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

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

Plaintiffs,

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

-v.-

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

Defendants.

Videotaped deposition of

LOUIS A. RUPRECHT, JR., Ph.D., taken on behalf of the
plaintiffs, pursuant to the stipulations contained
herein, before Carole E. Poss, RDR, CRR, Certified
Court Reporter, at 1180 Peachtree Street, NE, Atlanta,
Georgia, on the 21st day of April, 2011, commencing at
the hour of 1:32 p.m.

SHUGART & BISHOP
Certified Court Reporters
13 Corporate Square
Suite 140
Atlanta, Georgia 30329
(770) 955-5252

1 I've completed this and put all the books on reserve
2 that I then just go to the computer -- I sort of have
3 the syllabus, and I just work through everything I've
4 marked as a reserve, and I make one by one all of my
5 requests at that time, both books and in this case the
6 chapter.

7 Q Understood. So when you did that process,
8 was the Zeitlin chapter one that you requested that the
9 library place on e-reserves?

10 A Yes, it was.

11 Q And in the process of doing that, did you
12 fill out a fair use checklist for that chapter?

13 A I worked through one. I carry -- because
14 we're going green, I don't make out a separate one for
15 each reading on the syllabus, but I have the master
16 with me, and I go through each fair use checklist and
17 then confirm that I've done so when I make the request.

18 Q So when you say you worked through it, what
19 do you mean?

20 A Well, it's like a two-page -- you know,
21 there's a whole cluster of questions, I think in four
22 different areas, and you sort of work through all of
23 them. And then at the end of that you have a pretty
24 clear conclusion about whether this falls within fair
25 use.

1 Q And so you -- I don't want to put words in
2 your mouth. You tell me if I'm understanding you
3 right. You, for each -- for the work you didn't
4 actually check the boxes on the list, but you looked at
5 it and sort of in your head made a determination of
6 which elements applied or which boxes you would check?

7 A Because we're going green, I don't print out
8 a separate checklist for each article anymore, but I
9 did make a mental checklist for each -- I mean, I work
10 through the process for each thing I do, I put on
11 e-reserve.

12 Q Okay. You work through it mentally but
13 without actually physically checking any boxes with a
14 pen?

15 A Correct, but with the master with me -- with
16 the syllabus and the master, sitting at a computer, I
17 make all of my e-reserve requests at the same time.

18 Q Understood. So at the time then there was
19 no -- at the end of that process, there was no printed
20 out, marked-up checklist specifically devoted to this
21 Zeitlin chapter, correct?

22 A That is correct.

23 Q And then when -- later, in the fall of 2010,
24 when you presented a checklist to counsel, or to the
25 university, you then did actually physically fill out a

1 all this stuff. I would assume that this is one of
2 the -- this was in the packet or part of our
3 orientation materials, but I can't say that I remember
4 looking at it then.

5 Q And just -- if you can flip through to --
6 you'll see the pages are numbered at the top up through
7 19?

8 A Yeah.

9 Q If you can flip to 7 to 19?

10 A Uh-huh, sure.

11 Q 7 of 19?

12 A Uh-huh.

13 Q Do you recognize that page?

14 A Yeah. This should be two pages, actually.
15 Yeah. This is the thing I have with me with my
16 syllabus when I start doing electronic reserve
17 requests.

18 Q And then you'll see, under "Instructions," it
19 says, "Complete and retain a copy of this checklist for
20 each fair use of a copyrighted work." I gather you --
21 from what you told me before, you did not do that,
22 correct?

23 A Not in 2009. I did when I first got here.
24 But as we've gone green and tried to reduce our
25 redundant paper output, I no longer do.