

# Judge sets deadline for amended Google book deal

October 7 2009, By LARRY NEUMEISTER , Associated Press Writer

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(AP) -- A federal judge set a Nov. 9 deadline Wednesday for submitting a revised agreement in the battle over Google Inc.'s effort to get digital rights to millions of out-of-print books.

U.S. District Judge Denny Chin set the deadline after a lawyer for authors told the judge that Google and lawyers for authors and publishers were working around the clock to reach a new deal by early November.

A \$125 million agreement was being renegotiated after the U.S. government said it seemed the existing agreement would violate antitrust laws. The hearing Wednesday was originally set as a fairness hearing but was changed to a scheduling conference after all sides agreed that a new deal was needed.

The original deal was announced by Mountain View, Calif.-based

Google and the publishing industry last October to resolve two copyright lawsuits contesting the book scanning plans.

Michael Boni, a lawyer for authors, told the judge that the new agreement would contain amendments to the original deal to make it more acceptable to the U.S. Justice Department, which had questioned its legality.

William F. Cavanaugh, a deputy assistant attorney general, told the judge that the Justice Department has been in continuing discussions with the parties.

However, he said the government was not yet aware of what the final deal will look like.

He said he expected "meetings in the near term to go over whatever their proposal is."

Cavanaugh asked that the judge give the government a week to 10 days after any deadline for objections to be submitted for the Justice Department to prepare its analysis of the new deal.

At one point, Chin asked what will happen if negotiations break down and no deal is reached.

Google lawyer Daralyn Durie reassured the judge, saying: "The parties' expectation is we will be able to reach agreement."

Chin did not set deadlines for when objections will be required to be submitted but said he expected he will only allow objections to any new provisions, since core features of the agreement are expected to remain intact.

"Everyone has a pretty good idea what's on the table," he said.  
"Targeting the changes, I think, is the right way to do it."

The judge received nearly 400 submissions about the original deal, many of them expressing disapproval.

After the Justice Department said it probably violates antitrust law, plaintiffs including The Authors Guild and the Association of American Publishers began renegotiating with [Google](#).

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