

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

Via Fax: **001 212 857 2346**

March 17, 2011

RE: THE AUTHOR'S GUILD ET AL. V. GOOGLE, INC. - CASE NO. 1: 05-CV-08136 (DC)

Dear Judge Chin

We refer to our letter of February 14, copy attached, urging that the removal deadlines under the terms of the amended settlement should be extended in line with the recent extension of the cash claim deadline. We also refer to the letter of March 11 from Michael Boni to your good self, copy attached.

In the letter of March 11 Mr Boni explains in response to recent requests by inter alia VG WORT for an extension of the removal deadlines that the parties are opposed to any such extension because of the opposition of the participating libraries. We find the position adopted by the parties to be extraordinary in view of the manifest injustice of not extending the removal deadlines, for the reasons given in our letter of February 14, especially when the libraries are neither rightsholders in the works concerned, nor parties to the action. We therefore ask you again, notwithstanding the position of the parties, to extend the removal deadlines as we and others have requested.

We would like to emphasise that the continued uncertainty over whether the next deadline of April 5 2011 stands is placing VG WORT, and the many thousands of German rightsholders it represents, in a difficult position. If that deadline is not met then under section 7.2 of the amended settlement not only the libraries but also Google may retain a digital copy and use it in certain ways. Given the proximity of the deadline we have no alternative, in order to carry out the mandate given to us by

Finanzamt München · USt.-IDNr.: DE 129 520 734
Goethestraße 49 · 80336 München · Telefon (089) 51 41 20 · Telefax (089) 51 41 258
Büro Berlin: Köthener Straße 44 · 10963 Berlin · Telefon (030) 261 38 45 / 261 27 51 · Telefax (030) 23 00 36 29
e-Mail: vgw@vgwort.de · Internet: <http://www.vgwort.de>

Vorsitzender des Verwaltungsrates: Lutz Franke · Stellvertreter: Wolfgang Dick
Vorstand: Hans Peter Bleuel · Eckhard Kloos · Prof. Dr. Artur-Axel Wandtke
Geschäftsführender Vorstand: Dipl. -Kfm. Rainer Just · Dr. Robert Staats
Bank: HypoVereinsbank München, Konto 6929087 (IBAN DE30700202700006929087), BLZ 700 202 70 (BIC HYVEDEMMXXX)
Postbank München, Konto 64600-806 (IBAN DE77700100800064600806), BLZ 700 100 80 (BIC PBNKDEFF)

our rightsholders to claim removal of their works on a collective basis, but to prepare to submit data to the Book Rights Registry, which is a time and cost intensive process. The costs involved will ultimately have to be borne by German authors and publishers, whether or not the deadline is extended and whether or not the settlement is finally approved. We therefore respectfully ask you to give us your reply in the near future.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Staats', followed by the text '(PA GREENWOOD)' in a similar handwritten style.

Robert Staats

Managing director

Cc Michael J. Boni
Boni and Zack LLC
Jeffrey P. Cunard
Debevoise and Plimpton LLP
Daralyn J. Durie
Durie Tangri Lemley Roberts and Kemp LLP