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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)

**DECLARATION OF RAYMOND J. DOWD IN SUPPORT OF DEFENDANTS'
MOTION FOR COSTS AND ATTORNEYS' FEES**

I, Raymond J. Dowd, make the following Declaration:

1. I am a member of the Bar of this Court and of the law firm Dunnington Bartholow & Miller LLP ("Dunnington") located in New York, New York. I submit this declaration in support of the defendant libraries' (the "Libraries") Motion for Costs and

Attorneys' Fees. Unless otherwise noted, I make this declaration based upon my own personal knowledge.

2. I was admitted to the Bar of the State of New York in 1993 and have practiced law privately in the City and State of New York since that time. I have extensive commercial litigation experience in both federal and state trial and appellate courts and have represented both plaintiffs and defendants in copyright litigation. I have spoken extensively on copyright and am the author of *The Copyright Litigation Handbook*, a Thomson West publication as well as a popular blog on copyright litigation (see <http://copyrightlitigation.blogspot.com>). I am also a frequent contributor to the New York Law Journal.

3. As a partner at Dunnington, I am familiar with the rates charged by the members of my firm practicing in the areas of litigation and copyright law, including partners, senior and junior associates, and paralegals.

4. Through trade publications, surveys, my interaction with the New York legal community and copyright bar, and my own litigation experience, I am also aware of the hourly fees charged by litigation and copyright counsel in New York.

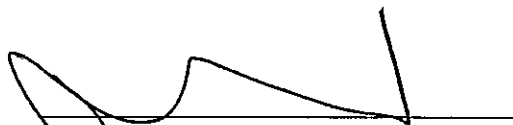
5. As a result of my involvement with copyright law and litigation, I am generally familiar with attorney fee awards in copyright litigation cases in New York and in other cities.

6. I am familiar with Joseph Beck and Joe Petersen, both personally in the case of Mr. Petersen and, as with both Mr. Beck and Mr. Petersen, through reputation in the legal community. I am also familiar with Mr. Beck's and Mr. Petersen's firm, Kilpatrick Townsend & Stockton LLP ("Kilpatrick Townsend"), which represents the Libraries in this case. I understand that the hourly rates of Mr. Beck and Mr. Petersen and the associates who worked with them on this case are as follows:

- a. Joseph M. Beck: \$656.25
- b. Joseph Petersen: \$481.25
- c. Robert N. Potter: \$393.75
- d. W. Andrew Pequignot: \$345.65
- e. Allison Scott Roach: \$328.13

7. I understand that the Libraries are seeking attorneys' fees in this case based on the reasonable fees charged for work performed on the case by the attorneys listed above. Based on my knowledge and experience as summarized above, I believe that the hourly rates charged in this litigation by the Kilpatrick Townsend attorneys listed above are reasonable for the type of work performed, and commensurate with the market rates customarily charged in New York by law firms performing work on matters of this kind, for attorneys of comparable skills, experience, and reputation.

I declare under penalty of perjury under the laws of the United States and the State of New York that the foregoing is true and correct, and that this Declaration is dated this 25th day of October, 2012, in New York, New York.


Raymond J. Dowd