the stakeout at the Road House?
7. What restaurant does Cooper recommend when you're driving to Twin Peaks?
8. What lines the interior walls of Leo Johnson's house?
9. What's the name of the most popular television show in Twin Peaks?
10. What's the name of the park where Dr. Jacoby sees Madeleine disguised as Laura Palmer?
11. In addition to her diary, what piece of evidence found in Laura Palmer's bedroom does Cooper inspect in the first episode?
12. Cooper's and Ed's code names at One-Eyed Jack's are strangely reminiscent of the names of the stars of another famous television program. Which one?
13. What does Jerry say when Ben tells him the Norwegians have left?
14. Ben suspects the Icelanders are sniffing nitrous oxide. In what David Lynch film does nitrous oxide play a prominent role?
15. What did the one-armed man sell before he sold shoes?

Answers on page 128.

### **The Wit and Wisdom of Agent Cooper**

"Two things that continue to trouble me – and I'm speaking here not only as an agent of the Bureau but also as a human being. What really went on between Marilyn Monroe and the Kennedys. . .and who pulled the trigger on JFK?"

"I want two eggs, fried hard. I know, it's hard on the arteries. . .just about as hard as I want those eggs."

"Twenty-four-hour room service must be one of the premier achievements of modern civilization."

"I'm a strong sender."

"In the heat of an investigative pursuit, the shortest distance between two points is not necessarily a straight line."

"I'm gonna let you in on a little secret. Every day, once a day, give yourself a present. Don't plan it, don't wait for it, just let it happen. It could be a new shirt at the men's store, a catnap in your office chair. . .or two cups of good, hot, black coffee."

**ANSWERS:** 1. *Pennsylvania 6-5000*. 2. Josie Packard. 3. Room 315. He dictates it on his tape to Diane. 4. "Big Pussycat." It's shown in Episode Two. 5. "That morning cup of coffee." 6. A wooden whistle. 7. The Lamplighter Inn. 8. Plastic sheeting. 9. *Invitation to Love*. 10. Easter Park (get it? Easter? As in rising from the dead?). 11. A box of chocolate bunnies. 12. *The Flintstones*. 13. "We had those Vikings by the horns!" 14. *Blue Velvet*. 15. Pharmaceuticals.

# WELCOME TO TWIN PEAKS

**A Complete Guide to  
Who's Who & What's What**

Get in on all the action of TV's hottest, wildest show! **WELCOME TO TWIN PEAKS: A COMPLETE GUIDE TO WHO'S WHO AND WHAT'S WHAT** is for everyone who is captivated with the show's audacious blend of murder, romance, and humor. The entertaining, fact-filled text gives you a complete first-season episode guide along with illuminating descriptions of the characters. Dozens of photographs, a behind-the-scenes look at the creators and cast of the series, and critical interpretations that will contribute to your enjoyment of the show are all included.

This publication is not licensed by, nor is Publications International, Ltd., affiliated with, Lynch/Frost Productions, Inc., Propaganda Films, Worldvision Enterprises, Inc., or Capital Cities/ABC, Inc. Television Network Group.



ISBN 0-451-17031-8

38  
11 06/29 383

**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

**EXHIBIT**

**7**

**TO THE DECLARATION OF MICHAEL J. BONI IN SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANT GOOGLE'S MOTION FOR SUMMARY JUDGMENT**

**[FILED UNDER SEAL]**



**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

**EXHIBIT**

**8**

**TO THE DECLARATION OF MICHAEL J. BONI IN SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANT GOOGLE'S MOTION FOR SUMMARY JUDGMENT**

[Your Amazon.com](#) | [Today's Deals](#) | [Gift Cards](#) | [Sell](#) | [Help](#)

[From \\$199](#) > [Shop now](#)

[Shop by Department](#)

[Hello, Sign in Your Account](#) | [Try Prime](#) | [Cart](#) | [Wish List](#)

[Books](#) | [Advanced Search](#) | [New Releases](#) | [Best Sellers](#) | [The New York Times® Best Sellers](#) | [Children's Books](#) | [Textbooks](#) | [Sell Your Books](#) | [Best Books of the Month](#)

### Departments

Any Category

#### Books

- Lawyers & Criminals
- Humor (4)
- Humor (10)
- Satire (5)
- Lawyers & Judges (8)
- Crime & Criminals (1)
- American History (20)
- United States History (17)
- World History (1)
- Politics & Social Sciences (43)
- History (26)
- Biographies & Memoirs (42)

#### Shipping Option [\(What's this?\)](#)

- Free Super Saver Shipping (516)

#### New Releases

- Last 30 days (8)
- Last 90 days (24)
- Coming Soon (1)

#### Avg. Customer Review

- ★★★★★ & Up (209)
- ★★★★☆ & Up (236)
- ★★★☆☆ & Up (244)
- ★★☆☆☆ & Up (250)

#### International Shipping [\(What's this?\)](#)

- ☐ AmazonGlobal Eligible (443)

#### Condition

- Collectible (74)
- New (563)
- Used (485)

#### Availability

- ☒ Include Out of Stock (586)

### Books > "Super-lawyers"

Showing 1 - 12 of 586 Results

☒ Detail
 ☐ Image

Sort by

- Super Threats: How to Sound Like a Lawyer and Get Your Rights on Your Own** by John M Striker and Andrew O. Shapiro (1977)

★★★★★ ☒ (3)

Formats	Price	New	Used
Hardcover		\$63.66	\$0.01
- the Super-Lawyers** by Joseph C. Goulden (1972)

Formats	Price	New	Used
Hardcover			\$9.88
- Supermob: How Sidney Korshak and His Criminal Associates Became America's Hidden Power Brokers** by Gus Russo (Sep 5, 2006)

★★★★★ ☒ (38)

Formats	Price	New	Used
Hardcover		\$13.02	\$6.04
Kindle Edition	\$9.39		

Auto-delivered wirelessly

Other Formats: Hardcover; Paperback
- Superlawyers: America's Courtroom Celebrities : 40 Top Lawyers and the Cases That Made Them Famous** by Colin Evans (Sep 1997)

Formats	Price	New	Used	Collectible
Paperback		\$6.48	\$0.01	\$3.66
- All You Need to Know About the Music Business: Eighth Edition** by Donald S. Passman (Dec 4, 2012)

★★★★★ ☒ (20)

Formats	Price	New	Used
Hardcover	In stock but may require an extra 1-2 days to process. <del>\$32.00</del> <b>\$21.69</b>	\$17.70	\$17.31
Kindle Edition	\$16.49		

Auto-delivered wirelessly

Excerpt - [Back Matter](#): "... and Southern California's **Super Lawyers**. Check out Don's website at ..." [See a random page](#) in this book.

Sell this back for an Amazon.com Gift Card
- The Secret Life of Words: English Words and Their Origins** by David Crystal

**Life-long Learning**

Try Audible with two free\* lectures from The Great Courses

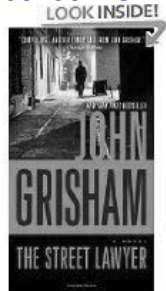
**LEARN MORE**

\*with trial offer.

**THE GREAT COURSES**

**audible**  
an amazon company

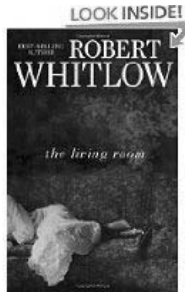
Advertisement

**The Street Lawyer: A Novel** by John Grisham (Nov 23, 2010)

★★★★☆ (1,130)

Formats	Price	New	Used	Collectible
<b>Mass Market Paperback</b> Order in the next 27 hours to get it by Tuesday, Aug 27. Eligible for FREE Super Saver Shipping.	<del>\$9.99</del> <b>\$8.48</b> <i>Prime</i>	\$2.99	\$0.01	\$4.95
<b>Kindle Edition</b> Auto-delivered wirelessly	<b>\$9.99</b>			
Other Formats: Hardcover; Paperback; Audio CD				

7.

**The Living Room** by Robert Whitlow (Jul 16, 2013)

★★★★☆ (55)

Formats	Price	New	Used
<b>Paperback</b> Order in the next 26 hours to get it by Tuesday, Aug 27. Eligible for FREE Super Saver Shipping.	<del>\$15.99</del> <b>\$12.08</b> <i>Prime</i>	\$8.12	\$7.69
<b>Kindle Edition</b> Auto-delivered wirelessly	<b>\$8.63</b>		
Other Formats: Hardcover			

Excerpt - Page 401: "... supposed to be this **super lawyer** who intimidates everyone in ..." [See a random page](#) in this book.

8.

**She-Hulk Vol. 2: Superhuman Law** by Dan Slott, Juan Bobillo and Paul Pelletier (Jul 19, 2006)

★★★★☆ (9)

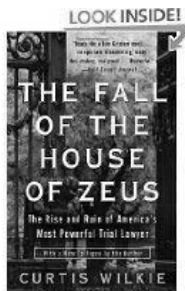
Formats	Price	New	Used
<b>Paperback</b>		\$27.99	\$29.99
Sell this back for an Amazon.com Gift Card			

9.

**Super Threats: How to Sound Like a Lawyer and Get Your Rights on Your Own** (1978)

Formats	Price	New	Used
<b>Paperback</b>			\$8.55

10.

**The Fall of the House of Zeus: The Rise and Ruin of America's Most Powerful Trial Lawyer** by Curtis Wilkie (Sep 13, 2011)

★★★★☆ (50)

Formats	Price	New	Used	Collectible
<b>Paperback</b> Order in the next 27 hours to get it by Tuesday, Aug 27. Only 13 left in stock - order soon. Eligible for FREE Super Saver Shipping.	<del>\$16.00</del> <b>\$12.09</b> <i>Prime</i>	\$8.04	\$5.76	\$200.00
<b>Kindle Edition</b> Auto-delivered wirelessly	<b>\$11.99</b>			

Other Formats: Hardcover; Audio CD; Audible Audio Edition

Excerpt - Page 106: "... trade publication as among the **"super lawyers"** in the Mid-South. ..." [See a random page](#) in this book.

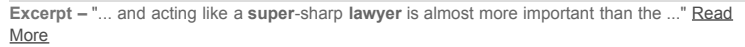
Sell this back for an Amazon.com Gift Card

11.

**A Young Lawyer's Jungle Book: A Survival Guide** by Thane Josef Messenger (Mar 1, 1999)

★★★★☆ (33)

Formats	Price	New	Used
<b>Paperback</b> Order in the next 27 hours to get it by Tuesday, Aug 27.	<del>\$18.95</del> <b>\$14.99</b> <i>Prime</i>	\$8.45	\$0.01



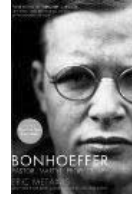
Excerpt - Page 343: "... moving ahead to test the **Super, lawyers** hired by the Atomic Energy ..."  
See a random page in this book.

<http://www.amazon.com/s?ie=UTF8&field-keywords=Super-lawyers&index=books> [8/25/2013 3:34:13 PM]

you are interested in.



**War Brides**  
**Helen Bryan**  
 ★★★★★ (2,763)  
 Kindle Edition  
 \$4.99



**Bonhoeffer: Pastor, Martyr, ...**  
**Eric Metaxas**  
 ★★★★★ (891)  
 Kindle Edition  
 \$9.20



#### Get to Know Us

Careers  
 Investor Relations  
 Press Releases  
 Amazon and Our Planet  
 Amazon in the Community

#### Make Money with Us

Sell on Amazon  
 Become an Affiliate  
 Advertise Your Products  
 Independently Publish with Us  
 › See all

#### Amazon Payment Products

Amazon.com Rewards Visa Card  
 Amazon.com Store Card  
 Shop with Points  
 Credit Card Marketplace  
 Amazon Currency Converter

#### Let Us Help You

Your Account  
 Shipping Rates & Policies  
 Amazon Prime  
 Returns Are Easy  
 Manage Your Kindle  
 Help

**amazon.com**

Brazil Canada China France Germany India Italy Japan Spain United Kingdom

**6pm**  
 Score deals  
 on fashion brands

**AbeBooks**  
 Rare Books  
 & Textbooks

**AfterSchool.com**  
 Kids' Sports, Outdoor  
 & Dance Gear

**AmazonFresh**  
 Groceries & More  
 Right To Your Door

**AmazonLocal**  
 Great Local Deals  
 in Your City

**AmazonSupply**  
 Business, Industrial  
 & Scientific Supplies

**AmazonWebServices**  
 Scalable  
 Cloud Services

**Askville**  
 Community  
 Answers

**Audible**  
 Download  
 Audio Books

**BeautyBar.com**  
 Prestige Beauty  
 Delivered

**Book Depository**  
 Books With Free  
 Delivery Worldwide

**Bookworm.com**  
 Books For Children  
 Of All Ages

**Casa.com**  
 Kitchen, Storage  
 & Everything Home

**CreateSpace**  
 Indie Print Publishing  
 Made Easy

**Diapers.com**  
 Everything  
 But The Baby

**DPRReview**  
 Digital  
 Photography

**Fabric**  
 Sewing, Quilting  
 & Knitting

**IMDb**  
 Movies, TV  
 & Celebrities

**Junglee.com**  
 Shop Online  
 in India

**Kindle Direct Publishing**  
 Indie Digital Publishing  
 Made Easy

**Look.com**  
 Kids' Clothing  
 & Shoes

**MYHABIT**  
 Private Fashion  
 Designer Sales

**Shopbop**  
 Designer  
 Fashion Brands

**Soap.com**  
 Health, Beauty &  
 Home Essentials

**Vine.com**  
 Everything  
 to Live Life Green

**Wag.com**  
 Everything  
 For Your Pet

**Warehouse Deals**  
 Open-Box  
 Discounts

**Woot**  
 Never Gonna  
 Give You Up

**Yoyo.com**  
 A Happy Place  
 To Shop For Toys

**Zappos**  
 Shoes &  
 Clothing

Conditions of Use Privacy Notice Interest-Based Ads © 1996-2013, Amazon.com, Inc. or its affiliates

**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

**FILED UNDER SEAL**

# EXHIBIT

# 9

**TO THE DECLARATION OF MICHAEL J. BONI IN SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANT GOOGLE'S MOTION FOR SUMMARY JUDGMENT**



Off to College  
Daily Lightning Deals

Save now  
Sponsored by  
Philips Norelco



Your Amazon.com | Today's Deals | Gift Cards | Sell | Help

Shop by  
Department ▾

Search

Books ▾

Steve Hovley

Hello, Sign in  
Your Account ▾

Try  
Prime ▾

0 Cart ▾

Wish  
List ▾

Books Advanced Search New Releases Best Sellers The New York Times® Best Sellers Children's Books Textbooks Sell Your Books Best Books of the Month

#### Departments

Any Category

#### Books

#### Shipping Option [\(What's this?\)](#)

Free Super Saver Shipping (23)

#### New Releases

Last 30 days

Last 90 days (1)

Coming Soon

#### Avg. Customer Review

★★★★★ & Up (21)

★★★★☆ & Up (22)

★★★★☆ & Up (22)

★★★★☆ & Up (22)

#### International Shipping

[\(What's this?\)](#)

☐ AmazonGlobal Eligible (16)

#### Condition

Collectible (7)

New (25)

Used (25)

#### Availability

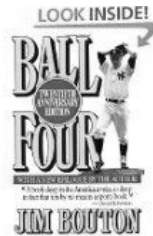
☒ Include Out of Stock (25)

#### Books ▾ "Steve Hovley"

Showing 1 - 12 of 25 Results

Sort by

1.



#### Ball Four by Jim Bouton (Jul 12, 1990)

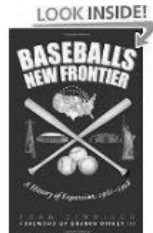
★★★★★ ☒ (161)

Formats	Price	New	Used	Collectible
<b>Paperback</b> Order in the next 25 hours to get it by Tuesday, Aug 20. Eligible for FREE Super Saver Shipping.	<del>\$15.95</del> <b>\$12.04</b>	\$8.50	\$1.99	\$6.95
<b>Kindle Edition</b> Auto-delivered wirelessly	\$9.99  (read for free, Join Amazon Prime) to buy			

Other Formats: Hardcover; MP3 CD; Audible Audio Edition

Excerpt - [Front Matter](#): "... One of my roommates, **Steve Hovley**, said I was the first fan to make it ..." [See a random page](#) in this book.

2.



#### Baseball's New Frontier: A History of Expansion, 1961-1998 by Fran Zimniuch and Branch Rickey III (Jun 1, 2013)

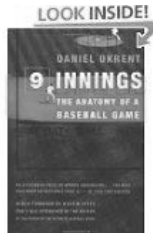
★★★★★ ☒ (4)

Formats	Price	New	Used
<b>Paperback</b> Order in the next 25 hours to get it by Tuesday, Aug 20. Eligible for FREE Super Saver Shipping.	<del>\$19.95</del> <b>\$15.16</b>	\$11.97	\$10.97
<b>Kindle Edition</b> Auto-delivered wirelessly	<b>\$9.99</b>		

Excerpt - [Page 66](#): "... Harris (IF) Cleveland 35 - **Steve Hovley** (OF) California 38 - Don O ..." [See a random page](#) in this book.

Sell this back for an Amazon.com Gift Card

3.



#### Nine Innings by Daniel Okrent (Apr 10, 2000)

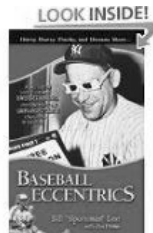
★★★★★ ☒ (30)

Formats	Price	New	Used
<b>Paperback</b> Order in the next 25 hours to get it by Tuesday, Aug 20. Eligible for FREE Super Saver Shipping.	<del>\$16.95</del> <b>\$13.22</b>	\$6.32	\$1.26
<b>Kindle Edition</b> Auto-delivered wirelessly	<b>\$9.32</b>		

Other Formats: Hardcover

Excerpt - [Page 126](#): "... he exclaimed. "For **Steve Hovley** and Jerry McNertney!" Hovley and ..." [See a random page](#) in this book.

4.



#### Baseball Eccentrics: A Definitive Look at the Most Entertaining, Outrageous and Unforgettable Characters in the... by Bill "Spaceman" Lee and Jim Prime (Apr 1, 2007)

★★★★★ ☒ (2)

Formats	Price	New	Used	Collectible
<b>Hardcover</b> Order in the next 25 hours to get it by Tuesday, Aug 20. Only 1 left in stock - order soon. Eligible for FREE Super Saver Shipping.	<del>\$22.95</del> <b>\$20.66</b>	\$2.49	\$0.01	\$5.75

**Kindle Edition**  
Auto-delivered wirelessly  
**\$19.63**

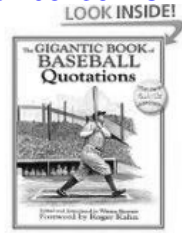
Excerpt - "... he said. **Steve Hovley** Steve Hovley was a California free spirit and ..." [Read More](#)

5.

xfinity

FAST  
IN-HOME WI-FI  
TO POWER ALL  
YOUR DEVICES

The Newsroom available with  
HBO® at xfinity.com/tv and on  
XFINITY TV Player app



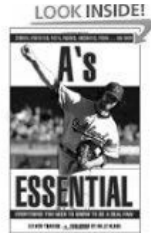
**The Gigantic Book of Baseball Quotations** by Wayne Stewart and Roger Kahn  
(Oct 1, 2007)

★★★★★ (5)

Formats	Price	New	Used
<b>Hardcover</b> Order in the next 24 hours to get it by Tuesday, Aug 20. Only 2 left in stock - order soon. Eligible for FREE Super Saver Shipping.	<del>\$24.95</del> <b>\$22.46</b> <i>Prime</i>	\$9.68	\$4.99
<b>Kindle Edition</b> Auto-delivered wirelessly	<b>\$14.72</b>		

Excerpt - [Page 562](#): "... negative feedback. — Steve Hovley of the Seattle Pilots My ..." [See a random page](#) in this book.

6.



**A's Essential: Everything You Need to Know to Be a Real Fan!** by Steven Travers and Billy Beane (Apr 1, 2007)

★★★★★ (2)

Formats	Price	New	Used
<b>Hardcover</b> Order in the next 25 hours to get it by Tuesday, Aug 20. Only 4 left in stock - order soon. Eligible for FREE Super Saver Shipping.	<del>\$19.95</del> <b>\$17.96</b> <i>Prime</i>	\$8.79	\$8.80
<b>Kindle Edition</b> Auto-delivered wirelessly	<b>\$9.99</b>		

Excerpt - [Back Matter](#): "... House (C) Ben Houser (1B) Steve Hovley (OF) Steve Howard (OF) Jay ..." [See a random page](#) in this book.

7.



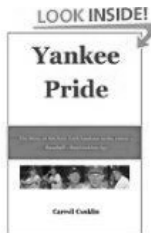
**The Funniest Baseball Book Ever: The National Pastime's Greatest Quips, Quotations, Characters, Nicknames, and...** by Peter Handrinos (Apr 6, 2010)

★★★★★ (9)

Formats	Price	New	Used
<b>Paperback</b> Order in the next 23 hours to get it by Tuesday, Aug 20. Only 4 left in stock - order soon. Eligible for FREE Super Saver Shipping.	<del>\$14.99</del> <b>\$11.90</b> <i>Prime</i>	\$7.91	\$2.93
<b>Kindle Edition</b> Auto-delivered wirelessly	<b>\$7.69</b>		

Excerpt - [Page 176](#): "... With me still in it. sTEvE HovLEy Retirement As a group, their ..." [See a random page](#) in this book.

8.



**Yankee Pride: The Story of the New York Yankees in the 1960s ... Baseball's Real Golden Age** by Carroll Conklin (Jun 7, 2012)

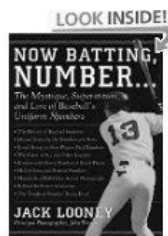
★★★★★ (1)

Formats	Price	New	Used
<b>Paperback</b> Order in the next 20 hours to get it by Tuesday, Aug 20. Eligible for FREE Super Saver Shipping.	<del>\$14.99</del> <b>\$13.49</b> <i>Prime</i>	\$11.50	\$20.61

Excerpt - [Page 295](#): "... inning on an RBI single from Steve Hovley (16) and a 3- run homer from ..." [See a random page](#) in this book.

Sell this back for an Amazon.com Gift Card

9.



**Now Batting, Number...: The Mystique, Superstition, and Lore of Baseball's Uniform Numbers** by Jack Looney and John Tremmel (Jan 1, 2007)

★★★★★ (10)

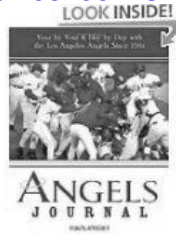
Formats	Price	New	Used
<b>Hardcover</b> Order in the next 25 hours to get it by Tuesday, Aug 20. Eligible for FREE Super Saver Shipping.	<del>\$29.95</del> <b>\$11.98</b> <i>Prime</i>	\$11.41	\$2.45

Excerpt — "... F' 29 TOM MURPHY-P ~ O 30 STEVE HOVLEY-OF 32 MIKE (RED) HEDLUND-P 33 ..." [Read More](#)

10.

**Angels Journal: Year by Year and Day by Day with the Los Angeles Angels Since 1961** by John Snyder (Apr 13, 2010)

★★★★★ (3)

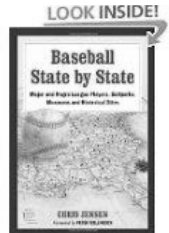


Formats	Price	New	Used
<b>Paperback</b>		\$5.98	\$2.50

<b>Paperback</b>				
Order in the next 25 hours to get it by Tuesday, Aug 20.	<del>\$29.95</del>	<b>\$11.98</b>		\$5.99
Eligible for <b>FREE</b> Super Saver Shipping.				
				\$4.50

Excerpt - [Page 46](#): "... Randy Brown (18th round) and **Steve Hovley** (35th round) played in the ..." [See a random page](#) in this book.


11.



### Baseball State by State: Major and Negro League Players, Ballparks, Museums and Historical Sites by Chris Jensen (Jul 26, 2012)

★★★★★ ☒ (5)

Formats	Price	New	Used
---------	-------	-----	------

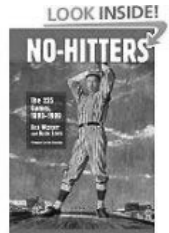
<b>Paperback</b>				
Order in the next 23 hours to get it by <b>Tuesday, Aug 20.</b>	<del>\$55.00</del>	<b>\$49.50</b>		\$36.85
Only 4 left in stock - order soon.				\$45.99
Eligible for <b>FREE</b> Super Saver Shipping.				

<b>Kindle Edition</b>	<b>\$19.24</b>
Auto-delivered wirelessly	

Excerpt - [Index](#): "... 253 Houston, Tyler 184-185 **Hovley**, **Steve** "Orbit," "Tennis Ball ..." [See a random page](#) in this book.

Sell this back for an Amazon.com Gift Card

12.



### No-Hitters: The 225 Games, 1893-1999 by Allen Lewis (Feb 15, 2000)

★★★★★ ☒ (3)

Formats	Price	New	Used
---------	-------	-----	------

<b>Paperback</b>		\$78.47	\$18.97
------------------	--	---------	---------

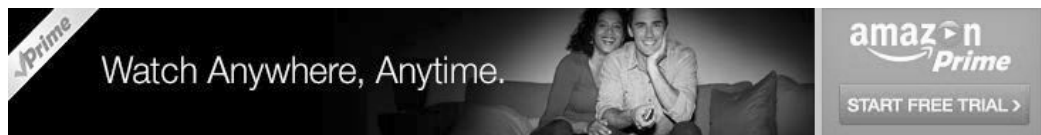
Excerpt - "... Mayberry. A one-out walk to **Steve Hovley** mattered little. The ..." [Read More](#)

[Previous Page](#) **1** [2](#) [3](#) [Next Page](#)

#### Search Feedback

Did you find what you were looking for?

If you need help or have a question for Customer Service, please visit the [Help Section](#).



Advertisement

Search powered by

#### Your Recent History (What's this?)

#### Get to Know Us

Careers  
Investor Relations  
Press Releases

#### Make Money with Us

Sell on Amazon  
Become an Affiliate  
Advertise Your Products

#### Amazon Payment Products

Amazon.com Rewards Visa Card  
Amazon.com Store Card  
Shop with Points

#### Let Us Help You

Your Account  
Shipping Rates & Policies  
Amazon Prime

Amazon.com: Steve Hovley: Books

Case 1:05-cv-08136-DC Document 1073-13 Filed 08/26/13 Page 5 of 10

Amazon and Our Planet

Independently Publish with Us

Credit Card Marketplace

Returns Are Easy

Amazon in the Community

› See all

Amazon Currency Converter

Manage Your Kindle

Help

amazon.com

Brazil Canada China France Germany India Italy Japan Spain United Kingdom

6pm  
Score deals  
on fashion brandsAbeBooks  
Rare Books  
& TextbooksAfterSchool.com  
Kids' Sports, Outdoor  
& Dance GearAmazonFresh  
Groceries & More  
Right To Your DoorAmazonLocal  
Great Local Deals  
in Your CityAmazonSupply  
Business, Industrial  
& Scientific SuppliesAmazonWebServices  
Scalable  
Cloud ServicesAskville  
Community  
AnswersAudible  
Download  
Audio BooksBeautyBar.com  
Prestige Beauty  
DeliveredBook Depository  
Books With Free  
Delivery WorldwideBookworm.com  
Books For Children  
Of All AgesCasa.com  
Kitchen, Storage  
& Everything HomeCreateSpace  
Indie Print Publishing  
Made EasyDiapers.com  
Everything  
But The BabyDPReview  
Digital  
PhotographyFabric  
Sewing, Quilting  
& KnittingIMDb  
Movies, TV  
& CelebritiesJunglee.com  
Shop Online  
in IndiaKindle Direct Publishing  
Indie Digital Publishing  
Made EasyLook.com  
Kids' Clothing  
& ShoesMYHABIT  
Private Fashion  
Designer SalesShopbop  
Designer  
Fashion BrandsSoap.com  
Health, Beauty &  
Home EssentialsVine.com  
Everything  
to Live Life GreenWag.com  
Everything  
For Your PetWarehouse Deals  
Open-Box  
DiscountsWoot  
Never Gonna  
Give You UpYoyo.com  
A Happy Place  
To Shop For ToysZappos  
Shoes &  
Clothing

Conditions of Use Privacy Notice Interest-Based Ads © 1996-2013, Amazon.com, Inc. or its affiliates

Off to College  
Daily Lightning DealsSave now  
Sponsored by  
Philips Norelcoamazon  
Try Prime

Your Amazon.com | Today's Deals | Gift Cards | Sell | Help

Shop by  
Department ▾

Search

Books ▾

Steve Hovley

Hello, Sign in  
Your Account ▾Try  
Prime ▾

0 Cart ▾

Wish  
List ▾

Books | Advanced Search | New Releases | Best Sellers | The New York Times® Best Sellers | Children's Books | Textbooks | Sell Your Books | Best Books of the Month

## Departments

Any Category

## Books

## Shipping Option (What's this?)

Free Super Saver Shipping (23)

## New Releases

Last 30 days

Last 90 days (1)

Coming Soon

## Avg. Customer Review

★★★★★ &amp; Up (21)

★★★★★ &amp; Up (22)

★★★★★ &amp; Up (22)

★★★★★ &amp; Up (22)

## International Shipping

(What's this?)

☐ AmazonGlobal Eligible (16)

## Condition

Collectible (7)

New (25)

Used (25)

## Availability

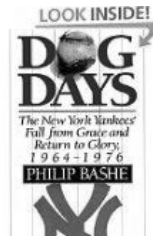
☒ Include Out of Stock (25)

## Books ▾ "Steve Hovley"

Showing 13 - 24 of 25 Results

Sort by Relevance

13.

**Dog Days: The New York Yankees' Fall From Grace and Return to Glory, 1964-1976** by Philip Bashe (Sep 30, 2000)

★★★★★ (3)

Formats

Price

New

Used

**Paperback**

Order in the next 20 hours to get it by Tuesday, Aug 20.

~~\$23.95~~ **\$21.56** Prime

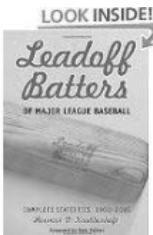
\$17.55

\$35.96

Eligible for FREE Super Saver Shipping.

Excerpt – "... such notorious "flakes" as Boston's Bill Lee and Seattle's Steve Hovley ..." [Read More](#)

14.

**Leadoff Batters of Major League Baseball: Complete Statistics, 1900-2005** by Herman O. Krabbenhoft (Jan 11, 2006)

★★★★★ (1)

Formats

Price

New

Used

**Paperback**

Order in the next 24 hours to get it by Tuesday, Aug 20.

~~\$39.95~~ **\$35.96** Prime

\$27.97

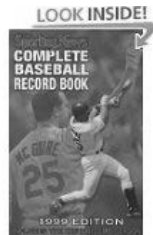
\$27.98

Only 1 left in stock - order soon.

Eligible for FREE Super Saver Shipping.

Excerpt - [Index](#): "... 339 Householder, Paul j70 Hovley, Steve 256, 258 Howard, David 256 ..." [See a random page](#) in this book.

15.

**Complete Baseball Record Book 1999 (Serial)** by Craig Carter (Apr 1999)

★★★★★ (1)

Formats

Price

New

Used

Collectible

**Paperback**

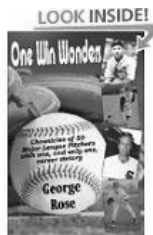
\$207.78

\$1.31

\$8.00

Excerpt – "... homers by rookie Most hits 3-Steve Hovley, 91 games, 1969 126-Tommy ..." [Read More](#)

16.

**One Win Wonders** by George Rose (Feb 7, 2009)

★★★★★ (1)

Formats

Price

New

Used

**Paperback**

Order in the next 25 hours to get it by Tuesday, Aug 20.

~~\$18.94~~ **\$17.05** Prime

\$17.05

\$15.30

Eligible for FREE Super Saver Shipping.

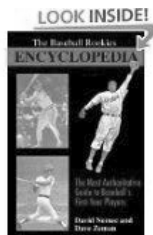
**Kindle Edition**

\$5.95

Auto-delivered wirelessly

Excerpt – "... right to centerfielder Steve Hovley. From the time the pitch left ..." [Read More](#)

17.

**The Baseball Rookies Encyclopedia** by Dave Zeman and David J. Nemec (Oct 2004)

★★★★★ (3)

Formats

Price

New

Used

Collectible

**Paperback**

Order in the next 20 hours to get it by Tuesday, Aug 20.

~~\$24.95~~ **\$18.60** Prime

\$1.95

\$0.01

\$8.50

Only 1 left in stock - order soon.

Eligible for FREE Super Saver Shipping.

**Paperback**

Order in the next 25 hours to get it by Tuesday, Aug 20.

~~\$24.95~~ **\$9.98** Prime

\$4.24

\$2.26

Eligible for FREE Super Saver Shipping.

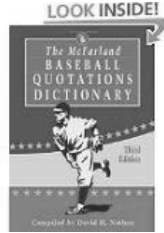
Excerpt – "... than 23 games. Outfielder Steve Hovley hit .277 in 91 contests ..." [Read More](#)

18.





Advertisement



### The McFarland Baseball Quotations Dictionary, 3d ed. by David H. Nathan (Feb 8, 2011)

Formats Price New Used

#### Paperback

Order in the next 25 hours to get it by Tuesday, Aug 20.

Only 1 left in stock - order soon.

~~\$45.00~~ **\$40.50** ✓Prime \$39.91 \$10.13

Eligible for FREE Super Saver Shipping.

Excerpt - [Page 248](#): "... cracker.— Outfielder **Steve Hovley**. 4579 A man once told me to ..." [See a random page](#) in this book.

19.



### The Ultimate Celebrity Address & Phone Book: Autograph Collecting & Media Guide by Cord Coslor (Nov 1, 2004)

Formats Price New Used

#### Paperback

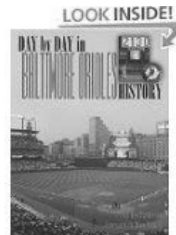
Order in the next 20 hours to get it by Tuesday, Aug 20.

Eligible for FREE Super Saver Shipping.

~~\$34.50~~ **\$31.05** ✓Prime \$31.05 \$27.06

Excerpt - [Page 171](#): "... Fax #: e-mail: Web: Info: **Steve Hovley** - \*\*NOT\*\* 205 1/2 S Lomita ..." [See a random page](#) in this book.

20.



### Day-by-Day in Baltimore Orioles History by Ted Patterson (May 1, 1999)

★★★★★ (1)

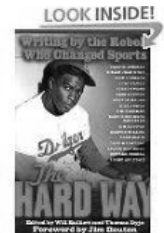
Formats Price New Used

#### Paperback

\$16.43 \$4.44

Excerpt – "... Stadium as Amos Otis and **Steve Hovley** collide while going after ..." [Read More](#)

21.



### The Hard Way: Writing by the Rebels Who Changed Sports by Will Balliett and Thomas Dya (Nov 9, 1999)

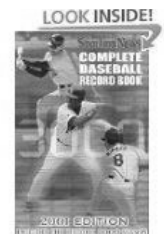
Formats Price New Used Collectible

#### Paperback

\$1.00 \$0.01 \$7.43

Excerpt – "... all your weapons. One thing you don't do is what **Steve Hovley** did. ..." [Read More](#)

22.



### Complete Baseball Record Book by Craig Carter (Feb 21, 2001)

★★★★★ (2)

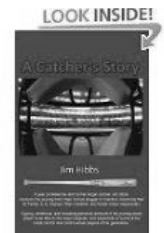
Formats Price New Used

#### Paperback

\$6.95 \$0.01

Excerpt – "... Most homers by rookie 3-**Steve Hovley**, 91 games, 1969 Danny Walton ..." [Read More](#)

23.



### A Catcher's Story by Jim Hibbs (Apr 4, 2012)

★★★★★ (11)

Formats Price New Used Collectible

#### Paperback

Order in the next 20 hours to get it by Tuesday, Aug 20.

Eligible for FREE Super Saver Shipping.

~~\$7.99~~ **\$7.19** ✓Prime \$7.49 \$14.95

#### Kindle Edition

Auto-delivered wirelessly

~~\$1.99~~ ✓Prime (read for free, Join Amazon Prime) to buy

Other Formats: Hardcover

Excerpt - [Front Matter](#): "... our baseball lives our paths would intertwine. His name is **Steve Hovley** ..." [See a random page](#) in this book.

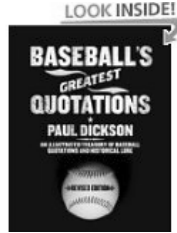
24.

### Baseball's Greatest Quotations Rev. Ed.: An Illustrated Treasury of Baseball Quotations and Historical Lore by Paul Dickson (Sep 2, 2008)

★★★★★ (3)

Formats Price New Used Collectible





Hardcover	\$34.95	\$8.78	\$45.00
Paperback			
Order in the next 25 hours to get it by Tuesday, Aug 20.	<del>\$49.95</del> \$7.98	✓Prime	\$7.86 \$1.74
Eligible for FREE Super Saver Shipping.			
Excerpt – "... b) Steve Hovley, (c) Mike Marshall, (d) Mike Shan - non. ..." <a href="#">Read More</a>			

[Previous Page](#)
[1](#)
[2](#)
[3](#)
[Next Page](#)

## Sponsored Links

[Steve Hovley](#)
**Steve Hovley** cards from \$0.75 Over 150,000 cards Online  
[www.baseballcardzone.com/](http://www.baseballcardzone.com/)

See a problem with these advertisements? [Let us know](#)

## Search Feedback

Did you find what you were looking for?

If you need help or have a question for Customer Service, please visit the [Help Section](#).



Advertisement

Search powered by

## Your Recent History (What's this?)



Loading

## Get to Know Us

[Careers](#)  
[Investor Relations](#)  
[Press Releases](#)  
[Amazon and Our Planet](#)  
[Amazon in the Community](#)

## Make Money with Us

[Sell on Amazon](#)  
[Become an Affiliate](#)  
[Advertise Your Products](#)  
[Independently Publish with Us](#)  
[See all](#)

## Amazon Payment Products

[Amazon.com Rewards Visa Card](#)  
[Amazon.com Store Card](#)  
[Shop with Points](#)  
[Credit Card Marketplace](#)  
[Amazon Currency Converter](#)

## Let Us Help You

[Your Account](#)  
[Shipping Rates & Policies](#)  
[Amazon Prime](#)  
[Returns Are Easy](#)  
[Manage Your Kindle](#)  
[Help](#)

amazon.com

Brazil Canada China France Germany India Italy Japan Spain United Kingdom

6pm  
Score deals  
on fashion brandsAbeBooks  
Rare Books  
& TextbooksAfterSchool.com  
Kids' Sports, Outdoor  
& Dance GearAmazonFresh  
Groceries & More  
Right To Your DoorAmazonLocal  
Great Local Deals  
in Your CityAmazonSupply  
Business, Industrial  
& Scientific SuppliesAmazonWebServices  
Scalable  
Cloud ServicesAskville  
Community  
AnswersAudible  
Download  
Audio BooksBeautyBar.com  
Prestige Beauty  
DeliveredBook Depository  
Books With Free  
Delivery WorldwideBookworm.com  
Books For Children  
Of All AgesCasa.com  
Kitchen, Storage  
& Everything HomeCreateSpace  
Indie Print Publishing  
Made EasyDiapers.com  
Everything  
But The BabyDPReview  
Digital  
PhotographyFabric  
Sewing, Quilting  
& KnittingIMDb  
Movies, TV  
& CelebritiesJunglee.com  
Shop Online  
in IndiaKindle Direct Publishing  
Indie Digital Publishing  
Made EasyLook.com  
Kids' Clothing  
& ShoesMYHABIT  
Private Fashion  
Designer SalesShopbop  
Designer  
Fashion BrandsSoap.com  
Health, Beauty &  
Home EssentialsVine.com  
Everything  
to Live Life GreenWag.com  
Everything  
For Your PetWarehouse Deals  
Open-Box  
DiscountsWoot  
Never Gonna  
Give You UpYoyo.com  
A Happy Place  
To Shop For ToysZappos  
Shoes &  
Clothing

Conditions of Use Privacy Notice Interest-Based Ads © 1996-2013, Amazon.com, Inc. or its affiliates

Off to College  
Daily Lightning Deals

> Save now  
Sponsored by  
Phillips Norelco



Your Amazon.com | Today's Deals | Gift Cards | Sell | Help

Shop by  
Department ▾

Search

Books ▾

Steve Hovley

Hello, Sign in  
Your Account ▾

Try  
Prime ▾

0 Cart ▾

Wish  
List ▾

Books Advanced Search New Releases Best Sellers The New York Times® Best Sellers Children's Books Textbooks Sell Your Books Best Books of the Month

#### Departments

< Any Category

#### Books

#### Shipping Option [\(What's this?\)](#)

Free Super Saver Shipping (23)

#### New Releases

Last 30 days

Last 90 days (1)

Coming Soon

#### Avg. Customer Review

★★★★★ & Up (21)

★★★★☆ & Up (22)

★★★★☆ & Up (22)

★★★★☆ & Up (22)

#### International Shipping

[\(What's this?\)](#)

☐ AmazonGlobal Eligible (16)

#### Condition

Collectible (7)

New (25)

Used (25)

#### Availability

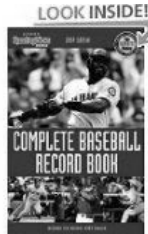
☒ Include Out of Stock (25)

#### Books : "Steve Hovley"

Showing 25 - 25 of 25 Results

Sort by

25.



**Complete Baseball Record Book, 2004 Edition** by Sporting News and The Sporting News (Jan 4, 2004)

★★★★★ ☒ (1)

Formats

Price

New

Used

Paperback

\$24.99

\$0.01

Excerpt – "... Most homers by rookie 3-Steve Hovley, 91 games, 1969 Danny Walton ..." [Read More](#)

< Previous Page

1 2 **3**

Next Page >

#### Sponsored Links

▪ **Steve Hovley**

**Steve Hovley** cards from \$0.75 Over 150,000 cards Online  
[www.baseballcardzone.com/](http://www.baseballcardzone.com/)

See a problem with these advertisements? [Let us know](#)

#### Search Feedback

Did you find what you were looking for?

If you need help or have a question for Customer Service, please visit the Help Section.

Search powered by

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

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.

Case No. 05 CV 8136-DC

**FILED UNDER SEAL**

# EXHIBIT

# 10

**TO THE DECLARATION OF MICHAEL J. BONI IN SUPPORT OF PLAINTIFFS’  
OPPOSITION TO DEFENDANT GOOGLE’S MOTION FOR SUMMARY JUDGMENT**

Off to College  
Daily Lightning DealsSave now  
Sponsored by  
Philips Norelcoamazon  
Try Prime

Your Amazon.com | Today's Deals | Gift Cards | Sell | Help

Shop by  
Department ▾

Search

Books ▾

Minoru Yasui

Hello, Sign in  
Your Account ▾Try  
Prime ▾

0 Cart ▾

Wish  
List ▾

Books Advanced Search New Releases Best Sellers The New York Times® Best Sellers Children's Books Textbooks Sell Your Books Best Books of the Month

Departments

Any Category

Books

Shipping Option (What's this?)

Free Super Saver Shipping (44)

Avg. Customer Review

★★★★★ &amp; Up (25)

★★★★★ &amp; Up (26)

★★★★★ &amp; Up (26)

★★★★★ &amp; Up (26)

International Shipping

(What's this?)

☐ AmazonGlobal Eligible (37)

Condition

Collectible (8)

New (49)

Used (49)

Availability

☒ Include Out of Stock (59)

Books &gt; "Minoru Yasui"

Showing 1 - 12 of 59 Results

Sort by Relevance

1.

**Minoru Yasui v. U S U.S. Supreme Court Transcript of Record with Supporting Pleadings by E F BERNARD, Additional Contributors and U.S. Supreme Court (Oct 27, 2011)**

Formats

Price

New

Used

**Paperback**

Order in the next 19 hours to get it by Tuesday, Aug 20.

Only 1 left in stock - order soon.

~~\$35.99~~ **\$31.12** Prime

\$22.80

\$45.34

Eligible for FREE Super Saver Shipping.

2.

**Strangers from a Different Shore: A History of Asian Americans, Updated and Revised Edition by Ronald Takaki (Sep 23, 1998)**

★★★★★ (22)

Formats

Price

New

Used

Collectible

**Paperback**

Order in the next 24 hours to get it by Tuesday, Aug 20.

Eligible for FREE Super Saver Shipping and 1 more promotion

~~\$17.99~~ **\$13.14** Prime

\$4.99

\$4.66

\$39.95

Excerpt - Page 408: "... orders were unconstitutional, Minoru Yasui of Portland refused to obey ..." See a random page in this book.

3.

**Workplace English Language Japanese Language Book by Minoru Yasui (2004)**

Formats

Price

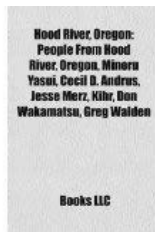
New

Used

**Hardcover**

Currently unavailable

4.

**Hood River, Oregon: People from Hood River, Oregon, Minoru Yasui, Cecil D. Andrus, Jesse Merz, Kihir, Don Wakamatsu... by LLC Books (2010)**

Formats

Price

New

Used

**Paperback**

Currently unavailable

5.

**Shogakukan Random House English-Japanese Dictionary by Minoru Yasui, Tetsuya Kunihiro, Katsuaki Horiuchi, Stuart Berg Flexner Eds Tomoshichi Konishi (1994)**

★★★★★ (2)

Formats

Price

New

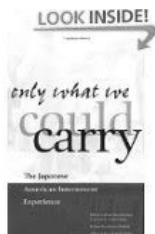
Used

**JP Oversized**

\$202.26

\$50.00

6.

**Only What We Could Carry: The Japanese American Internment Experience by Lawson Fusao Inada (Aug 1, 2000)**

★★★★★ (13)

Formats

Price

New

Used

**Paperback**

Order in the next 24 hours to get it by Tuesday, Aug 20.

Only 10 left in stock - order soon.

~~\$21.95~~ **\$15.66** Prime

\$13.18

\$6.49

Eligible for FREE Super Saver Shipping.

Excerpt - Page 323: "... Nisei citizenship status. 7. Minoru Yasui violated the Army's curfew ..." See a

xfinity

**XFINITY® TRIPLE PLAY**







ONLINE EXCLUSIVE OFFER

GET STARTED AT  
**\$79<sup>99</sup>**  
A MONTH FOR 12 MONTHS

**\$300**  
VISA® PREPAID CARD

LEARN MORE ►

[random page](#) in this book.

7.  **LOOK INSIDE!**
- Constitutional Law Stories, 2d** by Michael C. Dorf (Jul 9, 2009)
- ★★★★☆ (2)
- | Formats   | Rent           | Buy                  | New     | Used    |
|---|----------------|----------------------|---------|---------|
| <b>Paperback</b>  |                |                      |         |         |
| Order in the next 24 hours to get it by Tuesday, Aug 20.<br>Eligible for FREE Super Saver Shipping and 1 more promotion | <b>\$11.99</b> | <b>Prime</b> \$41.80 | \$34.97 | \$19.56 |
| <b>Kindle Edition</b>   |                | \$15.40              |         |         |
| Auto-delivered wirelessly   |                |                      |         |         |
- Excerpt - [Page 233](#): "... Litigants—Minoru Yasui **Minoru Yasui** was born in Hood River ..." [See a random page](#) in this book.
- Sell this back for an Amazon.com Gift Card
- 
8.  **LOOK INSIDE!**
- A Principled Stand: The Story of Hirabayashi v. United States (Scott and Laurie Oki Series in Asian American Studies...** by Gordon Hirabayashi, James A. Hirabayashii and Lane Ryo Hirabayash (Mar 22, 2013)
- | Formats  | Price                             | New                  | Used    |
|--|-----------------------------------|----------------------|---------|
| <b>Hardcover</b>   |                                   |                      |         |
| Order in the next 23 hours to get it by Tuesday, Aug 20.<br>Only 11 left in stock - order soon.<br>Eligible for FREE Super Saver Shipping. | <del>\$29.95</del> <b>\$21.36</b> | <b>Prime</b> \$17.71 | \$17.71 |
| <b>Kindle Edition</b>  | \$16.17                           |                      |         |
| Auto-delivered wirelessly  |                                   |                      |         |
- Excerpt - [Front Matter](#): "... teams for Fred Korematsu, **Minoru Yasui**, and Gordon Hirabayashi ..." [See a random page](#) in this book.
- Sell this back for an Amazon.com Gift Card
- 
9. 
- Eigogaku shi (Gendai no Eigogaku shirizu) (Japanese Edition)** by Minoru Yasui (1988)
- | Formats                   | Price | New | Used    |
|---------------------------|-------|-----|---------|
| <b>Tankobon Hardcover</b> |       |     | \$58.20 |
- 
10. 
- Current bibliography on linguistics and English linguistics 1978-1982** by Minoru Yasui (1983)
- | Formats                   | Price | New | Used    |
|---------------------------|-------|-----|---------|
| <b>Tankobon Hardcover</b> |       |     | \$17.61 |
- 
11. 
- A Better Guide to English Grammar [In Japanese Edition]** by Yasui Minoru (1982)
- | Formats                   | Price | New | Used    |
|---------------------------|-------|-----|---------|
| <b>Tankobon Hardcover</b> |       |     | \$19.95 |
- 
12. 
- Asian American: Minoru Yasui** by Beth Lyons
- | Formats               | Price | New | Used |
|-----------------------|-------|-----|------|
| <b>Hardcover</b>      |       |     |      |
| Currently unavailable |       |     |      |

[Previous Page](#)

1 2 3 4 5

[Next Page](#)**Search Feedback**

Did you find what you were looking for?

If you need help or have a question for Customer Service, please visit the Help Section.



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.

I, Paul Aiken, hereby declare as follows:

2. I submit this declaration in opposition to Defendant's Motion for Summary Judgment and specifically to correct Google's repeated distortions and misuse of my deposition testimony. I have personal knowledge of the facts set forth in this Declaration and could testify competently at a hearing if called upon to do so.

3. At my deposition, Google's counsel asked whether I, and the Authors Guild, thought browsing of physical books in bookstores helped to sell books (transcript

pp. 146-147) and whether Amazon's Search Inside the Book program promoted sales (transcript p. 186). I answered yes to both. Google's brief now seeks to mischaracterize my answers for a different, broad proposition that: "The Authors Guild believes that online browsing has a net positive effect on book sales" (Google Br. p. 17), implying that the Authors Guild endorses Google's practices at issue in this litigation. To explain my actual answer in more detail, and to rebut Google's false inference, I provide the following description of Amazon's practices. We do not support Google's far different actions, which we consider to be copyright infringement, and which prompted the Authors Guild to become a plaintiff in this lawsuit.

4. While it is true that displaying book excerpts *at an online bookstore* is believed by most people in the book industry (including me) to increase sales of most books, there is no evidence I am aware of that displaying "snippets" of copyrighted text *at an online search engine* increases book sales at all. I do believe that displaying snippets of copyrighted text helps Google sell its ads, however.

5. Google's search engine has many merits, but as an online shopping environment, it's a poor substitute for Amazon.com. To the extent Google's unauthorized display of snippets lures readers away from online bookstores such as Amazon, which has displayed lengthy, authorized previews of books for a decade, there can be little doubt that Google is actively harming book sales.

6. A look at the history of Google's library project and its competition with Amazon, which had launched its own historic book-scanning project years before Google initiated its unauthorized scanning of millions of copyright-protected books, makes it inescapably apparent that luring readers from Amazon's online bookstore, the most

successful online shopping environment on the Internet, to Google's search engine, the most successful advertising environment on the Internet, is precisely what Google had in mind when it began scanning millions of copyright-protected books.

#### **Amazon's Book-Scanning Project**

7. Because of its potential effects on our members' copyright interests, the Guild's board of directors and legal staff have followed book-scanning efforts with great interest.

8. On October 23, 2003, Amazon.com launched "Search Inside the Book," which allowed users of Amazon's website to search more than 120,000 books, or 33 million pages, at the time it launched, according to Amazon's press release. (See Attachment A: Amazon Press Release: "Amazon.com Launches 'Search Inside the Book' Enabling Customers to Discover Books by Searching and Previewing the Text Inside: Leading-Edge Search Technology Delivers a Book-Buying Experience Previously Unavailable in the Physical or Online Worlds.")

9. With "Search Inside the Book," not only could Amazon's customers search these 120,000 books, they could preview entire book pages containing the search terms. Customers were required to log in with their Amazon user names and passwords to preview entire book pages, so they could instantly purchase the books they were browsing. As Amazon explained in its press release:

Here's how it works:

- Customers interested in resistojet propulsion can search for "resistojet" and will automatically see a list of the many books at Amazon.com that contain this term in the text, in addition to those books that contain the term in the title.
- Books with "resistojet" in the text will display an excerpt including that word or phrase and a link that says "See more references to

‘resistojet’ in this book.” By clicking on this link, customers will see a list of excerpts from all pages on which “resistojet” appears in the book they selected, as well as a link to view the full page from the book on which the excerpt appears.

- Once customers have clicked on the link to a specific page and signed in with their Amazon.com user name and password, they can preview relevant pages, including the page they selected, and search for other terms of interest within the book.

*Id.*

10. The announcement was a momentous one in the book world. It was clear to most industry observers that Amazon’s ambitions for the program were enormous. Indeed, Amazon had agreements with more than 190 publishers to digitize books for Search Inside the Book, according to its press release, including many of the largest U.S. publishers, such as John Wiley & Sons (publisher of plaintiff Jim Bouton’s *Ball Four*), Random House, Simon & Schuster, Time Warner, HarperCollins, McGraw-Hill, and Holtzbrinck. The number of participating publishers would rapidly grow to include nearly every book publisher in the U.S.

11. A critical component of “Search Inside the Book” is that users had to log in with their Amazon user names and passwords before they could view full pages of the books. In that way, those virtually browsing the books would have Amazon’s famous one-click purchase button at the ready. While there was disagreement as to the magnitude of the impact of Search Inside the Book on book sales, all early reports – and all reports to this day – agreed that Search Inside the Book boosted sales for most of the books in the program.

### Amazon and the Search Engine Market

12. The implications for Search Inside the Book went far beyond the book industry, however. Amazon was offering searchable content that no other entity, not even Google, had, and that content was based on contracts negotiated with hundreds of publishers. A November 12, 2003, article in *Wired* magazine made this abundantly clear:

Of course, Amazon is not merely part of the book business. The Internet as a whole is going through a similar transition. Revenue for Internet companies increasingly comes from users seeking to buy something - from transactions made in the physical world. Even Google, which doesn't sell anything directly, earns most of its cash from advertisers whose messages pop up when users search for info about specific products, such as computers or cars - or books. With retail at the center of the Internet industry, Google is a key competitor because customers begin their online shopping trips at search engines that offer neat algorithms for comparing prices across multiple vendors. Everybody - Yahoo!, eBay, AOL, Microsoft, and, of course, Amazon - wants to be the site of first resort.

All the leading retail sites have better knowledge of their customers than Google. But Google is the leading Internet information tool, period. Google is a window onto the entire Web. *On the other hand, the contents of books may be the only publicly accessible data set with the potential to match Google's Web index both for size and utility. Search Inside the Book makes Amazon the sole guide to tens and ultimately hundreds of millions of pages of information. And while Google's business is vulnerable to any competitor that builds a better search engine, Amazon's book archive is the product of negotiated contracts with hundreds of publishers. Amazon has cornered the market on information that was once hidden away in books.* The burden of the physical - the fact that the database Amazon uses is linked into a complex system involving real things - gives it a stunning, if perhaps temporary, advantage.

"The Great Library of Amazonia," *Wired* Magazine, November 12, 2003. Attachment B.

(Emphasis added.)

13. Gary Wolf, author of the *Wired* article, wrote about the critical limitations placed on Search Inside the Book:

The archive is intentionally crippled. A search brings back not text, but pictures -- pictures of pages. You can find the page that responds to your

query, read it on your screen, and browse a few pages backward and forward. But you cannot download, copy, or read the book from beginning to end. There is no way to link directly to any page of a book. If you want to read an extensive excerpt, you must turn to the physical volume -- which, of course, you can conveniently purchase from Amazon. Users will be asked to give their credit card number before looking at pages in the archive, and they won't be able to view more than a few thousand pages per month, or more than 20 percent of any single book.

*Id.*

14. Wolf reported that he spoke to Amazon CEO Jeff Bezos about the project, who was emphatic about his purposes:

Bezos is vehement on this point. He has sold publishers on the idea that digitizing hundreds of thousands of copyright books won't undermine the conventional bookselling business. *"It is critical that this be understood as a way to get publishers and authors in contact with customers," he says in an interview at Amazon's Seattle headquarters. "We're perfectly aligned with these folks. Our goal is to sell more books!"*

Bezos has some good evidence to back up his argument. Amazon has consistently added features that have proven to increase book sales. Through its customer reviews, used-book business, and personalized recommendations, the company constantly puts its customers in contact with new titles. *Amazon is a machine that stimulates the acquisitive urge of readers. It appeals to their specialized interests. It makes people buy books.*

*Id.* (Emphasis added.)

15. While the Authors Guild has had its disagreements with Amazon over the years, many of them quite sharp, our concerns are focused on Amazon's behavior, which I personally view as frequently monopolistic and unfairly undermining the livelihoods of brick-and-mortar bookstores, which many authors depend on for marketing their books. I have never doubted, however, Amazon's mastery of the online bookselling environment. My conversations with publishers at the time and since then have confirmed that they

agreed to participate in Search Inside the Book because they believed it would sell more books, and the evidence Amazon provided them supported that belief.

16. Wolf also visited the home of Udi Manber, the computer scientist hired by Amazon who had conceived of Search Inside the Book and headed up its implementation right in Google's backyard, in Palo Alto, California. Manber made the project's limitless ambitions clear:

Manber invites copyright holders to offer nonexclusive searching and browsing rights to Amazon, which will digitize the titles and offer access to audiences forever. "Give the books to me," Manber says. "I am glad to do it."

*Id.*

17. Amazon was unmistakably on its way to making nearly all in-print books available for searching and previewing at its online bookstore.

18. Google had conquered online content, but Amazon, by negotiating agreements with hundreds of publishers, had gone where Google could not, making tens of millions of pages of carefully written, edited, and published works, all previously off line, available to its shoppers. Amazon, by cornering the market on book content, was suddenly a competitor unlike any Google had ever faced.

19. The threat to Google's search dominance became even more apparent just five months later, when Amazon unwrapped its beta version of A9, Amazon's search engine competitor to Google. John Battelle, a visiting professor at the University of California, and author of a widely followed blog covering search engines, was one of the first to report on Amazon's search effort. "A9, Amazon's Search Portal, Goes Live: Reverberations Felt in Valley," John Battelle's Search Blog, April 14, 2004. Attachment C.



20. Battelle was impressed by Amazon's foray into search:

It seems to me, Google's position in Amazon's A9 implementation is at best a step backwards. If A9 is as good as it seems to be, every customer that uses and/or switches to A9 becomes an A9 search customer, and, more likely than not, a deeper and far more loyal Amazon customer. (The service incorporates a personal search history and many other really neat tweaks, including a wicked good Toolbar.) *In essence, Amazon seems to be making a play for Google's customers.*

*Id.* (Emphasis added.)

21. Battelle even suggested that Google might be trying to hire Udi Manber, the brains behind Search Inside the Book and the head of Amazon's innovative and disruptive A9 search engine project, noting that "Work at Google" was the top paid link you searched Manber's name at Google. *Id.*

22. Battelle interviewed Udi Manber about Amazon's A9 project for Business 2.0 in an article provocatively entitled "Can Amazon Unplug Google?" Mr. Battelle writes:

Is Amazon (AMZN) taking on Google? Last fall the giant online retailer announced that it was launching a company focused exclusively on search. Lest anyone miss the implications, Amazon promptly rented an office far from its Seattle headquarters — in the epicenter of Silicon Valley, near Stanford University. That's where both Google and Yahoo (YHOO) were born.

\*\*\*

Amazon recently took the wraps off its initial public beta version of A9, and we got the first sneak peek. It's easy to see why the new engine might set Google and other search-driven companies on edge: A9 is a credible step toward making a search engine that knows you and acts as your agent online.

"Can Amazon Unplug Google?" Business 2.0, April 15, 2004. Attachment D.

23. In September 2004, A9 moved out of beta. The *New York Times* reported:

Amazon.com, the e-commerce giant, plans to take aim at the Internet search king Google... Amazon's entry into the search engine wars will certainly raise the stakes in an already heated battle for control of what is believed to be the high ground in Internet commerce and advertising.

The A9 search engine offered user content Google could not match: the millions of book pages available (to those who logged in with their user names and passwords) through Search Inside the Book.. "Amazon to Take Searches on Web to a New Depth," New York Times, September 15, 2004. Attachment E.

24. A9's launch came at a critical time in the corporate history of Google, six years after the company was incorporated, and, as the *Times* noted, just one month after Google made its initial public offering of stock. *Id.* Google had a well-financed, innovative, disruptive competitor in its own back yard.

**Google Trumps Amazon, by Avoiding Rights Holders and Their Interests**

25. Google didn't stand still. Three months after the formal launch of Amazon's A9 search engine, with its unique access to an expanding list of in-print, copyright-protected books Amazon scanned with the permission of the books' publishers, Google struck back. It announced that it would begin scanning copyright protected books for its search engine. "All Booked Up," Google's Official Blog, December 14, 2004 (available here: <http://googleblog.blogspot.com/2004/12/all-booked-up.html>); Zack Decl. Ex. 12.

26. Google had come up with a way to neatly leapfrog Amazon's scanning efforts: it would scan copyright-protected books without permission, claiming that its scanning and snippet display were covered by fair use (even when it was scanning and displaying in-print books that had been scanned, or were eligible for scanning, by Amazon).

27. Rather than painstakingly seeking permission from rights holders, who might require a share in advertising revenue, or who might require that users be logged in to one-click purchasing accounts before viewing portions of their books, or who might demand control over the display, storage and security of their books, Google chose instead to negotiate with libraries, offering copies of the authors' and publishers' own books in compensation for access to the libraries' repositories.

28. Google's library project would soon begin displaying snippets of authors' and publishers' in-print books in competition with the authorized displays available at Amazon and, later, BarnesandNoble.com and other online retailers. To the extent Google succeeds in luring readers to its search engine and away from online bookstores, Google surely harms book sales.

29. It isn't just in-print books that are affected. By December 2004, when Google announced its massive scanning-and-display project, thousands of formerly out-of-print books were being made available by print-on-demand technology, including more than a thousand works by Authors Guild members we made available through our Backinprint.com program. Since then, surely tens of thousands of more out-of-print books are commercially available again, brought into print by countless publishers such as university presses, newcomers such as Open Road Media, and publishing programs at Amazon and Barnes & Noble.

30. Amazon and Udi Manber, incidentally, were not done with their disruptive innovation of the search business. In January 2005, The month after Google announced its copyright-infringing leap into getting books into its search engine, Manber and A9

caught Google flat-footed by unveiling another groundbreaking set of content unavailable at Google: street views for A9's maps:

"We allow people from their computer to look at the street, to walk to the left, to walk to the right, to see the neighborhood, to see parking—it's virtually like you're there," said Udi Manber, president of A9.com. "Pictures get you information faster than any other way. Very often you remember a place but not its name. This is a very easy way to find it."

To create this system, A9 developed technology that combined digital cameras, GPS location systems and other hardware, and equipped vehicles with this technology to capture images of buildings and geotag them with location information. The company then hired drivers to cover 'tens of thousands of miles' to acquire images, according to Manber.

The system is almost entirely automated, and drivers make their rounds through cities at normal speed. "We can do that at a very large scale very efficiently and at very low cost," said Manber.

"Amazon's A9 Launches Visual Yellow Pages," Search Engine Watch, January 26, 2005.

Attachment F.

31. Google addressed the Udi Manber problem a year later, hiring him in February 2006. "Google Hires Amazon Search Chief," Seattle Post-Intelligencer, February 7, 2006. Attachment G. A9 would then quickly fade as an innovative threat to Google, and Google would introduce its A9 street view equivalent in May 2007, more than two years after A9's version became available. "Google Announces New Mapping Innovations at Where 2.0 Conference," News from Google, May 29, 2007, Attachment H.

#### **Book Excerpts Do Sell Books, at Online Bookstores**

32. The Authors Guild, as Google points out, does believe that allowing readers to search and view selections of books online can promote the sale of books. But the context for those book displays is crucial. If the book excerpts are displayed in a