

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

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**No. 12-14676-FF**

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Cambridge University Press,  
Oxford University Press, Inc.,  
and Sage Publications, Inc.,

Plaintiffs-Appellants,

v.

Mark P. Becker, in his official capacity as Georgia State University  
President, et al.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Georgia  
D.C. No. 1:08-cv-1425 (Evans, J.)

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**APPELLANTS' MOTION FOR AN ENLARGEMENT OF THE  
PERMITTED WORDS FOR THEIR OPENING BRIEF**

## **CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT**

The following trial judges, attorneys, persons, associations of persons, firms, partnerships, and corporations are known to have an interest in the outcome of this case or appeal:

- Albert, J.L.
- Alford, C. Dean
- Askew, Anthony B., counsel for Appellees
- Association of American Publishers
- Bates, Mary Katherine, counsel for Appellees
- Ballard Spahr, LLP, counsel for Appellees
- Becker, Mark P.
- Bernard, Kenneth R., Jr.
- Bishop, James A.
- Bloom, Jonathan, counsel for Appellants
- The Board of Regents of the University System of Georgia
- Bondurant, Mixson & Elmore, LLP, counsel for Appellants
- Cambridge University Press
- Carter, Hugh A., Jr.

- Cleveland, William H.
- Copyright Clearance Center
- Cooper, Frederick E.
- Ellis, Larry R.
- Evans, Hon. Orinda D., United States District Judge
- Georgia State University
- Griffin, Rutledge A., Jr.
- Harbin, John Weldon, counsel for Appellees
- Hatcher, Robert F.
- Henry, Ronald
- Hopkins, C. Thomas, Jr.
- Hurt, Charlene
- Jennings, W. Mansfield, Jr.
- Jolly, James R.
- King & Spalding, LLP, counsel for Appellees
- Krugman, Edward B., counsel for Appellants
- Larson, Todd D., counsel for Appellants
- Leebern, Donald M., Jr.

- Lynn, Kristen A., counsel for Appellees
- McKeon Meunier Carlin & Curfman, LLC
- McMillan, Eldridge
- Miller, Richard William, counsel for Appellees
- Moffit, Natasha Horne, counsel for Appellees
- NeSmith, William, Jr.
- Oxford University Press, Inc.
- Oxford University Press, LLC
- Oxford University Press USA
- Palm, Risa
- Patton, Carl. V.
- Poitevint, Doreen Stiles
- Potts, Willis J., Jr.
- Pruitt, Neil L., Jr.
- Quicker, Katrina M., counsel for Appellees
- Rains, John H., IV, counsel for Appellants
- Rich, R. Bruce, counsel for Appellants
- Rodwell, Wanda Yancey

- SAGE Publications, Inc.
- Seamans, Nancy
- Schaetzel, Stephen M., counsel for Appellees
- Singer, Randi W, counsel for Appellants
- Stelling, Kessel, Jr.
- Tarbutton, Benjamin J., III
- Tucker, Richard L.
- The Chancellor, Masters and Scholars of the University of Oxford
- Walker, Larry
- Weil Gotshal & Manges, LLP, counsel for Appellants
- Wilheit, Philip A., Sr.
- Vigil, Allan
- Volkert, Mary Josephine Leddy, counsel for Appellees

Plaintiffs-Appellants, Cambridge University Press, Oxford University Press, Inc., and Sage Publications, Inc. (“Appellants”), through their undersigned counsel, respectfully submit this motion for a four-thousand word enlargement of the permitted words for their opening brief.<sup>1</sup>

As set forth in Appellants’ Unopposed Motion for an Extension of Time to File Their Opening Brief (Sept. 28, 2012), Appellants, three academic publishers, filed a complaint against Georgia State University (“GSU” or “Appellees”)<sup>2</sup> in the United States District Court for the Northern District of Georgia seeking to enjoin the systematic, widespread, unauthorized copying and distribution of copyrighted academic works through a variety of university-controlled online systems. *See* Dkt. No. 1 (Apr. 15, 2008). An extensive factual record has been developed during the nearly four-and-a-half years that this case has been pending.

This case also involves a number of significant legal issues arising out of several substantive and evidentiary rulings by the district court. This appeal is taken from: a partial grant of summary judgment, various *in limine*

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<sup>1</sup> Appellees have not consented to the relief sought in this motion.

<sup>2</sup> The named Appellees are the President and various officials of Georgia State University, sued in their official capacity, as well as the members of the Board of Regents of the University System of Georgia.

rulings, a partial grant of defendants’ motion for directed verdict, numerous oral evidentiary rulings made by the district court during trial; a 340-page order following a bench trial that lasted almost four weeks and included testimony from almost thirty witnesses; and a determination that Appellees were “prevailing parties” entitled to reasonable attorneys’ fees (despite a finding that Appellees have infringed several of Appellants’ copyrighted works and an injunction against further infringement). *See* Appellants’ Notice of Appeal, Dkt. No. 449 at 1-2 (Sept. 10, 2012); *see also*, Order, Dkt. No. 423 (May 11, 2012); Order, Dkt. No. 441 (Aug. 10, 2012).

Accordingly, Appellants respectfully request that the Court grant this motion for a four-thousand word enlargement of the permitted words for Appellants’ opening brief so that Appellants may properly frame the multifaceted and important legal issues presented, including the application of the fair use doctrine of copyright law to the extensive factual record.

Respectfully submitted this 3rd day of October, 2012.

/s/ John H. Rains IV

Edward B. Krugman  
krugman@bmelaw.com  
Georgia Bar No. 429927  
John H. Rains IV  
rains@bmelaw.com  
Georgia Bar No. 556052

BONDURANT, MIXSON & ELMORE, LLP  
1201 West Peachtree Street NW  
Suite 3900  
Atlanta, Georgia 30309  
Telephone: (404) 881-4100  
Facsimile: (404) 881-4111

R. Bruce Rich

WEIL, GOTSHAL & MANGES LLP  
767 Fifth Avenue  
New York, New York 10153  
Telephone: (212) 310-8000  
Facsimile: (212) 310-8007

*Attorneys for Appellants*



**CERTIFICATE OF SERVICE**

I certify that I have this day caused a true and correct copy of  
**APPELLANTS' MOTION FOR AN ENLARGEMENT OF THE  
PERMITTED WORDS FOR THEIR OPENING BRIEF** to be served by  
United States mail on the following counsel of record:

John W. Harbin, Esq.  
Natasha H. Moffitt, Esq.  
Mary Katherine Bates, Esq.  
KING & SPALDING LLP  
1180 Peachtree Street  
Atlanta, Georgia 30309

Katrina M. Quicker, Esq.  
Richard W. Miller, Esq.  
BALLARD SPAHR, LLP  
999 Peachtree Street, Suite 1000  
Atlanta, Georgia 30309

Anthony B. Askew, Esq.  
Stephen M. Schaetzel, Esq.  
MCKEON, MEUNIER, CARLIN & CURFMAN, LLC  
817 W. Peachtree Street, Suite 900  
Atlanta, Georgia 30308

Mary Jo Volkert, Esq.  
Assistant State Attorney General  
40 Capitol Square  
Atlanta, Georgia 30334

This 3rd day of October, 2012.

/s/ John H. Rains IV  
John H. Rains IV