

# **EXHIBIT B**

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.	)	

- - -

Videotaped deposition of N. LEE ORR, Ph.D.,  
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, SB-2  
Conference Room, Atlanta, Georgia, on Friday, February  
4, 2011, commencing at the hour of 12:66 p.m.

---

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

1           Q.    You checked personal study or determined that  
2           personal study applied.

3                    Tell me what your thinking was there?

4           A.    Yes, that each one of them has to study it on  
5           their own outside of class.

6           Q.    And you checked use or determined that use is  
7           necessary to achieve your intended educational purpose  
8           applied.

9                    Tell me why you determined or thought that  
10          that applied?

11          A.    Because in class we don't have enough time to  
12          go into that detail of understanding the sonata, so we  
13          talk about the important things and then they can read  
14          that further in their reading.

15          Q.    And so you viewed the reading as necessary to  
16          achieve your --

17          A.    Yes.

18          Q.    Your purpose?

19          A.    Yes.

20          Q.    Would you have assigned a reading that was not  
21          necessary to achieve your educational purpose?

22          A.    At times as the semester goes on and we run  
23          out of time, I take things off required reading. Most  
24          of them are necessary. Any ones I pick are necessary.  
25          They just may not have to read them all.

1 Q. Because of time concerns?

2 A. Uh-huh.

3 Q. The six factors here, six sub factors that you  
4 just identified as applying to this particular excerpt,  
5 is it the case that when you've gone through this  
6 exercise of looking at the checklist with respect to  
7 your other works that you've used, that you've  
8 determined that those same six apply in all those other  
9 instances as well?

10 A. Yes, the ones I pick.

11 Q. And in the weighs against fair use column with  
12 respect to this list, excerpt we're looking at, when you  
13 filled out the checklist or when you looked at the  
14 checklist at the time you wanted to use that work, did  
15 you determine that any of the factors on that side, the  
16 right hand side applied?

17 A. Yes, the nontransformative.

18 Q. Any others?

19 A. No.

20 Q. And in looking at the checklist in relation to  
21 any of the other works that you've used on EReserves, do  
22 you recall for any of those other works ever determining  
23 that any of these other factors in the weighs against  
24 fair use column applied to the other works?

25 A. No.