

Addendum A

1. Nature of the Action.

This action for copyright infringement was commenced on September 20, 2005. Plaintiffs-Appellants (the “Authors”) are: (i) Jim Bouton, Betty Miles and Joseph Goulden, suing individually and on behalf of all others similarly situated; and (ii) The Authors Guild, Inc., which is the nation’s largest organization of published authors. The Authors Guild is an associational plaintiff seeking equitable relief for authors affected by Google’s acts of copyright infringement. The individual Authors seek statutory damages under the United States Copyright Act and injunctive relief arising from Defendant-Appellee Google Inc.’s (“Google”) reproduction, public display and distribution of copyright-protected works as part of its “Google Library Project.”

In the Google Library Project, Google has partnered with university libraries and other educational institutions located throughout the world to “digitize” – or scan from analog to digital format – tens of millions of printed books, in full, from the library collections, the majority of which are protected by copyright. Google then uses the scans to create multiple digital copies of each scanned book, store them on servers connected to the Internet, make the books available to the public to be searched and displayed in “snippet” form and distribute digital copies of the books to the participating libraries. Google made all of these uses without the consent of or compensation to the books’ rightsholders, and admittedly for the commercial purpose of increasing Google’s advertising revenue and gaining a competitive advantage in the online search engine market.

On March 22, 2011, following extensive negotiations and a lengthy briefing process, the District Court rejected an amended proposed class settlement agreement that would have resolved the entire case. *Authors Guild v. Google Inc.*, 770 F. Supp. 2d 666 (S.D.N.Y. 2011).

By order dated June 11, 2012, the District Court granted the Authors' motion for class certification. *Authors Guild v. Google, Inc.*, 282 F.R.D. 384 (S.D.N.Y. 2012). That order was vacated by the United States Court of Appeals for the Second Circuit on July 1, 2013 and the case was remanded to the District Court for further proceedings with respect to the question whether Google's actions were protected as "fair use" under the Copyright Act. *Authors Guild, Inc. v. Google Inc.*, 721 F.3d 132 (2nd Cir. 2013).

2. The Result Below

In a decision dated November 14, 2013, the District Court granted Google's motion for summary judgment, dismissing all of the claims in the case and denying the Authors' motion for partial summary judgment on the issue of whether Google's conduct was fair use. The judgment granting Google's motion, denying the Authors' motion and dismissing all of the Authors' claims was entered on November 27, 2013 and was subsequently amended on December 11, 2013 to provide that any application for attorneys' fees be filed following resolution of any appeal.

3. Notice of Appeal and District Court Docket Sheet

A copy of the Notice of Appeal, filed on December 23, 2013, is attached hereto as Exhibit 1. A copy of the current docket sheet for the case in the District Court is attached hereto as Exhibit 2.

4. The Opinion Below

A copy of the District Court's Opinion, dated November 14, 2013, is attached hereto as Exhibit 3. Copies of the Judgment entered November 27, 2013 and the Amended Judgment, entered December 11, 2013, are attached hereto as Exhibits 4 and 5, respectively.