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

CAMBRIDGE UNIVERSITY )  
PRESS, et al., )  
 )  
 Plaintiffs, )  
 )  
 vs. ) Civil Action File  
 ) No. 1:08-CV-1425-ODE  
 MARK P. BECKER, in his )  
 official capacity as )  
 Georgia State University )  
 President, et al., )  
 )  
 Defendants. )

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Videotaped deposition of **PATRICIA DIXON**, taken on behalf of the plaintiffs, pursuant to the stipulations contained herein, before Teresa Bishop, RPR, RMR, CCR No. B-307, at 104 Marietta Street, 3rd floor, Executive Conference Room, Atlanta, Georgia, on Wednesday, **February 2, 2011**, commencing at the hour of 11:03 a.m.

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

1 that you use when you submit them to the library?

2 A. Yes.

3 Q. You filled them out electronically again?

4 A. Yes.

5 Q. And when you did that, did you attempt to  
6 remember what you had done before and like literally  
7 recreate what you had done before or did you basically  
8 just fill them out again, you know, using your judgment  
9 at the time you filled them out?

10 A. Probably a little bit of both. Probably both.

11 Q. So you were attempting in some ways to  
12 remember what you did the first time and duplicate it?

13 A. Yes. Yeah. But you know, making sure --  
14 because when you read it, you know, you may -- you have  
15 to read it again just to make sure kind of did you  
16 interpret it correctly and that.

17 So I'm sure you can't tell what you did  
18 more of. I'm sure both of those played into how I  
19 filled it out. I mean, I can't say I did one or the  
20 other completely.

21 Q. You can't say that the checklist you filled  
22 out just this past November is identical to the  
23 checklist you filled out at the beginning of the fall  
24 2009 semester, correct?

25 A. Yeah, I can't say that.

1           Q.    I'll give you what's been marked as Dixon 14.  
2   Do you recognize this as a checklist that you -- one of  
3   these checklists that you recreated and it looks like  
4   November 22 of 2010?

5           A.    Yes.

6           Q.    And this is for the Blassingame chapter, is  
7   that right?

8           A.    Yes.

9           Q.    Take a look, if you would, down at the factor  
10   1, purpose and character of the use. And I see here  
11   that you checked nonprofit educational, and teaching  
12   including multiple copies for classroom use.

13                   Do you see that?

14           A.    Yes.

15           Q.    Just tell me why did you check those two  
16   boxes?

17           A.    Because I'm assuming Georgia State is  
18   nonprofit, but I'm not sure. I know they have a  
19   nonprofit department. And then teaching, well, I use it  
20   for teaching.

21           Q.    And is there -- is there a difference between  
22   those two boxes in your mind?

23           A.    Yeah.

24           Q.    What's the difference?

25           A.    I mean, there could be a difference.

1           A.    No, we can keep going.

2                   MR. LARSON:  Tape change.  We'll take  
3                   just a couple minutes for him to change the  
4                   tape.

5                   THE VIDEOGRAPHER:  Off the record at  
6                   1:25.

7                                   (Discussion off the record.)

8                   THE VIDEOGRAPHER:  This is tape 3.  
9                   We're back on the record at 1:30.

10           BY MR. LARSON:

11                   Q.    I'm going to give you what's been marked as  
12                   Dixon 15.

13                                   MR. ASKEW:  Exhibit 15?

14                                   MR. LARSON:  Yeah.

15           BY MR. LARSON:

16                   Q.    This appears to be a checklist for the  
17                   Blassingame work that we were just discussing in Dixon  
18                   14, although the date here is November 29 rather than  
19                   November 22nd.  Can you tell me what this document is?

20                   A.    What happened -- is that the same -- yeah,  
21                   what happened was I had sent the -- I think to Ms. Pratt  
22                   the first one, I gave her the checklist, I tried to  
23                   combine them into one file, and she only got -- somehow  
24                   the file got screwed up and she only got the first page  
25                   of this one, I think.

1           Okay, yeah. I tried to combine all the forms  
2 into one PDF file, but for some reason she only got the  
3 first chapter, the first page or the first two pages and  
4 so I had to go back. Because once you save them as a  
5 PDF file you can't go back in and change them. Or could  
6 you? I can't remember why I went back and -- I'm  
7 thinking I thought that I had to fill it out again. I  
8 just don't remember rather.

9           Q. In any event, you actually filled out --

10          A. I recreated it again.

11          Q. You did it a second time?

12          A. Right.

13          Q. Or a third time I guess.

14          A. Right.

15          Q. So taking a look down if you would for me on  
16 Dixon 15, that factor 1 under the second box, teaching  
17 here is not checked whereas it was checked in Dixon 14.

18          A. Uh-huh.

19          Q. Can you tell me why you didn't check it when  
20 you did this the second time?

21          A. I'm thinking that -- I think when I looked at  
22 it again I interpreted it differently.

23          Q. How so?

24          A. Because I think because it said multiple  
25 copies. And it could have been that or it could have

1       been -- I think I went back and forth with this one. I  
2       just knew I wasn't making multiple copies, so I thought  
3       that was inclusive, meaning it included that question.

4           Q.     So that if you were -- in other words, meaning  
5       you had to be making multiple copies in order to check  
6       that box?

7           A.     Right, I think that's how I interpreted it the  
8       second time I looked at it.

9           Q.     And what caused the change in interpretation  
10      from the first checklist in Dixon 14 to the second one  
11      in Dixon 14?

12          A.     It could be reading it over and over again,  
13      the more you read and the more you interpret and that's  
14      what happens when you keep reading something.

15          Q.     If you could turn over to the next page. And  
16      here looking under factor 4, the third box on the left,  
17      no similar products marketed by the copyright holder.  
18      You see that?

19          A.     Uh-huh.

20          Q.     In the Dixon 15 version you've checked that  
21      box whereas you didn't check it in the Dixon 14 version.  
22      Can you tell me why?

23          A.     Again, it could be, you know, again, as you  
24      read this stuff you get more -- you put more into it and  
25      you start thinking more. And it may have been -- it

1 could have been an oversight with this one.

2 Q. With this one, which one do you mean?

3 A. I'm not sure if it was oversight or if it  
4 was -- I'm not sure. I know that -- I'm not sure if it  
5 was an oversight on this one.

6 Q. Well, let me ask it. Sitting here now which  
7 one do you think is proper, with no similar product  
8 checked or not checked?

9 A. I can't say. Let me just tell you why. Okay.  
10 You can research and research and you can --  
11 sometimes you find things and sometimes you don't. All  
12 right. So I may have thought that, well, how do I know  
13 on the first one that there's no -- I don't know where,  
14 but my thinking is how do you know there's not another  
15 product. You can search and not find it or --

16 So I may have thought that there was nothing  
17 else based on my research, based on what I've already  
18 done, based on the research that I've done that I didn't  
19 see anything that was similar to it as to why I checked  
20 this.

21 Q. And my question isn't why you checked it on  
22 November 29th. My question is given one time you filled  
23 out the form you didn't check it and one time you filled  
24 out the form and you did check it, which one do you  
25 believe sitting here right now is the proper version?



1           Should it be checked or not?

2           A.    It should be checked.

3           Q.    It should be.    Okay.

4                   And then looking down to the second to the  
5           last box on the left, user lawfully acquired or  
6           purchased copy of original work.    That was checked on  
7           the November 22nd version Dixon 14 but not checked on  
8           the November 29th version, Dixon 15.

9           A.    That should be checked.

10          Q.    And just oversight that you didn't check it on  
11          the 29th?

12          A.    Uh-huh.    Yes.

13          Q.    And sitting here you can't say whether either  
14          of the November 22nd or the November 29th version is  
15          identical to the original version you created back at  
16          the beginning of the semester in 2009, correct?

17          A.    Correct.

18          Q.    I'll give you Dixon 16, 17 and 18.    You'll be  
19          happy to know we're not going to go through these in  
20          excruciating detail.

21                   I just want to confirm, Dixon 16, can you  
22          confirm for me that this is the checklist, recreated  
23          checklist you did for the Tatum chapter of "Black  
24          Families"?

25          A.    Yes.