

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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The Authors Guild, Inc., Association of American	:
Publishers, Inc., Associational Plaintiffs, and	:
	:
Herbert Mitgang, Betty Miles, Daniel Hoffman,	:
Paul Dickson, Joseph Goulden, The McGraw-Hill	:
Companies, Inc., Pearson Education, Inc., Penguin	:
Group (USA) Inc., Simon & Schuster, Inc., and	:
John Wiley & Sons, Inc., individually and on	:
behalf of all others similarly situated,	:
	:
Plaintiffs,	:
	:
v.	:
	:
Google Inc.,	:
	:
Defendant.	:
	:
-----X	

Case No. 05 CV 8136 (DC)

**NOTICE OF APPEARANCE  
AND INTENT TO APPEAR  
AT THE OCTOBER 7, 2009  
FAIRNESS HEARING**

**NOTICE OF APPEARANCE AND INTENT TO APPEAR**

Please enter my appearance as counsel of record for Author and Publisher Sub-Class member Microsoft Corporation (“Microsoft”).

Please take notice that Microsoft intends to appear at the Fairness Hearing in the above-captioned action, currently scheduled for October 7, 2009, to object to the Proposed Settlement.

Microsoft will appear through its attorneys Thomas C. Rubin, Charles B. Casper and R. Montgomery Donaldson. Applications to appear *pro hac vice* will be filed for Mr. Casper and Mr. Donaldson. I certify that I am admitted to practice in this Court.

Respectfully submitted,

Date: September 3, 2009

**MICROSOFT CORPORATION**

By: /s/ Thomas C. Rubin  
Thomas C. Rubin (TR8845)  
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**MONTGOMERY, McCracken,  
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*Counsel for Microsoft Corporation*

**CERTIFICATE OF SERVICE**

I, Thomas C. Rubin, hereby certify that on this 3rd day of September 2009, I caused to be served by electronic notification through the CM/ECF system a copy of the foregoing Notice of Appearance and Intent to Appear at the October 7, 2009 Fairness Hearing on the following individuals:

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*Counsel for Google Inc.*

/s/ Thomas C. Rubin