

O. Professor Melinda Hartwig

730. Professor Melinda Hartwig is currently employed as a professor at Georgia State University.

731. Professor Hartwig has encountered a situation where the library has rejected a request to place an excerpt on Georgia State University's ERes system because the portion Professor Hartwig attempted to place on ERes was too large.

732. When determining whether to even consider performing the fair use analysis for an excerpt to be posted to the ERes system, Professor Hartwig mentally performed a fair use analysis, and if she believed based on that preliminary analysis that her use would not constitute fair use, Professor Hartwig did not perform further analysis, and did not attempt to place her chosen excerpt on ERes.

1) **AH4900 – MATERIALITY OF EGYPTIAN PAINTING – FALL 2009**

733. Professor Hartwig taught AH4900 during Fall 2009.

734. Thirteen students enrolled in Professor Hartwig's section of AH4900.

735. Professor Hartwig required her students to purchase Colour and Painting in Ancient Egypt (Vivian) for AH4900.

i. **Ancient Egyptian Materials and Technology**

736. Professor Hartwig used excerpts from the work **Ancient Egyptian Materials and Technology** while teaching AH4900 during Fall 2009.

737. **Ancient Egyptian Materials and Technology** is published by Cambridge.

738. **Ancient Egyptian Materials and Technology** is 732 pages long.

739. **Ancient Egyptian Materials and Technology** is a collective work made up of works from several different contributors.

740. **Ancient Egyptian Materials and Technology** was first published on March 23, 2000.

741. An application to register **Ancient Egyptian Materials and Technology** was filed with the U.S. Copyright Office on December 27, 2010, 10 years after the date of **Ancient Egyptian Materials and Technology**'s first publication.

742. Professor Hartwig prepared a fair use checklist prior to requesting that the library put the excerpts of the work on Georgia State University's ERes system.

743. Professor Hartwig misplaced her fair use checklist, and recreated a fair use checklist that fairly and accurately represents the initial fair use checklist that she filled out for the excerpt of **Ancient Egyptian Materials and Technology**.

744. The excerpts of **Ancient Egyptian Materials and Technology** that were placed on Georgia State University's ERes system totaled 28 pages, and constituted parts of two separate chapters and 3.8% of the work.

745. The excerpts of **Ancient Egyptian Materials and Technology** that were placed on Georgia State University's ERes system was used for a nonprofit, educational purpose. Namely, the excerpt was used as part of Professor Hartwig's course materials for the purpose of teaching her class, and neither Professor Hartwig, Georgia State University, nor the named defendants profited from the use of the excerpt of **Ancient Egyptian Materials and Technology**.

746. The excerpts of **Ancient Egyptian Materials and Technology** that were placed on Georgia State University's ERes system was not used for commercial purposes.

747. The excerpts of **Ancient Egyptian Materials and Technology** that were placed on Georgia State University's ERes system were used by Professor Hartwig for the purpose of teaching the students in her course.

748. Neither Georgia State University, Professor Hartwig, nor the named Defendants profited from the use of the excerpts of **Ancient Egyptian Materials and Technology** that was placed on Georgia State University's ERes system.

749. Professor Hartwig did not use the excerpts of **Ancient Egyptian Materials and Technology** that she placed on Georgia State University's ERes system for the purpose of entertainment.

750. Professor Hartwig's use of the excerpts of **Ancient Egyptian Materials and Technology** that she placed on Georgia State University's ERes system was necessary to achieve her intended educational purpose.

751. Professor Hartwig did not publish or publicly distribute the excerpts of **Ancient Egyptian Materials and Technology** that she placed on Georgia State University's ERes system.

752. Professor Hartwig's use of the excerpts of **Ancient Egyptian Materials and Technology** that she placed on Georgia State University's ERes system did not exceed her intended educational purpose.

753. **Ancient Egyptian Materials and Technology** is a published work.

754. **Ancient Egyptian Materials and Technology** is a factual work of nonfiction.

755. The excerpts of **Ancient Egyptian Materials and Technology** that Professor Hartwig used in her course were important to her educational objectives.

756. The excerpts of **Ancient Egyptian Materials and Technology** that Professor Hartwig used in her course amounts to 3.8% of the work, and as such, was a small portion of **Ancient Egyptian Materials and Technology**.

757. The excerpts of **Ancient Egyptian Materials and Technology** that Professor Hartwig used in her course were not central to the work because **Ancient Egyptian Materials and Technology** is a collection of articles, and, as such, does not have a central or heart of the work.

758. The excerpts of **Ancient Egyptian Materials and Technology** that Professor Hartwig used in her course was narrowly tailored for Professor Hartwig's educational purpose.

759. Professor Hartwig's use of the excerpts of **Ancient Egyptian Materials and Technology** did not have a significant effect on the market or potential market for the copyrighted work because the ERes excerpt was restricted to his/her class.

760. Professor Hartwig's use of the excerpts of **Ancient Egyptian Materials and Technology** stimulated the market for the original work because her use would stimulate her students to buy the work.

761. The publisher of **Ancient Egyptian Materials and Technology** does not market any similar product.

762. **Ancient Egyptian Materials and Technology** is no longer in print.

763. Licensing or permission for **Ancient Egyptian Materials and Technology** is unavailable.

764. A small number of copies of the excerpts of **Ancient Egyptian Materials and Technology** were distributed—specifically, the ERes records indicate that the work was accessed 25 times.

765. Access to the excerpts of **Ancient Egyptian Materials and Technology** was limited to the students in the class by a password protected website.

766. The excerpt of **Ancient Egyptian Materials and Technology** was removed from the ERes system after the semester ended.

767. Professor Hartwig lawfully owns a copy of **Ancient Egyptian Materials and Technology**.