

AA. Professor Orr

2326. Professor Orr is currently employed as a professor at Georgia State University.

2327. When determining whether to even consider performing the fair use analysis for an excerpt, Professor Orr mentally performed a fair use analysis, and if he believed based on that preliminary analysis that his use would not constitute fair use, Professor Orr did not perform further analysis, and did not attempt to place his chosen excerpt on ERes.

1) MUS8860 – Romantic Period 1800-1900 – Summer 2009

2328. Professor Orr taught MUS8860 during Summer 2009.

2329. Ten students enrolled in Professor Orr's section of MUS8860.

2330. Professor Orr required his students to purchase Romantic Music (Plantinga) and 19th Century Piano Music (Todd) for MUS8860.

i. The Cambridge Companion to Schubert

2331. Professor Orr used an excerpt from the work The Cambridge Companion to Schubert while teaching MUS8860 during Summer 2009.

2332. The Cambridge Companion to Schubert is published by Cambridge.

2333. The Cambridge Companion to Schubert is 354 pages long.

2334. The Cambridge Companion to Schubert is a collective work made up of works from several different contributors.

2335. The excerpt of The Cambridge Companion to Schubert Professor Orr placed on GSU's on ERes system provided by one contributor, and that contributor did not assign or grant an exclusive license to Cambridge.

2336. No application to register The Cambridge Companion to Schubert was ever filed with the U.S. Copyright Office.

2337. Professor Orr mentally prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's ERes system.

2338. The excerpt of The Cambridge Companion to Schubert that was placed on Georgia State University's ERes system was 17 pages long, and constituted one chapter and approximately 4.8% of the work.

2339. The excerpt of The Cambridge Companion to Schubert that was placed on Georgia State University's ERes system contained 7 pages of statutory exempt materials.

2340. The excerpt of The Cambridge Companion to Schubert 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 Orr's

course materials for the purpose of teaching his class, and neither Professor Orr, Georgia State University, nor the named defendants profited from the use of the excerpt of The Cambridge Companion to Schubert.

2341. The excerpt of The Cambridge Companion to Schubert that was placed on Georgia State University's ERes system was not used for commercial purposes.

2342. The excerpt of The Cambridge Companion to Schubert that was placed on Georgia State University's ERes system was used by Professor Orr for the purpose of teaching the students in his course.

2343. Neither Georgia State University, Professor Orr, nor the named Defendants profited from the use of the excerpt of The Cambridge Companion to Schubert that was placed on Georgia State University's ERes system.

2344. Professor Orr used the excerpt of The Cambridge Companion to Schubert that he placed on Georgia State University's ERes system for the purpose of research and scholarship.

2345. Professor Orr did not use the excerpt of The Cambridge Companion to Schubert that he placed on Georgia State University's ERes system for the purpose of entertainment.

2346. Professor Orr used the excerpt of The Cambridge Companion to Schubert that he placed on Georgia State University's ERes system for the purpose of criticism and/or comment.

2347. Professor Orr's use of the excerpt of The Cambridge Companion to Schubert that he placed on Georgia State University's ERes system was for personal study.

2348. Professor Orr's use of the excerpt of The Cambridge Companion to Schubert that he placed on Georgia State University's ERes system was necessary to achieve his intended educational purpose.

2349. Professor Orr did not publish or publicly distribute the excerpt of The Cambridge Companion to Schubert that he placed on Georgia State University's ERes system.

2350. Professor Orr's use of the excerpt of The Cambridge Companion to Schubert that he placed on Georgia State University's ERes system did not exceed his intended educational purpose.

2351. The Cambridge Companion to Schubert is a published work.

2352. The Cambridge Companion to Schubert is a factual work of nonfiction.

2353. The excerpt of *The Cambridge Companion to Schubert* that Professor Orr used in his course was important to his educational objectives.

2354. The excerpt of *The Cambridge Companion to Schubert* that Professor Orr used in his course amounts to 4.8% of the work, and as such, was a small portion of *The Cambridge Companion to Schubert*.

2355. The excerpt of *The Cambridge Companion to Schubert* that Professor Orr used in his course was not central to the work.

2356. The excerpt of *The Cambridge Companion to Schubert* that Professor Orr used in his course was narrowly tailored for Professor Orr's educational purpose.

2357. Professor Orr's use of the excerpt of *The Cambridge Companion to Schubert* did not have a significant effect on the market or potential market for the copyrighted work.

2358. Professor Orr's use of the excerpt of *The Cambridge Companion to Schubert* stimulated the market for the original work.

2359. A small number of copies of the excerpt of *The Cambridge Companion to Schubert* were distributed—specifically, the ERes records indicate that the work was accessed fourteen times.

2360. Access to the excerpt of The Cambridge Companion to Schubert was limited to the students in the class by a password protected website.

2361. The excerpt of The Cambridge Companion to Schubert was removed from the ERes system after the semester ended.

2362. Georgia State University lawfully owns a copy of The Cambridge Companion to Schubert.

(b) Liszt: Sonata in B Minor

2363. Professor Orr used an excerpt from the work Liszt: Sonata in B Minor while teaching MUS8860 during Summer 2009.

2364. Liszt: Sonata in B Minor is published by Cambridge.

2365. Liszt: Sonata in B Minor is 101 pages long.

2366. Liszt: Sonata in B Minor was first published on August 28, 1996.

2367. An application to register Liszt: Sonata in B Minor was filed with the U.S. Copyright Office on December 27, 2010, fourteen years after the date of Liszt: Sonata in B Minor's first publication.

2368. Professor Orr mentally prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's ERes system.

2369. The excerpt of Liszt: Sonata in B Minor that was placed on Georgia State University's ERes system was 21 pages long, and constituted one chapter and approximately 20.8% of the work.

2370. The excerpt of Liszt: Sonata in B Minor that was placed on Georgia State University's ERes system contained 6 pages of statutory exempt material.

2371. The excerpt of Liszt: Sonata in B Minor 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 Orr's course materials for the purpose of teaching his class, and neither Professor Orr, Georgia State University, nor the named defendants profited from the use of the excerpt of Liszt: Sonata in B Minor.

2372. The excerpt of Liszt: Sonata in B Minor that was placed on Georgia State University's ERes system was not used for commercial purposes.

2373. The excerpt of Liszt: Sonata in B Minor that was placed on Georgia State University's ERes system was used by Professor Orr for the purpose of teaching the students in his course.

2374. Neither Georgia State University, Professor Orr, nor the named Defendants profited from the use of the excerpt of Liszt: Sonata in B Minor that was placed on Georgia State University's ERes system.

2375. Professor Orr used the excerpt of Liszt: Sonata in B Minor that he placed on Georgia State University's ERes system for the purpose of research and scholarship.

2376. Professor Orr did not use the excerpt of Liszt: Sonata in B Minor that he placed on Georgia State University's ERes system for the purpose of entertainment.

2377. Professor Orr used the excerpt of Liszt: Sonata in B Minor that he placed on Georgia State University's ERes system for the purpose of criticism and/or comment.

2378. Professor Orr's use of the excerpt of Liszt: Sonata in B Minor that he placed on Georgia State University's ERes system was for personal study.

2379. Professor Orr's use of the excerpt of Liszt: Sonata in B Minor that he placed on Georgia State University's ERes system was necessary to achieve his intended educational purpose.

2380. Professor Orr did not publish or publicly distribute the excerpt of Liszt: Sonata in B Minor that he placed on Georgia State University's ERes system.

2381. Professor Orr's use of the excerpt of Liszt: Sonata in B Minor that he placed on Georgia State University's ERes system did not exceed his intended educational purpose.

2382. Liszt: Sonata in B Minor is a published work.

2383. Liszt: Sonata in B Minor is a factual work of nonfiction.

2384. The excerpt of Liszt: Sonata in B Minor that Professor Orr used in his course was important to his educational objectives.

2385. The excerpt of Liszt: Sonata in B Minor that Professor Orr used in his course amounts to 20.8% of the work, and as such, was a small portion of Liszt: Sonata in B Minor.

2386. 767. The excerpt of Liszt: Sonata in B Minor that Professor Orr used in his course was not central to the work.

2387. The excerpt of Liszt: Sonata in B Minor that Professor Orr used in his course was narrowly tailored for Professor Orr's educational purpose.

2388. Professor Orr's use of the excerpt of Liszt: Sonata in B Minor did not have a significant effect on the market or potential market for the copyrighted work.

2389. Professor Orr's use of the excerpt of Liszt: Sonata in B Minor stimulated the market for the original work.

2390. The publisher of Liszt: Sonata in B Minor does not market any similar product.

2391. Professor Orr assigned the excerpt of Liszt: Sonata in B Minor as supplemental classroom.

2392. A small number of copies of the excerpt of Liszt: Sonata in B Minor were distributed—specifically, the ERes records indicate that the work was accessed eight times.

2393. Access to the excerpt of Liszt: Sonata in B Minor was limited to the students in the class by a password protected website.

2394. The excerpt of Liszt: Sonata in B Minor was removed from the ERes system after the semester ended.

2395. Georgia State University lawfully owns a copy of Liszt: Sonata in B Minor.

(c) **The Cambridge Companion to Mendelssohn**

2396. Professor Orr used an excerpt from the work The Cambridge Companion to Mendelssohn while teaching MUS8860 during Summer 2009.

2397. The Cambridge Companion to Mendelssohn is published by Cambridge.

2398. The Cambridge Companion to Mendelssohn is 331 pages long.

2399. The Cambridge Companion to Mendelssohn is a collective work made up of works from several different contributors.

2400. The Cambridge Companion to Mendelssohn was first published on October 21, 2004 in the United Kingdom and November 29, 2004 in the United States.

2401. No application to register The Cambridge Companion to Mendelssohn was ever filed with the U.S. Copyright Office.

2402. Professor Orr mentally prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's ERes system.

2403. The excerpt of The Cambridge Companion to Mendelssohn that was placed on Georgia State University's ERes system was 16 pages long, and constituted part of one chapter and approximately 4.8% of the work.

2404. The excerpt of The Cambridge Companion to Mendelssohn that was placed on Georgia State University's ERes system included 2 pages of statutory exempt material.

2405. The excerpt of The Cambridge Companion to Mendelssohn 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 Orr's course materials for the purpose of teaching his class, and neither Professor Orr, Georgia State University, nor the named defendants profited from the use of the excerpt of The Cambridge Companion to Mendelssohn.

2406. The excerpt of The Cambridge Companion to Mendelssohn that was placed on Georgia State University's ERes system was not used for commercial purposes.

2407. The excerpt of The Cambridge Companion to Mendelssohn that was placed on Georgia State University's ERes system was used by Professor Orr for the purpose of teaching the students in his course.

2408. Neither Georgia State University, Professor Orr, nor the named Defendants profited from the use of the excerpt of The Cambridge Companion to Mendelssohn that was placed on Georgia State University's ERes system.

2409. Professor Orr used the excerpt of The Cambridge Companion to Mendelssohn that he placed on Georgia State University's ERes system for the purpose of research and scholarship.

2410. Professor Orr did not use the excerpt of The Cambridge Companion to Mendelssohn that he placed on Georgia State University's ERes system for the purpose of entertainment.

2411. Professor Orr used the excerpt of The Cambridge Companion to Mendelssohn that he placed on Georgia State University's ERes system for the purpose of criticism and/or comment.

2412. Professor Orr's use of the excerpt of The Cambridge Companion to Mendelssohn that he placed on Georgia State University's ERes system was for personal study.

2413. Professor Orr's use of the excerpt of The Cambridge Companion to Mendelssohn that he placed on Georgia State University's ERes system was necessary to achieve his intended educational purpose.

2414. Professor Orr did not publish or publicly distribute the excerpt of The Cambridge Companion to Mendelssohn that he placed on Georgia State University's ERes system.

2415. Professor Orr's use of the excerpt of The Cambridge Companion to Mendelssohn that he placed on Georgia State University's ERes system did not exceed his intended educational purpose.

2416. The Cambridge Companion to Mendelssohn is a published work.

2417. The Cambridge Companion to Mendelssohn is a factual work of nonfiction.

2418. The excerpt of The Cambridge Companion to Mendelssohn that Professor Orr used in his course was important to his educational objectives.

2419. The excerpt of The Cambridge Companion to Mendelssohn that Professor Orr used in his course amounts to 4.8% of the work, and as such, was a small portion of The Cambridge Companion to Mendelssohn.

2420. The excerpt of The Cambridge Companion to Mendelssohn that Professor Orr used in his course was not central to the work.

2421. The excerpt of The Cambridge Companion to Mendelssohn that Professor Orr used in his course was narrowly tailored for Professor Orr's educational purpose.

2422. Professor Orr's use of the excerpt of The Cambridge Companion to Mendelssohn did not have a significant effect on the market or potential market for the copyrighted work .

2423. Professor Orr's use of the excerpt of The Cambridge Companion to Mendelssohn stimulated the market for the original work.

2424. Professor Orr assigned the excerpt of The Cambridge Companion to Mendelssohn as supplemental classroom reading.

2425. A small number of copies of the excerpt of The Cambridge Companion to Mendelssohn were distributed—specifically, the ERes records indicate that the work was accessed ten times.

2426. Access to the excerpt of The Cambridge Companion to Mendelssohn was limited to the students in the class by a password protected website.

2427. The excerpt of The Cambridge Companion to Mendelssohn was removed from the ERes system after the semester ended.

2428. Georgia State University lawfully owns a copy of The Cambridge Companion to Mendelssohn.

(d) **The Cambridge Companion to Schumann**

2429. Professor Orr used an excerpt from the work The Cambridge Companion to Schumann while teaching MUS8860 during Summer 2009.

2430. The Cambridge Companion to Schumann is published by Cambridge.

2431. The Cambridge Companion to Schumann is 324 pages long.

2432. The Cambridge Companion to Schumann is a collective work made up of works from several different contributors.

2433. The Cambridge Companion to Schumann Professor Orr placed used for MUS8860 was placed on the library's hard copy reserve.

2434. The Plaintiffs' have failed to show the page range of the excerpt from The Cambridge Companion to Schumann allegedly placed on GSU's ERes system.

2435. No application to register The Cambridge Companion to Schumann was ever filed with the U.S. Copyright Office.

2436. Professor Orr mentally prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's ERes system.

2437. The excerpt of The Cambridge Companion to Schumann 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 Orr's course materials for the purpose of teaching his class, and neither Professor Orr, Georgia State University, nor the named defendants profited from the use of the excerpt of The Cambridge Companion to Schumann.

2438. The excerpt of The Cambridge Companion to Schumann that was placed on Georgia State University's ERes system was not used for commercial purposes.

2439. The excerpt of The Cambridge Companion to Schumann that was placed on Georgia State University's ERes system was used by Professor Orr for the purpose of teaching the students in his course.

2440. Neither Georgia State University, Professor Orr, nor the named Defendants profited from the use of the excerpt of The Cambridge Companion to Schumann that was placed on Georgia State University's ERes system.

2441. Professor Orr used the excerpt of The Cambridge Companion to Schumann that he placed on Georgia State University's ERes system for the purpose of research and scholarship.

2442. Professor Orr did not use the excerpt of The Cambridge Companion to Schumann that he placed on Georgia State University's ERes system for the purpose of entertainment.

2443. Professor Orr used the excerpt of The Cambridge Companion to Schumann that he placed on Georgia State University's ERes system for the purpose of criticism and/or comment.

2444. Professor Orr's use of the excerpt of The Cambridge Companion to Schumann that he placed on Georgia State University's ERes system was for personal study. Professor Orr's use of the excerpt of The Cambridge Companion to Schumann that he placed on Georgia State University's ERes system was necessary to achieve his intended educational purpose.

2445. Professor Orr did not publish or publicly distribute the excerpt of The Cambridge Companion to Schumann that he placed on Georgia State University's ERes system.

2446. Professor Orr's use of the excerpt of The Cambridge Companion to Schumann that he placed on Georgia State University's ERes system did not exceed his intended educational purpose.

2447. The Cambridge Companion to Schumann is a published work.

2448. The Cambridge Companion to Schumann is a factual work of nonfiction.

2449. The excerpt of The Cambridge Companion to Schumann that Professor Orr used in his course was important to his educational objectives.

2450. The excerpt of The Cambridge Companion to Schumann that Professor Orr used in his course was not central to the work.

2451. The excerpt of The Cambridge Companion to Schumann that Professor Orr used in his course was narrowly tailored for Professor Orr's educational purpose.

2452. Professor Orr's use of the excerpt of The Cambridge Companion to Schumann did not have a significant effect on the market or potential market for the copyrighted work .

2453. Professor Orr's use of the excerpt of The Cambridge Companion to Schumann stimulated the market for the original work.

2454. The excerpt of The Cambridge companion to Schumann that Professor Orr placed on Georgia State University's ERes system was not assigned reading material.

2455. A small number of copies of the excerpt of The Cambridge Companion to Schumann were distributed—specifically, the ERes records indicate that the work was accessed five times.

2456. Access to the excerpt of The Cambridge Companion to Schumann was limited to the students in the class by a password protected website.

2457. The excerpt of The Cambridge Companion to Schumann was removed from the ERes system after the semester ended.

2458. Georgia State University lawfully owns a copy of The Cambridge Companion to Schumann.

(e) **The Cambridge Companion to Beethoven**

2459. Professor Orr used an excerpt from the work The Cambridge Companion to Beethoven while teaching MUS8860 during Summer 2009.

2460. The Cambridge Companion to Beethoven is published by Cambridge.

2461. The Cambridge Companion to Beethoven is 387 pages long.

2462. The Cambridge Companion to Beethoven is a collective work made up of works from several different contributors.

2463. The Cambridge Companion to Beethoven was first published on May 29, 2000.

2464. An application to register *The Cambridge Companion to Beethoven* was filed with the U.S. Copyright Office on December 27, 2010, ten years after the date of *The Cambridge Companion to Beethoven*'s first publication.

2465. Professor Orr mentally prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's ERes system.

2466. The excerpt of *The Cambridge Companion to Beethoven* that was placed on Georgia State University's ERes system was 21 pages long, and constituted one chapter and approximately 5.4% of the work.

2467. The excerpt of *The Cambridge Companion to Beethoven* that was placed on Georgia State University's ERes system included 5 pages of statutory exempt material.

2468. The excerpt of *The Cambridge Companion to Beethoven* 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 Orr's course materials for the purpose of teaching his class, and neither Professor Orr, Georgia State University, nor the named defendants profited from the use of the excerpt of *The Cambridge Companion to Beethoven*.

2469. The excerpt of The Cambridge Companion to Beethoven that was placed on Georgia State University's ERes system was not used for commercial purposes.

2470. The excerpt of The Cambridge Companion to Beethoven that was placed on Georgia State University's ERes system was used by Professor Orr for the purpose of teaching the students in his course.

2471. Neither Georgia State University, Professor Orr, nor the named Defendants profited from the use of the excerpt of The Cambridge Companion to Beethoven that was placed on Georgia State University's ERes system.

2472. Professor Orr used the excerpt of The Cambridge Companion to Beethoven that he placed on Georgia State University's ERes system for the purpose of research and scholarship.

2473. Professor Orr did not use the excerpt of The Cambridge Companion to Beethoven that he placed on Georgia State University's ERes system for the purpose of entertainment.

2474. Professor Orr used the excerpt of The Cambridge Companion to Beethoven that he placed on Georgia State University's ERes system for the purpose of criticism and/or comment.

2475. Professor Orr's use of the excerpt of The Cambridge Companion to Beethoven that he placed on Georgia State University's ERes system was for personal study.

2476. Professor Orr's use of the excerpt of The Cambridge Companion to Beethoven that he placed on Georgia State University's ERes system was necessary to achieve his intended educational purpose.

2477. Professor Orr's use of the excerpt of The Cambridge Companion to Beethoven that he placed on Georgia State University's ERes system did not exceed his intended educational purpose.

2478. The Cambridge Companion to Beethoven is a published work.

2479. The Cambridge Companion to Beethoven is a factual work of nonfiction.

2480. The excerpt of The Cambridge Companion to Beethoven that Professor Orr used in his course was important to his educational objectives

2481. The excerpt of The Cambridge Companion to Beethoven that Professor Orr used in his course amounts to 5.4% of the work, and as such, was a small portion of The Cambridge Companion to Beethoven.

2482. The excerpt of *The Cambridge Companion to Beethoven* that Professor Orr used in his course was narrowly tailored for Professor Orr's educational purpose.

2483. Professor Orr's use of the excerpt of *The Cambridge Companion to Beethoven* did not have a significant effect on the market or potential market for the copyrighted work.

2484. Professor Orr's use of the excerpt of *The Cambridge Companion to Beethoven* stimulated the market for the original work.

2485. The publisher of *The Cambridge Companion to Beethoven* does not market any similar product.

2486. Professor Orr assigned the excerpt of *The Cambridge Companion to Beethoven* as supplemental classroom reading.

2487. A small number of copies of the excerpt of *The Cambridge Companion to Beethoven* were distributed—specifically, the ERes records indicate that the work was accessed two times.

2488. Access to the excerpt of *The Cambridge Companion to Beethoven* was limited to the students in the class by a password protected website.

2489. The excerpt of *The Cambridge Companion to Beethoven* was removed from the ERes system after the semester ended.

2490. Georgia State University lawfully owns a copy of The Cambridge Companion to Beethoven.

(f) **The Music of Berlioz**

2491. Professor Orr used an excerpt from the work The Music of Berlioz while teaching MUS8860 during Summer 2009.

2492. The Music of Berlioz is published by Oxford.

2493. The Music of Berlioz is 379 pages long.

2494. No application to register The Music of Berlioz was ever filed with the U.S. Copyright Office.

2495. Professor Orr mentally prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's ERes system.

2496. The excerpt of The Music of Berlioz that was placed on Georgia State University's ERes system was 18 pages long, and constituted a part of one chapter and 4.7% of the work.

2497. The excerpt of The Music of Berlioz that was placed on Georgia State University's ERes system included 2 pages of statutory exempt material.

2498. The excerpt of The Music of Berlioz 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 Orr's course materials for the purpose of teaching his class, and neither Professor Orr, Georgia State University, nor the named defendants profited from the use of the excerpt of The Music of Berlioz.

2499. The excerpt of The Music of Berlioz that was placed on Georgia State University's ERes system was not used for commercial purposes.

2500. The excerpt of The Music of Berlioz that was placed on Georgia State University's ERes system was used by Professor Orr for the purpose of teaching the students in his course.

2501. Professor Orr used the excerpt of The Music of Berlioz that he placed on Georgia State University's ERes system for the purpose of research and scholarship.

2502. Professor Orr did not use the excerpt of The Music of Berlioz that he placed on Georgia State University's ERes system for the purpose of entertainment.

2503. Professor Orr used the excerpt of The Music of Berlioz that he placed on Georgia State University's ERes system for the purpose of criticism and/or comment.

2504. Professor Orr's use of the excerpt of The Music of Berlioz that he placed on Georgia State University's ERes system was for personal study.

2505. Professor Orr's use of the excerpt of The Music of Berlioz that he placed on Georgia State University's ERes system was necessary to achieve his intended educational purpose.

2506. Professor Orr did not publish or publicly distribute the excerpt of The Music of Berlioz that he placed on Georgia State University's ERes system.

2507. Professor Orr's use of the excerpt of The Music of Berlioz that he placed on Georgia State University's ERes system did not exceed his intended educational purpose.

2508. The Music of Berlioz is a published work.

2509. The Music of Berlioz is a factual work of nonfiction.

2510. The excerpt of The Music of Berlioz that Professor Orr used in his course was important to his educational objectives.

2511. The excerpt of *The Music of Berlioz* that Professor Orr used in his course amounts to 4.7% of the work, and as such, was a small portion of *The Music of Berlioz*.

2512. The excerpt of *The Music of Berlioz* that Professor Orr used in his course was not central to the work.

2513. The excerpt of *The Music of Berlioz* that Professor Orr used in his course was narrowly tailored for Professor Orr's educational purposes.

2514. Professor Orr's use of the excerpt of *The Music of Berlioz* stimulated the market for the original work.

2515. Professor Orr assigned the excerpt of *The Music of Berlioz* as supplemental classroom reading.

2516. A small number of copies of the excerpt of *The Music of Berlioz* were distributed—specifically, the ERes records indicate that the work was accessed sixteen times.

2517. Access to the excerpt of *The Music of Berlioz* was limited to the students in the class by a password protected website.

2518. The excerpt of *The Music of Berlioz* was removed from the ERes system after the semester ended.

2519. Georgia State University lawfully owns a copy of The Music of Berlioz.

(g) **The Operas of Charles Gounod**

2520. Professor Orr used an excerpt from the work The Operas of Charles Gounod while teaching MUS8860 during Summer 2009.

2521. The Operas of Charles Gounod is published by Oxford.

2522. The Operas of Charles Gounod is 324 pages long.

2523. The Operas of Charles Gounod is not owned by Oxford by an assignment.

2524. No application to register The Operas of Charles Gounod was ever filed with the U.S. Copyright Office.

2525. Professor Orr mentally prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's ERes system.

2526. Professor Orr originally only mentally filled out his fair use checklist, and recreated a fair use checklist that fairly and accurately represents the initial fair use checklist that he filled out for the excerpt of The Operas of Charles Gounod.

2527. The excerpt of The Operas of Charles Gounod that was placed on Georgia State University's ERes system was 29 pages long, and constituted a part of one chapter and approximately 8.68% of the work.

2528. The excerpt of The Operas of Charles Gounod that was placed on Georgia State University's ERes system contained 7 pages of statutory exempt material.

2529. The excerpt of The Operas of Charles Gounod 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 Orr's course materials for the purpose of teaching his class, and neither Professor Orr, Georgia State University, nor the named defendants profited from the use of the excerpt of The Operas of Charles Gounod.

2530. The excerpt of The Operas of Charles Gounod that was placed on Georgia State University's ERes system was not used for commercial purposes.

2531. The excerpt of The Operas of Charles Gounod that was placed on Georgia State University's ERes system was used by Professor Orr for the purpose of teaching the students in his course.

2532. Neither Georgia State University, Professor Orr, nor the named Defendants profited from the use of the excerpt of The Operas of Charles Gounod that was placed on Georgia State University's ERes system.

2533. Professor Orr used the excerpt of The Operas of Charles Gounod that he placed on Georgia State University's ERes system for the purpose of research and scholarship.

2534. Professor Orr did not use the excerpt of The Operas of Charles Gounod that he placed on Georgia State University's ERes system for the purpose of entertainment.

2535. Professor Orr used the excerpt of The Operas of Charles Gounod that he placed on Georgia State University's ERes system for the purpose of criticism and/or comment.

2536. Professor Orr's use of the excerpt of The Operas of Charles Gounod that he placed on Georgia State University's ERes system was for personal study.

2537. Professor Orr's use of the excerpt of The Operas of Charles Gounod that he placed on Georgia State University's ERes system was necessary to achieve his intended educational purpose.

2538. Professor Orr did not publish or publicly distribute the excerpt of The Operas of Charles Gounod that he placed on Georgia State University's ERes system.

2539. Professor Orr's use of the excerpt of The Operas of Charles Gounod that he placed on Georgia State University's ERes system did not exceed his intended educational purpose.

2540. The Operas of Charles Gounod is a published work.

2541. The Operas of Charles Gounod is a factual work of nonfiction.

2542. The excerpt of The Operas of Charles Gounod that Professor Orr used in his course was important to his educational objectives.

2543. The excerpt of The Operas of Charles Gounod that Professor Orr used in his course amounts to 8.6% of the work, and as such, was a small portion of The Operas of Charles Gounod.

2544. The excerpt of The Operas of Charles Gounod that Professor Orr used in his course was not central to the work.

2545. The excerpt of The Operas of Charles Gounod that Professor Orr used in his course was narrowly tailored for Professor Orr's educational purpose.

2546. Professor Orr's use of the excerpt of The Operas of Charles Gounod did not have a significant effect on the market or potential market for the copyrighted work.

2547. Professor Orr's use of the excerpt of The Operas of Charles Gounod stimulated the market for the original work.

2548. The Operas of Charles Gounod is no longer in print.

2549. A small number of copies of the excerpt of The Operas of Charles Gounod were distributed—specifically, the ERes records indicate that the work was accessed two times.

2550. Access to the excerpt of The Operas of Charles Gounod was limited to the students in the class by a password protected website.

2551. The excerpt of The Operas of Charles Gounod was removed from the ERes system after the semester ended.

2552. Georgia State University lawfully owns a copy of The Operas of Charles Gounod.

(h) **The Cambridge Companion to Berlioz**

2553. Professor Orr used an excerpt from the work The Cambridge Companion to Berlioz while teaching MUS8860 during Summer 2009.

2554. Professor Orr placed the excerpt from the work The Cambridge Companion to Berlioz on hard copy library reserve.

2555. The Cambridge Companion to Berlioz is published by Cambridge.

2556. The Cambridge Companion to Berlioz is 325 pages long.

2557. The Cambridge Companion to Berlioz is a collective work made up of works from several different contributors.

2558. The excerpt of The Cambridge Companion to Berlioz Professor Orr assigned for MUS8860 was provided by one contributor, and that contributor did not assign or grant an exclusive license to Cambridge.

2559. No application to register The Cambridge Companion to Berlioz was ever filed with the U.S. Copyright Office.

2560. Professor Orr mentally prepared a fair use checklist prior to placing The Cambridge Companion to Berlioz on Georgia State University's library reserves.

2) **MUSC8840 – Baroque Music – Fall 2009**

2561. Professor Orr taught MUSC8840 during Fall 2009.

2562. 18 students enrolled in Professor Orr's section of MUSC8840.

i. **The Organ As a Mirror of Its Time: North European Reflections 1610-2000**

2563. Professor Orr used an excerpt from the work *The Organ As a Mirror of Its Time* while teaching MUS8840 during Fall 2009.

2564. *The Organ As a Mirror of Its Time* is published by Oxford.

2565. *The Organ As a Mirror of Its Time* is 392 pages long.

2566. *The Organ As a Mirror of Its Time* is a collective work made up of works from several different contributors.

2567. Professor Orr mentally prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's ERes system.

2568. The excerpt of *The Organ As a Mirror of Its Time* that was placed on Georgia State University's ERes system was 14 pages long, and constituted one chapter and approximately 3.6% of the work.

2569. The excerpt of *The Organ As a Mirror of Its Time* that was placed on Georgia State University's ERes system included 5 pages of statutory exempt material.

2570. The excerpt of *The Organ As a Mirror of Its Time* 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 Orr's

course materials for the purpose of teaching his class, and neither Professor Orr, Georgia State University, nor the named defendants profited from the use of the excerpt of *The Organ As a Mirror of Its Time*.

2571. The excerpt of *The Organ As a Mirror of Its Time* that was placed on Georgia State University's ERes system was not used for commercial purposes.

2572. The excerpt of *The Organ As a Mirror of Its Time* that was placed on Georgia State University's ERes system was used by Professor Orr for the purpose of teaching the students in his course.

2573. Neither Georgia State University, Professor Orr, nor the named Defendants profited from the use of the excerpt of *The Organ As a Mirror of Its Time* that was placed on Georgia State University's ERes system.

2574. Professor Orr used the excerpt of *The Organ As a Mirror of Its Time* that he placed on Georgia State University's ERes system for the purpose of research and scholarship.

2575. Professor Orr did not use the excerpt of *The Organ As a Mirror of Its Time* that he placed on Georgia State University's ERes system for the purpose of entertainment.

2576. Professor Orr used the excerpt of The Organ As a Mirror of Its Time that he placed on Georgia State University's ERes system for the purpose of criticism and/or comment.

2577. Professor Orr's use of the excerpt of The Organ As a Mirror of Its Time that he placed on Georgia State University's ERes system was for personal study.

2578. Professor Orr's use of the excerpt of The Organ As a Mirror of Its Time that he placed on Georgia State University's ERes system was necessary to achieve his intended educational purpose.

2579. Professor Orr did not publish or publicly distribute the excerpt of The Organ As a Mirror of Its Time that he placed on Georgia State University's ERes system.

2580. Professor Orr's use of the excerpt of The Organ As a Mirror of Its Time that he placed on Georgia State University's ERes system did not exceed his intended educational purpose.

2581. The Organ As a Mirror of Its Time is a published work.

2582. The Organ As a Mirror of Its Time is a factual work of nonfiction. The excerpt of The Organ As a Mirror of Its Time that Professor Orr used in his course was important to his educational objectives.

2583. The excerpt of *The Organ As a Mirror of Its Time* that Professor Orr used in his course amounts to 3.6% of the work, and as such, was a small portion of *The Organ As a Mirror of Its Time*.

2584. The excerpt of *The Organ As a Mirror of Its Time* that Professor Orr used in his course was not central to the work.

2585. The excerpt of *The Organ As a Mirror of Its Time* that Professor Orr used in his course was narrowly tailored for Professor Orr's educational purpose.

2586. Professor Orr's use of the excerpt of *The Organ As a Mirror of Its Time* did not have a significant effect on the market or potential market for the copyrighted work .

2587. Professor Orr's use of the excerpt of *The Organ As a Mirror of Its Time* stimulated the market for the original work.

2588. The publisher of *The Organ As a Mirror of Its Time* does not market any similar product.

2589. Licensing or permission for *The Organ As a Mirror of Its Time* is unavailable.

2590. A small number of copies of the excerpt of *The Organ As a Mirror of Its Time* were distributed—specifically, the ERes records indicate that the work was accessed twelve times.

2591. Access to the excerpt of *The Organ As a Mirror of Its Time* was limited to the students in the class by a password protected website.

2592. The excerpt of *The Organ As a Mirror of Its Time* was removed from the ERes system after the semester ended.

2593. Georgia State University lawfully owns a copy of *The Organ As a Mirror of Its Time*.

(b) **North Italian Church Music in the Age of Monteverdi**

2594. Professor Orr used an excerpt from the work *North Italian Church Music in the Age of Monteverdi* while teaching MUS8840 during Fall 2009.

2595. *North Italian Church Music in the Age of Monteverdi* is published by Oxford.

2596. *North Italian Church Music in the Age of Monteverdi* is 190 pages long.

2597. *North Italian Church Music in the Age of Monteverdi* is not owned by Oxford by an assignment.

2598. No application to register North Italian Church Music in the Age of Monteverdi was ever filed with the U.S. Copyright Office.

2599. Professor Orr mentally prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's ERes system.

2600. The excerpt of North Italian Church Music in the Age of Monteverdi that was placed on Georgia State University's ERes system was 14 pages long, and constituted one chapter and approximately 7.4% of the work.

2601. The excerpt of North Italian Church Music in the Age of Monteverdi that was placed on Georgia State University's ERes system included 4 pages of statutory exempt material.

2602. The unspecified portions of North Italian Church Music in the Age of Monteverdi were removed from the Georgia State University's ERes system.

2603. The excerpt of North Italian Church Music in the Age of Monteverdi 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 Orr's course materials for the purpose of teaching his class, and neither

Professor Orr, Georgia State University, nor the named defendants profited from the use of the excerpt of North Italian Church Music in the Age of Monteverdi.

2604. The excerpt of North Italian Church Music in the Age of Monteverdi that was placed on Georgia State University's ERes system was not used for commercial purposes.

2605. The excerpt of North Italian Church Music in the Age of Monteverdi that was placed on Georgia State University's ERes system was used by Professor Orr for the purpose of teaching the students in his course.

2606. Neither Georgia State University, Professor Orr, nor the named Defendants profited from the use of the excerpt of North Italian Church Music in the Age of Monteverdi that was placed on Georgia State University's ERes system.

2607. Professor Orr used the excerpt of North Italian Church Music in the Age of Monteverdi that he placed on Georgia State University's ERes system for the purpose of research and scholarship.

2608. Professor Orr did not use the excerpt of North Italian Church Music in the Age of Monteverdi that he placed on Georgia State University's ERes system for the purpose of entertainment.

2609. Professor Orr used the excerpt of North Italian Church Music in the Age of Monteverdi that he placed on Georgia State University's ERes system for the purpose of criticism and/or comment.

2610. Professor Orr's use of the excerpt of North Italian Church Music in the Age of Monteverdi that he placed on Georgia State University's ERes system was for personal study.

2611. Professor Orr's use of the excerpt of North Italian Church Music in the Age of Monteverdi that he placed on Georgia State University's ERes system was necessary to achieve his intended educational purpose.

2612. Professor Orr did not publish or publicly distribute the excerpt of North Italian Church Music in the Age of Monteverdi that he placed on Georgia State University's ERes system.

2613. Professor Orr's use of the excerpt of North Italian Church Music in the Age of Monteverdi that he placed on Georgia State University's ERes system did not exceed his intended educational purpose.

2614. North Italian Church Music in the Age of Monteverdi is a published work.

2615. North Italian Church Music in the Age of Monteverdi is a factual work of nonfiction.

2616. The excerpt of North Italian Church Music in the Age of Monteverdi that Professor Orr used in his course was important to his educational objectives.

2617. The excerpt of North Italian Church Music in the Age of Monteverdi that Professor Orr used in his course amounts to 7.4% of the work, and as such, was a small portion of North Italian Church Music in the Age of Monteverdi.

2618. The excerpt of North Italian Church Music in the Age of Monteverdi that Professor Orr used in his course was not central to the work.

2619. The excerpt of North Italian Church Music in the Age of Monteverdi that Professor Orr used in his course was narrowly tailored for Professor Orr's educational purpose.

2620. Professor Orr's use of the excerpt of North Italian Church Music in the Age of Monteverdi did not have a significant effect on the market or potential market for the copyrighted work .

2621. Professor Orr's use of the excerpt of North Italian Church Music in the Age of Monteverdi stimulated the market for the original work.

2622. The publisher of North Italian Church Music in the Age of Monteverdi does not market any similar product.

2623. North Italian Church Music in the Age of Monteverdi is no longer in print.

2624. Professor Orr assigned the excerpt of North Italian Church Music in the Age of Monteverdi as supplemental classroom reading.

2625. A small number of copies of the excerpt of North Italian Church Music in the Age of Monteverdi were distributed—specifically, the ERes records indicate that the work was accessed one time.

2626. The excerpt of North Italian Church Music in the Age of Monteverdi was removed from the ERes system after the semester ended.

2627. Georgia State University lawfully owns a copy of North Italian Church Music in the Age of Monteverdi.

(c) North German Church Music in the Age of Buxtehude

2628. Professor Orr used an excerpt from the work North German Church Music in the Age of Buxtehude while teaching MUS8840 during Fall 2009.

2629. North German Church Music in the Age of Buxtehude is published by Oxford.

2630. North German Church Music in the Age of Buxtehude is 248 pages long.

2631. Professor Orr mentally prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's ERes system.

2632. The excerpt of North German Church Music in the Age of Buxtehude that was placed on Georgia State University's ERes system was 18 pages long, and constituted one chapter and approximately 7.3% of the work.

2633. The excerpt of North German Church Music in the Age of Buxtehude that was placed on Georgia State University's ERes system included 8 pages of statutory exempt material.

2634. The excerpt of North German Church Music in the Age of Buxtehude 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 Orr's course materials for the purpose of teaching his class, and neither Professor Orr, Georgia State University, nor the named defendants profited from the use of the excerpt of North German Church Music in the Age of Buxtehude.

2635. The excerpt of North German Church Music in the Age of Buxtehude that was placed on Georgia State University's ERes system was not used for commercial purposes.

2636. The excerpt of North German Church Music in the Age of Buxtehude that was placed on Georgia State University's ERes system was used by Professor Orr for the purpose of teaching the students in his course.

2637. Neither Georgia State University, Professor Orr, nor the named Defendants profited from the use of the excerpt of North German Church Music in the Age of Buxtehude that was placed on Georgia State University's ERes system.

2638. Professor Orr used the excerpt of North German Church Music in the Age of Buxtehude that he placed on Georgia State University's ERes system for the purpose of research and scholarship.

2639. Professor Orr did not use the excerpt of North German Church Music in the Age of Buxtehude that he placed on Georgia State University's ERes system for the purpose of entertainment.

2640. Professor Orr used the excerpt of North German Church Music in the Age of Buxtehude that he placed on Georgia State University's ERes system for the purpose of criticism and/or comment.

2641. Professor Orr's use of the excerpt of North German Church Music in the Age of Buxtehude that he placed on Georgia State University's ERes system was for personal study.

2642. Professor Orr's use of the excerpt of North German Church Music in the Age of Buxtehude that he placed on Georgia State University's ERes system was necessary to achieve his intended educational purpose.

2643. Professor Orr did not publish or publicly distribute the excerpt of North German Church Music in the Age of Buxtehude that he placed on Georgia State University's ERes system.

2644. Professor Orr's use of the excerpt of North German Church Music in the Age of Buxtehude that he placed on Georgia State University's ERes system did not exceed his intended educational purpose.

2645. North German Church Music in the Age of Buxtehude is a published work.

2646. North German Church Music in the Age of Buxtehude is a factual work of nonfiction.

2647. The excerpt of North German Church Music in the Age of Buxtehude that Professor Orr used in his course was important to his educational objectives.

2648. The excerpt of North German Church Music in the Age of Buxtehude that Professor Orr used in his course amounts to 7.3% of the work, and

as such, was a small portion of North German Church Music in the Age of Buxtehude.

2649. The excerpt of North German Church Music in the Age of Buxtehude that Professor Orr used in his course was not central to the work.

2650. The excerpt of North German Church Music in the Age of Buxtehude that Professor Orr used in his course was narrowly tailored for Professor Orr's educational purpose.

2651. Professor Orr's use of the excerpt of North German Church Music in the Age of Buxtehude did not have a significant effect on the market or potential market for the copyrighted work.

2652. Professor Orr's use of the excerpt of North German Church Music in the Age of Buxtehude stimulated the market for the original work.

2653. The publisher of North German Church Music in the Age of Buxtehude does not market any similar product.

2654. Professor Orr assigned the excerpt of North German Church Music in the Age of Buxtehude as supplemental classroom.

2655. A small number of copies of the excerpt of North German Church Music in the Age of Buxtehude were distributed—specifically, the ERes records indicate that the work was accessed one time.

2656. Access to the excerpt of North German Church Music in the Age of Buxtehude was limited to the students in the class by a password protected website.

2657. The excerpt of North German Church Music in the Age of Buxtehude was removed from the ERes system after the semester ended.

2658. Georgia State University lawfully owns a copy of North German Church Music in the Age of Buxtehude.

(d) **The Cambridge Companion to Bach**

2659. Professor Orr used an excerpt from the work The Cambridge Companion to Bach while teaching MUS8840 during Fall 2009.

2660. The Cambridge Companion to Bach is published by Cambridge.

2661. The Cambridge Companion to Bach is 342 pages long.

2662. The Cambridge Companion to Bach is a collective work made up of works from several different contributors.

2663. The excerpt of The Cambridge Companion to Bach Professor Orr placed on GSU's on ERes system is provided by one contributor, and that contributor did not assign or grant an exclusive license to Cambridge.

2664. No application to register *The Cambridge Companion to Bach* was ever filed with the U.S. Copyright Office.

2665. Professor Orr mentally prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's ERes system.

2666. The excerpt of *The Cambridge Companion to Bach* that was placed on Georgia State University's ERes system was 12 pages long, and constituted part of one chapter and approximately 3.5% of the work.

2667. The excerpt of *The Cambridge Companion to Bach* 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 Orr's course materials for the purpose of teaching his class, and neither Professor Orr, Georgia State University, nor the named defendants profited from the use of the excerpt of *The Cambridge Companion to Bach*.

2668. The excerpt of *The Cambridge Companion to Bach* that was placed on Georgia State University's ERes system was not used for commercial purposes.

2669. The excerpt of The Cambridge Companion to Bach that was placed on Georgia State University's ERes system was used by Professor Orr for the purpose of teaching the students in his course.

2670. Neither Georgia State University, Professor Orr, nor the named Defendants profited from the use of the excerpt of The Cambridge Companion to Bach that was placed on Georgia State University's ERes system.

2671. Professor Orr used the excerpt of The Cambridge Companion to Bach that he placed on Georgia State University's ERes system for the purpose of research and scholarship.

2672. Professor Orr did not use the excerpt of The Cambridge Companion to Bach that he placed on Georgia State University's ERes system for the purpose of entertainment.

2673. Professor Orr used the excerpt of The Cambridge Companion to Bach that he placed on Georgia State University's ERes system for the purpose of criticism and/or comment.

2674. Professor Orr's use of the excerpt of The Cambridge Companion to Bach that he placed on Georgia State University's ERes system was for personal study.

2675. Professor Orr's use of the excerpt of The Cambridge Companion to Bach that he placed on Georgia State University's ERes system was necessary to achieve his intended educational purpose.

2676. Professor Orr did not publish or publicly distribute the excerpt of The Cambridge Companion to Bach that he placed on Georgia State University's ERes system.

2677. Professor Orr's use of the excerpt of The Cambridge Companion to Bach that he placed on Georgia State University's ERes system did not exceed his intended educational purpose.

2678. The Cambridge Companion to Bach is a published work.

2679. The Cambridge Companion to Bach is a factual work of nonfiction.

2680. The excerpt of The Cambridge Companion to Bach that Professor Orr used in his course was important to his educational objectives.

2681. The excerpt of The Cambridge Companion to Bach that Professor Orr used in his course amounts to 3.5% of the work, and as such, was a small portion of The Cambridge Companion to Bach.

2682. The excerpt of The Cambridge Companion to Bach that Professor Orr used in his course was not central to the work.

2683. The excerpt of The Cambridge Companion to Bach that Professor Orr used in his course was narrowly tailored for Professor Orr's educational purpose.

2684. Professor Orr's use of the excerpt of The Cambridge Companion to Bach stimulated the market for the original work.

2685. Professor Orr assigned the excerpt of The Cambridge Companion to Bach as supplemental classroom.

2686. A small number of copies of the excerpt of The Cambridge Companion to Bach were distributed—specifically, the ERes records indicate that the work was accessed seventeen times.

2687. Access to the excerpt of The Cambridge Companion to Bach was limited to the students in the class by a password protected website.

2688. The excerpt of The Cambridge Companion to Bach was removed from the ERes system after the semester ended.