

# EXHIBIT C

Case No. 1:14-cv-00857-TSC-DAR

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

AMERICAN EDUCATIONAL RESEARCH )		
ASSOCIATION, INC., AMERICAN )	)	
PSYCHOLOGICAL ASSOCIATION, INC., )	)	
and NATIONAL COUNCIL ON )	)	
MEASUREMENT IN EDUCATION, INC., )	)	Civil Action No. 1:14-cv-00857-CRC
	)	
Plaintiffs, )	)	<b>PLAINTIFFS' FIRST REQUESTS</b>
	)	<b>FOR ADMISSIONS</b>
v. )	)	
	)	
PUBLIC.RESOURCE.ORG, INC., )	)	
	)	
Defendant. )	)	
	)	

Plaintiffs, American Educational Research Association, Inc. (“AERA”), American Psychological Association, Inc. (“APA”), and National Council on Measurement in Education, Inc. (“NCME”) (collectively, “Plaintiffs”), serve these Requests for Admissions under Fed. R. Civ. P. 26 and 36 to Defendant, Public.Resource.Org, Inc. (“Public Resource”).

Any matter requested herein is deemed admitted by Public Resource unless, within 30 days after service of these Requests, Public Resource serves its objections to and/or denials of the stated matters in writing upon counsel for Plaintiffs at the offices of OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, LLP, 1940 Duke Street, Alexandria, Virginia 22314. If, after 30 days from service of these Requests, Public Resource acquires any further information that would make its responses incomplete or incorrect, Public Resource shall promptly supplement its responses pursuant to Fed. R. Civ. P. 26(e).

Plaintiffs reserve all rights to obtain sufficient responses from Public Resource to the fullest extent permissible under Fed. R. Civ. P. 36.

## **DEFINITIONS AND INSTRUCTIONS**

A. The Definitions and Instructions contained in Plaintiffs' First Set of Interrogatories are incorporated herein by reference.

B. If Public Resource denies or objects, in whole or in part, to any Request below, Public Resource shall state in detail the reasons for such denial or objection.

## **REQUESTS FOR ADMISSIONS**

REQUEST FOR ADMISSION NO. 1: Admit that the United States Copyright Office issued U.S. Copyright Registration Nos. TX 5-100-196 and TX 6-484-609 for the work entitled *Standards for Educational and Psychological Testing*, published in 1999 (the "1999 Standards").

REQUEST FOR ADMISSION NO. 2: Admit that Public Resource posted the 1999 Standards, in their entirety, to a Public Resource Website.

REQUEST FOR ADMISSION NO. 3: Admit that Public Resource published the 1999 Standards, in their entirety, on a Public Resource Website.

REQUEST FOR ADMISSION NO. 4: Admit that none of the Plaintiffs authorized Public Resource to post the 1999 Standards to a Public Resource Website.

REQUEST FOR ADMISSION NO. 5: Admit that none of the Plaintiffs authorized Public Resource to publish the 1999 Standards on a Public Resource Website.

REQUEST FOR ADMISSION NO. 6: Admit that visitors to a Public Resource Website have downloaded the 1999 Standards from that website.

REQUEST FOR ADMISSION NO. 7: Admit that Public Resource is aware that third parties, after downloading the 1999 Standards from a Public Resource Website, have posted the 1999 Standards online to one or more websites other than a Public Resource Website.

REQUEST FOR ADMISSION NO. 8: Admit that Public Resource is aware that third parties, after downloading the 1999 Standards from a Public Resource Website, have published the 1999 Standards online on one or more websites other than a Public Resource Website.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT,LLP

Dated: October 1, 2014

{431384US; 11005869\_1.DOCX}

/s/ Jonathan Hudis

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MEASUREMENT IN EDUCATION, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **PLAINTIFFS' FIRST REQUESTS FOR ADMISSIONS** was served on counsel for Defendant, this 1<sup>st</sup> day of October, 2014 by sending same via e-mail to:

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*/s/ Jonathan Hudis*  
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Jonathan Hudis