

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

The Authors Guild, Inc., Association of
American Publishers, Inc., *et al.*,
Plaintiffs,

v.

Google Inc.,
Defendant.

Case No. 05 CV 8136-DC

**MOTION FOR LEAVE TO FILE BRIEF *AMICUS CURIAE* COMPUTER &
COMMUNICATIONS INDUSTRY ASSOCIATION (CCIA) AND MEMORANDUM OF
POINTS AND AUTHORITIES IN SUPPORT THEREOF**

Pursuant to the Court's orders dated November 14, 2008 (Order Granting Preliminary Settlement Approval) and April 28, 2009 (Order granting four-month extension), the Computer & Communications Industry Association (CCIA) respectfully moves for leave to file the attached brief *amicus curiae* on the proposed Settlement Agreement in this case.¹

CCIA is a non-profit trade association dedicated to open markets, open systems, and open networks. CCIA members participate in the information and communications technology industries, ranging from small entrepreneurial firms to the largest in the business. CCIA members employ nearly one million people and generate annual revenues exceeding \$200 billion. CCIA members are substantially regulated by – as well as being the beneficiaries of – the copyright system, and they depend upon it to fulfill its constitutional purpose of promoting progress. Thus, copyright law, the status of orphan works, licensing arrangements, and the

¹ A complete list of CCIA's members, which includes defendant Google, Inc. and other search engine providers, is available online at <<http://www.cciagnet.org/members.html>>. By way of disclosure, it is stated that CCIA has no parent company of any kind, and no publicly held corporation has an ownership stake of 10% or more in CCIA.

competitive implications of intellectual property significantly affect CCIA members.

The attached brief is less than 20 pages, and provides an industry perspective on competitive aspects of the settlement, including the effects of the settlement on the technology marketplace, consumers, and thereby class plaintiffs. In addition to offering expertise with respect to Internet and information technology issues, CCIA has been an advocate or litigant in the most significant disputes over information technology competition in the past 35 years, including the telephone monopoly, mainframe computers, and PC operating systems. Because the Association represents a diverse group of innovative technology companies committed to openness and competition, the brief will provide a unique perspective on this settlement that will inform the Court's review.

For these reasons, CCIA requests the Court's permission to submit the attached *amicus curiae* brief.

Respectfully submitted,

/s/ Matthew Schruers

Matthew Schruers (pro hac vice)

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**[PROPOSED] ORDER GRANTING
MOTION FOR LEAVE TO FILE
BRIEF *AMICUS CURIAE***

The motion of the Computer & Communications Industry Association (CCIA) for leave to file a brief *amicus curiae* in the above captioned matter is granted.

DATED: _____

United States District Judge

AFFIDAVIT OF SERVICE

I hereby certify that on the 8th day of September, 2009, I caused a true and correct copy of the foregoing MOTION FOR LEAVE TO FILE AMICUS BRIEF and attachments with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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Sept. 8, 2009

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