

## **Addendum B**

### **Issues Proposed to be Raised on Appeal**

- Did the District Court err in deciding that Defendant-Appellee Google Inc.'s ("Google") mass digitization program, which resulted in millions of copyright-protected print books, including books owned by Plaintiffs-Appellants (the "Authors"), being copied, in full, into digital format and stored on multiple servers connected to the Internet without the permission of copyright owners and for purely commercial purposes, is a "fair use" and therefore not an infringement of the Authors' reproduction right under Section 106(1) of the Copyright Act, 17 U.S.C. § 106(1)

Standard of Review: De Novo

- Did the District Court err in determining that Defendant-Appellee's distribution of Plaintiffs-Appellants' copyrighted works, including to the libraries from which Google obtained the books as compensation for allowing Google to scan and copy the books, is a "fair use" and therefore not an infringement of the Authors' distribution right under Section 106(3) of the Copyright Act, 17 U.S.C. § 106(3)?

Standard of Review: De Novo

- Did the District Court err in determining that Defendant-Appellee's display of portions of Plaintiffs-Appellants' copyrighted works to the public, including passages that contain highly creative expression that represents the "heart" of the works, is a "fair use" and therefore not an infringement of the Authors' display right under Section 106(5) of the Copyright Act, 17 U.S.C. § 106(5)?

Standard of Review: De Novo