

<u>Date:</u>	<u>Description</u>	<u>Time</u> (hrs.)
July 20:	EM to JW re correcting transcript reference to CCC Dep. in Rule 56.1 Statement; EMs with DA re logistics for filing and sealing opposition papers; review final, final draft of NFB opposition brief and EMs to NFB Team re same; EMs re reply brief and re oral argument; TC with JW; review A.G. opposition papers; TC with HB law clerk re oral argument; EM to all counsel re same; EMs with DG and PJ re A.G. opposition brief and NFB reply brief	5.7
July 21:	continued review A.G. opposition papers; review new cases cited by A.G. in opposition memo; outline fair use section of reply brief; EM to NFB Team re thoughts on reply brief and re proposed agenda for conference call re same	2.8
July 23:	review PJ outline of section 121 part of reply brief; conference call with NFB Team re reply brief; review and revise Schroeder Decl. re lack of harm to large print market; conference call with JB and NFB Team re strategy on reply papers; EMs with A. Roach, JB, DG and PJ re reply papers;	5.6
July 24:	work on fair use section of reply memo; review second supplemental J. Fruchterman Decl.; EMs with DFG and JW re image files; review PJ draft § 121 section, and EM to PJ re same;	6.3
July 25:	review DG edits to Preliminary Statement, Section I and fair use section of draft reply brief, and review DG EM re same; review and revise fair use section with PJ edits and comments; EM to NFB Team re same; deliver courtesy copies of NFB opposition papers and file confidential submissions under seal; review EMs re reply brief; review HT draft reply brief and EM to HT and NFB teams re same; review and revise composite latest draft and EMs with NFB Team re same; EMs with DG re oral argument logistics; review letters from E. Rosenthal and JP to HB re associational standing issues; review newest draft with JW, DG and PJ edits, and revise same	7.6
July 26:	TC with DG re reply brief; review DG's latest composite edit; review J. Bernard's comments on reply brief; review HT's Supplemental Wilkin Decl.; EMs with JW re revisions concerning retaining text and image files; EMs with JW re her TC with J. Bernard; review of next draft and EM to NFB Team re my edits and comments; EMs with PJ re J. Bernard's proposed deletions of final two paragraphs;	2.7
July 27:	EMs and TC with DG re deletion of final two paragraphs and new footnote; review district court opinions in <i>Arriba Soft</i> and <i>iParadigms</i> re volume of works copied and add references in reply brief; final review and edit of final draft of reply brief; review reply brief filed by A.G.	2.2

<u>Date:</u>	<u>Description</u>	<u>Time</u> (hrs.)
July 28:	EMs with DG and PJ re A.G.'s reply brief and re oral argument	0.2
July 29:	review EM from PJ re outline of oral argument; review DG response	0.3
July 30:	submit courtesy copies of reply papers; EMs with DG re pre-oral argument meeting; TC with HB law clerk re oral argument; EM to all counsel re courtesy copies; EMs with JB re amici	0.8
July 31:	EM to counsel for amici re oral argument; review JB EM distinguishing "natural rights" from copyright; EM to JB and HT and NFB Teams responding to same and suggesting strategy; review Second Aiken Decl. and A.G. reply brief re whether to respond to same at oral argument; EM to DFG and PJ re same; TC with HB law clerk re length of oral argument; EM to all counsel re same; EMs with JW re logistics for oral argument; review PJ EM re Second Aiken Decl.	2.6
Total RJB time for July 2012:		100.7 hrs.
Total Amount of Legal Fees in July (100.7 hrs. x \$500/hr):		<u>\$50,350</u>
Courtesy Discount of 10%		(\$5,035)
<u>Total Amount Due for Fees in July:</u>		<u>\$45,315</u>
<u>DISBURSEMENTS:</u>		
Photocopies		\$158
<u>Total Disbursements:</u>		<u>\$158</u>
<u>TOTAL AMOUNT DUE</u> (fees and disbursements):		<u>\$45,473</u>



SUGARMAN, ROGERS, BARSHAK & COHEN, P.C.
Attorneys at Law

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617-523-4001 Fax
www.srbc.com

National Federation of the Blind
c/o Daniel F. Goldstein, Esq.
Brown, Goldstein & Levy, LLP
120 E. Baltimore Street
Baltimore, MD 21202

July 16, 2012
Matter No.: N065-27397
Billing Attorney: Netski
Tax ID: 04-2806770

Invoice Number: 89806
Matter Name: National Federation of the Blind - Deposition Assistance

For Professional Services Rendered through June 30, 2012

FEES

<u>Date</u>		<u>Hours</u>	
6/01/12	CMN	0.3	Review of docket entries re: pro hac motion and withdrawal of motion for reconsideration; Confirmation of deposition arrangements.
6/04/12	CMN	0.2	E-mail correspondence with Attorney R. Bernstein re: upcoming deposition; Conference with Attorney R. Bernstein.
Total Hours		0.5	
Total Fees		\$187.50	

TIMEKEEPER SUMMARY

<u>Timekeeper</u>	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Christine M. Netski	Partner	0.5	375.00	187.50
Total Timekeeper Summary		0.5		\$187.50

COSTS

<u>Description</u>	<u>Date</u>	<u>Amount</u>
Filing Fee - USDC on 05/21/12 (AMEX)	6/07/12	100.00
Disbursements (Advances)		\$100.00

SUGARMAN, ROGERS, BARSHAK & COHEN, P.C.

Attorneys at Law

National Federation of the Blind - Deposition Assistance
Matter No.: N065-27397
Invoice Number: 89806

July 16, 2012
Page 2

Cost Summary

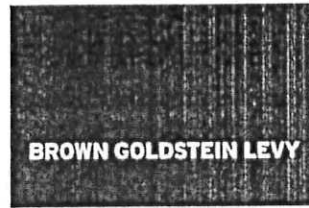
In-House Charges	0.00
Disbursements (Advances)	<u>100.00</u>
Total Current Costs	\$100.00

TOTAL OF CURRENT INVOICE

Total Current Fees	187.50
Total Current Costs	<u>100.00</u>
TOTAL THIS INVOICE	<u>\$287.50</u>

PAST DUE INVOICES

<u>Date</u>	<u>Invoice Number</u>	<u>Amount</u>
6/15/12	89580	<u>4,787.88</u>
	TOTAL AMOUNT DUE	<u>\$5,075.38</u>
	(Includes past due and current charges)	



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NATIONAL FEDERATION OF THE BLIND
 200 EAST WELLS STREET
 AT JERNIGAN PLACE
 BALTIMORE MD 21230

Page: 1
 September 18, 2012
 ACCOUNT NO: 1120-336M
 INVOICE NO: 33806

ATTN: DR. MARC MAURER

HATHITRUST

FEES

		Rate	Hours
08/01/2012			
JPW	Confer with Denise M. Altobelli and Daniel F. Goldstein re: hearing prep (hearing on motions for summary judgment)	250.00	0.10
EP	Compile spreadsheet of cases cited by NFB, HathiTrust, and Authors Guild	140.00	0.60
JPW	Review e-mail exchange between Daniel F. Goldstein, Bob Bernstein, Peter Jaszi, and Joe Beck re: preparation for oral argument	250.00	0.30
EP	Prepare case chart with cases cited by all parties to prepare for hearing on summary judgment motions	140.00	2.10
DMA	Review e-mails and confer with Jessica P. Weber and Daniel F. Goldstein re: completing preparation for Daniel F. Goldstein argument; conference with Elyse Pillitteri and Allan Dunklow re: cases and summaries for argument	155.00	0.30
EP	Prepare case chart with cases cited by all parties to prepare for hearing on summary judgment motions	140.00	1.40
AJD	Download PDF versions of cases into research folder (.5); assist in preparing case summaries (3.2)	140.00	3.70
EP	Finalize case chart with cases cited by all parties; e-mail final version to Jessica P. Weber and Denise M. Altobelli	140.00	0.60
JPW	Review case summaries prepared by Elyse Pillitteri and Alan J. Dunklow in preparation for Monday's hearing on cross motions for summary judgment; send Elyse Pillitteri and Alan J. Dunklow follow-up e-mail with more instructions for preparing for hearing	250.00	0.20
EP	Organize cases cited in summary judgment briefing	140.00	0.40
EP	Review e-mail exchange between Daniel F. Goldstein, Bob Bernstein, Peter Jaszi, and Joe Beck re: oral arguments	140.00	0.30
DFG	Conferred with J. Petersen re: order of arguement	475.00	0.20
08/02/2012			
JPW	Review e-mails from co-counsel re: preparation for hearing on motions for summary judgment	250.00	0.10
JPW	Meet with Daniel F. Goldstein and Elyse Pillitteri to assist Daniel F. Goldstein in preparing for hearing on cross		

HATHITRUST

		Rate	Hours
	motions for summary judgment	250.00	0.30
EP	Meet with Daniel F. Goldstein and Jessica P. Weber to discuss theme of oral argument	140.00	0.30
JPW	Review pro hac vice admission motion	250.00	0.10
JPW	Review and save notes for hearing sent by Robert Bernstein	250.00	0.10
DMA	Revise Motion for Pro Hac Vice admission for Jessica P. Weber and proposed order; scan certificates	155.00	0.70
DMA	E-mail from Daniel F. Goldstein; locate and save APA amicus in Google case	155.00	0.10
JPW	Participate in moot for Joe Petersen via conference call in preparation for hearing on cross motions for summary judgment	250.00	2.70
JPW	Discuss moot with Daniel F. Goldstein	250.00	0.10
DFG	Start argument preparation	475.00	0.20
	[Not Subject of Fee Application]	475.00	0.30
DFG	Prepared for argument	475.00	2.00
08/03/2012			
JPW	Review e-mail from Daniel F. Goldstein and hearing notes and edit	250.00	0.70
DMA	Preparing for Daniel F. Goldstein oral argument; review Daniel F. Goldstein outline; conference with Daniel F. Goldstein; copy memory stick of server file	155.00	0.80
JPW	Review and sign pro hac vice motion	250.00	0.10
DMA	Complete registration for Jessica P. Weber for US District Court SDNY ECF system and confer with Jessica P. Weber on new pro hac procedure and forms	155.00	0.60
JPW	Review American Library Association, et al amicus brief in Google case	250.00	0.20
JPW	Consult with Daniel F. Goldstein in preparation for Monday's hearing on cross motions for summary judgment (.2); find helpful evidence in record re: security (.1)	250.00	0.30
JPW	Review e-mails from Daniel F. Goldstein and co-counsel re: thoughts for hearing on Monday	250.00	0.40
JPW	Confer with Denise M. Altobelli re: following up on order to allow laptops in courtroom for hearing	250.00	0.10
DMA	ECF file Motion for Pro Hac Vice admission of Jessica P. Weber; telephone call to Judge Baer's clerk and telephone call to US District Court for S.D. of NY to correct docket entry	155.00	1.20
	[Not Subject of Fee Application]	155.00	0.60
ADF	Meet with Daniel F. Goldstein re prep, arguments for Monday's hearing	475.00	0.40
DFG	Telephone call with J. Petersen	475.00	0.10
DFG	Review Amicus brief in Google case from ARL	475.00	0.40
DFG	Prepared for oral argument	475.00	2.00
08/04/2012			
JPW	Travel from Baltimore to NY for hearing (NC)	250.00	3.00
DFG	Prepared for argument	475.00	2.00
DFG	Argument preparation	475.00	5.30

HATHITRUST

		Rate	Hours
08/05/2012	DFG Prepared for argument	475.00	5.00
08/06/2012	DMA Review e-mails from Daniel F. Goldstein re: redacted depositions for argument; review and reply	155.00	0.20
	DMA Voice mail message from Jessica P. Weber; review emails and unredacted documents re: Wilkin declarations; e-mail to Jessica P. Weber and Daniel F. Goldstein	155.00	0.10
	JPW [REDACTED]		
	[REDACTED] [Not Subject of Fee Application]	250.00	11.50
	EP [Not Subject of Fee Application]		
	DFG Travel and prepared for argument and argued Motion for Summary Judgment	140.00	11.50
		475.00	10.00
08/07/2012	DMA Conference with Daniel F. Goldstein re: argument and materials if appealed	155.00	0.10
	DMA Print and update notebook with unredacted version of Wilkin deposition transcript	155.00	0.10
	DMA Conference with Daniel F. Goldstein; conference with Theo Thomas re: no ECF filing banner on Maurer declaration; check PACER and ECF instructions; contact ECF assistance	155.00	0.30
08/08/2012	JPW Confer with Denise M. Altobelli about indexing documents (.1); meet with Daniel F. Goldstein and Denise M. Altobelli to discuss indexing documents and pre-trial disclosures	250.00	0.30
	DMA Conference with Jessica P. Weber re; documents and processing; Check Judge Baer's individual practices and e-mail to Jessica P. Weber	155.00	0.10
	DMA Planning meeting with Daniel F. Goldstein and Jessica P. Weber	155.00	0.20
	JPW Consult pre-trial rules for dates and obligations; e-mail co-counsel about pre-trial matters	250.00	0.80
	DFG Conferred with Denise M. Altobelli and Jessica P. Weber	475.00	0.20
08/22/2012	DMA E-mail exchange with Daniel F. Goldstein re: transcript from 8/6/12 hearing; e-mail to Robert Bernstein re: ordering transcript	155.00	0.10
08/23/2012	JPW [Not Subject of Fee Application]		
		250.00	0.30

HATHITRUST

	Rate	Hours	
08/27/2012 DMA			
[Not Subject of Fee Application]	155.00	0.10	
FOR CURRENT SERVICES RENDERED		76.30	22,566.50
LESS COURTESY DISCOUNT			-3,384.98
NET FEES AFTER DISCOUNT			19,181.52

TIMEKEEPER SUMMARY

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
DANIEL F. GOLDSTEIN	27.40	\$475.00	\$13,015.00
ANDREW D. FREEMAN	0.70	475.00	332.50
JESSICA P. WEBER	21.70	250.00	5,425.00
DENISE M. ALTOBELLI	5.60	155.00	868.00
ALAN J. DUNKLOW	3.70	140.00	518.00
ELYSE PILLITTERI	17.20	140.00	2,408.00

EXPENSES

09/12/2012	Court Costs (29.00) AMERICAN EXPRESS	200.00
	Court Costs	200.00
09/04/2012	NFB EXPENSES - PETER JASZI INVOICE 7/12 - 8/3/2012	27,500.00
	NFB EXPENSES	27,500.00
	TOTAL EXPENSES	27,700.00

ADVANCES

09/07/2012	Local Counsel - THE LAW OFFICE OF ROBERT J. BERNSTEIN INVOICE (8/1 TO 8/31/12)	11,850.00
	Local Counsel	11,850.00
	TOTAL ADVANCES	11,850.00
	TOTAL CURRENT WORK	58,731.52
	BALANCE DUE	\$58,731.52

Your Trust Account #4 balance is

08/29/2012	OPENING BALANCE	\$527.88
	REIMBURSEMENT FOR DUPLICATE INVOICE - HATHITRUST	
	PAYEE: National Federation of the Blind	-527.88
09/14/2012	DEPOSIT CK# 044476	104,935.78

NATIONAL FEDERATION OF THE BLIND

HATHITRUST

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September 18, 2012

ACCOUNT NO: 1120-336M

INVOICE NO: 33806

CLOSING BALANCE

\$104,935.78

THIS BILL COVERS THE PERIOD THROUGH 08/31/2012
WE ACCEPT VISA/MASTERCARD/AMERICAN EXPRESS/DISCOVER
Federal Tax I.D. # 52-1322243

**The Law Office of
Robert J. Bernstein**

488 Madison Avenue, 9th Floor, New York, NY 10022
Telephone: (212) 705-4811 Fax: (212) 593-9175
Email: rjb@robert-bernsteinlaw.com

September 4, 2012

Via Email (dfg@browngold.com)
NATIONAL FEDERATION OF THE BLIND (NFB)
c/o Daniel F. Goldstein
Brown, Goldstein & Levy, LLP
120 E. Baltimore Street, Suite 1700
Baltimore, MD 21202

Re: The Authors Guild, Inc. v. HathiTrust, 11 Civ. 6351 (HB) (SDNY)

All legal services set forth in this statement were rendered by Robert J. Bernstein ("RJB") at his regular rate of \$500/hour¹. This invoice covers all legal services rendered for National Federation of the Blind, Blair Seidlitz and Courtney Wheeler from August 1 to 31, 2012 in connection with the above matter.

Legal Services (for the period August 1 to 31, 2012):

<u>Date:</u>	<u>Description</u>	<u>Time</u> (hrs.)
August 1:	review Authors Guild (AG) references to CCC deposition in Reply and Opposition Briefs; review of CCC deposition transcript re same; email (EM) to NFB and HathiTrust (HT) teams re same	0.8
August 2:	prepare reference sheet for oral argument re District Court findings on number of works copied in <i>iParadigms</i> and <i>ArribaSoft</i> ; attend Joe Petersen (JP) moot court presentation at Kilpatrick Stockton (KS), and participate in conference call with Joe Beck (JB) and universities counsel commenting on same and strategizing	5.5
August 3:	multiple emails with HT Team and Peter Jaszi (PJ) re JP moot court presentation and strategy; follow-up conference call with JP, JB, PJ and universities counsel re same; review and edit Daniel F. Goldstein (DFG) draft of oral argument; review A.G. reply papers including Aiken Declaration	5.0

¹ RJB regular rate increased to \$550/hr. effective January 1, 2012, but that increase will not be applied to this matter during 2012.

August 4:	EMs telephone conference with DFG re oral argument; review selected cases and legislative material re assisting with preparation for oral argument; prepare multiple reference sheets for DFG excerpting key quotations from selected cases re same	6.8
August 6:	conferences with NFB and HT Teams before and after oral argument; attend oral argument	5.6
Total RJB time for August 2012:		23.7 hrs.
<u>Total Amount Due for Legal Services in August</u> (23.7 hrs. x \$500/hr):		<u>\$11,850</u>
<u>Disbursements:</u>	None	000
<u>TOTAL AMOUNT DUE:</u>		<u>\$11,850</u>

Peter Jaszi
5402 Surrey Street
Chevy Chase, MD 20815
Social Security # 220-50-5163

INVOICE

For professional services to National Federation of the Blind in connection with
Authors' Guild v. Hathi Trust
July 12 – August 3, 2012

Consulting with NFB co-counsel and counsel for HathiTrust defendants, drafting portions of Opposition to Plaintiffs' MSJ and Reply to Plaintiffs Opposition to Defendants, reviewing and editing drafts of Opposition and Reply, assisting in preparation for oral argument.

64.5 hours @ \$475/hr. = \$30,737.50

Reflecting 10 percent discount = \$27,500

INVOICE

SOUTHERN DISTRICT REPORTERS P.C.

ID # 13-2775946
 500 Pearl St
 Room 330
 New York, N.Y. 10007
 U.S.A.
 (212) 805-0300

INVOICE NO. 0261975-IN
 INVOICE DATE 10/04/2012
 CUSTOMER NO. 1004085
 WORK ORDER NO. 125385
 SALESPERSON Adrian Sharper

Brown, Goldstein & Levv
 120 East Baltimore Street
 Suite 1700
 Baltimore, MD 21211

Attention: Denise Altobelli

Job Date	THE AUTHORS GUILD V HATHITRUST, ET AL.					
	CASE NO. 11CV06351					
8/6/2012	Diskette	60	PGES	At	0.900	54.00

SALE

SOUTHERN DISTRICT RPTR
 500 PEARL STREET -RM. 330
 NEW YORK, NY 100070000
 TID: 00000136830

TIME: 11:04 AM DATE: 10/04/12

MERCHANT #: 6316977529

AMEX

AM XXXXXXXXXXXX3109 (KEYED)

INVOICE: 0000019005

APPROVAL CODE: 122180

SEQ: 004

TOTAL AMOUNT \$54.00

CUSTOMER COPY

~~RECEIVED~~
 10/10/12

PAYMENT IS DUE UPON RECEIPT OF THIS INVOICE

Net Invoice:	54.00
Less Discount:	0.00
Freight:	0.00
Sales Tax:	0.00
Invoice Total:	54.00