

S. Professor Ann Kruger

1635. Professor Ann Kruger is currently employed as a professor at Georgia State University.

1) EPY 7090 – Learning And The Learner Summer 2009

1636. Professor Ann Kruger taught EPY 7090 during Summer 2009.

1637. Seventeen students enrolled in Professor Ann Kruger's section of EPY 7090.

i. Awakening Children's Minds

1638. Professor Ann Kruger used an excerpt from the work Awakening Children's Minds while teaching EPY 7090 during Summer 2009.

1639. Awakening Children's Minds is published by Oxford.

1640. Awakening Children's Minds is 320 pages long.

1641. Awakening Children's Minds is not owned by Oxford by an assignment.

1642. The excerpt of Awakening Children's Minds Professor Ann Kruger placed on Georgia State University's ERes system is a single work provided by one contributor, and that contributor did not assign or grant an exclusive license to the work to Oxford.

1643. Professor Ann Kruger prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's ERes system.

1644. Professor Ann Kruger recreated a fair use checklist that fairly and accurately represents the initial fair use checklist that she filled out for the excerpt of *Awakening Children's Minds*.

1645. The excerpt of *Awakening Children's Minds* that was placed on Georgia State University's ERes system was 19 pages long, and constituted one chapter and approximately 5.9% of the work.

1646. The excerpt of *Awakening Children's Minds* 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 Ann Kruger's course materials for the purpose of teaching her class, and neither Professor Ann Kruger, Georgia State University, nor the named defendants profited from the use of the excerpt of *Awakening Children's Minds*.

1647. The excerpt of *Awakening Children's Minds* that was placed on Georgia State University's ERes system was not used for commercial purposes.

1648. The excerpt of Awakening Children's Minds that was placed on Georgia State University's ERes system was used by Professor Ann Kruger for the purpose of teaching the students in her course.

1649. Neither Georgia State University, Professor Ann Kruger, nor the named Defendants profited from the use of the excerpt of Awakening Children's Minds that was placed on Georgia State University's ERes system.

1650. Professor Ann Kruger used the excerpt of Awakening Children's Minds that she placed on Georgia State University's ERes system for the purpose of research and scholarship.

1651. Professor Ann Kruger did not use the excerpt of Awakening Children's Minds that she placed on Georgia State University's ERes system for the purpose of entertainment.

1652. Professor Ann Kruger's use of the excerpt of Awakening Children's Minds that she placed on Georgia State University's ERes system was necessary to achieve her intended educational purpose.

1653. Professor Ann Kruger did not publish or publicly distribute the excerpt of Awakening Children's Minds that she placed on Georgia State University's ERes system.

1654. Professor Ann Kruger's use of the excerpt of *Awakening Children's Minds* that she placed on Georgia State University's ERes system did not exceed her intended educational purpose.

1655. *Awakening Children's Minds* is a published work.

1656. *Awakening Children's Minds* is a factual work of nonfiction.

1657. The excerpt of *Awakening Children's Minds* that Professor Ann Kruger used in her course was important to her educational objectives.

1658. The excerpt of *Awakening Children's Minds* that Professor Ann Kruger used in her course amounts to 5.9% of the work, and as such, was a small portion of *Awakening Children's Minds*.

1659. The excerpt of *Awakening Children's Minds* that Professor Ann Kruger used in her course was not central to the work.

1660. The excerpt of *Awakening Children's Minds* that Professor Ann Kruger used in her course was narrowly tailored for Professor Ann Kruger's educational purpose.

1661. Professor Ann Kruger's use of the excerpt of *Awakening Children's Minds* did not have a significant effect on the market or potential market for the copyrighted work because the ERes excerpt was restricted to her class.

1662. Professor Ann Kruger's use of the excerpt of *Awakening Children's Minds* stimulated the market for the original work.

1663. The Oxford of *Awakening Children's Minds* does not market any similar product.

1664. *Awakening Children's Minds* is no longer in print.

1665. Licensing or permission for *Awakening Children's Minds* is unavailable.

1666. A small number of copies of the excerpt of *Awakening Children's Minds* were distributed—specifically, the ERes records indicate that the work was accessed once.

1667. Access to the excerpt of *Awakening Children's Minds* was limited to the students in the class by a password protected website.

1668. The excerpt of *Awakening Children's Minds* was removed from the ERes system after the semester ended.