

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

CAMBRIDGE UNIVERSITY PRESS,  
et al.,

Plaintiffs,

-vs.-

MARK P. BECKER, in his official  
capacity as Georgia State University  
President, et al.,

Defendants.

Civil Action File  
No.1:08-CV-1425-ODE

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Cambridge University Press, Oxford University Press, Inc., and Sage Publications, Inc. ("Plaintiffs") respectfully move this Court pursuant to Federal Rule of Civil Procedure 56 for summary judgment against each Defendant in this action on all claims set forth in their First Amended Complaint ("Complaint").

Defendants, who are the administrators of Georgia State University ("GSU") and the members of the Board of Regents of the University System of Georgia, have facilitated, enabled, encouraged, and induced GSU professors to utilize GSU and University System of Georgia technology to afford students access to thousands of course reading materials for hundreds of courses each semester in

digital formats without permission from or compensation to the copyright owners. Among these course reading materials are many works for which Plaintiffs hold copyrights, including the works identified in Exhibit 1 to the Complaint.

In the face of this widespread and on-going copyright infringement, Defendants claim that their unauthorized copying and distribution of Plaintiffs' works is excused by the doctrine of fair use. Defendants are wrong. Distributing the course reading materials at issue in this case without permission or the payment of licensing fees is contrary to well-established copyright jurisprudence.

Therefore, for the reasons set forth in the accompanying memorandum of law, statement of undisputed material facts, declarations, and exhibits, which are incorporated herein, Plaintiffs respectfully request that the Court grant summary judgment in their favor on each of their claims.

Respectfully submitted this 26th day of February, 2010.

/s/ John H. Rains IV  
Edward B. Krugman  
Georgia Bar No. 429927  
John H. Rains IV  
Georgia Bar No. 556052

BONDURANT, MIXSON & ELMORE, LLP

1201 West Peachtree Street NW

Suite 3900

Atlanta, GA 30309

Telephone: (404) 881-4100

Facsimile: (404) 881-4111

[krugman@bmelaw.com](mailto:krugman@bmelaw.com)

[rains@bmelaw.com](mailto:rains@bmelaw.com)

R. Bruce Rich (*pro hac vice*)

Randi Singer (*pro hac vice*)

Todd D. Larson (*pro hac vice*)

Jonathan Bloom (*pro hac vice* pending)

WEIL, GOTSHAL & MANGES LLP

767 Fifth Avenue

New York, New York 10153

Telephone: (212) 310-8000

Facsimile: (212) 310-8007

[r.bruce.rich@weil.com](mailto:r.bruce.rich@weil.com)

[randi.singer@weil.com](mailto:randi.singer@weil.com)

[todd.larson@weil.com](mailto:todd.larson@weil.com)

[jonathan.bloom@weil.com](mailto:jonathan.bloom@weil.com)

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day filed the foregoing **PLAINTIFFS'**  
**MOTION FOR SUMMARY JUDGMENT** with the Clerk of Court using the  
CM/ECF filing system which will automatically send e-mail notification of such  
filing to the following attorneys of record:

Anthony B. Askew, Esq.  
Stephen M. Schaetzel, Esq.  
Katrina M. Quicker, Esq.  
John P. Sheesley, Esq.  
Kristen A. Swift, Esq.  
C. Suzanne Johnson, Esq.  
Laura E. Gary, Esq.  
King & Spalding  
1180 Peachtree Street  
Atlanta, Georgia 30309

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

This 26th day of February, 2010.

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