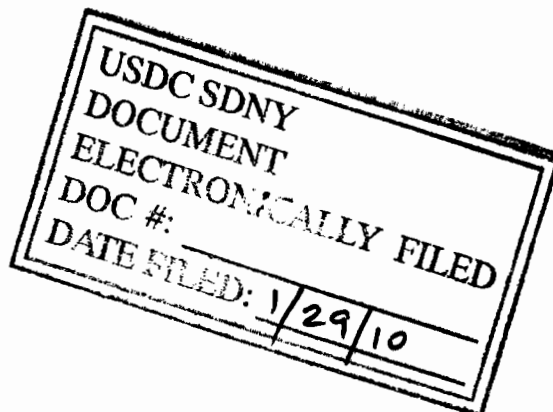


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January 28, 2010

**BY E-MAIL TO: googlebookscase@nysd.uscourts.gov**

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

**Re: The Authors Guild v. Google, Inc., No. 1:05cv8136 (S.D.N.Y.)**

- (1) Submission of Amended *Amicus* Brief, and**
- (2) Request to Appear at Hearing**

Dear Judge Chin:

On behalf of the Center for Democracy & Technology (CDT), I am writing for two purposes: to submit an amended version of our *amicus* brief, and to request to appear at the hearing:

**(1) Submission of Amended *Amicus* Brief:** CDT submitted an *amicus* brief concerning the original Proposed Settlement, raising a number of serious concerns about the privacy impact of the Settlement. Although the Amended Settlement does address one (out of twelve) of the specific concerns we raised, our broad concerns about the Settlement's impact on reader privacy remain, and we urge the court to consider the remaining 11 issues and recommendations.

With one exception, the Amended Settlement does nothing to address our concerns about protecting reader privacy. One additional paragraph, however, does obviate the need for the Court to consider one of our specific recommendations. Section 6.6(f) ("No Personally Identifiable Information") directly addresses and satisfies Recommendation 9, which requests that the Court include in its Order approving the Settlement language requiring Google to commit to sharing only aggregate usage data with the Book Rights Registry. See *Brief Amicus Curiae of CDT*, at 22-23. CDT is satisfied the addition of Section 6.6(f) makes Google's commitments in this regard enforceable under the Court's ongoing jurisdiction over the Settlement. The Court can therefore disregard Recommendation #9. We urge the Court to carefully consider CDT's remaining concerns.

The Author's Guild et al v. Google, Inc.

Doc. 880



To make clear which portions of our original brief no longer warrant the Court's attention, we have attached an Amended version of our *amicus* brief, with the text (on pages 10 & 22-23) relating to Recommendation 9 struck. Except for the struck text and altering the reference to the Proposed Settlement to refer to the Amended Proposed Settlement, the text of the brief is unchanged from what we previously filed.

**(2) Request to Appear at Hearing:** I am also writing to request permission to present our concerns about reader privacy to the Court during the hearing on February 18. Although CDT is not an Objector to the Settlement (indeed, we support approval of the Settlement), we do believe that it is very important that the Court also carefully consider the privacy issues that we articulate in our *amicus* brief. We would thus appreciate an opportunity to present those concerns at the hearing.

We appreciate your consideration of this request, and your attention to our brief.

Respectfully submitted,

/signed/

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cc via e-mail: Counsel of Record

attachment: Amended *Amicus* Brief