

# Exhibit A

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE AUTHORS GUILD, INC., et al.,

Plaintiffs,

v.

HATHITRUST, et al.,

Defendants.

Case No. 11-cv-6351(HB)

DECLARATION OF DR. MARC MAURER

I, Marc Maurer, do hereby declare that:

1. I am over eighteen years of age and am competent to make this Declaration.
2. My business address is 200 East Wells Street at Jernigan Place, Baltimore, Maryland 21230.
3. I am legally blind.
4. I am the President of the National Federation of the Blind, a position I have held since 1986.
5. I am also an attorney, licensed to practice in Maryland, Indiana, Ohio, Iowa and am a member of the bar of the Supreme Court of the United States.
6. The National Federation of the Blind is the oldest and largest membership organization of blind people in the United States, with more than 50,000 members. Through our affiliates in each of the fifty states, the District of Columbia, and Puerto Rico, and our 700 local chapters, we seek to advance the rights of blind people by helping both the blind and the

sighted to understand that blindness, in and of itself, need not be a tragedy. The real problem of blindness is not loss of eyesight, but misunderstandings and misconceptions about it that are prevalent in society. With proper training and opportunity, blindness can be reduced to the level of a mere physical nuisance.

7. Unlike the NFB, most other organizations that advocate on behalf of people with print disabilities are not membership organizations. Of those groups that are membership organizations, the NFB is one of the few that chooses to use litigation as an advocacy tool or has the resources to do so.

8. A person with a print disability is someone who cannot effectively read print because of a visual, physical, perceptual, developmental, cognitive, or learning disability.

9. Because of its unique position among peer organizations, the NFB has taken the lead in promoting the creation of accessible digital technology and information. NFB has long espoused creating the same access to information that other Americans enjoy on functionally equal terms. For example, in the 1970's, NFB financed Ray Kurzweil's development of a reading machine for the blind—a machine that converted printed text into digital text that could be read aloud by a synthetic voice. In 1998, NFB member George Kerscher developed Talking Books, the first commercially available digital books for the blind.

10. Equal access to all of the same information is technologically within reach. Because digital information is simply a series of zeros and ones, it is not inherently visual. If the creators of digital information are conscious of accessibility, it becomes no more difficult to create digital information that can be manifest audibly or tactilely than to create information that is only visual.

11. To access print material, I use all of the tools available to me and other blind people. Although I read conventional braille, I also use screen access software, which transmits textual information on a computer screen into an audio output or a refreshable braille display pad. When digital text is coded properly with metadata, that provides organizational information about the text, my screen reader will also read that information, which allows me more complete information and a way to navigate within a document.

12. There are a very limited number of print works that are available to be borrowed by blind Americans either in braille or in a digital format that can be accessed by a screen reader. The primary source of reading material for most blind Americans is the National Library Service for the Blind and Physically Handicapped of the Library of Congress. While this service has done an outstanding job of providing books to the blind within budgetary constraints, it only has approximately 52,000 circulating titles in its collection and can only create approximately 2,000 new titles each year. Bookshare®, another authorized entity under the Chafee Amendment, has a collection of tens of thousands of titles, according to its website: [www.bookshare.org](http://www.bookshare.org).

13. The lack of print information available to blind Americans has devastating effects. Fewer than fifty percent of blind Americans graduate from high school. Those who do graduate and matriculate at colleges and universities are blocked, as a practical matter, from taking many courses of their choosing.

14. The HathiTrust Digital Library stands to change the landscape of access to information and education for blind Americans. The more than 9,000,000 million titles in that collection are a far cry from the tens of thousands of titles available from the National Library

Service or Bookshare®. To serve the most people, and given the time constraints and expense of creating accessible copies of print materials, both of those entities must choose titles that have wide popular appeal. Consequently, those collections contain few academic books or journals. By contrast, the HathiTrust's collection includes academic works, which are critical educational tools for blind college and university students and faculty.

15. Recognizing the transformative effect of such a large digital collection, the NFB collaborated with Google and the libraries of the University Defendants, among others, over the last several years to ensure that the HathiTrust Digital Library will be accessible and made available to blind Americans.

16. In December 2004, the NFB learned of the Google scanning project and contacted Google to inquire whether the scans would be created in such a way that they would include the metadata necessary to make them accessible to the blind. In January 2005, Google responded that it did not intend to include the coding necessary to make the scans accessible.

17. Throughout 2005 and 2006, the NFB lobbied Google to change this decision and include the necessary metadata. In 2006, the NFB, together with Peter Jaszi, met with representatives from the University of California, the University of Michigan, and the University of Wisconsin, to recruit their support in convincing Google to commit to producing accessible scans. This effort was ultimately successful, and as I discussed above, the Google books scans that comprise the HathiTrust are accessible to the blind.

18. In October 2008, the University of Michigan held a demonstration for the NFB of the procedure and software it had developed to make the HathiTrust collection's digital information accessible to the print disabled.

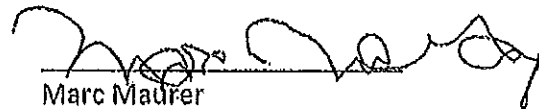
19. In September 2009, I testified before the Committee on the Judiciary of the United States House of Representatives about the importance of the Google books/HathiTrust collection for the education of the blind.

20. Also in 2009, the NFB organized the Reading Rights Coalition, which is composed of 32 groups representing individuals with print disabilities (including neurological and physical conditions as well as learning disabilities) in response to the Authors Guild's attempt to convince Amazon to disable the text to speech function on the Kindle, another digital book technology. Through this effort, we successfully persuaded Amazon to maintain its text-to-speech function.

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

Executed on:

12/6/11



Marc Maurer