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Rev. 2/11

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT  
CIVIL APPEAL STATEMENT

File Stamp

U.S. COURT OF APPEALS  
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Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 12-14676

Caption:  
CAMBRIDGE UNIVERSITY PRESS, OXFORD  
UNIVERSITY PRESS, INC.; and SAGE  
PUBLICATIONS, INC.  
Appellants,  
  
V.  
MARK P. BECKER, et al.  
Appellees

District and Division: USDC Northern Dist. Ga.; Atlanta  
Name of Judge: Orinda D. Evans  
Nature of Suit: Copyright Infringement  
Date Complaint Filed: April 15, 2008  
District Court Docket Number: 1:08-CV-1425-ODE  
Date Notice of Appeal Filed: September 10, 2012  
 Cross Appeal  Class Action  
Has this matter previously been before this court?  
 Yes  No  
If Yes, provide  
(a) Caption:  
(b) Citation:  
(c) Docket Number:

Attorney Name Mailing Address Telephone, Fax, and Email

For Appellant: See attached Exhibit A  
 Plaintiff  
 Defendant  
 Other (Specify)

For Appellee: See attached Exhibit A  
 Plaintiff  
 Defendant  
 Other (Specify)

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

| Jurisdiction   | Nature of Judgment  | Type of Order  | Relief  |
|--|---|--|---|
| <input checked="" type="checkbox"/> Federal Question<br><input type="checkbox"/> Diversity<br><input type="checkbox"/> US Plaintiff<br><input type="checkbox"/> US Defendant | <input checked="" type="checkbox"/> Final Judgment, 28 USC 1291<br><input type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1)<br><input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b)<br><input type="checkbox"/> Interlocutory Order, Qualified Immunity<br><input type="checkbox"/> Final Agency Action (Review)<br><input type="checkbox"/> 54(b) | <input type="checkbox"/> Dismissal/Jurisdiction<br><input type="checkbox"/> Default Judgment<br><input type="checkbox"/> Summary Judgment<br><input checked="" type="checkbox"/> Judgment/Bench Trial<br><input type="checkbox"/> Judgment/Jury Verdict<br><input type="checkbox"/> Judgment/Directed Verdict/NOV<br><input type="checkbox"/> Injunction<br><input type="checkbox"/> Other _____ | Amount Sought by Plaintiff:<br>\$ _____<br>Amount Sought by Defendant:<br>\$ _____<br>Awarded:<br>\$ _____<br>to _____<br>Injunctions:<br><input type="checkbox"/> TRO<br><input type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Granted<br><input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Denied |

Based on your present knowledge:

(1) Does this appeal involve a question of First Impression?  Yes  No  
What is the issue you claim is one of First Impression?

(2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute?  Yes  No

If Yes, provide

- (a) Case Name/Statute 17 U.S.C. sec. 107
- (b) Citation
- (c) Docket Number if unreported

(3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that

- (a) Arises from substantially the same case or controversy as this appeal?  Yes  No
- (b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal?  Yes  No

If Yes, provide

- (a) Case Name
- (b) Citation
- (c) Docket Number if unreported
- (d) Court or Agency

(4) Will this appeal involve a conflict of law

- (a) Within the Eleventh Circuit?  Yes  No
- (b) Among circuits?  Yes  No

If Yes, explain briefly:

If affirmed, the district court's orders would bring this Circuit into conflict with the Sixth Circuit's decision in Princeton University Press v. Michigan Document Services, Inc., 99 F.3d 1381 (6th Cir. 1996) (en banc).

(5) Issues proposed to be raised on appeal, including jurisdictional challenges:

1. The district court's clearly erroneous and legally incorrect rulings regarding the ownership of certain of Appellants' copyrights.
2. The district court's misinterpretation and misapplication of the fair use doctrine.
3. The district court's failure to recognize that copyright law is media neutral.
4. The district court's exclusion of evidence relevant to the proper consideration of fair use.
5. The district court's erroneous finding that "the 2009 copyright policy significantly reduced the unlicensed copying of Plaintiffs' works (and by inference, the works of other publishers)."
6. The district court's failure to order appropriate injunctive relief.
7. The district court's erroneous determination that Appellees were entitled to reasonable attorney's fees and costs.
8. The district court's erroneous findings on contributory copyright liability.

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 26th DAY OF September, 2012.

JOHN RAINES

NAME OF COUNSEL (Print)



SIGNATURE OF COUNSEL

Please ATTACH portion of district court, tax court, or agency record described in 11th Cir. R. 33-1(b): (a) judgments and orders appealed from or sought to be reviewed; (b) any supporting opinion, findings of fact, and conclusions of law filed by the court or the agency, board, commission, or officer; (c) any report and recommendation adopted by an order; (d) findings and conclusions of an administrative law judge when appealing a court order reviewing an agency determination; (e) any agency docket sheet or record index.

**EXHIBIT A**

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## CERTIFICATE OF SERVICE

I certify that I have this day caused a true and correct copy of **CIVIL APPEAL STATEMENT** to be served by United States mail on the following counsel of record:

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Assistant State Attorney General  
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Atlanta, Georgia 30334

This 26th day of September, 2012.

  
\_\_\_\_\_  
John H. Rains IV