

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

CAMBRIDGE UNIVERSITY PRESS,  
OXFORD UNIVERSITY PRESS, INC.,  
and SAGE PUBLICATIONS, INC.,

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

Plaintiffs,

- v. -

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

Defendants.

**PLAINTIFFS' SUPPLEMENTAL LOCAL RULE 56.1 STATEMENT OF  
FACTS IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT**

Plaintiffs hereby supplement their initial Local Rule 56.1 Statement of Material Facts in Support of Their Motion for Summary Judgment as follows:

**VII. GSU'S Unauthorized Distribution of Additional Plaintiff Works**

270. During the Spring 2010 semester, Professor Youngs is providing digital copies of the 30-page second chapter of Naoko Shimazu's *Japanese Society at War: Death, Memory and the Russo-Japanese War* on ERes to students in his course "Historical Research" (HIST4990). See Def. Ex. C to SOF,

Docket No. 160 at 139; Supplemental Responses and Objections to Defendants' First Set of Interrogatories to Plaintiffs ("Supp. Interrog. Resp.") No. 2.

271. Cambridge University Press is the exclusive licensee of the copyright to *Japanese Society at War*. Supplemental Declaration of Frank Smith, Cambridge University Press (April 2, 2010) ("Smith Supp. Decl.") ¶ 10. *Japanese Society at War* is a foreign work first published in the United Kingdom and therefore protected under the Berne Convention. *Id.* ¶ 11.

272. During the Spring 2010 semester, Professor Kocela is providing students in "Don DeLillo" (ENGL8900) with digital copies of "DeLillo and masculinity," by Ruth Helyer, and "DeLillo and mystery," by John McClure, each of which are excerpts from *The Cambridge Companion to Don DeLillo*, by John Duvall (ed.), on ERes. *See* Def. Ex. C to SOF, Docket No. 160 at 48; Supp. Interrog. Resp. No. 2.

273. Cambridge University Press owns the copyright to *The Cambridge Companion to Don DeLillo* and all of the individual contributions that make up the different chapters of this work. Smith Supp. Decl. ¶ 5. *The Cambridge Companion to Don DeLillo* is a foreign work first published in the United Kingdom and therefore protected under the Berne Convention. *Id.* ¶ 7.

274. During the Spring 2010 semester, Professor Hartley is providing digital copies of pages 155-184 of *Analyzing Oppression*, by Anne E. Cudd, on ERes to students in “Philosophical Perspectives on Women” (PHIL4860); that reading had been accessed 93 times as of February 18, 2010. *See* Def. Ex. C to SOF, Docket No. 160 at 39; Supp. Interrog. Resp. No. 2.

275. Oxford University Press is the exclusive licensee of the copyright to *Analyzing Oppression* and this work is registered with the U.S. Copyright Office. Supplemental Declaration of Niko Pfund, Oxford University Press (April 5, 2010) (“Pfund Supp. Decl.”) ¶¶ 5-6.

276. During the Spring 2010 semester, Professor Umoja is providing digital copies of pages 15-41 of *The First Passage: Blacks in the Americas 1502-1617*, by Colin Palmer, on ERes to students in “Enslavement in the Americas” (AAS4620); that reading had been accessed 38 times as of February 18, 2010. *See* Def. Ex. C to SOF, Docket No. 160 at 119; Supp. Interrog. Resp. No. 2.

277. Oxford University Press is the exclusive licensee of the copyright to *The First Passage* and this work is registered with the U.S. Copyright Office in the name of the author. Pfund Supp. Decl. ¶¶ 9-10.

278. During the Spring 2010 semester, Professor Harvey is providing students in Race, Class, and Gender (SOC18900) with digital copies of

“Black and White Professional-Managerial Women’s Perceptions of Racism and Sexism in the Workplace,” by Lynn Weber and Elizabeth S. Higginbotham, which is Chapter 7 of in *Women and Work: Exploring Race, Ethnicity and Class (vol. 6)*, by Elizabeth S. Higginbotham and Mary Romero (eds.), on ERes. See Def. Ex. C to SOF, Docket No. 160 at 80; Supp. Interrog. Resp. No. 2.

279. SAGE Publications is the exclusive licensee of the copyright to *Women and Work* as well as the contributions which make up the different chapters of this work. Supplemental Declaration of Sara Van Valkenburg, SAGE Publications (April 2, 2010) ¶¶ 5-6. *Women and Work* is registered with the U.S. Copyright Office in the name of SAGE. *Id.* ¶ 7.

Respectfully submitted this 5th day of April, 2010.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day filed the foregoing **PLAINTIFFS’  
SUPPLEMENTAL LOCAL RULE 56.1 STATEMENT OF FACTS IN  
SUPPORT OF THEIR 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:

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This 5th day of April, 2010.

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