

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

**DEFENDANT, GOOGLE INC.’S SUPPLEMENTAL 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 supplemental 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 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. Individuals identified in Attachment A can be contacted through counsel for Google. The address is Kilpatrick Stockton, LLP, 1100 Peachtree Street, NE, Suite 2800, Atlanta, Georgia 30309, 404-885-6500, Joseph M. Beck, Ronald L. Raider, Alex S. Fonoroff.

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 12, 2006

s/ Ronald L. Raider

Joseph M. Beck
Alex S. Fonoroff
Ronald L. Raider
Kilpatrick Stockton LLP
1100 Peachtree Street, Suite 1100
Atlanta, GA 30309-4530
Telephone: (404) 815-6406
Facsimile: (404) 541-3126

Adam H. Charnes
Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
Telephone: (336) 607-7382
Facsimile: (336) 734-2602

Jeffrey A. Conciatori
Quinn Emanuel Urquhart Oliver & Hedges
335 Madison Avenue, 17h Floor
New York, NY 10017
Telephone: (212) 849-7000
Facsimile: (212) 849-7100

CERTIFICATE OF SERVICE

This is to certify that the foregoing DEFENDANT'S SUPPLEMENTAL 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)
Laura Gundersheim (lgundersheim@milbergweiss.com)
Milberg Weiss Bershad & Schulman LLP
One Pennsylvania Plaza
New York, NY 10119-0165

Michael J. Boni (mboni@kohnswift.com)
Kate Reznick (kreznick@kohnswift.com)
Kohn, Swift & Graf, P.C.
One South Broad Street, Suite 2100
Philadelphia, PA 19107

Bruce P. Keller (bpkeller@debevoise.com)
James J. Pastore, Jr. (jppastore@debevoise.com)
Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10022

This 12th day of June, 2006

s/ Ronald L. Raider
Ronald L. Raider