

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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U.S. DISTRICT COURT
INDIANAPOLIS DIVISION

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SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
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In Re: Subpoena to Google Inc.)
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Case No.

1:11-mc-0121 TWP-MJD

MOTION FOR ISSUANCE OF A SUBPOENA TO GOOGLE INC. FOR
IDENTIFICATION OF INFRINGER UNDER 17 USC §512(h)

Pursuant to 17 USC §512(h), Lynn Pollack, by and through her attorneys, hereby requests the issuance of subpoena to Google Inc., the sole purpose of which is to obtain the identify of an alleged copyright infringer from a provider of online services.

In support thereof, the following items are included herewith:

- (1) The computer generated copy of the notification submitted to Google Inc. in compliance with the provisions of 17 USC §512(c)(3)(A) on September 13, 2011;
- (2) The September 22, 2011 response from Google Inc. indicating that they had acted on the September 13, 2011 request.
- (3) A proposed subpoena; and
- (4) A sworn declaration to the effect that the purpose for which this subpoena is being sought is to obtain the identity of an alleged infringer and that the information obtained will only be used for the purpose of protecting rights under title 17 of the United States Code.

Google Inc. is the owner and operator of the website books.google.com, which is an online file sharing service. Google Inc. allows users to upload files to the books.google.com website and then makes those uploaded files available to be downloaded from books.google.com by anyone. Various files were uploaded to the books.google.com website by someone and thereafter made available to the public by Google Inc. in violation of copyrights owned Lynn Pollack, a resident of Bloomington, Indiana.

17 USC §512(c) provides that, as a mere provider of online services, Google Inc. is not liable for this infringement if certain criteria are met, which appears to be the case here. In particular, within 9 days of receiving the takedown notice, Google Inc. had disabled access to the material in question.

Issuance of the requested subpoena by this Court is expressly authorized by 17 USC §512(h)(1), which states that a copyright owner may request the clerk of "any United States district court" to issue the requested subpoena. The subpoena solely seeks information sufficient to identify an unknown person(s) that uploaded certain information to the books.google.com website, and to the extent this information exists, it is likely to be electronically stored and readily ascertainable by Google Inc. with minimal effort so as to be able to be provided to the undersigned with minimal inconvenience. Therefore there is good cause for this Court to issue the requested subpoena for service on Google Inc. at their legal support office per Fed. R. Civ. P 45 (b)(2)(D).

Respectfully submitted,



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