

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----x

THE AUTHORS GUILD et al., :  
 :  
 Plaintiffs, :  
 :  
 - against - :  
 :  
 GOOGLE, INC., :  
 :  
 Defendant. :  
 :  
 -----x

ORDER  
05 Civ. 8136 (DC)


**CHIN, District Judge**

By letter dated July 2, 2009, a copy of which is attached hereto, the Government advises the Court that it has opened an antitrust investigation into the proposed settlement in this case.

The fairness hearing is scheduled for October 7, 2009. The Court intends to conduct the hearing on that date. If the Government wishes to present its views in writing, it must do so by September 18, 2009. The Government may also appear at the hearing to present its views orally.

SO ORDERED.

Dated: New York, New York  
July 2, 2009

  
\_\_\_\_\_  
DENNY CHIN  
United States District Judge

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

Doc. 120



DEPARTMENT OF JUSTICE  
Antitrust Division

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Main Justice Building  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001  
(202) 353-1535 / (202) 514-6543 Fax

July 2, 2009

By Hand & First Class Mail  
Honorable Denny Chin  
The Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: *The Authors Guild Inc., et al. v. Google Inc.*, Civil No. 1:05-CV-8136

Dear Judge Chin:

The United States writes to inform the Court that it has opened an antitrust investigation into the proposed agreement between Google and representatives of publishers and authors which forms the basis of a proposed settlement of a pending class action in *The Authors Guild Inc., et al. v. Google Inc.*, Civil No. 1:05-CV-8136. The United States has reviewed public comments expressing concern that aspects of the settlement agreement may violate the Sherman Act.

At this preliminary stage, the United States has reached no conclusions as to the merit of those concerns or more broadly what impact this settlement may have on competition. However, we have determined that the issues raised by the proposed settlement warrant further inquiry. We have issued civil investigative demands, *see* 15 U.S.C. § 1312(a), seeking documents and information from parties to the litigation. We also expect to have on-going discussions with the parties, as well as other interested persons, in order to assess the competitive impact of the proposed settlement. We will keep the Court apprised of the status of our investigation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W F Cavanaugh", written in a cursive style.

William F. Cavanaugh  
Deputy Assistant Attorney General

cc: Michael J. Boni, Esq. (via email)  
Bruce P. Keller, Esq. (via email)  
Daralyn Jeannine Durie, Esq. (via email)