

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Agence France Presse,)
1015 15th St NW,)
Washington, DC 20005)

Plaintiff,)

v.)

Google Inc.,)
a California Corporation,)
1600 Amphitheatre Pkwy,)
Mountain View, CA 94043)

Defendant.)

CIVIL ACTION NO.: 1:05CV00546 (GK)

**AGENCE FRANCE PRESSE’S MOTION
TO DISMISS**

Plaintiff Agence France Presse (“AFP”), by and through its undersigned attorneys, hereby moves the Court, under Rule 12(c) of the Fed. R. Civ. P., to dismiss the Tenth Affirmative Defense and First and Third Counterclaims filed by Defendant Google Inc. (“Google”) on the following grounds:

1) Section 512 of the Copyright Act does not immunize Google from monetary damages for the infringement of AFP’s copyright protected material because Google’s action do not fall under the language of the statute. Specifically, section 512 protects service providers that link – through the service provider’s information location tools – to infringing content on the web sites of third parties. This defense must fail because Google is not linking to infringing material. On the contrary, Google is directly infringing AFP’s material by siphoning it off AFP subscribers’ web sites and reproducing and displaying the material on Google News without authorization.

