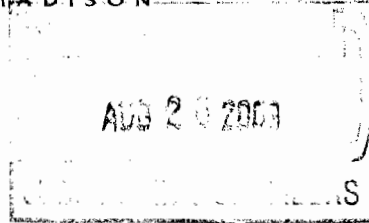


August 14, 2009

The Honorable Denny Chin
United States District Judge
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007



Re: The Authors Guild et al. v. Google, Inc. Case No. 1:05 cv 8136 (S.D.N.Y.)

Dear Judge Chin:

The University of Wisconsin-Madison (UW-Madison) hereby requests this court's permission to submit this letter as a letter of support in the settlement in the above-referenced case.

UW-Madison is a land-grant public university founded in 1848 and consistently ranked among the top public research universities in the nation. UW-Madison has participated in the Google Book Search Project since October 2006, digitizing an average of 10,000 works per month. The combined library holdings of the UW-Madison and the Wisconsin Historical Society make up one of the largest collections of documents and historical materials in the United States and, next to the University of Michigan, UW-Madison has been one of the largest contributors of materials to the Google Book Search Project.

In 1904, then UW-Madison President Charles Van Hise declared that he would "never be content until the beneficent influence of the university reaches every home in the state." Known as the Wisconsin Idea today, this concept plays a central role in various functions and enterprises of this university and has led faculty, staff and students to push the boundaries of the university to the borders of the State and beyond through partnerships in government and industry. To that end, the mission of UW-Madison and its libraries includes the preservation of and access to sources of knowledge in all formats, including the expansion of access to materials previously only available in the libraries.

As a result, UW-Madison's participation in the Google Book Project can be characterized as a commitment to the public good through broadening public access to its collections. This settlement advances this goal by expanding access to public domain works, enhancing academic research and scholarly work, and promoting equality in education. The settlement further allows myriad resources to be redirected from litigation to activities designed to implement the fair, reasonable, and adequate resolution the parties have reached.

General Library System
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The focus of UW-Madison's contributions has largely been works in the public domain, including state and federal government documents and the Wisconsin Historical Society's entire collection of genealogical material. Through digitization with Google, the genealogical material is now searchable and accessible online, eliminating the expense and time previously needed to travel to Madison. The Historical Society's Native American collection and its African American collection are being digitized to ensure greater public access and to facilitate their use by K-12 and other schools throughout the state without adding costs to overburdened school districts. These are just two examples of the type of incredibly valuable projects that other entities may find comfort and encouragement in developing upon the approval of the proposed agreement between the parties.

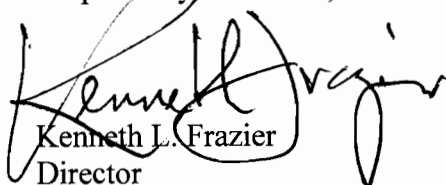
In addition, universities, colleges, and public libraries throughout the U.S. will be able to offer their students and patrons access to UW-Madison's rich collections through the institutional subscription that is part of the settlement, as well as the option for one public access license for free, full-text online viewing of materials at designated computers. The extent to which these two options will enhance scholarly research and promote equality in education through providing equal access to our collections, including rare or out of print books, cannot be overestimated.

It should also not be overlooked that this settlement stands to create a commercial market for the estimated millions of in-copyright books that are currently out of print or unavailable. Making it possible to order rare or out-of-print books on-demand instantly benefits authors and publishers, while also serving the needs of the public, students, and researchers. Without this possibility, the works could remain unavailable, thereby impeding research and learning and eliminating an opportunity for the author and publisher receive any pecuniary or publicity benefit from these works.

This aspect of the settlement could also alter or eliminate the traditional interlibrary loan process. In the end, it may be more effective, in respect to both cost and time, to buy a single print copy on demand than to borrow and ship a copy from another library, resulting in additional fair compensation for the authors and publishers.

As a contributor to the project for several years, UW-Madison is familiar with the concerns expressed about the settlement and the project overall. We remain supportive, however, of this settlement as a unique compromise providing mutual benefits to the named parties and interested groups that could not be obtained through advanced litigation. For the reasons outlined above, UW-Madison respectfully urges the court to approve the settlement agreement among the parties in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth L. Frazier". The signature is fluid and cursive, with the first name being the most prominent.

Kenneth L. Frazier
Director

General Library System

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cc: Michael J. Boni, Esq.
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