

EXHIBIT D

Exhibit D: Alleged Infringement – May 2009

Title of Work:	Pronunciation Games
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Original activities accompanied by advice for teaching English language pronunciation. 7 chapters, 108 pages
Relevant Course:	AL8480 - Classroom Practices in Teaching ESL/EFL
Instructor:	Murphy
Number of Chapters Used:	Selections
Page Range (# pages):	8-27 (20 pages, 9 requiring permission)
Percent Copied:	8.3%
Retail List Price (New):	\$47.00 (paperback)
Licensing Cost Per Student:	\$1.35
Class Size / Licensing Cost for Class:	10 (\$16.50)
Textbooks Allegedly Required for Purchase:	New Ways in Teaching Reading; Writing; Keep Talking; Grammar Practice Activities

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- Work has 112 pages rather than 108 pages; percentage used is 8.0% rather than 8.3%
- Professor did not use eRes
- License provided in book

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, or other front or end material.
- Plaintiffs dispute that the material was not made available on ERes and provided to students in the course.
- 9 pages of excerpt are not covered by the photocopy license provided in book.

Exhibit D: Alleged Infringement – May 2009

Title of Work:	Keep Talking: Communicative Fluency Activities for Language Teaching
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Comprehensive guide to language teaching activities. 4 chapters with additional worksheets and activities, 193 pages
Relevant Course:	AL8480 - Classroom Practices in Teaching ESL/EFL
Instructor:	Murphy
Number of Chapters Used:	1 (partial)
Page Range (# pages):	58-98 (41 pages)
Percent Copied:	21.2%
Retail List Price (New):	\$29.00 (paperback)
Licensing Cost Per Student:	\$6.15
Class Size / Licensing Cost for Class:	10 (\$64.50)
Textbooks Allegedly Required for Purchase:	New Ways in Teaching Reading; Writing; Keep Talking; Grammar Practice Activities

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- Work has 208 pages rather than 193 pages; Percentage used is 19.7% rather than 21.2%
- Professor did not use eRes and students were required to purchase book
- No assignment of copyright to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the material was not made available on ERes and provided to students in the course.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. § 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – May 2009

Title of Work:	More Grammar Games: Cognitive, Affective and Drama Activities for EFL Students
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	TX 7-274-034
Description of Work (incl. # pgs./chs.):	Original activities accompanied by advice for teaching grammar. 9 chapters, 174 pages
Relevant Course:	AL8480 - Classroom Practices in Teaching ESL/EFL
Instructor:	Murphy
Number of Chapters Used:	Selections
Page Range (# pages):	58-93 (36 pages)
Percent Copied:	20.7%
Retail List Price (New):	\$32.00 (paperback)
Licensing Cost Per Student:	\$5.40
Class Size / Licensing Cost for Class:	10 (\$57.00)
Textbooks Allegedly Required for Purchase:	New Ways in Teaching Reading; Writing; Keep Talking; Grammar Practice Activities

Defendants' Objection(s) to Alleged Infringement

- Work has 192 pages rather than 174 pages; percentage used is 18.8% rather than 20.7%
- Professor did not use eRes

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the material was not made available on ERes and provided to students in the course.

Exhibit D: Alleged Infringement – May 2009

Title of Work:	Grammar Practice Activities (1st edition)
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Activities and teaching instructions for teaching grammar to students in a communicative methodology. 4 chapters, with additional activities, 282 pages
Relevant Course:	AL8480 - Classroom Practices in Teaching ESL/EFL
Instructor:	Murphy
Number of Chapters Used:	Selections
Page Range (# pages):	44-102 (59 pages)
Percent Copied:	20.9%
Retail List Price (New):	\$30.00 (paperback)
Licensing Cost Per Student:	\$8.85
Class Size / Licensing Cost for Class:	10 (\$91.50)
Textbooks Allegedly Required for Purchase:	New Ways in Teaching Reading; Writing; Keep Talking; Grammar Practice Activities

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- No deposit copy was provided to Defendants
- Defendants are unable to verify page and percentage information
- Professor did not use eRes and students were required to purchase book
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute that provision of a "deposit copy" is relevant; work is in Defendants' possession.
- Plaintiffs have not specified a page range because Defendants refused to produce records in their possession that would reveal the page range or the underlying pdf file from ERes system.
- Plaintiffs dispute that the material was not made available on ERes and provided to students in the course.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – May 2009

Title of Work:	Five-Minute Activities: A Resource Book of Short Activities
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	TX 7-274-046
Description of Work (incl. # pgs./chs.):	Activities and advice for language teaching. 101 pages
Relevant Course:	AL8480 - Classroom Practices in Teaching ESL/EFL
Instructor:	Murphy
Number of Chapters Used:	Selections
Page Range (# pages):	1-23 (23 pages)
Percent Copied:	22.8%
Retail List Price (New):	\$27.00 (paperback)
Licensing Cost Per Student:	\$3.45
Class Size / Licensing Cost for Class:	10 (\$37.50)
Textbooks Allegedly Required for Purchase:	New Ways in Teaching Reading; Writing; Keep Talking; Grammar Practice Activities

Defendants' Objection(s) to Alleged Infringement

- Work has 117 pages rather than 101 pages; percentage used is 19.7% rather than 22.8%
- Professor did not use eRes

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the material was not made available on ERes and provided to students in the course.

Exhibit D: Alleged Infringement – May 2009

Title of Work:	Newspapers
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Recommendations for effective use of newspapers in language teaching. 6 chapters, 129 pages
Relevant Course:	AL8480 - Classroom Practices in Teaching ESL/EFL
Instructor:	Murphy
Number of Chapters Used:	1
Page Range (# pages):	30-58 (29 pages)
Percent Copied:	22.5%
Retail List Price (New):	\$21.50
Licensing Cost Per Student:	\$3.48
Class Size / Licensing Cost for Class:	10 (\$37.80)
Textbooks Allegedly Required for Purchase:	New Ways in Teaching Reading; Writing; Keep Talking; Grammar Practice Activities

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- Work has 144 pages rather than 129 pages; Percentage used is 20.1% rather than 22.5%
- Professor did not use eRes

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the material was not made available on ERes and provided to students in the course.

Exhibit D: Alleged Infringement – May 2009

Title of Work:	Role Play: Resource Books for Teachers
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Comprehensive overview and analysis of developing fluency in students. 182 pages
Relevant Course:	AL8480 - Classroom Practices in Teaching ESL/EFL
Instructor:	Murphy
Number of Chapters Used:	Unspecified
Page Range (# pages):	24-62 (39 pages)
Percent Copied:	21.4%
Retail List Price (New):	\$19.95
Licensing Cost Per Student:	\$4.68
Class Size / Licensing Cost for Class:	10 (\$49.80)
Textbooks Allegedly Required for Purchase: New Ways in Teaching Reading; Writing; Keep Talking; Grammar Practice Activities	

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- Work has 191 pages rather than 182 pages; Percentage used is 20.4% rather than 21.4%
- Professor did not use eRes
- License provided in book

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the material was not made available on ERes and provided to students in the course.
- 29 pages of excerpt are not covered by the photocopy license provided in book.

Exhibit D: Alleged Infringement – May 2009

Title of Work:	Writing: Resource Books for Teachers
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Recommendations for teaching clear and effective English writing skills. 4 chapters, 146 pages
Relevant Course:	AL8480 - Classroom Practices in Teaching ESL/EFL
Instructor:	Murphy
Number of Chapters Used:	Unspecified
Page Range (# pages):	50-80 (31 pages; 29 requiring permission)
Percent Copied:	21.2%
Retail List Price (New):	\$21.50
Licensing Cost Per Student:	\$3.48
Class Size / Licensing Cost for Class:	10 (\$37.80)
Textbooks Allegedly Required for Purchase:	New Ways in Teaching Reading; Writing; Keep Talking; Grammar Practice Activities

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- Work has 165 pages rather than 146 pages; percentage used is 17.6% rather than 21.2%
- License provided in book
- Professor did not use eRes and students were required to purchase book;
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- 29 pages of excerpt are not covered by the photocopy license provided in book.
- Plaintiffs dispute that the material was not made available on ERes and provided to students in the course.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – May 2009

Title of Work:	Vocabulary
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Activities and advice for teaching new words to language students. 166 pages (2nd edition)
Relevant Course:	AL8480 - Classroom Practices in Teaching ESL/EFL
Instructor:	Murphy
Number of Chapters Used:	2
Page Range (# pages):	12-27; 30-45 (32 pages)
Percent Copied:	19.3%
Retail List Price (New):	\$21.50 (out of print)
Licensing Cost Per Student:	\$3.84
Class Size / Licensing Cost for Class:	10 (\$41.40)
Textbooks Allegedly Required for Purchase:	New Ways in Teaching Reading; Writing; Keep Talking; Grammar Practice Activities

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- Work has 183 pages rather than 166 pages; percentage used is 17.5% rather than 19.3%
- Professor did not use eRes
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the material was not made available on ERes and provided to students in the course.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – May 2009

Title of Work:	The Craft of Inquiry: Theories, Methods, Evidence
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 4-742-637
Description of Work (incl. # pgs./chs.):	Overview of sociological methodology and the relationships between the various approaches. 8 chapters, 134 pages
Relevant Course:	EPRS8500 - Qualitative/ Interpretive Research in Education I
Instructor:	Kaufmann
Number of Chapters Used:	1
Page Range (# pages):	21-31 (11 pages)
Percent Copied:	8.2%
Retail List Price (New):	\$32.95
Licensing Cost Per Student:	\$1.32
Class Size / Licensing Cost for Class:	13 (\$20.16)
Textbooks Allegedly Required for Purchase:	Qualitative Research for Education; Foundations of Social Research; Critical Reading and Writing for Postgraduates

Defendants' Objection(s) to Alleged Infringement

- Work has 185 pages rather than 134 pages; percentage used is 5.9% rather than 8.2%
- This work was not used in Maymester

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the material was not made available on ERes and provided to students in the course.
- Plaintiffs dispute that *Critical Reading and Writing for Postgraduates* was required for purchase in the course.

Exhibit D: Alleged Infringement – May 2009

Title of Work:	Handbook of Feminist Research: Theory and Praxis
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 7-031-746
Description of Work (incl. # pgs./chs.):	Analysis of feminist approaches to methodology. 43 chapters, 712 pages
Relevant Course:	EPRS8500 - Qualitative/ Interpretive Research in Education I
Instructor:	Kaufmann
Number of Chapters Used:	1
Page Range (# pages):	515-534 (20 pages)
Percent Copied:	2.8%
Retail List Price (New):	\$146.00 (hardcover)
Licensing Cost Per Student:	\$2.80
Class Size / Licensing Cost for Class:	13 (\$39.40)
Textbooks Allegedly Required for Purchase:	Qualitative Research for Education; Foundations of Social Research; Critical Reading and Writing for Postgraduates

Defendants' Objection(s) to Alleged Infringement

- Work has 767 pages rather than 712 pages; Percentage used is 2.6% rather than 2.8%
- This work was not used in Maymester.

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the material was not made available on ERes and provided to students in the course.
- Plaintiffs dispute that *Critical Reading and Writing for Postgraduates* was required for purchase in the course.

Exhibit D: Alleged Infringement – May 2009

Title of Work:	Handbook of Social Theory
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Comprehensive overview and analysis of social theory, including the strengths and weaknesses of contemporary social theory. 39 chapters, 537 pages
Relevant Course:	EPRS8500 - Qualitative/ Interpretive Research in Education I
Instructor:	Kaufmann
Number of Chapters Used:	1
Page Range (# pages):	217-228 (12 pages)
Percent Copied:	2.2%
Retail List Price (New):	\$150.00 (hardcover) \$69.95 (paperback)
Licensing Cost Per Student:	\$1.68
Class Size / Licensing Cost for Class:	13 (\$24.84)
Textbooks Allegedly Required for Purchase:	Qualitative Research for Education; Foundations of Social Research; Critical Reading and Writing for Postgraduates

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- Work has 564 pages rather than 537 pages; Percentage used is 2.1% rather than 2.2%
- No assignment of copyright to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that *Critical Reading and Writing for Postgraduates* was required for purchase in the course.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – May 2009

Title of Work:	The SAGE Handbook of Qualitative Research (3rd edition)
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 6-175-287
Description of Work (incl. # pgs./chs.):	Original research and analysis concerning the theory and practice of qualitative inquiry. 44 chapters, 1126 pages
Relevant Course:	EPRS8500 - Qualitative/ Interpretive Research in Education I
Instructor:	Kaufmann
Number of Chapters Used:	4
Page Range (# pages):	1-32; 357-375; 443-465; 651-679 (103 pages)
Percent Copied:	9.1%
Retail List Price (New):	\$156.00 (hardcover)
Licensing Cost Per Student:	\$14.42
Class Size / Licensing Cost for Class:	13 (\$190.46)
Textbooks Allegedly Required for Purchase:	Qualitative Research for Education; Foundations of Social Research; Critical Reading and Writing for Postgraduates

Defendants' Objection(s) to Alleged Infringement

- Work has 1229 pages rather than 1126 pages; percentage used is 8.4% rather than 9.1%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that *Critical Reading and Writing for Postgraduates* was required for purchase in the course.

Exhibit D: Alleged Infringement – May 2009

Title of Work:	The SAGE Handbook of Qualitative Research (2nd edition)
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 5-220-475
Description of Work (incl. # pgs./chs.):	Original research and analysis concerning the theory and practice of qualitative inquiry. 36 chapters, 1065 pages
Relevant Course:	EPRS8500 - Qualitative/ Interpretive Research in Education I
Instructor:	Kaufmann
Number of Chapters Used:	3
Page Range (# pages):	717-732; 733-768; 923-948 (78 pages)
Percent Copied:	7.3%
Retail List Price (New):	\$175.00 (hardcover) (out of print)
Licensing Cost Per Student:	\$10.92
Class Size / Licensing Cost for Class:	13 (\$144.96)
Textbooks Allegedly Required for Purchase:	Qualitative Research for Education; Foundations of Social Research; Critical Reading and Writing for Postgraduates

Defendants' Objection(s) to Alleged Infringement

- Work has 1142 pages rather than 1065 pages; Percentage used is 6.8% rather than 7.3%;
- No assignment of copyright to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that *Critical Reading and Writing for Postgraduates* was required for purchase in the course.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – May 2009

Title of Work:	Handbook of Critical and Indigenous Methodologies
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 7-164-515
Description of Work (incl. # pgs./chs.):	Original research and analysis concerning the relationship between critical methodologies and indigenous perspectives. 30 chapters, 570 pages
Relevant Course:	EPRS8500 - Qualitative/ Interpretive Research in Education I
Instructor:	Kaufmann
Number of Chapters Used:	2
Page Range (# pages):	85-99; 135-156 (37 pages)
Percent Copied:	6.5%
Retail List Price (New):	\$146.00 (hardcover)
Licensing Cost Per Student:	\$5.18
Class Size / Licensing Cost for Class:	13 (\$70.34)
Textbooks Allegedly Required for Purchase:	Qualitative Research for Education; Foundations of Social Research; Critical Reading and Writing for Postgraduates

Defendants' Objection(s) to Alleged Infringement

- Work has 619 pages rather than 570 pages; percentage used is 6.1% rather than 6.7%
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.
- Plaintiffs dispute that *Critical Reading and Writing for Postgraduates* was required for purchase in the course.

Exhibit D: Alleged Infringement – May 2009

Title of Work:	Qualitative Research Practice
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Interdisciplinary overview of the varieties of qualitative research practice. 38 chapters, 608 pages
Relevant Course:	EPRS8500 - Qualitative/ Interpretive Research in Education I
Instructor:	Kaufmann
Number of Chapters Used:	1
Page Range (# pages):	391-406 (16 pages)
Percent Copied:	2.6%
Retail List Price (New):	\$130.00 (hardcover) \$67.95 (paperback)
Licensing Cost Per Student:	\$2.24
Class Size / Licensing Cost for Class:	13 (\$32.12)
Textbooks Allegedly Required for Purchase:	Qualitative Research for Education; Foundations of Social Research; Critical Reading and Writing for Postgraduates

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- Work has 639 pages rather than 608 pages; percentage used is 2.5% rather than 2.6%
- No assignment of copyright to publisher was provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. § 501 and that an exclusive license is insufficient.
- Plaintiffs dispute that *Critical Reading and Writing for Postgraduates* was required for purchase in the course.

Exhibit D: Alleged Infringement – May 2009

Title of Work:	Handbook of Narrative Inquiry
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 6-512-848
Description of Work (incl. # pgs./chs.):	Comprehensive and interdisciplinary overview of the methodology of narrative inquiry. 24 chapters, 650 pages
Relevant Course:	EPRS8500 - Qualitative/ Interpretive Research in Education I
Instructor:	Kaufmann
Number of Chapters Used:	1
Page Range (# pages):	3-34 (32 pages)
Percent Copied:	4.9%
Retail List Price (New):	\$146.00 (hardcover)
Licensing Cost Per Student:	\$4.76
Class Size / Licensing Cost for Class:	13 (\$64.88)
Textbooks Allegedly Required for Purchase:	Qualitative Research for Education; Foundations of Social Research; Critical Reading and Writing for Postgraduates

Defendants' Objection(s) to Alleged Infringement

- Work has 710 pages rather than 650 pages; percentage used is 4.5% rather than 4.9%;
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher;
- Plaintiffs dispute that *Critical Reading and Writing for Postgraduates* was required for purchase in the course.

Exhibit D: Alleged Infringement – May 2009

Title of Work:	The Enlargement of the European Union
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Interdisciplinary analysis of the enlargement of the European Union and its impact on the United States and Europe. 17 chapters, 494 pages
Relevant Course:	IB4410 - Management in Transition Economies: The Czech Republic & Hungary
Instructor:	Danis
Number of Chapters Used:	1
Page Range (# pages):	79-88 (10 pages)
Percent Copied:	2%
Retail List Price (New):	\$70.00
Licensing Cost Per Student:	\$1.20
Class Size / Licensing Cost for Class:	13 (\$18.60)

Defendants' Objection(s) to Alleged Infringement

- Course not taught per Grinnage Declaration
- No copyright registration provided
- Work has 284 pages rather than 494 pages; Work has 8 chapters rather than 17 chapters; Percentage used is 3.5% rather than 2%
- No assignment of copyright to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that the course was not taught; Defendants have produced the syllabus for this course, the course appears in the GSU GoSolar system, and four works in total appear on the ERes report for this course during the 2009 Maymester with "hits."
- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. § 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – Summer 2009

Title of Work:	The SAGE Handbook of Qualitative Research (2nd edition)
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 5-220-475
Description of Work (incl. # pgs./chs.):	Original research and analysis concerning the theory and practice of qualitative inquiry. 36 chapters, 1065 pages
Relevant Course:	EPRS8510 - Qualitative Research in Education II
Instructor:	Kaufmann
Number of Chapters Used:	2
Page Range (# pages):	717-732; 923-943 (37 pages)
Percent Copied:	3.5%
Retail List Price (New):	\$175.00 (hard-cover) (out of print)
Licensing Cost Per Student:	\$5.88
Class Size / Licensing Cost for Class:	9 (\$55.92)
Books Allegedly Required for Purchase:	Participant Observation (Dewalt); Using Documents in Social Research (Prior); Qualitative Interviewing (Rubin)

Defendants' Objection(s) to Alleged Infringement

- Work has 1142 pages rather than 1065; Percentage used is 3.2% rather than 3.5%
- No assignment of copyright to publisher was provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. § 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – Summer 2009

Title of Work:	Inside Interviewing: New Lenses, New Concerns
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 6-744-045
Description of Work (incl. # pgs./chs.):	Original research and analysis on the interview participant. 24 chapters, 506 pages
Relevant Course:	EPRS8510 - Qualitative Research in Education II
Instructor:	Kaufmann
Number of Chapters Used:	1
Page Range (# pages):	415-428* (14 pages)
Percent Copied:	2.8%
Retail List Price (New):	\$79.95 (paperback)
Licensing Cost Per Student:	\$1.96
Class Size / Licensing Cost for Class:	9 (\$20.64)
Books Allegedly Required for Purchase:	Participant Observation (Dewalt); Using Documents in Social Research (Prior); Qualitative Interviewing (Rubin)

Defendants' Objection(s) to Alleged Infringement

- Work has 564 pages rather than 506; Percentage used is 2.5% rather than 2.8%;
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. § 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – Summer 2009

Title of Work:	Handbook of Ethnography
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Interdisciplinary overview and analysis of the field of ethnography. 33 chapters, 492 pages
Relevant Course:	EPSF8280 - Anthropology of Education
Instructor:	Esposito
Number of Chapters Used:	1
Page Range (# pages):	188-203 (16 pages)
Percent Copied:	3.3%
Retail List Price (New):	\$130.00 (hard)
Licensing Cost Per Student:	\$2.24
Class Size / Licensing Cost for Class:	22 (\$52.28)
Books Allegedly Required for Purchase:	Prom Night (Best); Teaching Black Girls (Evans-Winters); Race in the Schoolyard (Lewis); Hopeful Girls, Troubled Boys (Lopez); Homegirls (Mendoza-Denton)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- Work has 525 pages rather than 492; Percentage used is 3.0% rather than 3.3%
- No assignment of copyright to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. § 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – Summer 2009

Title of Work:	Handbook of Feminist Research: Theory and Praxis
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 7-031-746
Description of Work (incl. # pgs./chs.):	Original research and analysis discussing feminist approaches to methodology. 43 chapters, 712 pages
Relevant Course:	EPSF8280 - Anthropology of Education
Instructor:	Esposito
Number of Chapters Used:	1
Page Range (# pages):	155-172 (18 pages)
Percent Copied:	2.5%
Retail List Price (New):	\$146.00 (hard)
Licensing Cost Per Student:	\$2.52
Class Size / Licensing Cost for Class:	22 (\$58.44)
Books Allegedly Required for Purchase:	Prom Night (Best); Teaching Black Girls (Evans-Winters); Race in the Schoolyard (Lewis); Hopeful Girls, Troubled Boys (Lopez); Homegirls (Mendoza-Denton)

Defendants' Objection(s) to Alleged Infringement

- Work has 767 pages rather than 712; Percentage used is 2.3% rather than 2.5%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Summer 2009

Title of Work:	The SAGE Handbook of Qualitative Research (2nd edition)
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 5-220-475
Description of Work (incl. # pgs./chs.):	Original research and analysis concerning the theory and practice of qualitative inquiry. 36 chapters, 1065 pages
Relevant Course:	EPSF8280 - Anthropology of Education
Instructor:	Esposito
Number of Chapters Used:	1
Page Range (# pages):	455-486 (32 pages)
Percent Copied:	3%
Retail List Price (New):	\$156.00 (hard)
Licensing Cost Per Student:	\$4.48
Class Size / Licensing Cost for Class:	22 (\$101.56)
Books Allegedly Required for Purchase:	Prom Night (Best); Teaching Black Girls (Evans-Winters); Race in the Schoolyard (Lewis); Hopeful Girls, Troubled Boys (Lopez); Homegirls (Mendoza-Denton)

Defendants' Objection(s) to Alleged Infringement

- Work has 1229 pages rather than 1126; Percentage used is 2.6% rather than 2.8%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Summer 2009

Title of Work:	The SAGE Handbook of Qualitative Research (1st edition)
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 3-721-799
Description of Work (incl. # pgs./chs.):	Original research and analysis concerning the theory and practice of qualitative inquiry. 36 chapters, 586 pages
Relevant Course:	EPSF8280 - Anthropology of Education
Instructor:	Esposito
Number of Chapters Used:	1
Page Range (# pages):	70-82 (13 pages)
Percent Copied:	2.2%
Retail List Price (New):	\$175.00 (hard) (out of print)
Licensing Cost Per Student:	\$1.82
Class Size / Licensing Cost for Class:	22 (\$43.04)
Books Allegedly Required for Purchase:	Prom Night (Best); Teaching Black Girls (Evans-Winters); Race in the Schoolyard (Lewis); Hopeful Girls, Troubled Boys (Lopez); Homegirls (Mendoza-Denton)

Defendants' Objection(s) to Alleged Infringement

- No deposit copy was provided to Defendants; Defendants are unable to calculate page and percentage calculations
- No assignment of copyright to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that provision of a "deposit copy" is relevant; work is in Defendants' possession.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. § 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – Summer 2009

Title of Work:	Handbook of Adult Development and Learning
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 6-934-723
Description of Work (incl. # pgs./chs.):	Analysis of the reciprocal relationship between adult development and learning. 22 chapters, 536 pages
Relevant Course:	EPY7080 - The Psychology of Learning and the Learner
Instructor:	Thompson
Number of Chapters Used:	2
Page Range (# pages):	73-98 (26 pages)
Percent Copied:	4.9%
Retail List Price (New):	\$84.95
Licensing Cost Per Student:	\$3.12
Class Size / Licensing Cost for Class:	31 (\$99.72)
Books Allegedly Required for Purchase:	Human Learning (Omrod)

Defendants' Objection(s) to Alleged Infringement

- Work has 595 pages rather than 536 pages; Percentage used is 4.4% rather than 4.9%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Summer 2009

Title of Work:	Awakening Children's Minds
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 5-335-981
Description of Work (incl. # pgs./chs.):	Original research and analysis on child-rearing theories and the roles of parents and teachers. 7 chapters, 250 pages
Relevant Course:	EPY7090 - Learning and the Learner
Instructor:	Kruger
Number of Chapters Used:	1
Page Range (# pages):	181-199 (19 pages)
Percent Copied:	7.6%
Retail List Price (New):	\$28.00
Licensing Cost Per Student:	\$2.28
Class Size / Licensing Cost for Class:	17 (\$41.76)
Books Allegedly Required for Purchase:	

Defendants' Objection(s) to Alleged Infringement

- Work has 320 pages rather than 250 pages; Percentage used is 5.9% rather than 7.6%
- No assignment to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Summer 2009

Title of Work:	Film Theory and Criticism (2009)
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 6-928-005
Description of Work (incl. # pgs./chs.):	Comprehensive survey of critical writings about film. 8 sections, 71 readings, 902 pages
Relevant Course:	FILM4750 (COMM4750) - Film Theory and Criticism
Instructor:	Raengo
Number of Chapters Used:	2
Page Range (# pages):	24-40; 262-272 (28 pages)
Percent Copied:	3.1%
Retail List Price (New):	\$74.95
Licensing Cost Per Student:	\$3.36
Class Size / Licensing Cost for Class:	12 (\$43.32)
Books Allegedly Required for Purchase:	Film Theory and Criticism (Braudy)

Defendants' Objection(s) to Alleged Infringement

- Work has 922 pages rather than 902; Percentage used is 3.0% rather than 3.1%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Summer 2009

Title of Work:	The Cambridge Companion to Schubert
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	
Description of Work (incl. # pgs./chs.):	Analytical essays on the composer and his music. 16 chapters, 283 pages
Relevant Course:	MUS8860 - Romantic Period 1800-1900
Instructor:	Orr
Number of Chapters Used:	1
Page Range (# pages):	121-137 (17 pages)
Percent Copied:	6%
Retail List Price (New):	\$36.99 (paper)
Licensing Cost Per Student:	\$2.25
Class Size / Licensing Cost for Class:	10 (\$25.50)
Books Allegedly Required for Purchase:	Romantic Music (Plantinga)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- Work has 353 pages rather than 283; Percentage used is 4.8% rather than 6%

Plaintiffs' Response to Objection(s)

- The section 411(a) registration requirement is nonjurisdictional. *See Reed Elsevier v. Muchnick*, No. 08-103 (U.S. Mar. 2, 2010).
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Summer 2009

Title of Work:	Liszt: Sonata in B Minor
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	TX 7-274-041
Description of Work (incl. # pgs./chs.):	Analytical essays on the composer and his music. 5 chapters, 82 pages
Relevant Course:	MUS8860 - Romantic Period 1800-1900
Instructor:	Orr
Number of Chapters Used:	1
Page Range (# pages):	28-48 (21 pages)
Percent Copied:	25.6%
Retail List Price (New):	\$80.00 (hard) \$28.99 (paper)
Licensing Cost Per Student:	\$3.10
Class Size / Licensing Cost for Class:	10 (\$34.50)
Books Allegedly Required for Purchase:	Romantic Music (Plantinga)

Defendants' Objection(s) to Alleged Infringement

- Work has 101 pages rather than 82; Percentage used is 20.8% rather than 25.6%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Summer 2009

Title of Work:	The Cambridge Companion to Mendelssohn
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Comprehensive analysis of the composer's life and music. 14 chapters, 268 pages
Relevant Course:	MUS8860 - Romantic Period 1800-1900
Instructor:	Orr
Number of Chapters Used:	1 (partial)
Page Range (# pages):	96-111 (16 pages)
Percent Copied:	5.6%
Retail List Price (New):	\$90.00 (hard) \$32.99 (paper)
Licensing Cost Per Student:	\$2.40
Class Size / Licensing Cost for Class:	10 (\$27.00)
Books Allegedly Required for Purchase:	Romantic Music (Plantinga)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- Work has 330 pages rather than 268; Percentage used is 4.8% rather than 5.6%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Summer 2009

Title of Work:	The Cambridge Companion to Schumann
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Comprehensive analysis of the composer's life and music. 13 chapters, 291 pages
Relevant Course:	MUS8860 - Romantic Period 1800-1900
Instructor:	Orr
Number of Chapters Used:	Unspecified
Page Range (# pages):	Unspecified (Unspecified pages)
Percent Copied:	Unable to calculate%
Retail List Price (New):	\$94.99 (hard) \$31.99 (paper)
Licensing Cost Per Student:	Unable to calculate
Class Size / Licensing Cost for Class:	10 (Unable to calculate)
Books Allegedly Required for Purchase:	Romantic Music (Plantinga)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided to Defendants
- Failure to comply with 8/11/2010 Order
- Work has 304 pages rather than 291
- No assignment of copyright to publisher provided
- Work placed on hard copy library reserve

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs have not specified a page range because Defendants refused to produce records in their possession that would reveal the page range or the underlying pdf file from ERes system.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.
- Plaintiffs dispute that the material was not made available on ERes and provided to students in the course.

Exhibit D: Alleged Infringement – Summer 2009

Title of Work:	The Cambridge Companion to Beethoven
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	TX 7-274-037
Description of Work (incl. # pgs./chs.):	Interdisciplinary analysis of the composer's life and music. 14 chapters, 305 pages
Relevant Course:	MUS8860 - Romantic Period 1800-1900
Instructor:	Orr
Number of Chapters Used:	1
Page Range (# pages):	165-185 (21 pages)
Percent Copied:	6.9%
Retail List Price (New):	\$34.99 (paper)
Licensing Cost Per Student:	\$3.15
Class Size / Licensing Cost for Class:	10 (\$34.50)
Books Allegedly Required for Purchase:	Romantic Music (Plantinga)

Defendants' Objection(s) to Alleged Infringement

- Work has 387 pages rather than 305; percentage used is 5.4% rather than 6.9%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Summer 2009

Title of Work:	The Music of Berlioz
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Comprehensive analysis of Berlioz's musical style. 10 chapters, 347 pages
Relevant Course:	MUS8860 - Romantic Period 1800-1900
Instructor:	Orr
Number of Chapters Used:	1 (partial)
Page Range (# pages):	250-267 (18 pages)
Percent Copied:	5.2%
Retail List Price (New):	\$65.95
Licensing Cost Per Student:	\$2.16
Class Size / Licensing Cost for Class:	10 (\$24.60)
Books Allegedly Required for Purchase:	Romantic Music (Plantinga)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- Work has 379 pages rather than 347 pages; Percentage used is 4.7% rather than 5.2%
- No assignment of copyright to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. § 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – Summer 2009

Title of Work:	The Operas of Charles Gounod
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	
Description of Work (incl. # pgs./chs.):	Comprehensive overview of the composer's career and each of his major operas. 314 pages
Relevant Course:	MUS8860 - Romantic Period 1800-1900
Instructor:	Orr
Number of Chapters Used:	Unspecified
Page Range (# pages):	99-126 (28 pages)
Percent Copied:	8.9%
Retail List Price (New):	\$29.95 (paper) (out of print)
Licensing Cost Per Student:	\$3.36
Class Size / Licensing Cost for Class:	10 (\$36.60)
Books Allegedly Required for Purchase:	Romantic Music (Plantinga)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- No deposit copy provided
- Work has 324 pages rather than 314; Percentage used is 8.6% rather than 8.9%
- No assignment of copyright to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- The section 411(a) registration requirement is nonjurisdictional. *See Reed Elsevier v. Muchnick*, No. 08-103 (U.S. Mar. 2, 2010).
- Plaintiffs dispute that provision of a "deposit copy" is relevant; work is in Defendants' possession.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. § 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – Summer 2009

Title of Work:	The Cambridge Companion to Berlioz
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	
Description of Work (incl. # pgs./chs.):	Analytical essays on Berlioz's role in nineteenth-century French cultural life. 18 chapters, 268 pages
Relevant Course:	MUS8860 - Romantic Period 1800-1900
Instructor:	Orr
Number of Chapters Used:	Unspecified
Page Range (# pages):	Unspecified (Unspecified pages)
Percent Copied:	Unable to calculate%
Retail List Price (New):	\$32.99 (paper)
Licensing Cost Per Student:	Unable to calculate
Class Size / Licensing Cost for Class:	10 (Unable to calculate)
Books Allegedly Required for Purchase:	Romantic Music (Plantinga)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration
- Failure to comply with 8/11/2010 Order
- Work has 325 pages rather than 268 pages
- No assignment to publisher was provided to Defendants
- Work placed on hard copy library reserve

Plaintiffs' Response to Objection(s)

- The section 411(a) registration requirement is nonjurisdictional. *See Reed Elsevier v. Muchnick*, No. 08-103 (U.S. Mar. 2, 2010).
- Plaintiffs have not specified a page range because Defendants refused to produce records in their possession revealing the page range or the underlying pdf file from ERes system.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.
- Plaintiffs dispute that the material was not made available on ERes and provided to students in the course.

Exhibit D: Alleged Infringement – Summer 2009

Title of Work:	The Gendered Society Reader (3d ed)
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 6-912-360 TX 6-894-152 TX5-121-963
Description of Work (incl. # pgs./chs.):	Interdisciplinary analysis of gender differences. 38 chapters, 606 pages**
Relevant Course:	SOCI3216 - Gender and Society
Instructor:	(Marni Kahn Brown)
Number of Chapters Used:	2 (plus part of additional chapter)
Page Range (# pages):	41-48; 235-260; 478-489 (46 pages)
Percent Copied:	7.6%
Retail List Price (New):	\$52.95
Licensing Cost Per Student:	\$5.52
Class Size / Licensing Cost for Class:	44 (\$245.88)
Books Allegedly Required for Purchase:	

Defendants' Objection(s) to Alleged Infringement

- No deposit copy provided
- Work has 650 pages rather than 606; Percentage copied is 7.1% rather than 7.6%
- No assignment of copyright to publisher provided (license only)
- Listed pages are not accurate and should be 478-489

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that provision of a "deposit copy" is relevant; work is in Defendants' possession.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. § 501 and that an exclusive license is insufficient.
- Plaintiffs dispute that pages 41-48 and 235-260 were not made available on ERes and provided to students in the course.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	The Slave Community
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 0000367220
Description of Work (incl. # pgs./chs.):	Comprehensive analysis of the life of the black slave. 8 chapters, 382 pages
Relevant Course:	AAS3000 - African-American Family
Instructor:	Dixon
Number of Chapters Used:	1
Page Range Distributed (# pages):	249-283 (35 pages)
Percent Copied:	9.2%
Retail List Price (New):	\$42.95
Licensing Cost Per Student:	\$4.20
Class Size / Licensing Cost for Class:	59 (\$250.80)
Books Allegedly Required for Purchase:	Ensuring Inequality (Franklin); Negro Family in the U.S. (Frazier); Strengths of African American Families (Hill); Black Families (McAdoo); African American Family Life (McLoyd); Black Family (Staples)

Defendants' Objection(s) to Alleged Infringement

- Work has 430 pages rather than 382; percentage used is 8.1% rather than 9.2%
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	African American Single Mothers: Understanding Their Lives and Families
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 4-009-242
Description of Work (incl. # pgs./chs.):	Afrocentric feminist perspective on the African-American mother-centered family. 10 chapters, 192 pages
Relevant Course:	AAS3000 - African-American Family
Instructor:	Dixon
Number of Chapters Used:	1
Page Range Distributed (# pages):	117-145 (29 pages)
Percent Copied:	15.9%
Retail List Price (New):	\$54.95 (hard-cover; out of print) \$67.95 (paperback)
Licensing Cost Per Student:	\$4.06
Class Size / Licensing Cost for Class:	59 (\$242.54)
Books Allegedly Required for Purchase:	Ensuring Inequality (Franklin); Negro Family in the U.S. (Frazier); Strengths of African American Families (Hill); Black Families (McAdoo); African American Family Life (McLoyd); Black Family (Staples)

Defendants' Objection(s) to Alleged Infringement

- Work has 232 pages rather than 192; percentage used is 12.5% rather than 15.9%;
- No assignment of copyright to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Black Children
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 5-439-988
Description of Work (incl. # pgs./chs.):	Comprehensive analysis on the experiences of black children. 23 chapters, 338 pages
Relevant Course:	AAS3000 - African-American Family
Instructor:	Dixon
Number of Chapters Used:	1
Page Range Distributed (# pages):	73-96 (24 pages)
Percent Copied:	7.1%
Retail List Price (New):	\$114.00 (hard) \$58.95 (paper)
Licensing Cost Per Student:	\$3.36
Class Size / Licensing Cost for Class:	59 (\$201.24)
Books Allegedly Required for Purchase:	Ensuring Inequality (Franklin); Negro Family in the U.S. (Frazier); Strengths of African American Families (Hill); Black Families (McAdoo); African American Family Life (McLoyd); Black Family (Staples)

Defendants' Objection(s) to Alleged Infringement

- No deposit copy provided; Defendants are unable to verify page and percentage information
- no assignment of copyright to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that provision of a "deposit copy" is relevant; work is in Defendants' possession.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Black Families (1997)
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 7-012-550, TX 4-352-649, TX 2-385-511
Description of Work (incl. # pgs./chs.):	Interdisciplinary analysis of black families in the United States using theory, research, and empirical findings. 21 chapters, 363 pages
Relevant Course:	AAS3000 - African-American Family
Instructor:	Dixon
Number of Chapters Used:	1
Page Range Distributed (# pages):	214-233 (20 pages)
Percent Copied:	5.5%
Retail List Price (New):	\$114.00 (hard) \$58.95 (paper)
Licensing Cost Per Student:	\$2.80
Class Size / Licensing Cost for Class:	59 (\$168.20)
Books Allegedly Required for Purchase:	Ensuring Inequality (Franklin); Negro Family in the U.S. (Frazier); Strengths of African American Families (Hill); Black Families (McAdoo); African American Family Life (McLoyd); Black Family (Staples)

Defendants' Objection(s) to Alleged Infringement

- Work has 380 pages rather than 363; percentage used is 5.3% rather than 5.5%
- No assignment of copyright to publisher provided (license only)
- Book on library reserve and required for purchase

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. 501 and that an exclusive license is insufficient.
- Plaintiffs dispute that the material was not made available on ERes and provided to students in the course, and the relevance of whether the work was placed on hard-copy reserve or required for purchase.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Ancient Egyptian Materials and Technology
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	TX 7-273-390
Description of Work (incl. # pgs./chs.):	Interdisciplinary overview of craftwork in ancient Egypt. 25 chapters, 672 pages
Relevant Course:	AH4900 - Materiality of Egyptian Painting
Instructor:	(Hartwig)
Number of Chapters Used:	1 (plus part of additional chapter)
Page Range Distributed (# pages):	44-54 104-120 (28 pages)
Percent Copied:	4.2%
Retail List Price (New):	\$248.00 (hard) \$65.00 (paper)
Licensing Cost Per Student:	\$4.20
Class Size / Licensing Cost for Class:	13 (57.60)
Book Allegedly Required for Purchase:	Colour and Painting in Ancient Egypt (Vivian)

Defendants' Objection(s) to Alleged Infringement

- No deposit copy provided; Defendants are unable to verify page and percentage information

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that provision of a “deposit copy” is relevant; work is in Defendants' possession.
- Plaintiffs dispute that *Colour and Painting in Ancient Egypt* was required for purchase in the course.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Criterion-Referenced Language Testing
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	TX 27-274-044
Description of Work (incl. # pgs./chs.):	Original research and analysis on criterion-referenced testing. 7 chapters, 291 pages
Relevant Course:	AL8550 - Second Language Evaluation and Assessment
Instructor:	Kim
Number of Chapters Used:	1
Page Range Distributed (# pages):	101-148 (48 pages)
Percent Copied:	16.5%
Retail List Price (New):	\$96.00 (hard) \$37.00 (paper)
Licensing Cost Per Student:	\$7.20
Class Size / Licensing Cost for Class:	16 (\$118.20)
Book Allegedly Required for Purchase:	Language Assessment (Brown)

Defendants' Objection(s) to Alleged Infringement

- Work has 334 pages rather than 291; percentage used is 14.4% rather than 16.5%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Assessing Grammar
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	TX 7-274-039
Description of Work (incl. # pgs./chs.):	Comprehensive overview and analysis of assessing language learners' grammatical abilities. 9 chapters, 274 pages
Relevant Course:	AL8550 - Second Language Evaluation and Assessment
Instructor:	Kim
Number of Chapters Used:	2
Page Range Distributed (# pages):	49-82 100-145 (80 pages)
Percent Copied:	29.2%
Retail List Price (New):	\$36.00 (paper)
Licensing Cost Per Student:	\$12.00
Class Size / Licensing Cost for Class:	16 (\$195.00)
Book Allegedly Required for Purchase:	Language Assessment (Brown)

Defendants' Objection(s) to Alleged Infringement

- Work has 317 pages rather than 274; percentage used is 25.2% rather than 29.2%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Assessing Reading
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Comprehensive overview of the assessment of reading in a second or foreign language. 9 chapters, 357 pages
Relevant Course:	AL8550 - Second Language Evaluation and Assessment
Instructor:	Kim
Number of Chapters Used:	1
Page Range Distributed (# pages):	202-270 (69 pages)
Percent Copied:	19.3%
Retail List Price (New):	\$85.00 (hard) \$40 (paper)
Licensing Cost Per Student:	\$10.35
Class Size / Licensing Cost for Class:	16 (\$165.60)
Book Allegedly Required for Purchase:	Language Assessment (Brown)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration information provided;
- Work has 413 pages rather than 357 pages; percentage used is 16.7% rather than 19.3%;
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Fundamental Considerations in Language Testing
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	Registration request filed with Copyright Office; certificate expected by 4/8/11
Description of Work (incl. # pgs./chs.):	Comprehensive overview of measurement, the context that determines the uses of language tests, and the nature of the language abilities to be measured. 8 sections, 360 pages
Relevant Course:	AL8550 - Second Language Evaluation and Assessment
Instructor:	Kim
Number of Chapters Used:	1
Page Range Distributed (# pages):	81-110 (30 pages)
Percent Copied:	8.3%
Retail List Price (New):	\$33.95 (paper)
Licensing Cost Per Student:	\$3.60
Class Size / Licensing Cost for Class:	16 (\$60.60)
Book Allegedly Required for Purchase:	Language Assessment (Brown)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- Oxford lacks standing as it has not obtained a copyright registration
- Work has 420 pages rather than 360; percentage used is 7.1% rather than 8.3%
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- The section § 411(a) registration requirement is nonjurisdictional. *See Reed Elsevier v. Muchnick*, No. 08-103 (U.S. Mar. 2, 2010).
- Plaintiffs dispute Defendants' calculation of percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Language Testing in Practice
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	Registration request filed with Copyright Office; certificate expected by 4/8/11
Description of Work (incl. # pgs./chs.):	Overview of language testing, including bases of language testing, designing language tests, and analyzing data from language tests. 12 chapters (plus additional section with projects), 365 pages
Relevant Course:	AL8550 - Second Language Evaluation and Assessment
Instructor:	Kim
Number of Chapters Used:	3
Page Range Distributed (# pages):	17-42 43-60 85-94 (54 pages)
Percent Copied:	14.8%
Retail List Price (New):	\$33.95 (paper)
Licensing Cost Per Student:	\$6.48
Class Size / Licensing Cost for Class:	16 (\$106.68)
Book Allegedly Required for Purchase:	Language Assessment (Brown)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided; Oxford lacks standing as it has not obtained a copyright registration
- Work has 383 pages rather than 365; Percentage used is 14.1% rather than 14.8%;
- License provided in book
- No assignment of copyright to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Pages of excerpt are not covered by the photocopy license provided in book.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Assessing Listening
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	Registration request filed with Copyright Office; certificate expected by 4/8/11
Description of Work (incl. # pgs./chs.):	Comprehensive overview and analysis of the major areas of listening research, including guidelines for testing. 9 chapters, 257 pages
Relevant Course:	AL8550 - Second Language Evaluation and Assessment
Instructor:	Kim
Number of Chapters Used:	1
Page Range Distributed (# pages):	116-153 (38 pages)
Percent Copied:	14.8%
Retail List Price (New):	\$82.00 (hard) \$30.00 (paper)
Licensing Cost Per Student:	\$5.70
Class Size / Licensing Cost for Class:	16 (\$106.68)
Book Allegedly Required for Purchase:	Language Assessment (Brown)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided; Cambridge lacks standing as it has not obtained a copyright registration;
- Work has 293 pages rather than 257; Percentage used is 13.0% rather than 14.8%;
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Assessing Language for Specific Purposes
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Original analysis of the implementation of language tests for specific purposes, as opposed to general purpose language tests. 8 chapters, 282 pages
Relevant Course:	AL8550 - Second Language Evaluation and Assessment
Instructor:	Kim
Number of Chapters Used:	1
Page Range Distributed (# pages):	24-40 (17 pages)
Percent Copied:	6%
Retail List Price (New):	\$75.00 (hard) \$34.00 (paper)
Licensing Cost Per Student:	\$2.55
Class Size / Licensing Cost for Class:	16 (\$43.80)
Book Allegedly Required for Purchase:	Language Assessment (Brown)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- Work has 330 pages rather than 282; Percentage used is 5.2% rather than 6%
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Assessing Speaking
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	
Description of Work (incl. # pgs./chs.):	Comprehensive overview of the research on the assessment of speaking, designed for teachers and language testers. 8 chapters, 191 pages
Relevant Course:	AL8550 - Second Language Evaluation and Assessment
Instructor:	Kim
Number of Chapters Used:	2
Page Range Distributed (# pages):	59-95 139-169 (68 pages)
Percent Copied:	35.6%
Retail List Price (New):	\$88.00 (hard) \$41.00 (paper)
Licensing Cost Per Student:	\$10.20
Class Size / Licensing Cost for Class:	16 (\$166.20)
Book Allegedly Required for Purchase:	Language Assessment (Brown)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided;
- No deposit copy provided; Defendants are unable to verify page and percentage information;
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- The section 411(a) registration requirement is nonjurisdictional. *See Reed Elsevier v. Muchnick*, No. 08-103 (U.S. Mar. 2, 2010).
- Plaintiffs dispute that provision of a “deposit copy” is relevant; work is in Defendants' possession.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Learning Vocabulary in Another Language
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	Registration request filed with Copyright Office; certificate expected by 4/8/11
Description of Work (incl. # pgs./chs.):	Detailed survey of the research and theory on the teaching and learning of vocabulary, aimed at providing pedagogical suggestions for both teachers and learners. 11 sections, 431 pages
Relevant Course:	AL8550 - Second Language Evaluation and Assessment
Instructor:	Kim
Number of Chapters Used:	1
Page Range Distributed (# pages):	344-379 (36 pages)
Percent Copied:	8.4%
Retail List Price (New):	\$81.00 (hard) \$43.00 (paper)
Licensing Cost Per Student:	\$5.40
Class Size / Licensing Cost for Class:	16 (\$89.40)
Book Allegedly Required for Purchase:	Language Assessment (Brown)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided; Cambridge lacks standing as it has not obtained a copyright registration
- Work has 491 pages rather than 431; Percentage used is 7.3% rather than 8.4%
- No assignment of copyright to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Assessing Vocabulary
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	Registration request filed with Copyright Office; certificate expected by 4/8/11
Description of Work (incl. # pgs./chs.):	Original analysis on the framework of a vocabulary test to cover a range of procedures for assessing the vocabulary knowledge of second language learners. 8 chapters, 251 pages
Relevant Course:	AL8550 - Second Language Evaluation and Assessment
Instructor:	Kim
Number of Chapters Used:	1
Page Range Distributed (# pages):	150-187 (38 pages)
Percent Copied:	15.1%
Retail List Price (New):	\$61.00 (hard) \$30.00 (paper)
Licensing Cost Per Student:	\$5.70
Class Size / Licensing Cost for Class:	16 (\$94.20)
Book Allegedly Required for Purchase:	Language Assessment (Brown)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided; Cambridge lacks standing as it has not obtained a copyright registration;
- Work has 293 pages rather than 251; Percentage used is 13.0% rather than 15.1%
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Assessing Writing
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	Registration request filed with Copyright Office; certificate expected by 4/8/11
Description of Work (incl. # pgs./chs.):	Comprehensive overview and analysis of assessing a student's writing abilities. 10 chapters, 244 pages
Relevant Course:	AL8550 - Second Language Evaluation and Assessment
Instructor:	Kim
Number of Chapters Used:	2
Page Range Distributed (# pages):	77-139 (63 pages)
Percent Copied:	25.8%
Retail List Price (New):	\$76.00 (hard) \$29.00 (paper)
Licensing Cost Per Student:	\$9.45
Class Size / Licensing Cost for Class:	16 (\$154.20)
Book Allegedly Required for Purchase:	Language Assessment (Brown)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided; Cambridge lacks standing as it has not obtained a copyright registration;
- Work has 282 pages rather than 244; Percentage used is 22.3% rather than 25.8%;
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	International Health Organisations and Movements, 1918-1939
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	TX 7-274-060
Description of Work (incl. # pgs./chs.):	Original research and analysis on international health and welfare organizations based on earlier models. 5 chapters, 325 pages
Relevant Course:	ANTH4440 - Epidemiology and Anthropology
Instructor:	McCombie
Number of Chapters Used:	1
Page Range Distributed (# pages):	222-43 (22 pages)
Percent Copied:	6.8%
Retail List Price (New):	\$110 (hard)
Licensing Cost Per Student:	\$3.30
Class Size / Licensing Cost for Class:	29 (\$98.70)
Books Allegedly Required for Purchase:	Control of Communicable Diseases Manual (Heymann); Rats, Lice and History (Zinsser)

Defendants' Objection(s) to Alleged Infringement

- Work has 355 pages rather than 325; percentage used is 5.9% rather than 6.8%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Evolution of Infectious Disease
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 4-319-137
Description of Work (incl. # pgs./chs.):	Original research and analysis of the role of evolutionary biology in the fight against infectious disease. 11 chapters, 216 pages
Relevant Course:	ANTH4440 - Epidemiology and Anthropology
Instructor:	McCombie
Number of Chapters Used:	1
Page Range Distributed (# pages):	15-34 (20 pages)
Percent Copied:	9.3%
Retail List Price (New):	\$170.00 (hard) \$60.00 (paper)
Licensing Cost Per Student:	\$2.40
Class Size / Licensing Cost for Class:	29 (\$72.60)
Books Allegedly Required for Purchase:	Control of Communicable Diseases Manual (Heymann); Rats, Lice and History (Zinsser)

Defendants' Objection(s) to Alleged Infringement

- Work has 305 pages rather than 216; Percentage used is 6.6% rather than 9.3%;
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Evolutionary Medicine
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 4-260-885
Description of Work (incl. # pgs./chs.):	Original research and analysis of medical treatment based on evolutionary theory. 18 chapters, 470 pages
Relevant Course:	ANTH4440 - Epidemiology and Anthropology
Instructor:	McCombie
Number of Chapters Used:	1
Page Range Distributed (# pages):	245-269 (25 pages)
Percent Copied:	5.3%
Retail List Price (New):	\$170.00 (hard) \$60.00 (paper)
Licensing Cost Per Student:	\$3.00
Class Size / Licensing Cost for Class:	29 (\$90.00)
Books Allegedly Required for Purchase:	Control of Communicable Diseases Manual (Heymann); Rats, Lice and History (Zinsser)

Defendants' Objection(s) to Alleged Infringement

- Work has 494 pages rather than 470; Percentage used is 5.1% rather than 5.3%
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	A History of Feminist Literary Criticism
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Comprehensive overview and analysis of feminist literary criticism from the Middle Ages through the present. 17 chapters, 335 pages
Relevant Course:	ENGL4200 - Cyborgs in American Culture
Instructor:	(Gabler-Hover)
Number of Chapters Used:	1
Page Range Distributed (# pages):	322-335 (14 pages)
Percent Copied:	4.2%
Retail List Price (New):	\$130.00 (hard)
Licensing Cost Per Student:	\$2.10
Class Size / Licensing Cost for Class:	30 (\$66.00)
Books Allegedly Required for Purchase:	I, Robot (Asimov); Lilith's Blood (Butler); Do Androids Dream of Electric Sheep (Dick); Neuromancer (Gibson)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- Work has 364 pages rather than 335; Percentage used is 3.8% rather than 4.2%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	The Craft of Inquiry: Theories, Methods, Evidence
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 4-742-637
Description of Work (incl. # pgs./chs.):	Overview of sociological methodology and the relationships between the various approaches to sociological study. 8 chapters, 134 pages
Relevant Course:	EPRS8500 - Qualitative/ Interpretive Research in Education I
Instructor:	Kaufmann
Number of Chapters Used:	1
Page Range Distributed (# pages):	21-31 (11 pages)
Percent Copied:	8.2%
Retail List Price (New):	\$32.95
Licensing Cost Per Student:	\$1.32
Class Size / Licensing Cost for Class:	21 (\$30.72)
Books Allegedly Required for Purchase:	Qualitative Research for Education (Bogdan & Biklem); The Foundations of Social Research (Crotty); Critical Reading and Writing for Postgraduates (Wallace & Ray)

Defendants' Objection(s) to Alleged Infringement

- Work has 185 pages rather than 134; Percentage used is 5.9% rather than 8.2%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Approaches to Qualitative Research: A Reader on Theory and Practice
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 5-806-220
Description of Work (incl. # pgs./chs.):	Comprehensive overview and analysis of the theoretical underpinnings of qualitative research and applications for practice. 25 chapters, 546 pages
Relevant Course:	EPRS8500 - Qualitative/ Interpretive Research in Education I
Instructor:	Kaufmann
Number of Chapters Used:	1
Page Range Distributed (# pages):	447-472 (26 pages)
Percent Copied:	4.8%
Retail List Price (New):	\$92.00 (hard) \$49.95 (paper)
Licensing Cost Per Student:	\$3.12
Class Size / Licensing Cost for Class:	21 (\$68.52)
Books Allegedly Required for Purchase:	Qualitative Research for Education (Bogdan & Biklem); The Foundations of Social Research (Crotty); Critical Reading and Writing for Postgraduates (Wallace & Ray)

Defendants' Objection(s) to Alleged Infringement

- Work has 564 pages rather than 546; Percentage used is 4.6% rather than 4.8%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Handbook of Feminist Research: Theory and Praxis
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 7-031-746
Description of Work (incl. # pgs./chs.):	Original research and analysis discussing feminist approaches to methodology. 43 chapters, 712 pages
Relevant Course:	EPRS8500 - Qualitative/ Interpretive Research in Education I
Instructor:	Kaufmann
Number of Chapters Used:	1
Page Range Distributed (# pages):	71-106 155-172 515-534 (74 pages)
Percent Copied:	10.4%
Retail List Price (New):	\$146.00 (hard)
Licensing Cost Per Student:	\$10.50
Class Size / Licensing Cost for Class:	21 (\$223.50)
Books Allegedly Required for Purchase:	Qualitative Research for Education (Bogdan & Biklem); The Foundations of Social Research (Crotty); Critical Reading and Writing for Postgraduates (Wallace & Ray)

Defendants' Objection(s) to Alleged Infringement

- Work has 767 pages rather than 712; Percentage used is 9.6% rather than 10.4%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Handbook of Narrative Inquiry: Mapping a Methodology
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 6-512-848
Description of Work (incl. # pgs./chs.):	Comprehensive and interdisciplinary overview of the methodology of narrative inquiry. 24 chapters, 650 pages
Relevant Course:	EPRS8500 - Qualitative/ Interpretive Research in Education I
Instructor:	Kaufmann
Number of Chapters Used:	1
Page Range Distributed (# pages):	35-75 (41 pages)
Percent Copied:	6.3%
Retail List Price (New):	\$146.00 (hard)
Licensing Cost Per Student:	\$5.74
Class Size / Licensing Cost for Class:	21 (\$123.54)
Books Allegedly Required for Purchase:	Qualitative Research for Education (Bogdan & Biklem); The Foundations of Social Research (Crotty); Critical Reading and Writing for Postgraduates (Wallace & Ray)

Defendants' Objection(s) to Alleged Infringement

- Work has 710 pages rather than 650; percentage used is 5.9% rather than 6.5%;
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	The SAGE Handbook of Qualitative Research (3rd edition)
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 6-175-287
Description of Work (incl. # pgs./chs.):	Original research and analysis concerning the theory and practice of qualitative inquiry. 44 chapters, 1126 pages
Relevant Course:	EPRS8500 - Qualitative/ Interpretive Research in Education I
Instructor:	Kaufmann
Number of Chapters Used:	8
Page Range Distributed (# pages):	1-32, 109-138, 357-373, 443-465, 547-557, 733-768 915-932, 959-978 (187 pages)
Percent Copied:	16.6%
Retail List Price (New):	\$156.00 (hard)
Licensing Cost Per Student:	\$26.18
Class Size / Licensing Cost for Class:	21 (\$552.78)
Books Allegedly Required for Purchase:	Qualitative Research for Education (Bogdan & Biklem); The Foundations of Social Research (Crotty); Critical Reading and Writing for Postgraduates (Wallace & Ray)

Defendants' Objection(s) to Alleged Infringement

- Work has 1229 pages rather than 1126; Percentage used is 17.1% rather than 18.7%;
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Handbook of Social Theory (2001)
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Original research and analysis concerning the theory and practice of qualitative inquiry. 44 chapters, 1126 pages
Relevant Course:	EPRS8500 - Qualitative/ Interpretive Research in Education I
Instructor:	Kaufmann
Number of Chapters Used:	1
Page Range Distributed (# pages):	217-228 (12 pages)
Percent Copied:	2.2%
Retail List Price (New):	\$150.00 (hard) \$69.95 (paper)
Licensing Cost Per Student:	\$1.68
Class Size / Licensing Cost for Class:	21 (\$38.28)
Books Allegedly Required for Purchase:	Qualitative Research for Education (Bogdan & Biklem); The Foundations of Social Research (Crotty); Critical Reading and Writing for Postgraduates (Wallace & Ray)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided;
- Work has 564 pages rather than 1126; Percentage used is 2.1% rather than 2.2%;
- No assignment of copyright to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Theoretical Frameworks in Qualitative Research
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 6-989-056
Description of Work (incl. # pgs./chs.):	Original research and analysis on the role of the theoretical framework in qualitative research through case examples. 10 chapters, 188 pages
Relevant Course:	EPRS8520 - Qualitative Research in Education III
Instructor:	Esposito
Number of Chapters Used:	2
Page Range Distributed (# pages):	xii-xxx 189-196 (27 pages)
Percent Copied:	14.4%
Retail List Price (New):	\$51.95 (paper)
Licensing Cost Per Student:	\$3.78
Class Size / Licensing Cost for Class:	14 (\$55.92)
Books Allegedly Required for Purchase:	Qualitative Data Analysis (Grbich); The Coding Manual for Qualitative Researchers (Saldana)

Defendants' Objection(s) to Alleged Infringement

- Work has 237 pages rather than 188; Percentage used is 11.4% rather than 14.4%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Awakening Children's Minds
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 5-335-981
Description of Work (incl. # pgs./chs.):	Original research and analysis on child-rearing theories and the roles of parents and teachers in children's lives. 7 chapters, 250 pages
Relevant Course:	EPY7090 - Learning and the Learner
Instructor:	(Kruger)
Number of Chapters Used:	1
Page Range Distributed (# pages):	181-199 200-219 (39 pages)
Percent Copied:	15.6%
Retail List Price (New):	\$28.00
Licensing Cost Per Student:	\$2.40
Class Size / Licensing Cost for Class:	19 (\$48.60)

Defendants' Objection(s) to Alleged Infringement

- Course only taught in Summer semester per Kruger Declaration;
- Work has 320 pages rather than 250; Percentage used is 12.2% rather than 15.6%;
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Handbook of Adult Development and Learning
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 6-934-723
Description of Work (incl. # pgs./chs.):	Analysis of the reciprocal relationship between adult development and learning and implications for a new discipline. 22 chapters, 536 pages
Relevant Course:	EPY8070 - Understanding and Facilitating Adult Learning
Instructor:	Greenberg
Number of Chapters Used:	2
Page Range Distributed (# pages):	52-70 455-475 (40 pages)
Percent Copied:	7.5%
Retail List Price (New):	\$84.95
Licensing Cost Per Student:	\$4.80
Class Size / Licensing Cost for Class:	15 (\$75.00)
Books Allegedly Required for Purchase:	Bringing Transformative Learning to Life (King); Learning in Adulthood (Merriam)

Defendants' Objection(s) to Alleged Infringement

- Work has 595 pages rather than 536; Percentage used is 6.7% rather than 7.5%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Understanding Trauma: Integrating Biological, Clinical and Cultural Perspectives
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	TX 7-276-783
Description of Work (incl. # pgs./chs.):	Interdisciplinary analysis of the individual and collective response to trauma. 21 chapters, 490 pages
Relevant Course:	EPY8220 - Advanced Developmental Psychology: Personality and Socialization
Instructor:	Kruger
Number of Chapters Used:	1
Page Range Distributed (# pages):	224-241 (18 pages)
Percent Copied:	3.7%
Retail List Price (New):	\$110.00 (hard) \$35.99 (paper)
Licensing Cost Per Student:	\$2.70
Class Size / Licensing Cost for Class:	19 (\$54.30)

Defendants' Objection(s) to Alleged Infringement

- Work has 547 pages rather than 490; Percentage used is 3.3% rather than 3.7%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Language Acquisition and Conceptual Development
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	TX 7-274-052
Description of Work (incl. # pgs./chs.):	Interdisciplinary analysis of the interaction between language acquisition and early cognition. 19 chapters, 588 pages
Relevant Course:	EPY8960 - Seminar in Educational Psychology
Instructor:	Anggoro
Number of Chapters Used:	1
Page Range Distributed (# pages):	566-588 (23 pages)
Percent Copied:	3.9%
Retail List Price (New):	\$140.00 (hard) \$53.00 (paper)
Licensing Cost Per Student:	\$3.45
Class Size / Licensing Cost for Class:	9 (\$34.05)

Defendants' Objection(s) to Alleged Infringement

- Work has 614 pages rather than 588; Percentage used is 3.7% rather than 3.9%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Television: The Critical View
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 6-916-933
Description of Work (incl. # pgs./chs.):	Interdisciplinary analysis of contemporary issues in television. 4 sections, 35 essays, 716 pages
Relevant Course:	FILM4210 (COMM4210) - Critical History of Broadcasting
Instructor:	Petruska
Number of Chapters Used:	1
Page Range Distributed (# pages):	70-86 (17 pages)
Percent Copied:	2.4%
Retail List Price (New):	\$59.95
Licensing Cost Per Student:	\$2.04
Class Size / Licensing Cost for Class:	24 (\$51.96)
Book Allegedly Required for Purchase:	Only Connect (Hilmes)

Defendants' Objection(s) to Alleged Infringement

- No deposit copy provided;
- Defendants are unable to verify page and percentage information

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that provision of a “deposit copy” is relevant; work is in Defendants' possession.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Film Language: A Semiotics of the Cinema (1974)
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	A534927
Description of Work (incl. # pgs./chs.):	Original analysis of the language of film. 10 chapters, 252 pages
Relevant Course:	FILM4750 - Film Theory and Criticism
Instructor:	Barker / Raengo
Number of Chapters Used:	1
Page Range Distributed (# pages):	108-148 (41 pages)
Percent Copied:	16.2%
Retail List Price (New):	\$35.00
Licensing Cost Per Student:	\$4.92
Class Size / Licensing Cost for Class:	22 (\$111.24)
Book Allegedly Required for Purchase:	Film Studies (Hill & Gibson)

Defendants' Objection(s) to Alleged Infringement

- No deposit copy provided; Defendants are unable to verify page and percentage information;
- No assignment of copyright to publisher provided (license only)
- Should only list Barker, not Barker/Raengo

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that provision of a "deposit copy" is relevant; work is in Defendants' possession.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Film Theory and Criticism (2004)
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 5-946-052
Description of Work (incl. # pgs./chs.):	Comprehensive survey of critical writings about film. 7 sections, 70 readings, 926 pages
Relevant Course:	FILM4750 - Film Theory and Criticism
Instructor:	Barker / Raengo
Number of Chapters Used:	1
Page Range Distributed (# pages):	717-726 (10 pages)
Percent Copied:	1.1%
Retail List Price (New):	\$74.95
Licensing Cost Per Student:	\$1.20
Class Size / Licensing Cost for Class:	22 (\$29.40)
Books Allegedly Required for Purchase:	Film Studies (Hill & Gibson)

Defendants' Objection(s) to Alleged Infringement

- Work has 954 pages rather than 926; Percentage used is 1.0% rather than 1.1%
- Should only list Barker, not Barker/Raengo

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Raengo taught FILM4750 and distributed the work via uLearn.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Film Theory and Criticism: Introductory Readings (1999)
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 4-830-623
Description of Work (incl. # pgs./chs.):	Comprehensive survey of critical writings about film. 7 sections, 80 readings, 864 pages
Relevant Course:	FILM4750 - Film Theory and Criticism
Instructor:	Barker / Raengo
Number of Chapters Used:	4
Page Range Distributed (# pages):	68-74; 212-215; 345-355; 716-724 (32 pages)
Percent Copied:	3.7%
Retail List Price (New):	out of print
Licensing Cost Per Student:	\$3.84
Class Size / Licensing Cost for Class:	22 (\$87.48)
Books Allegedly Required for Purchase:	Film Studies (Hill & Gibson)

Defendants' Objection(s) to Alleged Infringement

- No deposit copy provided
- Defendants are unable to verify page and percentage information
- No assignment of copyright to publisher provided
- Should only list Barker, not Barker/Raengo

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that provision of a “deposit copy” is relevant; work is in Defendants' possession.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	The Cambridge History of China, Volume 8, Part 2
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	TX 7-272-952
Description of Work (incl. # pgs./chs.):	Comprehensive overview of the Ming Dynasty. 15 chapters, 986 pages
Relevant Course:	HIST4820 - Cross-Cultural Encounters in World History
Instructor:	Gainty
Number of Chapters Used:	1
Page Range Distributed (# pages):	272-300 (29 pages)
Percent Copied:	2.9%
Retail List Price (New):	\$187.00 (hard)
Licensing Cost Per Student:	\$4.35
Class Size / Licensing Cost for Class:	1 (\$7.35)

Defendants' Objection(s) to Alleged Infringement

- Work has 1231 pages rather than 986; Percentage used is 2.4% rather than 2.9%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Region, Race and Reconstruction
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 0000949127
Description of Work (incl. # pgs./chs.):	Comprehensive historical analysis of the American South. 15 chapters, 450 pages
Relevant Course:	HIST7010 - Issues and Interpretations in American History
Instructor:	Davis
Number of Chapters Used:	1
Page Range Distributed (# pages):	143-177 (35 pages)
Percent Copied:	7.8%
Retail List Price (New):	\$29.95
Licensing Cost Per Student:	\$4.20
Class Size / Licensing Cost for Class:	17 (\$74.40)
Books Allegedly Required for Purchase:	Manliness and Civilization (Bederman); Nation Among Nations (Bender); Story of American Freedom (Foner); Roll, Jordan, Roll (Genovese); Work, Culture, Society in Industrial America (Gutman); History of American People (Johnson); Known World (Jones); Amusing the Million (Kasson); White Flight (Kruse); American Slavery, American Freedom (Morgan); Wages of Whiteness (Roediger); Blood Done Sign My Name (Tyson); Search for Order 1877-1920 (Wiebe); Radicalism of American Revolution (Wood); Strange Career of Jim Crow (Woodward)

Defendants' Objection(s) to Alleged Infringement

- No deposit copy provided: Defendants are unable to verify page and percentage information
-

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that provision of a “deposit copy” is relevant; work is in Defendants' possession.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	The Unpredictable Past: Explorations in American Cultural History
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 4-640-675
Description of Work (incl. # pgs./chs.):	Original analysis of examples of history changing through the lens of the present. 14 chapters, 320 pages
Relevant Course:	HIST7010 - Issues and Interpretations in American History
Instructor:	Davis
Number of Chapters Used:	1
Page Range Distributed (# pages):	35-58 (24 pages)
Percent Copied:	7.5%
Retail List Price (New):	\$34.99
Licensing Cost Per Student:	\$2.88
Class Size / Licensing Cost for Class:	17 (\$51.96)
Books Allegedly Required for Purchase:	Manliness and Civilization (Bederman); Nation Among Nations (Bender); Story of American Freedom (Foner); Roll, Jordan, Roll (Genovese); Work, Culture, Society in Industrial America (Gutman); History of American People (Johnson); Known World (Jones); Amusing the Million (Kasson); White Flight (Kruse); American Slavery, American Freedom (Morgan); Wages of Whiteness (Roediger); Blood Done Sign My Name (Tyson); Search for Order 1877-1920 (Wiebe); Radicalism of American Revolution (Wood); Strange Career of Jim Crow (Woodward)

Defendants' Objection(s) to Alleged Infringement

- Work has 394 pages rather than 320; Percentage used is 6.1% rather than 7.5%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	
Description of Work (incl. # pgs./chs.):	Original analysis of the Greek perspective on “moral luck”. 13 chapters, 421 pages
Relevant Course:	HON1000 - Love: Religious and Philosophical Perspectives
Instructor:	Lloyd
Number of Chapters Used:	1
Page Range Distributed (# pages):	164-199 (36 pages)
Percent Copied:	8.6%
Retail List Price (New):	\$130.00 (hard) \$36.99 (paper)
Licensing Cost Per Student:	\$5.25
Class Size / Licensing Cost for Class:	15 (\$81.75)

Defendants’ Objection(s) to Alleged Infringement

- No copyright registration provided
- Work has 589 pages rather than 421; Percentage copied is 6.5% rather than 8.6%

Plaintiffs’ Response to Objection(s)

- The section 411(a) registration requirement is nonjurisdictional. *See Reed Elsevier v. Muchnick*, No. 08-103 (U.S. Mar. 2, 2010).
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Living Ethics: Across Media Platforms
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 6-877-035
Description of Work (incl. # pgs./chs.):	Interdisciplinary analysis of ethical issues arising across new media platforms. 10 chapters, 305 pages
Relevant Course:	JOUR4800 - Media Ethics & Society
Instructor:	Freeman
Number of Chapters Used:	2
Page Range Distributed (# pages):	116-121 299-305 (13 pages)
Percent Copied:	4.3%
Retail List Price (New):	\$69.95
Licensing Cost Per Student:	\$1.56
Class Size / Licensing Cost for Class:	19 (\$32.64)
Book Allegedly Required for Purchase:	Ethics in Media Communications (Day)

Defendants' Objection(s) to Alleged Infringement

- No deposit copy provided;
- Defendants are unable to verify page and percentage information
- Course is COMM4800 rather than JOUR4800

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that provision of a “deposit copy” is relevant; work is in Defendants' possession.
- Course is identified in GoSolar system at JOUR4800.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	The Organ As a Mirror of Its Time: North European Reflections 1610-2000
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 5-586-351
Description of Work (incl. # pgs./chs.):	Original analysis of the organ's historical and cultural significance in Northern Europe. 25 chapters, 346 pages
Relevant Course:	MUS8840 - Baroque Music
Instructor:	Orr
Number of Chapters Used:	1
Page Range Distributed (# pages):	78-91 (14 pages)
Percent Copied:	4%
Retail List Price (New):	\$65.00
Licensing Cost Per Student:	\$1.68
Class Size / Licensing Cost for Class:	18 (\$33.24)

Defendants' Objection(s) to Alleged Infringement

- Work has 392 pages rather than 346; Percentage used is 3.6% rather than 4%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	North Italian Church Music in the Age of Monteverdi
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Comprehensive analysis of the composer and Venice from 1605-1643. 188 pages**
Relevant Course:	MUS8840 - Baroque Music
Instructor:	Orr
Number of Chapters Used:	1+
Page Range Distributed (# pages):	48-61 Unspecified sections (14 + Unspecified sections pages)
Percent Copied:	at least 7.4%
Retail List Price (New):	\$52.00 (out of print)
Licensing Cost Per Student:	1.68/+
Class Size / Licensing Cost for Class:	18 (\$33.24/+)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- No deposit copy provided
- Work has 189 pages rather than 188
- No assignment of copyright to publisher provided
- The unspecified sections for this work were removed from the eRes posting

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute that provision of a “deposit copy” is relevant; work is in Defendants' possession.
- Plaintiffs dispute Defendants' calculation of pages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. 501 and that an exclusive license is insufficient.
- Plaintiffs dispute that the unspecified sections for this work were removed from the eRes posting.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	North German Church Music in the Age of Buxtehude 1996
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Comprehensive survey of North German church music and its composers. 9 chapters, 224 pages
Relevant Course:	MUS8840 - Baroque Music
Instructor:	Orr
Number of Chapters Used:	1
Page Range Distributed (# pages):	9-26 (18 pages)
Percent Copied:	8%
Retail List Price (New):	\$115.00
Licensing Cost Per Student:	\$2.16
Class Size / Licensing Cost for Class:	18 (\$41.88)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration information provided;
- Work has 248 pages rather than 224; Percentage used is 7.3% rather than 8%;
- No assignment of copyright to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	The Cambridge Companion to Bach
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	
Description of Work (incl. # pgs./chs.):	Analytical essays on Bach and his music. 15 essays, 250 pages
Relevant Course:	MUS8840 - Baroque Music
Instructor:	Orr
Number of Chapters Used:	1
Page Range Distributed (# pages):	72-85 (14 pages)
Percent Copied:	5.6%
Retail List Price (New):	\$60.99 (hard) \$31.99 (paper)
Licensing Cost Per Student:	\$2.10
Class Size / Licensing Cost for Class:	18 (\$40.80)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided;
- Work has 342 pages rather than 250; Percentage used is 4.1% rather than 5.6%;
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- The section 411(a) registration requirement is nonjurisdictional. *See Reed Elsevier v. Muchnick*, No. 08-103 (U.S. Mar. 2, 2010).
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Handbook of Mixed Methods in Social & Behavioral Research
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 5-614-935
Description of Work (incl. # pgs./chs.):	Original research and analysis surveying the differing approaches to using mixed methods. 26 chapters, 784 pages (2002 edition)
Relevant Course:	NURS8035 - Theoretical and Philosophical Foundations for Nursing
Instructor:	Moloney
Number of Chapters Used:	1
Page Range Distributed (# pages):	541-556 (16 pages)
Percent Copied:	2%
Retail List Price (New):	\$151.00 (hard)
Licensing Cost Per Student:	\$2.24
Class Size / Licensing Cost for Class:	14 (\$34.36)
Books Allegedly Required for Purchase:	Perspectives on Philosophy of Science in Nursing (Polifroni); Perspectives on Nursing Theory (Reed); Strategies for Theory Construction in Nursing (Walker)

Defendants' Objection(s) to Alleged Infringement

- No deposit copy provided
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that provision of a “deposit copy” is relevant; work is in Defendants' possession.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Crabgrass Frontier: The Suburbanization of the United States
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 0001688521
Description of Work (incl. # pgs./chs.):	Original, interdisciplinary analysis of the American suburbs. 16 chapters, 306 pages
Relevant Course:	PERS2001 - Comparative Culture
Instructor:	Lasner
Number of Chapters Used:	1
Page Range Distributed (# pages):	246-271 (26 pages)
Percent Copied:	8.5%
Retail List Price (New):	\$19.95
Licensing Cost Per Student:	\$3.12
Class Size / Licensing Cost for Class:	114 (\$358.68)

Defendants' Objection(s) to Alleged Infringement

- Work has 405 pages rather than 306; percentage used is 6.4% rather than 8.5%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	The Politics of Public Housing: Black Women's Struggles Against Urban Inequality
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 6-033-330
Description of Work (incl. # pgs./chs.):	Original overview and analysis of the strengths of affordable public housing from the perspective of poor black women. 6 chapters, 244 pages
Relevant Course:	PERS2001 - Comparative Culture
Instructor:	Lasner
Number of Chapters Used:	1
Page Range Distributed (# pages):	21-53 (33 pages)
Percent Copied:	13.5%
Retail List Price (New):	\$25.00
Licensing Cost Per Student:	\$3.96
Class Size / Licensing Cost for Class:	114 (\$454.44)

Defendants' Objection(s) to Alleged Infringement

- Work has 306 pages rather than 244; percentage used is 10.8% rather than 13.5%
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Contemporary Cases in U. S. Foreign Policy: From Terrorism to Trade
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 6-906-070, TX 5-445-213, TX 6-181-314
Description of Work (incl. # pgs./chs.):	Comprehensive overview and analysis of U.S. foreign policy through recent case examples. 15 chapters, 456 pages
Relevant Course:	POLS3450 - U.S. Foreign Policy
Instructor:	Hankla
Number of Chapters Used:	1
Page Range Distributed (# pages):	89-121 (33 pages)
Percent Copied:	7.2%
Retail List Price (New):	\$38.95 (paper)
Licensing Cost Per Student:	\$4.76
Class Size / Licensing Cost for Class:	48 (\$231.48)
Books Allegedly Required for Purchase:	Promised Land, Crusader State (McDougall); Domestic Sources of American Foreign Policy (Wittkopf)

Defendants' Objection(s) to Alleged Infringement

- No deposit copy provided
- Work has 512 pages rather than 456; percentage used is 6.4% rather than 7.2%
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that provision of a "deposit copy" is relevant; work is in Defendants' possession.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	U.S. Foreign Policy: The Paradox of World Power
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 6-814-128, TX 6-082-538
Description of Work (incl. # pgs./chs.):	Original research and analysis discussing the the U.S. as a super-power and its limitations in foreign policy decision making. 12 chapters, 400 pages
Relevant Course:	POLS3450 - U.S. Foreign Policy
Instructor:	Hankla
Number of Chapters Used:	1
Page Range Distributed (# pages):	153-188 (36 pages)
Percent Copied:	9%
Retail List Price (New):	\$84.95 (paper)
Licensing Cost Per Student:	\$5.32
Class Size / Licensing Cost for Class:	48 (\$258.36)
Books Allegedly Required for Purchase:	Promised Land, Crusader State (McDougall); Domestic Sources of American Foreign Policy (Wittkopf)

Defendants' Objection(s) to Alleged Infringement

- No deposit copy provided
- Work has 564 pages rather than 400; Percentage used is 6.4% rather than 9%
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that provision of a “deposit copy” is relevant; work is in Defendants' possession.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Democratic Accountability in Latin America
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Comprehensive analysis on improving accountability and governmental effectiveness in Latin America. 10 chapters, 332 pages
Relevant Course:	POLS8250 - Latin American Politics
Instructor:	McCoy
Number of Chapters Used:	1
Page Range Distributed (# pages):	3-33 (31 pages)
Percent Copied:	9.3%
Retail List Price (New):	\$74.00
Licensing Cost Per Student:	\$3.72
Class Size / Licensing Cost for Class:	12 (\$47.64)
Books Allegedly Required for Purchase:	New Latin American Left (Barrett, Chanet & Rodriguez-Garavito); Leftovers: Tales of Two Latin American Lefts (Castaneda); Third Wave of Democratization in Latin America (Hagopian, Mainwaring); Informal Institutions and Democracy (Helmke); Latin American Democracy (Millett, Holmes, Perez); Latin American Political History (Schneider)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided
- Work has 365 pages rather than 332; Percentage used is 8.5% rather than 9.3%
- No assignment to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Regimes and Democracy in Latin America: Theories and Methods
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Comprehensive analysis on democracy in Latin America. 9 chapters, 246 pages
Relevant Course:	POLS8250 - Latin American Politics
Instructor:	McCoy
Number of Chapters Used:	3
Page Range Distributed (# pages):	1-24 25-38 39-50 (50 pages)
Percent Copied:	20.4%
Retail List Price (New):	\$45.00
Licensing Cost Per Student:	\$6.00
Class Size / Licensing Cost for Class:	12 (\$75.00)
Books Allegedly Required for Purchase:	New Latin American Left (Barrett, Chanet & Rodriguez-Garavito); Leftovers: Tales of Two Latin American Lefts (Castaneda); Third Wave of Democratization in Latin America (Hagopian, Mainwaring); Informal Institutions and Democracy (Helmke); Latin American Democracy (Millett, Holmes, Perez); Latin American Political History (Schneider)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided;
- Work has 299 pages rather than 246; Percentage used is 16.7% rather than 20.4%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Behavior, Society, and Nuclear War, Vol. 1
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 2-752-091
Description of Work (incl. # pgs./chs.):	Comprehensive analysis of nuclear war and international security. 5 chapters, 354 pages
Relevant Course:	POLS8470 - Military Conflict and International Security
Instructor:	Duffield
Number of Chapters Used:	1 (partial)
Page Range Distributed (# pages):	8-15 19-48 (38 pages)
Percent Copied:	10.7%
Retail List Price (New):	\$42.95
Licensing Cost Per Student:	\$4.56
Class Size / Licensing Cost for Class:	14 (\$66.84)

Defendants' Objection(s) to Alleged Infringement

- Work has 413 pages rather than 354; Percentage used is 9.2% rather than 10.7%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	A World of Babies: Imagined Childcare Guides for Seven Societies
Copyright Owner (or Licensee):	Cambridge
Copyright Registration Number:	TX 7-276-795
Description of Work (incl. # pgs./chs.):	Original interdisciplinary analysis of how varying societies care for babies. 8 chapters, 220 pages
Relevant Course:	PSYC4030 - Cross-Cultural Psychology
Instructor:	Whitten
Number of Chapters Used:	1
Page Range Distributed (# pages):	27 91-112 (23 pages)
Percent Copied:	10.5%
Retail List Price (New):	\$55.99 (hard) \$30.99 (paper)
Licensing Cost Per Student:	\$3.45
Class Size / Licensing Cost for Class:	13 (\$47.85)
Book Allegedly Required for Purchase:	Culture and Psychology (Matsumoto & Juang)

Defendants' Objection(s) to Alleged Infringement

- Work has 293 pages rather than 220; Percentage used is 7.8% rather than 10.5%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Dionysus Since 69: Greek Tragedy at the Dawn of the Third Millennium
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Original analysis on the recent appeal of Greek tragedy in modern culture. 15 chapters, 418 pages
Relevant Course:	RELS3950 - Religion, Morality, and Film
Instructor:	Ruprecht
Number of Chapters Used:	1
Page Range Distributed (# pages):	49-75 (27 pages)
Percent Copied:	6.5%
Retail List Price (New):	\$49.95
Licensing Cost Per Student:	\$3.24
Class Size / Licensing Cost for Class:	43 (\$142.32)
Books Allegedly Required for Purchase:	Pre-Code Hollywood (Doherty); Where the Girls Are (Douglas); Essential Brakhage (McPherson); Essential Deren (McPherson); Morality and Literacy (Ong); Leni Riefenstahl: Memoir (Riefenstahl); Regarding the Pain of Others (Sontag); For Documentary (Vaughan)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided;
- Work has 497 pages rather than 418; Percentage used is 5.4% rather than 6.5%;
- No assignment of copyright to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	The Gendered Society Reader
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 6-912-360
Description of Work (incl. # pgs./chs.):	Interdisciplinary analysis of gender differences. 38 chapters, 606 pages**
Relevant Course:	SOCI3216 - Gender and Society
Instructor:	Marni Kahn Brown
Number of Chapters Used:	2 (plus part of additional chapter)
Page Range Distributed (# pages):	41-48; 235-260; 478-489 (46 pages)
Percent Copied:	7.6%
Retail List Price (New):	\$52.95
Licensing Cost Per Student:	\$5.64
Class Size / Licensing Cost for Class:	46 (\$262.44)
Books Allegedly Required for Purchase:	Kaleidoscope of Gender (Spade & Valentine)

Defendants' Objection(s) to Alleged Infringement

- No deposit copy provided;
- Work has 650 pages rather than 606; Percentage copied is 7.1% rather than 7.6%;
- No assignment of copyright to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that provision of a “deposit copy” is relevant; work is in Defendants' possession.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	The Gendered Society Reader
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 6-912-360
Description of Work (incl. # pgs./chs.):	Interdisciplinary analysis of gender differences. 38 chapters, 606 pages**
Relevant Course:	SOCI3216 - Gender and Society
Instructor:	Markle
Number of Chapters Used:	2
Page Range Distributed (# pages):	14-25 478-489 (24 pages)
Percent Copied:	4%
Retail List Price (New):	\$52.95
Licensing Cost Per Student:	\$2.88
Class Size / Licensing Cost for Class:	48 (\$141.24)

Defendants' Objection(s) to Alleged Infringement

- No deposit copy provided;
- Work has 650 pages rather than 606; Percentage used is 3.7% rather than 4%;
- No assignment of copyright to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that provision of a “deposit copy” is relevant; work is in Defendants' possession.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	The Power Elite
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 6-941-020, A00000236642
Description of Work (incl. # pgs./chs.):	Analysis of C. Wright Mills's legendary work accompanied by original discussion. 15 chapters, 362 pages
Relevant Course:	SOCI8030 - Sociological Theory I
Instructor:	(Harvey)
Number of Chapters Used:	2
Page Range Distributed (# pages):	269-297 298-324 (56 pages)
Percent Copied:	15.5%
Retail List Price (New):	\$19.95
Licensing Cost Per Student:	\$6.72
Class Size / Licensing Cost for Class:	16 (\$110.52)
Books Allegedly Required for Purchase:	Classical Sociological Theory; Social Theory (Goodwin); Social Theory (Kivisto)

Defendants' Objection(s) to Alleged Infringement

- Work has 448 pages rather than 362; Percentage used is 12.5% rather than 15.5%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Social Theory: Roots and Branches Readings (3d edition)
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 6-895-280
Description of Work (incl. # pgs./chs.):	Comprehensive analysis of current sociological theory, including a section on race, ethnicity, and nationalism. 78 chapters, 612 pages
Relevant Course:	SOCI8030 - Sociological Theory I
Instructor:	Harvey
Number of Chapters Used:	4
Page Range Distributed (# pages):	137-142; 148-163; 473-479; 490-521 (32 pages)
Percent Copied:	5.2%
Retail List Price (New):	\$64.95 (paper)
Licensing Cost Per Student:	\$3.84
Class Size / Licensing Cost for Class:	16 (\$64.44)
Books Allegedly Required for Purchase:	Classical Sociological Theory; Social Theory (Goodwin); Social Theory (Kivisto)

Defendants' Objection(s) to Alleged Infringement

- No deposit copy provided
- Work has 640 pages rather than 612; Percentage used is 5.0% rather than 5.2%
- No assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that provision of a "deposit copy" is relevant; work is in Defendants' possession.
- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Challenges of the Third Age: Meaning and Purpose in Later Life
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 5-458-293, TX 5-506-288
Description of Work (incl. # pgs./chs.):	Interdisciplinary analysis of finding meaning in life after retirement. 9 chapters, 198 pages
Relevant Course:	SOCI8116 - Sociology of Aging
Instructor:	Perkins
Number of Chapters Used:	1
Page Range Distributed (# pages):	81-114 (34 pages)
Percent Copied:	17.2%
Retail List Price (New):	\$30.00
Licensing Cost Per Student:	\$4.08
Class Size / Licensing Cost for Class:	16 (\$68.28)
Books Allegedly Required for Purchase:	Communities of Care (Ball); Gender, Social Inequalities and Aging (Calasanti); And a Time to Die (Kaufman); Intersections of Aging (Markson & Sawyer); A Different Shade of Gray (Neuman)

Defendants' Objection(s) to Alleged Infringement

- Work has 216 pages rather than 198; percentage used is 15.7% rather than 17.2%;
- no assignment of copyright to publisher provided

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that a full assignment of copyright to the publisher is necessary under 17 U.S.C. 501 and that an exclusive license is insufficient.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Neighborhoods and Health
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	TX 5-744-977
Description of Work (incl. # pgs./chs.):	Original research and analysis on how a neighborhood's characteristics affect the health of its residents. 15 chapters, 348 pages
Relevant Course:	SOCI8116 - Sociology of Aging
Instructor:	Perkins
Number of Chapters Used:	1
Page Range Distributed (# pages):	303-333 (31 pages)
Percent Copied:	8.9%
Retail List Price (New):	\$65.00
Licensing Cost Per Student:	\$3.72
Class Size / Licensing Cost for Class:	16 (\$62.52)
Books Allegedly Required for Purchase:	Communities of Care (Ball); Gender, Social Inequalities and Aging (Calasanti); And a Time to Die (Kaufman); Intersections of Aging (Markson & Sawyer); A Different Shade of Gray (Neuman)

Defendants' Objection(s) to Alleged Infringement

- Work has 365 pages rather than 348; percentage used is 8.8% rather than 9.2%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Social Determinants of Health
Copyright Owner (or Licensee):	Oxford
Copyright Registration Number:	Foreign work not requiring registration (17 U.S.C § 411(a))
Description of Work (incl. # pgs./chs.):	Comprehensive overview of the social and economic factors known to be the strongest determinants of a population's health in modern society. 16 chapters, 358 pages
Relevant Course:	SOCI8116 - Sociology of Aging
Instructor:	Perkins
Number of Chapters Used:	1
Page Range Distributed (# pages):	267-295 (29 pages)
Percent Copied:	8.1%
Retail List Price (New):	\$64.95
Licensing Cost Per Student:	\$3.48
Class Size / Licensing Cost for Class:	16 (\$58.68)
Books Allegedly Required for Purchase:	Communities of Care (Ball); Gender, Social Inequalities and Aging (Calasanti); And a Time to Die (Kaufman); Intersections of Aging (Markson & Sawyer); A Different Shade of Gray (Neuman)

Defendants' Objection(s) to Alleged Infringement

- No copyright registration provided;
- Work has 376 pages rather than 358; percentage used is 8.0% rather than 8.4%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute that 17 U.S.C. § 411(a) requires a registration for non-United States works first published in the United Kingdom.
- Plaintiffs dispute Defendants' calculation of percentages based on the inclusion of tables of contents, indexes, and other front and back matter.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	The SAGE Handbook of Qualitative Research (2nd edition)
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 5-220-475
Description of Work (incl. # pgs./chs.):	Original research and analysis concerning the theory and practice of qualitative inquiry. 36 chapters, 1065 pages
Relevant Course:	SW8200 - Evaluation and Technology
Instructor:	Ohmer
Number of Chapters Used:	1
Page Range Distributed (# pages):	803-820 (18 pages)
Percent Copied:	1.7%
Retail List Price (New):	\$175.00 (hard) (out of print)
Licensing Cost Per Student:	\$2.52
Class Size / Licensing Cost for Class:	42 (\$108.84)
Books Allegedly Required for Purchase:	SPSS for Social Workers (Blanksby); Program Evaluation (Royse)

Defendants' Objection(s) to Alleged Infringement

- Work has 1142 pages rather than 1065; Percentage used is 1.6% rather than 1.7%;
- No assignment of copyright to publisher provided (license only)

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter.
- Plaintiffs dispute that the copyright in the work was not assigned to the publisher.

Exhibit D: Alleged Infringement – Fall 2009

Title of Work:	Utilization-Focused Evaluation: The New Century Text (3rd edition)
Copyright Owner (or Licensee):	SAGE
Copyright Registration Number:	TX 6-990-823, TX 4-435-019
Description of Work (incl. # pgs./chs.):	Comprehensive overview of how and why to conduct program evaluations. 15 chapters, 386 pages
Relevant Course:	SW8200 - Evaluation and Technology
Instructor:	Ohmer
Number of Chapters Used:	2
Page Range Distributed (# pages):	1-38 (38 pages)
Percent Copied:	9.8%
Retail List Price (New):	\$115.00 (hard) \$77.95 (paper) (out of print)
Licensing Cost Per Student:	\$5.32
Class Size / Licensing Cost for Class:	42 (\$226.44)
Books Allegedly Required for Purchase:	SPSS for Social Workers (Blanksby); Program Evaluation (Royse)

Defendants' Objection(s) to Alleged Infringement

- Work has 447 pages rather than 386; Percentage used is 8.5% rather than 9.8%

Plaintiffs' Response to Objection(s)

- Plaintiffs dispute Defendants' calculation of pages and percentages based on the inclusion of tables of contents, indices, and other front and back matter. Plaintiffs dispute that the copyright in the work was not assigned to the publisher.