

Judge refuses to delay NY case for Google appeal

August 29 2012, by Larry Neumeister

(AP)—The federal judge presiding over challenges to Google Inc.'s plans to create the world's largest digital library has refused to delay the 7-year-old case while Google appeals his decision to grant authors class certification.

U.S. Circuit Judge Denny Chin's order was put in the court file Wednesday in Manhattan, where he ruled in May that class action was "more efficient and effective" than requiring thousands of authors to sue individually. His order was dated Tuesday.

The Mountain View-California-based Google appealed the class-certification ruling and asked to delay all proceedings until the 2nd U.S. Circuit Court of Appeals rules.

Chin said a delay was unwarranted, especially since it would hold the case up for a year or more.

"The merits would have to be reached at some point in any event, and there simply is no good reason to delay matters further," the judge wrote.

He also said he found it surprising that Google argued it would be unfair to decide the merits of the case while authors were deciding whether to opt out of the class, especially "in light of Google's fervent opposition to class certification."

Chin has scheduled oral argument for October on requests by lawyers

that he decide issues without a jury.

Google already has scanned more than 20 million books for the project. The Authors Guild had requested class certification, saying it was impractical and expensive for each author to sue Google over similar claims.

The [Authors Guild](#) has asked in court papers that the class be awarded \$750 in damages for each copyrighted book Google copied. It has argued that Google was not making "fair use" of copyright material by offering snippets of works in its [online library](#).

Lawyers for [Google](#) did not immediately respond to a message for comment. The company that operates the world's largest [Internet search engine](#) has defended its online library plans, saying it is fully compliant with copyright law.

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