

**KILPATRICK TOWNSEND & STOCKTON LLP**

Joseph Petersen (JP 9071)  
Robert Potter (RP 5757)  
1114 Avenue of the Americas  
New York, NY 10036  
Telephone: (212) 775-8700  
Facsimile: (212) 775-8800  
Email: jpetersen@kilpatricktownsend.com

Joseph M. Beck (admitted *pro hac vice*)  
W. Andrew Pequignot (admitted *pro hac vice*)  
Allison Scott Roach (admitted *pro hac vice*)  
1100 Peachtree Street, Suite 2800  
Atlanta, Georgia 30309-4530  
Telephone: (404) 815-6500  
Facsimile: (404) 815-6555  
Email: jbeck@kilpatricktownsend.com

*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)

**DECLARATION OF JOSEPH PETERSEN IN SUPPORT OF  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT  
ON FAIR USE AND LACK OF INFRINGEMENT  
UNDER SECTION 106 OF THE COPYRIGHT ACT**

I, Joseph Petersen, make the following declaration:

1. I am a member of the Bar of this Court and a partner at the law firm of Kilpatrick Townsend & Stockton LLP, attorneys for the Defendants in the above-captioned action (the

“Libraries”). I make this Declaration, based on my own personal knowledge, in support of the Libraries’ motion for summary judgment on fair use.

2. Attached hereto as **Exhibit A** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff The Authors Guild, Inc. to Defendants’ Second Set of Interrogatories and Requests for the Production of Documents, dated April 20, 2012.

3. Attached hereto as **Exhibit B** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff The Authors League Fund, Inc. to Defendants’ Second Set of Interrogatories and Requests for the Production of Documents, dated April 20, 2012.

4. Attached hereto as **Exhibit C** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff The Australian Society of Authors to Defendants’ Second Set of Interrogatories and Requests for the Production of Documents, dated April 20, 2012.

5. Attached hereto as **Exhibit D** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff The Authors’ Licensing and Collecting Society to Defendants’ Second Set of Interrogatories and Requests for the Production of Documents, dated April 20, 2012.

6. Attached hereto as **Exhibit E** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff The Writers’ Union of Canada to Defendants’ Second Set of Interrogatories and Requests for the Production of Documents, dated April 20, 2012.

7. Attached hereto as **Exhibit F** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff Trond Andreassen to Defendants’ Second Set of Interrogatories and Requests for the Production of Documents, dated April 10, 2012.

8. Attached hereto as **Exhibit G** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff Pat Cummings to Defendants' Second Set of Interrogatories and Requests for the Production of Documents, dated April 10, 2012.

9. Attached hereto as **Exhibit H** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff Erik Grundström to Defendants' Second Set of Interrogatories and Requests for the Production of Documents, dated April 10, 2012.

10. Attached hereto as **Exhibit I** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff Angelo Loukakis to Defendants' Second Set of Interrogatories and Requests for the Production of Documents, dated April 10, 2012.

11. Attached hereto as **Exhibit J** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff Helge Rønning to Defendants' Second Set of Interrogatories and Requests for the Production of Documents, dated April 10, 2012.

12. Attached hereto as **Exhibit K** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff Roxana Robinson to Defendants' Second Set of Interrogatories and Requests for the Production of Documents, dated March 28, 2012.

13. Attached hereto as **Exhibit L** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff André Roy to Defendants' Second Set of Interrogatories and Requests for the Production of Documents, dated April 10, 2012.

14. Attached hereto as **Exhibit M** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff J. R. Salamanca to Defendants' Second Set of Interrogatories and Requests for the Production of Documents, dated April 10, 2012.

15. Attached hereto as **Exhibit N** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff James Shapiro to Defendants' Second Set of Interrogatories and Requests for the Production of Documents, dated April 10, 2012.

16. Attached hereto as **Exhibit O** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff Daniele Simpson to Defendants' Second Set of Interrogatories and Requests for the Production of Documents, dated April 10, 2012.

17. Attached hereto as **Exhibit P** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff T.J. Stiles to Defendants' Second Set of Interrogatories and Requests for the Production of Documents, dated April 10, 2012.

18. Attached hereto as **Exhibit Q** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff Fay Weldon to Defendants' Second Set of Interrogatories and Requests for the Production of Documents, dated April 10, 2012.

19. Attached hereto as **Exhibit R** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff UNEQ to Defendants' Second Set of Interrogatories and Requests for the Production of Documents, dated April 20, 2012.

20. Attached hereto as **Exhibit S** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff SFF to Defendants' Second Set of Interrogatories and Requests for the Production of Documents, dated April 20, 2012.

21. Attached hereto as **Exhibit T** is a true and correct copy of relevant pages of the Objections and Responses of Plaintiff NFFO to Defendants' Second Set of Interrogatories and Requests for the Production of Documents, dated April 20, 2012.

22. Attached hereto as **Exhibit U** is a true and correct copy of relevant pages of the transcript of the May 22, 2012 deposition of Pat Cummings.

23. Attached hereto as **Exhibit V** is a true and correct copy of the transcript of the May 29, 2012 deposition of Helge Rønning.

24. Attached hereto as **Exhibit W** is a true and correct copy of an article by Peter Leonard and Timothy R. Tangherlini entitled "Trawling in the Sea of the Great Unread: Sub-Corpus Topic Modeling and Humanities Research."

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: June 29, 2012

  
Joseph Petersen