

May 5, 2009

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Michael J. McMahon  
Office of the Clerk  
U.S. District Court for the Southern District of New York  
500 Pearl Street  
New York, NY 10007  
*via certified mail*

05-CV-8134

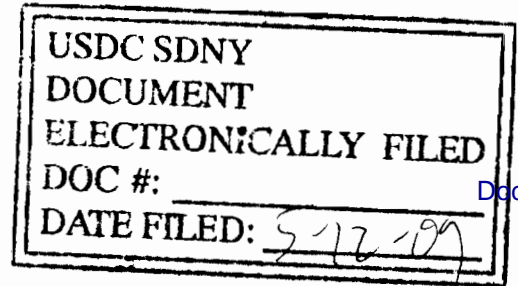
Copies of the opt-out letters signed by authors and estate proprietors, as well as their lists of published works, are available upon request.

Sincerely,

Eleanor Wood  
EW: mk

The Author's Guild et al v. Google Inc.

Encls.



Doc. 101

## spectrum literary agency

320 Central Park West, Suite 1-D  
New York, New York 10025  
Telephone (212) 362-4323 Fax (212) 362-4562  
[www.spectrumliteraryagency.com](http://www.spectrumliteraryagency.com)

May 5, 2009

Settlement Administrator  
c/o Rust Consulting, Inc.  
P.O. Box 9364  
Minneapolis, MN 55440-9364



Re: opting out of the Google/Authors Guild Settlement (“Author SubClass”)

Dear Settlement Administrator:

Enclosed with this letter are letters from authors and proprietors of estates represented by Spectrum Literary Agency opting out of the Google Settlement, a list of these authors (including estates), and lists of their published works (whether or not the material is currently displayed on Google’s site). In all cases, the authors and proprietors of authors’ estates are opting out of any participation in the Settlement. All works by these authors that appear on Google’s site should be removed immediately.

We reject Google’s willful misinterpretation of “fair use” in copyright law to mask outright piracy. In addition, we urge the US District Court to dismiss Google’s attempt to redefine copyright, in that their literature defines in-copyright work as that registered with the copyright office. Current copyright law in the U.S. lists copyright from the time of creation of the literary work. While I try to make sure that literary works I represent are registered by the publisher or author with the copyright office to insure extra protections, registration with the US copyright office for literary works has not been required for about thirty years now. The US courts should not allow Google to ignore US copyright law in this regard, nor should the courts tolerate Google’s assertion that authors and other proprietors of literary works must let Google utilize their works indefinitely if they do not opt out of this Google/Authors Guild Settlement by a specified date.

Google’s one-size-fits-all opt-out forms can only lead to confusion and error. Depending on the work, the author may control all rights, or have licensed print rights to a publisher (though sometimes with approval of sublicense

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deals) but the author may control electronic and foreign rights. If Google's plans are worldwide, then electronic and print rights in each territory or language must be negotiated separately. (Google's own literature mentions print-on-demand as a possible future use, and Google has not confined its request to electronic rights.)

We hope that the appropriate arm of the U.S. courts will not sanction Google's immense copyright violations.

Thank you for your attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Eleanor Wood", written over a horizontal line.

Eleanor Wood  
Agent, Spectrum Literary Agency

✓ Cc: Office of the Clerk, J. Michael McMahon, U.S. District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007

Cc: Andrew Cuomo  
Office of the Attorney General  
The Capitol  
Albany, NY 12224-0341

Cc: Eric Holder  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001



## **Authors/Proprietors of In-Copyright Literary Works Opting Out of Google Settlement**

Roger MacBride Allen  
Steven Barnes  
Leigh Brackett (Estate)  
Lois McMaster Bujold  
Brenda Cooper  
David Dary  
David Eddings (Power of Attorney signed by Dennis Eddings)  
Daniel Galouye (Estate)  
Ken Goddard  
Roland J. Green  
Edmond Hamilton (Estate)  
Robert A. Heinlein (Estate)

Pseudonyms used: *Anson MacDonald, Caleb Saunders, John Riverside, Simon  
York and Lyle Monroe.*

Corson Hirschfeld  
James P. Hogan  
David S. Lavender (Estate)  
Edward M. Lerner  
Larry Niven  
Mike Resnick  
John Maddox Roberts  
Spider Robinson  
Charles Sheffield (Estate)  
Mary Stanton and pseudonym *Claudia Bishop*  
Christopher Stasheff  
George Sullivan  
Jack Williamson (Estate)

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