

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

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

Plaintiffs,

— vs. —

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

Defendants.

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

**JOINT FILING CONCERNING ALLEGATIONS OF
INFRINGEMENT AT GSU IN RESPONSE TO COURT'S
NOVEMBER 5, 2010 AND MARCH 4, 2011 ORDERS**

Plaintiffs Cambridge University Press, Oxford University Press, Inc.,
and SAGE Publications, Inc. (collectively, “Plaintiffs”), and Defendants
Mark P. Becker, et al. (“Defendants”) hereby comply with the Court’s
November 5, 2010 and March 4, 2011 Orders requiring the parties to submit
a joint filing detailing alleged infringements at Georgia State University
during the 2009 Maymester, Summer 2009, and Fall 2009 terms. In this
regard, the parties offer the following by way of explanation.

1. The parties have created, and provide herewith, three charts – one each for the 2009 Maymester (Exhibit A), the 2009 Summer term (Exhibit B), and the 2009 Fall term (Exhibit C) – which set forth the requested information as fully and accurately as possible, organized alphabetically by course number.

2. The columns on the chart include the following:

- The information in the “course title” column identifies the subject course;
- The information in the “instructor” column identifies the professor of the identified course;
- The information in the “title of work” column identifies the Plaintiff work from which an excerpt was made available to GSU students in electronic or digital format via GSU’s electronic reserves system (“ERes”) or uLearn;
- The information in the “Copyright Owner” column identifies the party that Plaintiffs contend is the owner or licensee of the copyright for the identified work¹;
- The information in the “description” column includes Plaintiffs’ brief description of the work, including Plaintiffs’ contention of the total number of pages and chapters (excluding front matter such as tables of

¹ Defendants do not agree that a licensee is a “copyright owner” or necessarily a proper party plaintiff.

contents and excluding end matter such as indices or glossaries)²;

- The information in the next three columns indicates Plaintiffs' contentions regarding the number of chapters, page range, and number of pages of the work that were made available to GSU students in that class for use in that course during that term;
- The information in the "Percent Copied" column represents Plaintiffs' calculation of the percentage of the work that was copied and made available to GSU students in that class for use in that course during that semester;
- The information in the "retail list price" column indicates the publisher's suggested retail price of the work at the time the work was used, i.e., the maximum a student would have had to pay to purchase the entire work new if that full suggested retail price were charged by the retailer;
- The information in the "Licensing Cost Per Student" column identifies the cost of licensing the excerpt through the Copyright Clearance Center for use in electronic reserves. The column identifies the cost per student to license the excerpt for distribution in that course;
- The information in the "Class Size" column identifies the number of students that were enrolled in the identified course and, beneath that number, the amount that it would have cost to license the excerpt for a class of that size (including a \$3.00 transaction fee);

² Defendants assert that the entire work, as evidenced by the deposit copy, constitutes the total number of pages in the work.

- The information in the “copyright registration number” column identifies the registration number for those works that are registered with the U.S. Copyright Office or for those works that were first published in the United Kingdom (by at least 30 days), provides Plaintiff’s contention that the subject work is a “foreign work not requiring registration (17 U.S.C § 411(a))” under the Berne Convention that need not be registered with the U.S. Copyright Office;
- The “Objection” column sets forth Defendant’s objections to the information specified by the plaintiff in the preceding columns;³ and
- The “Books Required to be Purchased” column provides Defendants’ contention of the books that were required to be purchased by students for the subject course.

3. The parties have also created, pursuant to the Court’s request during the November 5, 2010 Scheduling Conference, one-page summaries of each entry that appears on these charts (Exhibit D). These summaries reflect the information identified on the charts. These documents are provided by the parties in response to the Court’s direction and are not intended and do not supplant the parties’ positions and defenses to the opposing parties’ allegations.

³ Plaintiffs’ responses to Defendants’ objections are set forth in Exhibit D.

Respectfully submitted this 15th day of March, 2011.

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), I hereby certify that this document complies with the font and point selections set forth in Local Rule 5.1. This document was prepared in Times New Roman 14 point font.

/s/ John H. Rains IV

John H. Rains IV

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the foregoing **JOINT FILING CONCERNING ALLEGATIONS OF INFRINGEMENT AT GSU IN RESPONSE TO COURT'S NOVEMBER 5, 2010 AND MARCH 4, 2011 ORDERS** 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 15th day of March, 2011.

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