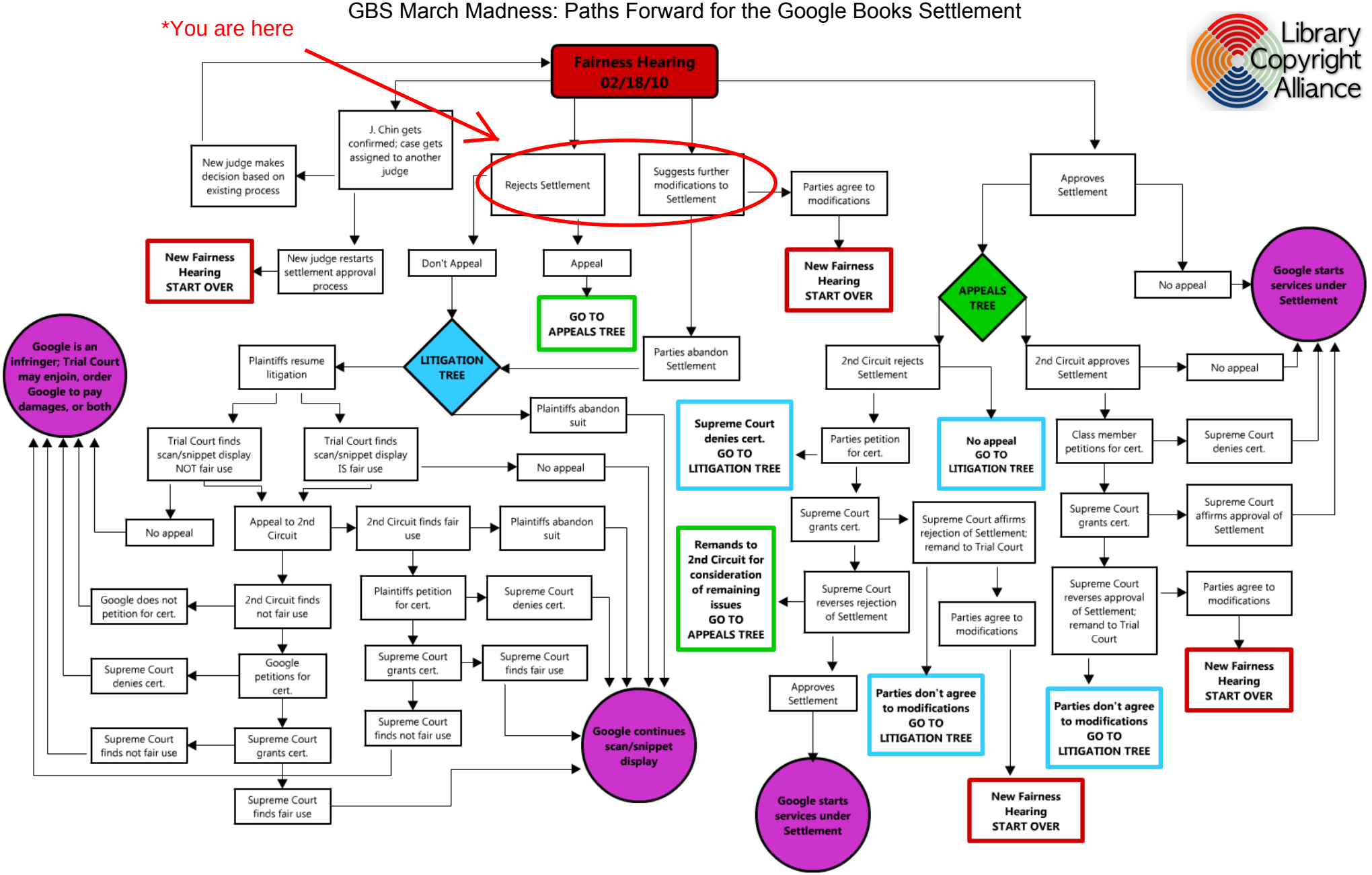
GBS March Madness: Paths Forward for the Google Books Settlement



Now that the fairness hearing on the Google Books Settlement has occurred, it is up to Judge Chin to decide whether the proposed settlement is "fair, reasonable, and adequate." The attached chart attempts to diagram some of the possible paths forward. Notwithstanding the complexity of the chart, it does not reflect all the possible permutations. For example, it does not mention stays pending appeals nor whether litigation would proceed as a class action. Moreover, the chart does not address the substantive reasons why a certain outcome may occur, e.g., the basis for Judge Chin accepting or rejecting the settlement. And it doesn't begin to address the issue of Congressional intervention through legislation. In short, the precise way forward is more difficult to predict than the NCAA tournament. And although the next step in the GBS saga may occur this March, many more NCAA tournaments will come and go before the buzzer sounds on this dispute.

* On March 22, 2011, Judge Chin rejected the proposed settlement, but suggested modifications, so the parties can now choose from all 4 of the next steps shown leading off of these two boxes.

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