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

| | | |
|---|---|---|
| The Authors Guild, et al. | : | |
| | : | |
| Plaintiffs, | : | Case No. 05 CV 8136-JES |
| | : | |
| v. | : | |
| | : | |
| Google Inc., | : | |
| | : | |
| Defendant. | : | |
| The McGraw-Hill Companies, Inc., et al. | : | |
| | : | |
| Plaintiffs, | : | Case No. 05 CV 8881-JES |
| | : | |
| v. | : | |
| | : | |
| Google Inc., | : | |
| | : | |
| Defendant. | : | |

## DEFENDANT, GOOGLE INC.'S INITIAL DISCLOSURES PURSUANT TO

## FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)

Pursuant to Federal Rule of Civil Procedure 26(a)(1) and the joint Case Management

Order, defendant, Google Inc. ("Google"), through its undersigned counsel, makes the following

initial disclosures to the plaintiffs in the above-referenced lawsuits.  These disclosures are based

on information presently known and reasonably available to Google and which Google

reasonably believes it may use in support of its claims and defenses.  Continuing investigation

and discovery may cause Google to amend these initial disclosures, including by identifying

other potential witnesses, documents and by disclosing other pertinent information.  Google

therefore reserves the right to supplement these initial disclosures.

By providing these initial disclosures, Google does not represent that it is identifying

every document, tangible thing or witness possibly relevant to this action.  In addition, these

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disclosures are made without Google in any way waiving its right to object to any discovery

request or proceeding involving or relating to the subject matter of these disclosures on any

grounds, including competency, privilege, relevancy and materiality, hearsay, undue burden,

confidentiality, or any other appropriate grounds.  Furthermore, these disclosures are not an

admission by Google regarding any matter.

Each and every disclosure set forth below is subject to the above qualifications and

limitations.

1.  **Individuals Likely To Have Discoverable Information**

Individuals likely to have discoverable factual information that Google may use to

support its defenses in the above-referenced lawsuits are identified in Attachment A, which by

this reference is incorporated herein.

2.  **Description of Documents**

The following enumerates documents, data compilations, and other tangible things in the

possession, control or custody of Google that Google may use to support its defenses:

     a.  Documents identifying the works, which comprise (or will comprise) the Google

        Book Search Library Project and related information regarding the works.

     b.  Documents describing the Google Book Search Library Project, including the

        process from receipt of a Works to the display of a portion of it in response to an

        Internet search query.

c.  Documents describing the purposes for and uses of the Google Search Library Project.

d.  Documents describing the concept and implementation of the Google Book Search Library Project, including security measures and opt-out policies.

e.  Documents describing or relating to benefits to the public from the Google Book Search Library Project.

f.  Documents describing support for the Google Book Search Library Project among authors, publishers, and the general public.

g.  Documents describing the plaintiffs' voluntary participation in the Google Book Search Publisher Program.

h.  Documents regarding agreements with universities and libraries to make the contents of their libraries available through the Google Book Search Library Project.

i.  Documents describing Google Book Search, including the different displays in response to search queries executed by Internet users.

3.  **Computation of Damages**

Google denies liability for damages and does not seek recovery of damages from the plaintiffs in either lawsuit (other than recovery of costs and attorney fees).  Google would present evidence of its court costs and attorney fees after the claims against it have been denied or dismissed.

**4. Insurance**

Google is continuing to investigate potential insurance coverage claims related to the Author Plaintiffs and Publishers Plaintiffs lawsuits.

Dated: June 9, 2006

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## CERTIFICATE OF SERVICE

This is to certify that the foregoing DEFENDANT'S INITIAL DISCLOSURES was

electronically filed with the Clerk of Court using the CM/ECF system that will automatically

send email notification of such filing to the following attorney(s) of record:

> Sanford P. Dumain (sdumain@milbergweiss.com)
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> New York, NY 10022

This 9th day of June, 2006

> s/ Ronald L. Raider
> Ronald L. Raider

**Google BookSearch Team List**

| Employee | Title | Department | Topics for Initial Disclosures |
|---|---|---|---|
| Bartelma, Jeff | Associate Product Manager | Product | Book Search user facing features and user interface design |
| Clancy, Daniel | Engineering Director | Engineering | Engineering related to Book Search; business and management decisions related to Book Search |
| DeBonis, Laura | Online Sales and Operations Director | Operations | Relationships with Book Search partners; conceptualization of Book Search project (was a founding member of the Book |
| Edmonds, Amanda | Strategic Partner Manager | Sales | Relationships with Book Search partners |
| Gerber, Jim | Content Partnerships Director | Sales | Relationships with Book Search partners; business development; business strategies |
| Grant, Jen | Product Marketing Manager | Marketing | Book Search marketing and outreach |
| Khaliq, Siraj | Software Engineer | Engineering | Book Search security and user restrictions; image processing and flow; scanstation design; conceptualization of Book Search project (was a founding member of the |
| Kuch, Doug | Head of Global Production, Logistics, Operations - Book Search | Operations | Book flow, scanning, processing, and quality asssurance; scan station operation; physical security; conceptualization of Book Search project (was a founding member of the Book Search Project team) |
| Mathes, Adam | Associate Product Manager | Product | Bibliographic records and metadata; product features involving document understanding, library linking, and public domain book access; ranking |
| O'Sullivan, Joseph | Software Engineer | Engineering | Google's pre-Book Search scanning and processing; scanning prototypes and design; initial competitive research; initial relationships with libraries; backend engineering; possible research uses of book scans: conceptualization of Book |
| Peterson, Tillie | Site Manager, Mountain View Print Operations | Operations | Book flow, scanning, processing, and quality assurance; scan station operations; physical security |
| Rajagopalan, Srikanth | Engineering Project Manager | Engineering | Book Search production tracking and support; integrated scan center engineering; implementation of copyright/genre classification logic; tracking of performance metrics; engineering related to print on demand; opt- |
| Ratnakar, Viresh | Software Engineer | Engineering | Design and impelementation of processing controller; engineering related to how partner libraries obtain scanned versions of |

**Google BookSearch Team List**          *Attorney-Client*
*Confidential*

| Employee | Title | Department | Topics for Initial Disclosures |
|---|---|---|---|
| Smith, Adam | Group Business Product Manager | Product | Management and strategy related to engineering, sales, business development, existing partnerships and relationships, benefits of Book Search; account management, operations and processing, |
| Vemula, Venu | Software Engineer | Engineering | Book Search security and user restrictions; tracking of performance metrics |
| Wojcicki, Susan | VP, Product Management | Product Management | Strategy related to business development, feature development, marketing, and public relations/communications; benefits of Book Search |