UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

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.

Case No. 05 CV 8136 (DC)

OPEN BOOK ALLIANCE'S NOTICE OF INTENT TO APPEAR AT THE FEBRUARY 18, 2010 FAIRNESS HEARING

Please take notice that Open Book Alliance intends to appear at the Fairness Hearing in the above-captioned action, currently scheduled for February 18, 2010, to object to the Proposed Amended Settlement Agreement. The Open Book Alliance will appear through its attorney, Gary L. Reback, who is admitted *pro haec vice* (Doc. No. 734).

If permitted to address the Court, counsel will respond to the antitrust arguments made by the parties in their final briefs (to the extent not previously addressed) and will explain important events in the publishing industry that have occurred subsequent to the filing of the OBA brief.

The Open Book Alliance is a group of library associations, authors groups, small publishers associations and large commercial companies that have joined together to oppose the parties' proposed settlement in this case.

Respectfully submitted,

Date: February 3, 2010 **OPEN BOOK ALLIANCE**

By: /s/ Gary L. Reback
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Counsel for Open Book Alliance