

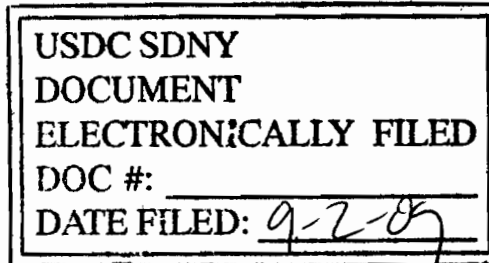
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September 2, 2009



**VIA FACSIMILE**

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

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

Dear Judge Chin:

We write to request permission to file a brief *amicus curiae* on behalf of the undersigned antitrust law and economics professors (collectively, the "*Amici*"). The parties have consented to the filing of the brief, prepared by Professor Einer Elhauge of Harvard University.<sup>1</sup>

*Amici* are professors of law and economics who study, teach, write, or research antitrust law and policy. *Amici* have an interest in ensuring the proper application of antitrust and economic principles generally, and in this matter specifically. *Amici* have a particular interest in supporting the broad access to knowledge that the Settlement will provide. Approval of the Settlement will allow *Amici* the ability to search for and obtain information contained in the works at issue in this case that will be important to them in their research efforts. Those efforts will be stunted if the Settlement is not approved.

*Amici* respectfully submit that consideration of their brief will assist the Court in this case. *Amici* have accumulated substantial expertise in the course of their collective broad experience in addressing competition issues of the sort that certain opponents of the Settlement have raised. The brief they will submit identifies significant procompetitive benefits that will result from the Settlement that will not be realized if the Settlement is not approved. In addition, the brief addresses concerns that have been raised by critics of the Settlement, including individual book and subscription pricing under the Settlement, the structure of the Settlement,

<sup>1</sup> *Amici* are identified on page 3 of this letter. Additional professors may join. Professor Elhauge has received research funding for his work underlying this brief from Google, Inc. The views expressed, however, are his own. None of the other *Amici* listed below who will join the brief have received any compensation related to this matter.

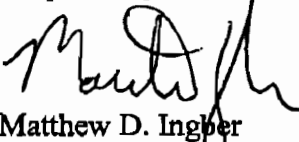
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and "*de facto*" exclusive licensing under the Settlement. Based on their experience and the work they have performed in antitrust matters over the years, *Amici* conclude that these concerns are unlikely to result in any anticompetitive effects and, on the contrary, that any hypothesized anticompetitive effects are greatly outweighed by the real and substantial procompetitive benefits the Settlement provides.

The *Amici* respectfully request that the Court grant them leave to file a brief *amicus curiae*. With the Court's permission, the brief will be filed by the deadline or objections and comments.

Respectfully submitted,



Matthew D. Ingber

**APPLICATION GRANTED.  
SO ORDERED**



Denny Chin, U.S.D.J.

9/2/09

<p><b>William J. Baumol</b>  Professor, Academic Director, Berkley Center  for Entrepreneurial Studies, Stern School of  Business, New York University</p>	<p><b>Dr. Roger D. Blair</b>  Walter J. Matherly Professor of Economics  Professor, University of Florida Warrington  College of Business Administration</p>
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