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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE AUTHORS GUILD, INC., ET AL.,

Plaintiffs,

v.

HATHITRUST, ET AL.,

Defendants.

Case No. 11 Civ. 6351 (HB)

**THE LIBRARIES'
NOTICE OF MOTION FOR
SUMMARY JUDGMENT
ON FAIR USE AND LACK OF
INFRINGEMENT
UNDER SECTION 106 OF THE
COPYRIGHT ACT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of the Libraries' Motion for Summary Judgment on Fair Use and Lack of Infringement Under Section 106 of the Copyright Act; the Statement of Facts annexed hereto pursuant to Local Civil Rule 56.1; and the accompanying Declarations of John Wilkin, dated June 28, 2012, Joel Waldfogel, Ph.D., dated June 29, 2012, Neil R. Smalheiser, dated June 26, 2012, Stanley

Katz, dated June 26, 2012, Margret Leary, dated June 26, 2012, Faith C. Hensrud, dated June 28, 2012, and Joseph Petersen, dated June 29, 2012, all offered in support of the Libraries' Motion for Summary Judgment on Fair Use and Lack of Infringement Under Section 106 of the Copyright Act; and upon all prior pleadings and proceedings had herein, the Defendant Libraries in the above-captioned action hereby move this Court, before the Honorable Harold Baer, Jr., United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007, for an Order granting Summary Judgment on the Fair Use and Lack of Infringement Under Section 106 of the Copyright Act pursuant to Rule 56 of the Federal Rules of Civil Procedure, and for such other and further relief as deemed just and proper by this Court.

PLEASE TAKE FURTHER NOTICE that any opposing affidavits and answering memoranda to this motion shall be served on or before July 20, 2012, and any reply papers shall be served on or before July 27, 2012, pursuant to the Court's order dated June 6, 2012.

DATED: June 29, 2012
New York, New York

Respectfully Submitted,



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