

NATIONAL FEDERATION OF THE BLIND

ACCOUNT NO: 1120-336M

INVOICE NO: 32209

HATHITRUST

			Hours
		for opposition to motion for judgment on the pleadings (1.3); review draft outline and introduction for Opposition to Motion for judgement on the pleadings	1.80
	LA	Review rules on initial disclosures	0.20
	DFG	Review outline from Peter Jaszi for Opposition to Motion for Judgment on the Pleadings and e-mail to Peter Jaszi re: same	0.40
	DFG	Review Robert Bernstein's draft of Preliminary statement ISO Opposition to Motion for Judgment on the Pleadings	0.20
	DFG	Prepare for conference call, review material re: interplay between 107 & 108	0.30
	DFG	Telephone call with team and HathiTrust attorneys	1.20
	DFG	E-mail to Ned Rosenthal re: timing of Opposition to Motion for Partial Judgment on Pleadings	0.20
03/07/2012	LA	Research standard for motions for judgment on the pleadings	1.20
	LA	Draft initial disclosures	1.00
	LA	Research converting motion for judgment on the pleadings to motion for summary judgment	0.70
	LA	Review Bob Bernstein's e-mail to team re:	0.10
	DFG	Review draft initial disclosure	0.10
03/08/2012	LA	Read e-mails from Bob Bernstein and Peter Jaszi re: strategy summary judgment	0.20
	LA	Respond to questions about initial disclosures from Bob Bernstein	0.10
	DFG	Telephone call J. Bernard re: HathiTrust	0.20
03/09/2012	LA	Review articles from Bob Bernstein and Peter Jaszi re: current state of fair use law	2.10
	LA	E-mail Joe Petersen re: update on extension for opposition to motion for judgment on the pleadings	0.10
	LA	Read e-mails from Peter Jaszi and Bob Bernstein re: strategy for filing summary judgment motion related to fair use	0.30
03/12/2012	LA	Review Netanel article on fair use; read e-mails from team re: strategy for motion for judgment on the pleadings; confer with Daniel F. Goldstein re: same	1.20
	LA	Review Netanel article on fair use	0.40
	LA	Review Netanel article re: fair use (.8); telephone call with Daniel F. Goldstein, Bob Bernstein, and Peter Jaszi re: strategy for Opposition to Motion for judgment on the pleadings (1.8); confer with Daniel F. Goldstein re: drafting e-mail to Joe Petersen and Joe Beck re: strategy for Motion for Summary Judgment and Opposition to Motion for judgment on the pleadings (.2)	2.80
	LA	Review Netanel article on fair use	0.70
	LA	Read and respond to e-mails re: Motion for Summary Judgment and Motion for Judgment on the pleadings;	

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			Hours
		draft cover letter re: initial disclosures; finalize initial disclosures	0.50
	DFG	Review fair use reseach re: responding to Plaintiff's Motion for Judgment on the Pleadings	1.60
	DFG	Team discussion re: OppositionS to Motion for Judgment on Pleadings	1.80
	DFG	E-mail to co-counsel re: Motion for Judgment on the Pleadings	0.20
	DFG	Conference call with J. Beck (for part of call) and R. J. Bernstein; Laura G. Abelson	1.50
	DFG	E-mail to team re: telephone call J. Beck	0.30
03/13/2012	LA	Draft section of opposition to motion for judgment on the pleadings related to legal standard for motion	1.00
	LA	Review Netanel fair use article	0.70
03/14/2012	DFG	Conferred with J. Petersen	0.20
	DFG	E-mail to J. Petersen and Ned Rosenthal our undertaking on scheduling	0.30
	DFG	Conferred with Peter Jaszi re: J. Beck	0.10
	DFG	E-mail to Bob Bernstein re: selecting market experts	0.20
03/15/2012	LA	Review Peter Jaszi's outline in Opposition to Motion for Judgment on the pleadings; e-mail Daniel F. Goldstein re: same	0.30
	DFG	E-mail to/from Rosenthal re: scheduling	0.10
	DFG	Review Peter Jaszi's outline of Opposition to Motion for Judgment on the Pleadings and e-mail to Peter Jaszi re: same	0.40
	DFG	E-mail to J. Petersen re: scheduling	0.10
	DFG	Further e-mails with Peter Jaszi re: his outline, Robert Bernstein's re: working up fair use	0.30
	DFG	Final round of e-mails with J. Petersen and N. Rosenthal re: stipulation for extension	0.20
	DFG	Review stipulation re: extension of time	0.10
03/19/2012	LA	Review and edit Peter Jaszi's first draft of Opposition to Motion for Judgment on the pleadings	1.30
	LA	Edit draft opposition to Plaintiffs' Motion for Judgment on the pleadings	1.40
	LA	Edit opposition to Plaintiffs' Motion for Judgment on the pleadings	1.00
03/20/2012	LA	Edit Peter Jaszi's first draft of opposition to Plaintiffs' motion for judgment on the pleadings	1.40
	LA	Confer with Daniel F. Goldstein re: edits to first draft of Opposition to Motion for Judgment on the pleadings	0.60
	LA	Edit Opposition to Motion for Judgment on the pleadings	2.10
	LA	Edit opposition to Plaintiffs' motion for judgment on the pleadings	0.50
	DFG	Review Peter Jaszi's draft of Opposition with Laura G. Abelson	0.60

## HATHITRUST

			Hours
	DFG	E-mail from/to Peter Jaszi re: Opposition	0.10
03/21/2012	LA	Confer with Daniel F. Goldstein re: steps to take re: discovery while he is on vacation	0.10
	LA	Review discovery chart from Kilpatrick lawyers and deposition schedule	0.30
03/27/2012	LA	Edit Peter Jaszi's next draft of Opposition to Motion for Judgment on the pleadings	0.50
03/30/2012	LA	Review discovery materials shared with us by Defendants	0.80
	DMA	E-mail from and conference with Laura G. Abelson re: discovery; download responses to discovery requests from KP site	0.20
	LA	Read and respond to e-mails from Daniel F. Goldstein and Rob Potter re: discovery production and getting copies of documents	0.10
04/02/2012	LA	Review Bob Bernstein's edits to draft Opposition to Motion for Judgment on the pleadings	0.30
	DMA	E-mail exchange with Laura G. Abelson re: documents produced and pleadings	0.10
	DMA	Conference with Janet L. Henry re: downloading documents; e-mail to Janet L. Henry	0.10
	DMA	Follow up conversation with Janet L. Henry; e-mail documents link to J. Henry	0.10
	DMA	E-mails with Laura G. Abelson; conferences and e-mails with Janet L. Henry re: downloading discovery and documents; download discovery	0.80
	JLH	Downloading documents and talking to Denise M. Altobelli about downloads	0.20
	LA	Telephone call with Bob Bernstein and Peter Jaszi re: edits to Opposition to Motion for Judgment on the pleadings	1.20
	LA	Draft interrogatories	0.60
04/03/2012	LA	Review documents produced by plaintiffs to HathiTrust	0.40
04/04/2012	LA	Review Peter Jaszi's and Bob Bernstein's edits to Opposition to Motion for Judgment on the pleadings	0.20
	LA	Review protective order and respond to e-mail from Rob Potter re: same	0.10
	LA	Draft interrogatories concerning sales of digital books	0.40
	LA	Draft interrogatories re: market for sales of accessible versions of copyrighted works	0.30
	LA	Draft interrogatories; confer with Anna G. Reid re: same	0.20
	AGR	Confer with Laura G. Abelson re; availability of accessible ebooks and send her article re: same	0.20
04/05/2012	DMA	Transfer documents produced by Defendants from CD to client file; conference with Laura G. Abelson; e-mail to Laura G. Abelson re: Summation	0.20

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		Hours
	LA Edit interrogatories and draft request for production of documents	0.50
	DMA Conference with Laura G. Abelson re: preparing documents for Summation and preparing subpoenas to publishers	0.10
	KD Discuss subpoenas to publishers with Laura G. Abelson (.2); locate list of publishers in pleadings	0.50
	LA Confer with Daniel F. Goldstein re: interrogatories and Opposition to Plaintiffs' Motion for Judgment on the pleadings	0.20
	LA Confer with Denise M. Altobelli re: document organization, summation, and subpoenas	0.30
	DFG Edits to Interrogatories	0.30
	DFG First review of draft Opposition to Motion for Judgment on the pleadings	0.60
04/06/2012	KD Locate contact information/service addresses for publishers	1.60
	LA Read and respond to emails from Daniel F. Goldstein, Peter Jaszi, and Bob Bernstein re: strategy for opposition to motion for judgment on the pleadings	0.40
	LA Edit Daniel F. Goldstein version of Opposition to Motion for Judgment on the pleadings	0.80
	DFG Edits of Opposition to Plaintiff's Motion for Judgment on the Pleadings	3.30
	DFG Further edits to Opposition to Plaintiff's Motion for Judgment on the Pleadings	1.20
04/09/2012	LA Confer with Daniel F. Goldstein re: arguments in opposition to motion for judgment on the pleadings	0.20
	LA Confer with Kevin Docherty re: subpoenas to publishers	0.10
	KD Locate addresses for publishers for service of subpoenas	1.40
	LA Draft attachment for subpoenas duces tecum	0.20
	LA Confer with Daniel F. Goldstein re: Opposition to Motion for Judgment on the pleadings	0.20
	DFG Further edits to Opposition to Motion for Judgment on the Pleading	0.50
04/10/2012	LA Edit Daniel F. Goldstein version of Opposition to Motion for Judgment on the pleadings	0.40
	LA Confer with Denise M. Altobelli and Kevin Docherty re: serving subpoenas on publishers	0.10
	DMA Conference with and e-mails from Laura G. Abelson re: subpoenas	0.10
	DMA Conference with Kevin Docherty re: out of state subpoenas	0.20
	LA Review Daniel F. Goldstein edits to Opposition to Motion for Judgment on the pleadings	0.50
	LA Telephone call with Bob Bernstein and Daniel F. Goldstein re: possible market experts	1.20
	KD Prepare subpoenas for publishers	1.70
	DFG Telephone call R. Bernstein & Laura G. Abelson re: on	

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			Hours
		KT expert	1.20
04/11/2012	LA	Review publisher subpoenas; telephone calls to smaller publishers re: notice that subpoenas will be served	0.20
	LA	Confer with Kevin Docherty re: schedule A to publisher subpoenas	0.10
	LA	E-mail Bob Bernstein re: publisher subpoenas; telephone calls to publishers re: serving subpoenas	0.40
	DMA	Conference with Laura G. Abelson; revise subpoenas to NY Publishers; voice mail message to Daniel F. Goldstein re: signatory on subpoenas	0.70
	LA	Prepare publisher subpoenas for service; send same to Bob Bernstein	0.40
	KD	Finalize subpoenas to publishers in New York	0.80
	LA	Determine if Answer was filed; draft letter re: same	0.60
04/12/2012	DMA	Conference with Laura G. Abelson re: subpoenas to issue	0.10
	DMA	Conference with Joseph B. Espo re: issuing District of Columbia subpoena	0.10
	KD	Research re litigation support companies to serve subpoenas in Chicago and New Hampshire	0.40
	DMA	Revise subpoenas for National Geographic, Chicago Publishing; telephone calls to M. DeLeon at Atkinson Baker; telephone call to PFI process service; telephone call to Carolyn at Its Your Serve; e-mail and complete service form for Its your Serve; prepare Rule 7.1 Corporate Disclosure; assist Theo Thomas with ECF of Answer and Disclosure; conferences with Kevin Docherty; conferences with Laura G. Abelson	2.80
	DFG	Final edits to Opposition to Motion for Judgment on the Pleadings	3.00
04/13/2012	LA	Edit Daniel F. Goldstein version of Opposition to Motion for Judgment on the pleadings	1.30
	DMA	Meet with John McMurtry, process server to give subpoena for National Geographic and begin return	0.30
	LA	Edit opp'n to motion for judgment on the pleadings	0.20
	DMA	Locate local provider for service of Heinemann in New Hampshire- telephone call to Monica Collins at Langrock; web search and locate Jordan Ulrich at Ulrich Litigation Support; check NH SDAT for address confirmation of Heinemann; revise subpoena and e-mail to Ulrich; prepare Notice of Subpoenas; review rules and practices; telephone call to Clerk;	4.00
	LA	Confer with Daniel F. Goldstein re: final organization of Opposition to Motion for Judgment on the pleadings	0.10
	LA	Confer with Denise M. Altobelli re: serving notice of subpoenas to publishers on opposing counsel	0.10
	DMA	Review and respond to emails re: service of Chicago subpoena	0.10
	DMA	Telephone call from John McMurtry re: Service on National Geographic; e-mail to Laura G. Abelson	0.10
	DFG	Further edits to Opposition to Motion for Judgment on	

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		Hours
	the Pleadings	1.00
	DFG Review J. Bernard amicus draft	0.40
04/14/2012	DFG Work on reconciling Peter Jaszi's and Rob Bernstein's edits	5.50
	DFG Completed working on reconciling Peter Jaszi's and Rob Bernstein's edits	3.00
04/15/2012	DFG E-mails with Peter Jaszi and Rob Bernstein re: edits to draft	0.20
04/16/2012	DMA E-mail from Daniel F. Goldstein re: Simpson discovery; save and print	0.10
	DMA Follow up from Jordan re: subpoena service in New Hampshire; check request for John McMurtry for service on National Geographic	0.10
	DMA Cite checking and editing Defendant Intervenors' Opposition to Plaintiff's Motion for Judgment on the Pleadings	2.60
	DMA E-mail from Daniel F. Goldstein; prepare retention letters for George Kerscher and Jim Fruchterman; e-mail to Daniel F. Goldstein	0.30
	DMA Conference with Daniel F. Goldstein and review edits to Opposition to Motion for Judgment on Pleadings	0.30
	DFG Corrections to brief	0.20
	DFG Rob Bernstein's and George Kerscher telephone call	1.00
	DFG E-mails from/to J. Petersen	0.10
	DFG E-mails from/to Rob Bernstein re: market issues for G. Kerscher	0.10
	DFG Conference call with J. Fruchterman; R. Bernstein & Peter Jaszi's (pt. time)	0.90
	DFG Review edits with Denise M. Altobelli	0.20
	DFG Edits retainer letters for Kerscher and Fruchterman	0.30
	DFG Tracy Woelfel Paralegal at S&S	0.20
	DFG Additional calls with S&S	0.10
	DFG E-mail/memo of call with Tracy Woelfel	0.10
	DFG E-mails from/to Peter Jaszi re: correcting amicus issues	0.10
	DFG Further e-mails re: discovery of CCC	0.10
04/17/2012	DMA Revising and cite checking Opposition to Plaintiffs' Motion for Judgment on the Pleadings; check Westlaw and internet	4.00
	LA Confer with Daniel F. Goldstein re: Joe Beck's comments on our opp'n to Plaintiffs' motion for judgment on the pleadings and possible add'l discovery	0.20
	DFG Edits/corrections to draft opposition to HathiTrust Motion for Judgment on the Pleadings	0.50
	DFG Telephone call with Joe Beck, R. Bernstein, P. Jaszi re: Opp. to Plaintiff's Motion	1.20
	DFG Conferred with Peter Jaszi, R. Bernstein re: departing and re: re-organizing opposition	0.50
	DFG Edits to Brief	0.30

## HATHITRUST

			Hours
04/18/2012	DMA	E-mail from Laura G. Abelson re: new discovery; save pleading and copy documents from 4-10-12 CD	0.10
	DMA	Download and save discovery from Laura G. Abelson's e-mail with Plaintiff's responses	0.30
	DMA	Review letter from Robert Chase of Heinemann Publishing responding to subpoena; e-mail to Laura G. Abelson	0.10
	DMA	Review and make revisions to opposition to motion for judgment on the pleadings; e-mail revised draft to team	2.20
	DFG	Conference with R. Bernstein, Peter Jaszi re: J. Bernard's edits to brief	0.80
	DFG	Additional read of edits	2.00
04/19/2012	LA	Review response from Heinemann publishing to subpoena; e-mail Daniel F. Goldstein and Denise M. Altobelli re: same	0.10
	LA	Telephone call to Kathy Trager, general counsel of Random House, re: responses to subpoena for documents	0.10
	BGT	Work on case cites and Table of Authorities; proof brief	1.10
04/20/2012	DMA	Review e-mails and confer with Daniel F. Goldstein re: Opposition to Plaintiffs' Brief for Judgment on Pleadings;	0.10
	DMA	Conference with Theo Thomas re: status of Opposition to Plaintiffs' Brief for Judgment on Pleadings	0.10
	DMA	Review, finalize and ECF Opposition to Plaintiffs' Brief for Judgment on Pleadings; e-mail exchanges with Daniel F. Goldstein	3.00
	DMA	Update Daniel F. Goldstein's ECF account	0.10
	DFG	Telephone calls and e-mail re: responses to subpoenas	0.20
04/21/2012	DFG	E-mail from/to J. Fruchterman re: timeline	0.10
	DFG	Review Gervais opinion in Google litigation	0.30
04/23/2012	DMA	Download and print all pleadings from prior to intervention in case; work with Theo Thomas on discovery for Daniel F. Goldstein review	2.40
	DMA	Researching Fay Weldon publishers for subpoena; reply to Daniel F. Goldstein e-mail	0.80
	DMA	Conference with Angela R. Lima re; preparing documents for Summation; background on case	0.20
	DMA	E-mail Affidavit of Service on Academy Chicago Publishers to Daniel F. Goldstein and Laura G. Abelson	
	AL	Conference with Denise M. Altobelli re: preparing documents for Summation loading (.2); begin dividing Defendant documents produced - UW000001-116 and UM000001-35 and create folders (.4)	0.60
04/24/2012	DMA	Review e-mails from Daniel F. Goldstein re: subpoenas and P's Answers to second interrogatories, compare and save; e-mail to Theo Thomas	0.10
	KD	Discuss publisher subpoenas with Denise M. Altobelli	0.10

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		Hours	
	DMA Conference with Kevin Docherty re: subpoenas to publishers	0.10	
	DMA Print and prepare documents for conference with Daniel F. Goldstein re: subpoenas to publishers; prepare affidavit of service for John McMurtry and e-mail for signature re: service on National Geographic (.2); review and scan/save response from Simon & Schuster to subpoena (.1)	0.90	
	DMA Download and save/organize documents from Author's Guild (AG 3006 - 4433)	0.40	
	DMA Preparing AG 1 - 2300 documents for Summation; e-mail to Angela R. Lima and burn CD for Legal Images	1.20	
	DFG A. Funoroff, R. Bernstein and P. Jaszi conference call	0.90	
	DFG Gina Anderson for Penguin	0.20	
04/25/2012	DMA Conference with Janet L. Henry re: breaking down documents for Summation	0.10	
	JLH Talked about background of case with Denise M. Altobelli and extracted documents	0.40	
04/26/2012	DFG Conference call with K&S and co-counsel re: experts, deposition of Copyright Clearance Center, other trial issues	1.30	
04/27/2012	DFG Review National Geographic response to subpoena	0.10	
	DFG Conferred with J. Beck, R. Potters, J. Petersen re: subpoenas	0.40	
	DFG Peter Jaszi re: CCC subpoena	0.10	
	DFG E-mail to team re: CCC subpoena	0.10	
04/29/2012	DFG Edit Copyright Clearance Center subpoena	0.30	
04/30/2012	LA Review CCC subpoena (.3); telephone call re: same with J. Petersen, P. Jaszi, and Daniel F. Goldstein (.4)	0.70	
	DFG E-mail to Harper Collins re: subpoena	0.10	
	DFG Telephone call Peter Jaszi re: subpoena and e-mail to J. Petersen re: same	0.10	
	DFG Telephone call J. Petersen A. Fonoroff, and Peter Jaszi	0.40	
	DFG Telephone call C. Netski re: subpoena	0.10	
	BGT Conference with Daniel F. Goldstein re: subpoena; draft subpoena; edits to depositon notice; emails re: same	0.30	
	LA Edit Copyright Clearance Center subpoena attachment	0.20	
	LA Edit subpoena for Copyright Clearance Center	0.50	
	DFG E-mail to J. Fruchterman	0.10	
	DFG Edit subpoena to CCC	0.20	
	DFG Review article by J. Fruchterman	0.10	
	DFG Further review of comments on 30(b)(6) for CCC	0.30	
	FOR CURRENT SERVICES RENDERED	132.60	39,979.50
	LESS COURTESY DISCOUNT		-5,996.93
	NET FEES AFTER DISCOUNT		33,982.57

HATHITRUST

TIMEKEEPER SUMMARY

TIMEKEEPER	HOURS	HOURLY RATE	TOTAL
DANIEL F. GOLDSTEIN	47.40	\$475.00	\$22,515.00
DENISE M. ALTOBELLI	29.70	155.00	4,603.50
BARBARA G. THOMPKINSON	1.40	155.00	217.00
LAURA G. ABELSON	46.20	250.00	11,550.00
JANET L HENRY	0.60	120.00	72.00
ANGELA LIMA	0.60	140.00	84.00
ANNA G. REID	0.20	140.00	28.00
KEVIN DOCHERTY	6.50	140.00	910.00

EXPENSES

03/31/2012	Research (92.00) PACER SERVICE CENTER (INVOICE # BG0095-Q12012	13.28
04/01/2012	Research (50.00) WESTLAW	51.90
	Research	65.18
03/02/2012	Teleconference (354.00) AT&T TELECONFERENCE SERVICES	62.43
03/06/2012	Teleconference (354.00) AT&T TELECONFERENCE SERVICES	108.91
03/12/2012	Teleconference (354.00) AT&T TELECONFERENCE SERVICES	87.29
	Teleconference	258.63
04/05/2012	Postage	1.05
04/13/2012	Postage	1.35
04/23/2012	Postage	0.45
	Postage	2.85
04/12/2012	Fax Transmissions	0.50
	Fax Transmissions	0.50
04/16/2012	Private Process (403.00) JOHN MCMURTRY (SERVICE ON NATIONAL GEOGRAPHIC)	67.00
	Private Process	67.00
04/05/2012	Copying	1.80
04/12/2012	Copying	0.60
04/23/2012	Copying	13.05
05/07/2012	Copying	3.15
	Copying	18.60
04/16/2012	NFB EXPENSES - IT'S YOUR SERVE (INVOICE #1204462) - PRIVATE PROCESS-CHICAGO, IL	95.00
	NFB EXPENSES	95.00
	TOTAL EXPENSES	507.76

ADVANCES

04/26/2012	Transcripts - INVOICE #92313 LEGAL IMAGES OF BALTIMORE	527.88
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NATIONAL FEDERATION OF THE BLIND

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ACCOUNT NO: 1120-336M  
INVOICE NO: 32209

	Transcripts	527.88
04/04/2012	Local Counsel -ROBERT J. BERNSTEIN (PERIOD OF MARCH 1 TO 31, 2012)	14,400.00
05/03/2012	Local Counsel -THE LAW OFFICE OF ROBERT J. BERNSTEIN (4/1/12 - 4/30/12)	28,300.00
	Local Counsel	<u>42,700.00</u>
	TOTAL ADVANCES	43,227.88
	TOTAL CURRENT WORK	77,718.21
	BALANCE DUE	<u>\$77,718.21</u>

THIS BILL COVERS THE PERIOD THROUGH 04/30/2012  
WE ACCEPT VISA/MASTERCARD/AMERICAN EXPRESS/DISCOVER  
Federal Tax I.D. # 52-1322243