

R. Professor Youjin Kim

1275. Professor Kim is currently employed as a professor at Georgia State University.

1276. Professor Kim 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 Kim attempted to place on ERes was too large.

1277. When determining whether to even consider performing the fair use analysis for an excerpt, Professor Kim mentally performed a fair use analysis, and if she believed based on that preliminary analysis that her use would not constitute fair use, Professor Kim did not perform further analysis, and did not attempt to place her chosen excerpt on ERes.

1) **AL8500 – Second Language Evaluation and Assessment – Fall 2009**

1278. Professor Kim taught AL8550 during Fall 2009.

1279. Sixteen students enrolled in Professor Kim's section of AL8500.

1280. Professor Kim required her students to purchase Language Assessment (Brown) for AL8500.

2) **Criterion-Referenced Language Testing**

1281. Professor Kim used an excerpt from the work **Criterion-Referenced Language Testing** while teaching AL8550 during Fall 2009.

1282. Criterion-Referenced Language Testing is published by Cambridge.

1283. Criterion-Referenced Language Testing is 336 pages long.

1284. **Criterion-Referenced Language Testing** was first published on May 20, 2002.

1285. An application to register **Criterion-Referenced Language Testing** was filed with the U.S. Copyright Office on December 27, 2010, eight years after the date of **Criterion-Referenced Language Testing's** first publication.

1286. Professor Kim prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's ERes system.

1287. The excerpt of **Criterion-Referenced Language Testing** that was placed on Georgia State University's ERes system was 48 pages long, and constituted one chapter and 14.3% of the work.

1288. The excerpt of **Criterion-Referenced Language Testing** that was placed on Georgia State University's ERes system was used for a nonprofit, educational purpose. Namely, the excerpt was used as part of Professor Kim's course materials for the purpose of teaching her class, and neither Professor Kim, Georgia State University, nor the named defendants profited from the use of the excerpt of **Criterion-Referenced Language Testing**.

1289. The excerpt of **Criterion-Referenced Language Testing** that was placed on Georgia State University's ERes system was not used for commercial purposes.

1290. The excerpt of **Criterion-Referenced Language Testing** that was placed on Georgia State University's ERes system was used by Professor Kim for the purpose of teaching the students in her course.

1291. Neither Georgia State University, Professor Kim, nor the named Defendants profited from the use of the excerpt of **Criterion-Referenced Language Testing** that was placed on Georgia State University's ERes system.

1292. Professor Kim used the excerpt of **Criterion-Referenced Language Testing** that she placed on Georgia State University's ERes system for the purpose of research and scholarship.

1293. Professor Kim did not use the excerpt of **Criterion-Referenced Language Testing** that she placed on Georgia State University's ERes system for the purpose of entertainment.

1294. Professor Kim used the excerpt of **Criterion-Referenced Language Testing** that she placed on Georgia State University's ERes system for the purpose of criticism and/or comment.

1295. Professor Kim's use of the excerpt of **Criterion-Referenced Language Testing** that she placed on Georgia State University's ERes system was for personal study.

1296. Professor Kim's use of the excerpt of **Criterion-Referenced Language Testing** that she placed on Georgia State University's ERes system was necessary to achieve her intended educational purpose.

1297. Professor Kim did not publish or publicly distribute the excerpt of **Criterion-Referenced Language Testing** that she placed on Georgia State University's ERes system.

1298. Professor Kim's use of the excerpt of **Criterion-Referenced Language Testing** that she placed on Georgia State University's ERes system did not exceed her intended educational purpose because.

1299. Criterion-Referenced Language Testing is a published work.

1300. Criterion-Referenced Language Testing is a factual work of nonfiction.

1301. The excerpt of **Criterion-Referenced Language Testing** that Professor Kim used in her course was important to her educational objectives.

1302. The excerpt of **Criterion-Referenced Language Testing** that Professor Kim used in her course amounts to 14.3% of the work, and as such, was a small portion of **Criterion-Referenced Language Testing**.

1303. The excerpt of **Criterion-Referenced Language Testing** that Professor Kim used in her course was not central to the work.

1304. The excerpt of **Criterion-Referenced Language Testing** that Professor Kim used in her course was narrowly tailored for Professor Kim's educational purpose.

1305. Professor Kim's use of the excerpt of **Criterion-Referenced Language Testing** did not have a significant effect on the market or potential market for the copyrighted.

1306. Professor Kim's use of the excerpt of **Criterion-Referenced Language Testing** stimulated the market for the original work.

1307. The publisher of **Criterion-Referenced Language Testing** does not market any similar product.

1308. A small number of copies of the excerpt of **Criterion-Referenced Language Testing** were distributed—specifically, the ERes records indicate that the work was accessed one time.

1309. Access to the excerpt of **Criterion-Referenced Language Testing** was limited to the students in the class by a password protected website.

1310. The excerpt of **Criterion-Referenced Language Testing** was removed from the ERes system after the semester ended.

1311. Professor Kim lawfully owns a copy of **Criterion-Referenced Language Testing**.

3) **Assessing Grammar**

1312. Professor Kim used an excerpt from the work **Assessing Grammar** while teaching AL8550 during Fall 2009.

1313. **Assessing Grammar** is published by Cambridge.

1314. **Assessing Grammar** is 317 pages long.

1315. **Assessing Grammar** was first published on November 18, 2004.

1316. An application to register **Assessing Grammar** was filed with the U.S. Copyright Office on December 27, 2010, six years after the date of **Assessing Grammar**'s first publication.

1317. Professor Kim prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's ERes system.

1318. The excerpt of **Assessing Grammar** that was placed on Georgia State University's ERes system was 80 pages long, and constituted two chapters and 25.2% of the work.

1319. The excerpt of **Assessing Grammar** that was placed on Georgia State University's ERes system was used for a nonprofit, educational purpose. Namely, the excerpt was used as part of Professor Kim's course materials for the purpose of teaching her class, and neither Professor Kim, Georgia State University, nor the named defendants profited from the use of the excerpt of **Assessing Grammar**.

1320. The excerpt of **Assessing Grammar** that was placed on Georgia State University's ERes system was not used for commercial purposes.

1321. The excerpt of **Assessing Grammar** that was placed on Georgia State University's ERes system was used by Professor Kim for the purpose of teaching the students in her course.

1322. Neither Georgia State University, Professor Kim, nor the named Defendants profited from the use of the excerpt of **Assessing Grammar** that was placed on Georgia State University's ERes system.

1323. Professor Kim used the excerpt of **Assessing Grammar** that she placed on Georgia State University's ERes system for the purpose of research and scholarship.

1324. Professor Kim did not use the excerpt of **Assessing Grammar** that she placed on Georgia State University's ERes system for the purpose of entertainment.

1325. Professor Kim used the excerpt of **Assessing Grammar** that she placed on Georgia State University's ERes system for the purpose of criticism and/or comment.

1326. Professor Kim's use of the excerpt of **Assessing Grammar** that she placed on Georgia State University's ERes system was for personal study.

1327. Professor Kim's use of the excerpt of **Assessing Grammar** that she placed on Georgia State University's ERes system was necessary to achieve her intended educational purpose.

1328. Professor Kim did not publish or publicly distribute the excerpt of **Assessing Grammar** that she placed on Georgia State University's ERes system.

1329. Professor Kim's use of the excerpt of **Assessing Grammar** that she placed on Georgia State University's ERes system did not exceed her intended educational purpose.

1330. **Assessing Grammar** is a published work.

1331. **Assessing Grammar** is a factual work of nonfiction.

1332. The excerpt of **Assessing Grammar** that Professor Kim used in her course was important to her educational objectives.

1333. The excerpt of **Assessing Grammar** that Professor Kim used in her course amounts to 25.2% of the work, and as such, was a small portion of **Assessing Grammar**.

1334. The excerpt of **Assessing Grammar** that Professor Kim used in her course was not central to the work.

1335. The excerpt of **Assessing Grammar** that Professor Kim used in her course was narrowly tailored for Professor Kim's educational purpose.

1336. Professor Kim's use of the excerpt of **Assessing Grammar** did not have a significant effect on the market or potential market for the copyrighted.

1337. Professor Kim's use of the excerpt of **Assessing Grammar** stimulated the market for the original work.

1338. The publisher of **Assessing Grammar** does not market any similar product.

1339. A small number of copies of the excerpt of **Assessing Grammar** were distributed—specifically, the ERes records indicate that the work was accessed one time.

1340. Access to the excerpt of **Assessing Grammar** was limited to the students in the class by a password protected website.

1341. The excerpt of **Assessing Grammar** was removed from the ERes system after the semester ended.

1342. Professor Kim lawfully owns a copy of **Assessing Grammar**.

1343. **Assessing Reading**

1344. Professor Kim used an excerpt from the work **Assessing Reading** while teaching AL8550 during Fall 2009.

1345. **Assessing Reading** is published by Cambridge.

1346. **Assessing Reading** is 413 pages long.

1347. No application to register **Assessing Reading** was ever filed with the U.S. Copyright Office.

1348. Professor Kim prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's uLearn system.

1349. The excerpt of **Assessing Reading** that was placed on Georgia State University's uLearn system was 69 pages long, and constituted two chapters and 16.7% of the work.

1350. The excerpt of **Assessing Reading** that was placed on Georgia State University's uLearn system was used for a nonprofit, educational purpose. Namely, the excerpt was used as part of Professor Kim's course materials for the purpose of teaching her class, and neither Professor Kim, Georgia State University, nor the named defendants profited from the use of the excerpt of **Assessing Reading**.

1351. The excerpt of **Assessing Reading** that was placed on Georgia State University's uLearn system was not used for commercial purposes.

1352. The excerpt of **Assessing Reading** that was placed on Georgia State University's uLearn system was used by Professor Kim for the purpose of teaching the students in her course.

1353. Neither Georgia State University, Professor Kim, nor the named Defendants profited from the use of the excerpt of **Assessing Reading** that was placed on Georgia State University's uLearn system.

1354. Professor Kim used the excerpt of **Assessing Reading** that she placed on Georgia State University's uLearn system for the purpose of research and scholarship.

1355. Professor Kim did not use the excerpt of **Assessing Reading** that she placed on Georgia State University's uLearn system for the purpose of entertainment.

1356. Professor Kim used the excerpt of **Assessing Reading** that she placed on Georgia State University's uLearn system for the purpose of criticism and/or comment.

1357. Professor Kim's use of the excerpt of **Assessing Reading** that she placed on Georgia State University's uLearn system was for personal study.

1358. Professor Kim's use of the excerpt of **Assessing Reading** that she placed on Georgia State University's uLearn system was necessary to achieve her intended educational purpose.

1359. Professor Kim did not publish or publicly distribute the excerpt of **Assessing Reading** that she placed on Georgia State University's uLearn system.

1360. Professor Kim's use of the excerpt of **Assessing Reading** that she placed on Georgia State University's uLearn system did not exceed her intended educational purpose.

1361. **Assessing Reading** is a published work.

1362. **Assessing Reading** is a factual work of nonfiction.

1363. The excerpt of **Assessing Reading** that Professor Kim used in her course was important to her educational objectives.

1364. The excerpt of **Assessing Reading** that Professor Kim used in her course amounts to 16.7% of the work, and as such, was a small portion of **Assessing Reading**.

1365. The excerpt of **Assessing Reading** that Professor Kim used in her course was not central to the work.

1366. The excerpt of **Assessing Reading** that Professor Kim used in her course was narrowly tailored for Professor Kim's educational purpose.

1367. Professor Kim's use of the excerpt of **Assessing Reading** did not have a significant effect on the market or potential market for the copyrighted.

1368. Professor Kim's use of the excerpt of **Assessing Reading** stimulated the market for the original work.

1369. The publisher of **Assessing Reading** does not market any similar product.

1370. A small number of copies of the excerpt of **Assessing Reading** were distributed—Professor Kim's class had sixteen students.

1371. Access to the excerpt of **Assessing Reading** was limited to the students in the class by a password protected website.

1372. Professor Kim lawfully owns a copy of **Assessing Reading**.

4) **Fundamental Considerations in Language Testing**

1373. Professor Kim used an excerpt from the work **Fundamental Considerations in Language Testing** while teaching AL8550 during Fall 2009.

1374. **Fundamental Considerations in Language Testing** is published by Oxford.

1375. **Fundamental Considerations in Language Testing** is 420 pages long.

1376. **Fundamental Considerations in Language Testing** is not owned by Oxford by an assignment.

1377. *Fundamental Considerations in Language Testing* was first published on April 19, 1990.

1378. An application to register **Fundamental Considerations in Language Testing** was filed with the U.S. Copyright Office on March 15, 2011, nearly eleven years after the date of **Fundamental Considerations in Language Testing**'s first publication.

1379. Professor Kim prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's uLearn system.

1380. The excerpt of **Fundamental Considerations in Language Testing** that was placed on Georgia State University's uLearn system was 30 pages long, and constituted two chapters and 7.1% of the work.

1381. The excerpt of **Fundamental Considerations in Language Testing** that was placed on Georgia State University's uLearn system was used for a nonprofit, educational purpose. Namely, the excerpt was used as part of Professor Kim's course materials for the purpose of teaching her class, and neither Professor Kim, Georgia State University, nor the named defendants profited from the use of the excerpt of **Fundamental Considerations in Language Testing**.

1382. The excerpt of **Fundamental Considerations in Language Testing** that was placed on Georgia State University's uLearn system was not used for commercial purposes.

1383. The excerpt of **Fundamental Considerations in Language Testing** that was placed on Georgia State University's uLearn system was used by Professor Kim for the purpose of teaching the students in her course.

1384. Neither Georgia State University, Professor Kim, nor the named Defendants profited from the use of the excerpt of **Fundamental Considerations in Language Testing** that was placed on Georgia State University's uLearn system.

1385. Professor Kim used the excerpt of **Fundamental Considerations in Language Testing** that she placed on Georgia State University's uLearn system for the purpose of research and scholarship.

1386. Professor Kim use of the excerpt of **Fundamental Considerations in Language Testing** that she placed on Georgia State's uLearn system was of a transformative nature.

1387. Professor Kim did not use the excerpt of **Fundamental Considerations in Language Testing** that she placed on Georgia State University's uLearn system for the purpose of entertainment.

1388. Professor Kim used the excerpt of **Fundamental Considerations in Language Testing** that she placed on Georgia State University's uLearn system for the purpose of criticism and/or comment.

1389. Professor Kim's use of the excerpt of **Fundamental Considerations in Language Testing** that she placed on Georgia State University's uLearn system was for personal study.

1390. Professor Kim's use of the excerpt of **Fundamental Considerations in Language Testing** that she placed on Georgia State University's uLearn system was necessary to achieve her intended educational purpose.

1391. Professor Kim did not publish or publicly distribute the excerpt of **Fundamental Considerations in Language Testing** that she placed on Georgia State University's uLearn system.

1392. Professor Kim's use of the excerpt of **Fundamental Considerations in Language Testing** that she placed on Georgia State University's uLearn system did not exceed her intended educational purpose.

1393. **Fundamental Considerations in Language Testing** is a published work.

1394. *Fundamental Considerations in Language Testing* is a factual work of nonfiction.

1395. The excerpt of **Fundamental Considerations in Language Testing** that Professor Kim used in her course was important to her educational objectives.

1396. The excerpt of **Fundamental Considerations in Language Testing** that Professor Kim used in her course amounts to 7.1% of the work, and as such, was a small portion of **Fundamental Considerations in Language Testing**.

1397. The excerpt of **Fundamental Considerations in Language Testing** that Professor Kim used in her course was not central to the work.

1398. The excerpt of **Fundamental Considerations in Language Testing** that Professor Kim used in her course was narrowly tailored for Professor Kim's educational purpose.

1399. Professor Kim's use of the excerpt of **Fundamental Considerations in Language Testing** did not have a significant effect on the market or potential market for the copyrighted.

1400. Professor Kim's use of the excerpt of **Fundamental Considerations in Language Testing** stimulated the market for the original work.

1401. The publisher of **Fundamental Considerations in Language Testing** does not market any similar product.

1402. A small number of copies of the excerpt of **Fundamental Considerations in Language Testing** were distributed—Professor Kim’s class had sixteen students.

1403. Access to the excerpt of **Fundamental Considerations in Language Testing** was limited to the students in the class by a password protected website.

1404. Professor Kim lawfully owns a copy of **Fundamental Considerations in Language Testing**.

1405. **Language Testing in Practice**

1406. Professor Kim used an excerpt from the work **Language Testing in Practice** while teaching AL8550 during Fall 2009.

1407. **Language Testing in Practice** is published by Oxford.

1408. **Language Testing in Practice** is 383 pages long.

1409. **Language Testing in Practice** is not owned by Oxford by an assignment.

1410. **Language Testing in Practice** was first published on September 12, 1996.

1411. An application to register **Language Testing in Practice** was filed with the U.S. Copyright Office on March 15, 2011, fourteen years after the date of **Language Testing in Practice's** first publication.

1412. Professor Kim prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's uLearn system.

1413. The excerpt of **Language Testing in Practice** that was placed on Georgia State University's uLearn system was 54 pages long, and constituted three chapters and 14.1% of the work.

1414. The excerpt of **Language Testing in Practice** that was placed on Georgia State University's uLearn system was used for a nonprofit, educational purpose. Namely, the excerpt was used as part of Professor Kim's course materials for the purpose of teaching her class, and neither Professor Kim, Georgia State University, nor the named defendants profited from the use of the excerpt of **Language Testing in Practice**.

1415. The excerpt of **Language Testing in Practice** that was placed on Georgia State University's uLearn system was not used for commercial purposes.

1416. Neither Georgia State University, Professor Kim, nor the named Defendants profited from the use of the excerpt of **Language Testing in Practice** that was placed on Georgia State University's uLearn system.

1417. Professor Kim used the excerpt of **Language Testing in Practice** that she placed on Georgia State University's uLearn system for the purpose of research and scholarship.

1418. Professor Kim did not use the excerpt of **Language Testing in Practice** that she placed on Georgia State University's uLearn system for the purpose of entertainment.

1419. Professor Kim used the excerpt of **Language Testing in Practice** that she placed on Georgia State University's uLearn system for the purpose of criticism and/or comment.

1420. Professor Kim's use of the excerpt of **Language Testing in Practice** that she placed on Georgia State University's uLearn system was for personal study.

1421. Professor Kim's use of the excerpt of **Language Testing in Practice** that she placed on Georgia State University's uLearn system was necessary to achieve her intended educational purpose.

1422. Professor Kim did not publish or publicly distribute the excerpt of **Language Testing in Practice** that she placed on Georgia State University's uLearn system.

1423. Professor Kim's use of the excerpt of **Language Testing in Practice** that she placed on Georgia State University's uLearn system did not exceed her intended educational purpose.

1424. **Language Testing in Practice** is a published work.

1425. **Language Testing in Practice** is a factual work of nonfiction.

1426. The excerpt of **Language Testing in Practice** that Professor Kim used in her course was important to her educational objectives.

1427. The excerpt of **Language Testing in Practice** that Professor Kim used in her course amounts to 14.1% of the work, and as such, was a small portion of **Language Testing in Practice**.

1428. The excerpt of **Language Testing in Practice** that Professor Kim used in her course was not central to the work.

1429. The excerpt of **Language Testing in Practice** that Professor Kim used in her course was narrowly tailored for Professor Kim's educational purpose.

1430. Professor Kim's use of the excerpt of **Language Testing in Practice** did not have a significant effect on the market or potential market for the copyrighted.

1431. Professor Kim's use of the excerpt of **Language Testing in Practice** stimulated the market for the original work.

1432. The publisher of **Language Testing in Practice** does not market any similar product.

1433. A small number of copies of the excerpt of **Language Testing in Practice** were distributed—Professor Kim's class had sixteen students.

1434. Access to the excerpt of **Language Testing in Practice** was limited to the students in the class by a password protected website.

1435. Professor Kim lawfully owns a copy of **Language Testing in Practice**.

5) **Assessing Listening**

1436. Professor Kim used an excerpt from the work **Assessing Listening** while teaching AL8550 during Fall 2009.

1437. **Assessing Listening** is published by Cambridge.

1438. **Assessing Listening** is 287 pages long.

1439. **Assessing Listening** is not owned by Cambridge by an assignment.

1440. **Assessing Listening** was first published on April 12, 2001.

1441. An application to register **Assessing Listening** was filed with the U.S. Copyright Office on March 7, 2011, almost ten years after the date of **Assessing Listening** first publication.

1442. Professor Kim prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's uLearn system.

1443. The excerpt of **Assessing Listening** that was placed on Georgia State University's uLearn system was 54 pages long, and constituted three chapters and 13.2% of the work.

1444. The excerpt of **Assessing Listening** that was placed on Georgia State University's uLearn system was used for a nonprofit, educational purpose. Namely, the excerpt was used as part of Professor Kim's course materials for the purpose of teaching her class, and neither Professor Kim, Georgia State University, nor the named defendants profited from the use of the excerpt of **Assessing Listening**.

1445. The excerpt of **Assessing Listening** that was placed on Georgia State University's uLearn system was not used for commercial purposes.

1446. The excerpt of **Assessing Listening** that was placed on Georgia State University's uLearn system was used by Professor Kim for the purpose of teaching the students in her course.

1447. Neither Georgia State University, Professor Kim, nor the named Defendants profited from the use of the excerpt of **Assessing Listening** that was placed on Georgia State University's uLearn system.

1448. Professor Kim used the excerpt of **Assessing Listening** that she placed on Georgia State University's uLearn system for the purpose of research and scholarship.

1449. Professor Kim did not use the excerpt of **Assessing Listening** that she placed on Georgia State University's uLearn system for the purpose of entertainment.

1450. Professor Kim used the excerpt of **Assessing Listening** that she placed on Georgia State University's uLearn system for the purpose of criticism and/or comment.

1451. Professor Kim's use of the excerpt of **Assessing Listening** that she placed on Georgia State University's uLearn system was for personal study.

1452. Professor Kim's use of the excerpt of **Assessing Listening** that she placed on Georgia State University's uLearn system was necessary to achieve her intended educational purpose.

1453. Professor Kim did not publish or publicly distribute the excerpt of **Assessing Listening** that she placed on Georgia State University's uLearn system.

1454. Professor Kim's use of the excerpt of **Assessing Listening** that she placed on Georgia State University's uLearn system did not exceed her intended educational purpose.

1455. **Assessing Listening** is a published work.

1456. **Assessing Listening** is a factual work of nonfiction.

1457. The excerpt of **Assessing Listening** that Professor Kim used in her course was important to her educational objectives.

1458. The excerpt of **Assessing Listening** that Professor Kim used in her course amounts to 13.2% of the work, and as such, was a small portion of **Assessing Listening**.

1459. The excerpt of **Assessing Listening** that Professor Kim used in her course was not central to the work.

1460. The excerpt of **Assessing Listening** that Professor Kim used in her course was narrowly tailored for Professor Kim's educational purpose.

1461. Professor Kim's use of the excerpt of **Assessing Listening** did not have a significant effect on the market or potential market for the copyrighted.

1462. Professor Kim's use of the excerpt of **Assessing Listening** stimulated the market for the original work.

1463. The publisher of **Assessing Listening** does not market any similar product.

1464. A small number of copies of the excerpt of **Assessing Listening** were distributed—Professor Kim's class had sixteen students.

1465. Access to the excerpt of **Assessing Listening** was limited to the students in the class by a password protected website.

1466. Professor Kim lawfully owns a copy of **Assessing Listening**.

1467. **Assessing Languages for Specific Purposes**

1468. Professor Kim used an excerpt from the work **Assessing Languages for Specific Purposes** while teaching AL8550 during Fall 2009.

1469. **Assessing Languages for Specific Purposes** is published by Cambridge.

1470. **Assessing Languages for Specific Purposes** is 282 pages long.

1471. No application to register **Assessing Languages for Specific Purposes** was ever filed with the U.S. Copyright Office.

1472. Professor Kim prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's uLearn system.

1473. Professor Kim 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 **Assessing Languages for Specific Purposes**.

1474. The excerpt of **Assessing Languages for Specific Purposes** that was placed on Georgia State University's uLearn system was 17 pages long, and constituted one chapter and 5.2% of the work.

1475. The excerpt of **Assessing Languages for Specific Purposes** that was placed on Georgia State University's uLearn system was used for a nonprofit, educational purpose. Namely, the excerpt was used as part of Professor Kim's course materials for the purpose of teaching her class, and neither Professor Kim, Georgia State University, nor the named defendants profited from the use of the excerpt of **Assessing Languages for Specific Purposes**.

1476. The excerpt of **Assessing Languages for Specific Purposes** that was placed on Georgia State University's uLearn system was not used for commercial purposes.

1477. The excerpt of **Assessing Languages for Specific Purposes** that was placed on Georgia State University's uLearn system was used by Professor Kim for the purpose of teaching the students in her course.

1478. Neither Georgia State University, Professor Kim, nor the named Defendants profited from the use of the excerpt of **Assessing Languages for Specific Purposes** that was placed on Georgia State University's uLearn system.

1479. Professor Kim used the excerpt of **Assessing Languages for Specific Purposes** that she placed on Georgia State University's uLearn system for the purpose of research and scholarship.

1480. Professor Kim use of the excerpt of **Assessing Languages for Specific Purposes** that she placed on Georgia State's uLearn system was of a transformative nature.

1481. Professor Kim did not use the excerpt of **Assessing Languages for Specific Purposes** that she placed on Georgia State University's uLearn system for the purpose of entertainment.

1482. Professor Kim used the excerpt of **Assessing Languages for Specific Purposes** that she placed on Georgia State University's uLearn system for the purpose of criticism and/or comment.

1483. Professor Kim's use of the excerpt of **Assessing Languages for Specific Purposes** that she placed on Georgia State University's uLearn system was for personal study.

1484. Professor Kim's use of the excerpt of **Assessing Languages for Specific Purposes** that she placed on Georgia State University's uLearn system was necessary to achieve her intended educational purpose.

1485. Professor Kim did not publish or publicly distribute the excerpt of **Assessing Languages for Specific Purposes** that she placed on Georgia State University's uLearn system.

1486. Professor Kim's use of the excerpt of **Assessing Languages for Specific Purposes** that she placed on Georgia State University's uLearn system did not exceed her intended educational purpose.

1487. **Assessing Languages for Specific Purposes** is a published work.

1488. **Assessing Languages for Specific Purposes** is a factual work of nonfiction.

1489. The excerpt of **Assessing Languages for Specific Purposes** that Professor Kim used in her course was important to her educational objectives.

1490. The excerpt of **Assessing Languages for Specific Purposes** that Professor Kim used in her course amounts to 5.2% of the work, and as such, was a small portion of **Assessing Languages for Specific Purposes**.

1491. The excerpt of **Assessing Languages for Specific Purposes** that Professor Kim used in her course was not central to the work.

1492. The excerpt of **Assessing Languages for Specific Purposes** that Professor Kim used in her course was narrowly tailored for Professor Kim's educational purpose.

1493. Professor Kim's use of the excerpt of **Assessing Languages for Specific Purposes** did not have a significant effect on the market or potential market for the copyrighted.

1494. Professor Kim's use of the excerpt of **Assessing Languages for Specific Purposes** stimulated the market for the original work.

1495. The publisher of **Assessing Languages for Specific Purposes** does not market any similar product.

1496. Professor Kim assigned the excerpt of **Assessing Languages for Specific Purposes** as supplemental classroom reading.

1497. A small number of copies of the excerpt of **Assessing Languages for Specific Purposes** were distributed—Professor Kim’s class had sixteen students.

1498. Access to the excerpt of **Assessing Languages for Specific Purposes** was limited to the students in the class by a password protected website.

1499. Professor Kim lawfully owns a copy of **Assessing Languages for Specific Purposes**.

6) **Assessing Speaking**

1500. Professor Kim used an excerpt from the work **Assessing Speaking** while teaching AL8550 during Fall 2009.

1501. **Assessing Speaking** is published by Cambridge.

1502. **Assessing Speaking** is 228 pages long.

1503. **Assessing Speaking** was first published on June 17, 2004.

1504. An application to register **Assessing Speaking** was filed with the U.S. Copyright Office on March 17, 2011, almost seven years after the date of **Assessing Speaking**’s first publication.

1505. Professor Kim prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University’s uLearn system.

1506. Professor Kim 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 **Assessing Speaking**.

1507. The excerpt of **Assessing Speaking** that was placed on Georgia State University's uLearn system was 68 pages long, and constituted three chapters and 29.8% of the work.

1508. The excerpt of **Assessing Speaking** that was placed on Georgia State University's uLearn system was used for a nonprofit, educational purpose. Namely, the excerpt was used as part of Professor Kim's course materials for the purpose of teaching her class, and neither Professor Kim, Georgia State University, nor the named defendants profited from the use of the excerpt of **Assessing Speaking**.

1509. The excerpt of **Assessing Speaking** that was placed on Georgia State University's uLearn system was not used for commercial purposes.

1510. The excerpt of **Assessing Speaking** that was placed on Georgia State University's uLearn system was used by Professor Kim for the purpose of teaching the students in her course.

1511. Neither Georgia State University, Professor Kim, nor the named Defendants profited from the use of the excerpt of **Assessing Speaking** that was placed on Georgia State University's uLearn system.

1512. Professor Kim used the excerpt of **Assessing Speaking** that she placed on Georgia State University's uLearn system for the purpose of research and scholarship.

1513. Professor Kim use of the excerpt of **Assessing Speaking** that she placed on Georgia State's uLearn system was of a transformative nature.

1514. Professor Kim did not use the excerpt of **Assessing Speaking** that she placed on Georgia State University's uLearn system for the purpose of entertainment.

1515. Professor Kim used the excerpt of **Assessing Speaking** that she placed on Georgia State University's uLearn system for the purpose of criticism and/or comment.

1516. Professor Kim's use of the excerpt of **Assessing Speaking** that she placed on Georgia State University's uLearn system was for personal study.

1517. Professor Kim's use of the excerpt of **Assessing Speaking** that she placed on Georgia State University's uLearn system was necessary to achieve her intended educational purpose.

1518. Professor Kim did not publish or publicly distribute the excerpt of **Assessing Speaking** that she placed on Georgia State University's uLearn system.

1519. Professor Kim's use of the excerpt of **Assessing Speaking** that she placed on Georgia State University's uLearn system, did not exceed her intended educational purpose.

1520. **Assessing Speaking** is a published work.

1521. **Assessing Speaking** is a factual work of nonfiction.

1522. The excerpt of **Assessing Speaking** that Professor Kim used in her course was important to her educational objectives.

1523. The excerpt of **Assessing Speaking** that Professor Kim used in her course amounts to 29.8% of the work, and as such, was a small portion of **Assessing Speaking**.

1524. The excerpt of **Assessing Speaking** that Professor Kim used in her course was not central to the work.

1525. The excerpt of **Assessing Speaking** that Professor Kim used in her course was narrowly tailored for Professor Kim's educational purpose.

1526. Professor Kim's use of the excerpt of **Assessing Speaking** did not have a significant effect on the market or potential market for the copyrighted.

1527. Professor Kim's use of the excerpt of **Assessing Speaking** stimulated the market for the original work.

1528. The publisher of **Assessing Speaking** does not market any similar product.

1529. Professor Kim assigned the excerpt of **Assessing Speaking** as supplemental classroom reading.

1530. A small number of copies of the excerpt of **Assessing Speaking** were distributed—Professor Kim's class had sixteen students.

1531. Access to the excerpt of **Assessing Speaking** was limited to the students in the class by a password protected website.

1532. Professor Kim lawfully owns a copy of **Assessing Speaking**.

1533. Learning Vocabulary in Another Language

1534. Professor Kim used an excerpt from the work **Learning Vocabulary in Another Language** while teaching AL8550 during Fall 2009.

1535. Learning Vocabulary in Another Language is published by Cambridge.

1536. Learning Vocabulary in Another Language is 491 pages long.

1537. Learning Vocabulary in Another Language was first published on March 15, 2001.

1538. An application to register **Learning Vocabulary in Another Language** was filed with the U.S. Copyright Office on March 7, 2011, almost ten years after the date of **Learning Vocabulary in Another Language's** first publication.

1539. Professor Kim prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's uLearn system.

1540. Professor Kim 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 **Learning Vocabulary in Another Language**.

1541. The excerpt of **Learning Vocabulary in Another Language** that was placed on Georgia State University's uLearn system was 36 pages long, and constituted three chapters and 7.3% of the work.

1542. The excerpt of **Learning Vocabulary in Another Language** that was placed on Georgia State University's uLearn system was used for a nonprofit, educational purpose. Namely, the excerpt was used as part of Professor Kim's course materials for the purpose of teaching her class, and neither Professor Kim, Georgia State University, nor the named defendants profited from the use of the excerpt of **Learning Vocabulary in Another Language**.

1543. The excerpt of **Learning Vocabulary in Another Language** that was placed on Georgia State University's uLearn system was not used for commercial purposes.

1544. The excerpt of **Learning Vocabulary in Another Language** that was placed on Georgia State University's uLearn system was used by Professor Kim for the purpose of teaching the students in her course.

1545. Neither Georgia State University, Professor Kim, nor the named Defendants profited from the use of the excerpt of **Learning Vocabulary in Another Language** that was placed on Georgia State University's uLearn system.

1546. Professor Kim used the excerpt of **Learning Vocabulary in Another Language** that she placed on Georgia State University's uLearn system for the purpose of research and scholarship.

1547. Professor Kim use of the excerpt of **Learning Vocabulary in Another Language** that she placed on Georgia State's uLearn system was of a transformative nature.

1548. Professor Kim did not use the excerpt of **Learning Vocabulary in Another Language** that she placed on Georgia State University's uLearn system for the purpose of entertainment.

1549. Professor Kim used the excerpt of **Learning Vocabulary in Another Language** that she placed on Georgia State University's uLearn system for the purpose of criticism and/or comment.

1550. Professor Kim's use of the excerpt of **Learning Vocabulary in Another Language** that she placed on Georgia State University's uLearn system was for personal study.

1551. Professor Kim's use of the excerpt of **Learning Vocabulary in Another Language** that she placed on Georgia State University's uLearn system was necessary to achieve her intended educational purpose.

1552. Professor Kim did not publish or publicly distribute the excerpt of **Learning Vocabulary in Another Language** that she placed on Georgia State University's uLearn system.

1553. Professor Kim's use of the excerpt of **Learning Vocabulary in Another Language** that she placed on Georgia State University's uLearn system did not exceed her intended educational purpose.

1554. **Learning Vocabulary in Another Language** is a published work.

1555. **Learning Vocabulary in Another Language** is a factual work of nonfiction.

1556. The excerpt of **Learning Vocabulary in Another Language** that Professor Kim used in her course was important to her educational objectives.

1557. The excerpt of **Learning Vocabulary in Another Language** that Professor Kim used in her course amounts to 7.3% of the work, and as such, was a small portion of **Learning Vocabulary in Another Language**.

1558. The excerpt of **Learning Vocabulary in Another Language** that Professor Kim used in her course was not central to the work.

1559. The excerpt of **Learning Vocabulary in Another Language** that Professor Kim used in her course was narrowly tailored for Professor Kim's educational purpose.

1560. Professor Kim's use of the excerpt of **Learning Vocabulary in Another Language** did not have a significant effect on the market or potential market for the copyrighted.

1561. Professor Kim's use of the excerpt of **Learning Vocabulary in Another Language** stimulated the market for the original work.

1562. The publisher of **Learning Vocabulary in Another Language** does not market any similar product.

1563. Professor Kim assigned the excerpt of **Learning Vocabulary in Another Language** as supplemental classroom reading.

1564. A small number of copies of the excerpt of **Learning Vocabulary in Another Language** were distributed—Professor Kim’s class had sixteen students.

1565. Access to the excerpt of **Learning Vocabulary in Another Language** was limited to the students in the class by a password protected website.

1566. Professor Kim lawfully owns a copy of **Learning Vocabulary in Another Language**.

1567. **Assessing Vocabulary**

1568. Professor Kim used an excerpt from the work **Assessing Vocabulary** while teaching AL8550 during Fall 2009.

1569. **Assessing Vocabulary** is published by Cambridge.

1570. **Assessing Vocabulary** is 293 pages long.

1571. **Assessing Vocabulary** was first published on February 13, 2000.

1572. An application to register **Assessing Vocabulary** was filed with the U.S. Copyright Office on March 7, 2011, almost eleven years after the date of **Assessing Vocabulary**’s first publication.

1573. Professor Kim prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's uLearn system.

1574. Professor Kim 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 **Assessing Vocabulary**.

1575. The excerpt of **Assessing Vocabulary** that was placed on Georgia State University's uLearn system was 38 pages long, and constituted three chapters and 13.0% of the work.

1576. The excerpt of **Assessing Vocabulary** that was placed on Georgia State University's uLearn system was used for a nonprofit, educational purpose. Namely, the excerpt was used as part of Professor Kim's course materials for the purpose of teaching her class, and neither Professor Kim, Georgia State University, nor the named defendants profited from the use of the excerpt of **Assessing Vocabulary**.

1577. The excerpt of **Assessing Vocabulary** that was placed on Georgia State University's uLearn system was not used for commercial purposes.

1578. The excerpt of **Assessing Vocabulary** that was placed on Georgia State University's uLearn system was used by Professor Kim for the purpose of teaching the students in her course.

1579. Neither Georgia State University, Professor Kim, nor the named Defendants profited from the use of the excerpt of **Assessing Vocabulary** that was placed on Georgia State University's uLearn system.

1580. Professor Kim used the excerpt of **Assessing Vocabulary** that she placed on Georgia State University's uLearn system for the purpose of research and scholarship.

1581. Professor Kim use of the excerpt of **Assessing Vocabulary** that she placed on Georgia State's uLearn system was of a transformative nature.

1582. Professor Kim did not use the excerpt of **Assessing Vocabulary** that she placed on Georgia State University's uLearn system for the purpose of entertainment.

1583. Professor Kim used the excerpt of **Assessing Vocabulary** that she placed on Georgia State University's uLearn system for the purpose of criticism and/or comment.

1584. Professor Kim's use of the excerpt of **Assessing Vocabulary** that she placed on Georgia State University's uLearn system was for personal study.

1585. Professor Kim's use of the excerpt of **Assessing Vocabulary** that she placed on Georgia State University's uLearn system was necessary to achieve her intended educational purpose.

1586. Professor Kim did not publish or publicly distribute the excerpt of **Assessing Vocabulary** that she placed on Georgia State University's uLearn system.

1587. Professor Kim's use of the excerpt of **Assessing Vocabulary** that she placed on Georgia State University's uLearn system did not exceed her intended educational purpose.

1588. **Assessing Vocabulary** is a published work.

1589. **Assessing Vocabulary** is a factual work of nonfiction.

1590. The excerpt of **Assessing Vocabulary** that Professor Kim used in her course was important to her educational objectives.

1591. The excerpt of **Assessing Vocabulary** that Professor Kim used in her course amounts to 13.0% of the work, and as such, was a small portion of **Assessing Vocabulary**.

1592. The excerpt of **Assessing Vocabulary** that Professor Kim used in her course was not central to the work.

1593. The excerpt of **Assessing Vocabulary** that Professor Kim used in her course was narrowly tailored for Professor Kim's educational purpose.

1594. Professor Kim's use of the excerpt of **Assessing Vocabulary** did not have a significant effect on the market or potential market for the copyrighted.

1595. Professor Kim's use of the excerpt of **Assessing Vocabulary** stimulated the market for the original work.

1596. The publisher of **Assessing Vocabulary** does not market any similar product.

1597. Professor Kim assigned the excerpt of **Assessing Vocabulary** as supplemental classroom reading.

1598. A small number of copies of the excerpt of **Assessing Vocabulary** were distributed—Professor Kim's class had sixteen students.

1599. Access to the excerpt of **Assessing Vocabulary** was limited to the students in the class by a password protected website.

1600. Professor Kim lawfully owns a copy of **Assessing Vocabulary**.

1601. Assessing Writing

1602. Professor Kim used an excerpt from the work **Assessing Writing** while teaching AL8550 during Fall 2009.

1603. **Assessing Writing** is published by Cambridge.

1604. **Assessing Writing** is 282 pages long.

1605. **Assessing Writing** was first published on May 27, 2002.

1606. An application to register **Assessing Writing** was filed with the U.S. Copyright Office on March 7, 2011, almost nine years after the date of **Assessing Writing's** first publication.

1607. Professor Kim prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's uLearn system.

1608. Professor Kim 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 **Assessing Writing**.

1609. The excerpt of **Assessing Writing** that was placed on Georgia State University's uLearn system was 63 pages long, and constituted two chapters and 22.3% of the work.

1610. The excerpt of **Assessing Writing** that was placed on Georgia State University's uLearn system was used for a nonprofit, educational purpose.

Namely, the excerpt was used as part of Professor Kim's course materials for the purpose of teaching her class, and neither Professor Kim, Georgia State University, nor the named defendants profited from the use of the excerpt of **Assessing Writing**.

1611. The excerpt of **Assessing Writing** that was placed on Georgia State University's uLearn system was not used for commercial purposes.

1612. The excerpt of **Assessing Writing** that was placed on Georgia State University's uLearn system was used by Professor Kim for the purpose of teaching the students in her course.

1613. Neither Georgia State University, Professor Kim, nor the named Defendants profited from the use of the excerpt of **Assessing Writing** that was placed on Georgia State University's uLearn system.

1614. Professor Kim used the excerpt of **Assessing Writing** that she placed on Georgia State University's uLearn system for the purpose of research and scholarship.

1615. Professor Kim use of the excerpt of **Assessing Writing** that she placed on Georgia State's uLearn system was of a transformative nature.

1616. Professor Kim did not use the excerpt of **Assessing Writing** that she placed on Georgia State University's uLearn system for the purpose of entertainment.

1617. Professor Kim used the excerpt of **Assessing Writing** that she placed on Georgia State University's uLearn system for the purpose of criticism and/or comment.

1618. Professor Kim's use of the excerpt of **Assessing Writing** that she placed on Georgia State University's uLearn system was for personal study.

1619. Professor Kim's use of the excerpt of **Assessing Writing** that she placed on Georgia State University's uLearn system was necessary to achieve her intended educational purpose.

1620. Professor Kim did not publish or publicly distribute the excerpt of **Assessing Writing** that she placed on Georgia State University's uLearn system.

1621. Professor Kim's use of the excerpt of **Assessing Writing** that she placed on Georgia State University's uLearn system did not exceed her intended educational purpose.

1622. **Assessing Writing** is a published work.

1623. **Assessing Writing** is a factual work of nonfiction.

1624. The excerpt of **Assessing Writing** that Professor Kim used in her course was important to her educational objectives.

1625. The excerpt of **Assessing Writing** that Professor Kim used in her course amounts to 22.3% of the work, and as such, was a small portion of **Assessing Writing**.

1626. The excerpt of **Assessing Writing** that Professor Kim used in her course was not central to the work.

1627. The excerpt of **Assessing Writing** that Professor Kim used in her course was narrowly tailored for Professor Kim's educational purpose.

1628. Professor Kim's use of the excerpt of **Assessing Writing** did not have a significant effect on the market or potential market for the copyrighted.

1629. Professor Kim's use of the excerpt of **Assessing Writing** stimulated the market for the original work.

1630. The publisher of **Assessing Writing** does not market any similar product.

1631. Professor Kim assigned the excerpt of **Assessing Writing** as supplemental classroom reading.

1632. A small number of copies of the excerpt of **Assessing Writing** were distributed—Professor Kim's class had sixteen students.

1633. Access to the excerpt of **Assessing Writing** was limited to the students in the class by a password protected website.

1634. Professor Kim lawfully owns a copy of **Assessing Writing**.