



21st Floor
1251 Avenue of the Americas
New York, NY 10020-1104

Elizabeth McNamara
212-603-6437 tel
212-489-8340 fax

lizmcnamara@dwt.com

APPLICATION GRANTED
SO ORDERED

May 25, 2023



John G. Koeltl, U.S.D.J.

5/25/23

VIA ECF

The Honorable John G. Koeltl
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Courtroom 14A
New York, NY 10007-1312

Re: *Hachette Book Group, Inc., et al. v. Internet Archive*, Case No. 1:20-CV-04160-JGK

Your Honor:

The parties write jointly in connection with their upcoming May 26 deadline to submit a proposal for the appropriate procedure to determine the judgment to be entered in this case.

The parties have continued to engage in constructive conversations directed towards our shared goal of submitting a joint procedure to the Court. As indicated earlier, the parties have resolved all but a few substantive issues with respect to injunctive relief, and expect that further discussion will resolve all but potentially one. In the last two weeks, the parties have had a further productive exchange of proposals regarding the resolution of claims for damages and attorneys' fees. The parties are cautiously optimistic that this will be the last extension request.

Accordingly, the parties respectfully request that the Court issue an order extending the deadline to submit a proposal for the appropriate procedure to determine the judgment to be entered in this case to **June 9, 2023**.

We appreciate the Court's time and attention to this matter.

Respectfully submitted,

MORRISON & FOERSTER LLP

DAVIS WRIGHT TREMAINE LLP

/s/ Joseph C. Gratz

/s/ Elizabeth A. McNamara

Joseph C. Gratz (Pro Hac Vice)
Jessica E. Lanier (Pro Hac Vice)
Aditya V. Kamdar (Pro Hac Vice)
Annie A. Lee (Pro Hac Vice)
425 Market Street
San Francisco, CA 94105

Elizabeth A. McNamara
Linda Steinman
John M. Browning
Jesse Feitel
Carl Mazurek
1251 Avenue of the Americas, 21st Floor

The Honorable John G. Koeltl
May 25, 2023
Page Two

Phone: (415) 268-7000
Email: JGratz@mofocom
JLanier@mofocom
AKamdar@mofocom
AnnieLee@mofocom

New York, NY 10020
Phone: (212) 489-8230
Email: lizmcnamara@dwt.com
lindasteinman@dwt.com
jackbrowning@dwt.com
jessefeitel@dwt.com
carlmazurek@dwt.com

ELECTRONIC FRONTIER
FOUNDATION

Corynne McSherry (*Pro Hac Vice*)
Kit Walsh (*Pro Hac Vice*)
Cara Gagliano (*Pro Hac Vice*)
815 Eddy Street
San Francisco, CA 94109
Phone: (415) 436-9333
Email: corynne@eff.org
kit@eff.org
cara@eff.org

Attorneys for Defendant

OPPENHEIM + ZEBRAK, LLP

Matthew J. Oppenheim
Scott A. Zebrak
Danae Tinelli
4530 Wisconsin Avenue, NW, 5th Floor
Washington, DC 20016
Phone: (202) 480-2999
Email: matt@oandzlaw.com
scott@oandzlaw.com
danae@oandzlaw.com

Attorneys for Plaintiffs

cc: All Counsel (via ECF)