

Appendix A

Maymester 2009 Infringement Summary: *Pronunciation Games* [PX 138]

Copyright Owner (or Licensee): **Cambridge [PX 139 (author agreement between Cambridge and Mark Hancock ¶ 8)]**

Copyright Registration Number: **Foreign work not requiring registration (17 U.S.C § 411(a))**

Dates of Publication: **December 7, 1995 (U.K)
February 23, 1996 (U.S.) [PX 140] [5/17 Tr. at 119:17-120:2 (Smith)]**

Description of Work: **Original activities accompanied by advice for teaching English language pronunciation. Single author work; 7 chapters, 108 pages. [PX 138; 5/31 Tr. at 84:8-14 (Murphy)]**

Course in Which Work Used: **AL8480 - Classroom Practices in Teaching ESL/EFL [JX 1; PX 540]**

Instructor: **Murphy [JX 1; PX 540]**

Total number of works on ERes/
uLearn for course*: **20 [JX 1; Appendix B at p. 1; PX 540]**

Page Range (# pgs.): **8-27 (20 pages, 9 requiring permission) [PX 138; JX 1; 5/31 Tr. at 84:24-85:4 (Murphy)]**

Percent Copied Without Permission: **8.3% (9/108 pages)**

Retail List Price (New): **\$47.00 (paperback) [JX 5 at A-1]**

Available for licensing through CCC: **Yes [JX 5 at A-1; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$1.35 [9 pages x \$0.15 per page]**

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: **\$16.50 [\$1.35/student x 10 students + \$3.00]**

Life to date sales revenue: **(approximately) [PX 141]**

* Plaintiffs have calculated the total number of book excerpts on ERes and/or uLearn for each course (excluding links to potentially licensed copies of journal articles and ERes entries that reference call numbers for a book in hardcopy reserve) based upon available information in the record.

Other Relevant Evidence Regarding Work:

- The work is an original work of authorship [PX 138, 139 ¶ 15; 5/17 Tr. at 111:14-112:1 (Smith)]
- The work, although not on the final syllabus, was assigned to students as supplementary material. [5/31 Tr. at 84:15-17 (Murphy).] The work was placed on ERes without any payment to the copyright holder. [5/31 Tr. at 138:18-24 (Murphy)]
- 9 of the pages copied and distributed contain the author's original material, are protectable, and require permission for use [PX 138]

Maymester 2009 Infringement Summary: *Keep Talking: Communicative Fluency Activities for Language Teaching* [PX 114]

Copyright Owner (or Licensee): **Cambridge [PX 115 (agreement between Cambridge and Verlag Lambert Lensing GMBH ¶ 1); 5/17 Tr. at 121:2–7 (Smith)]**

Copyright Registration Number: **Foreign work not requiring registration (17 U.S.C § 411(a))**

Dates of Publication: **February 14, 1985 (U.K)
April 26, 1985 (U.S.) [PX 116] [5/17 Tr. at 120:7-18 (Smith)]**

Description of Work: **Comprehensive guide to language teaching activities. Single author work; 4 chapters with additional worksheets and activities, 193 pages. [PX 114; 5/31 Tr. at 92:11–18 (Murphy)]**

Course in Which Work Used: **AL8480 - Classroom Practices in Teaching ESL/EFL [JX 1; PX 540]**

Instructor: **Murphy [JX 1; PX 540]**

Total number of works on ERes/uLearn for course: **20 [JX 1; Appendix B at p. 1]**

Number of Chapters Used: **1 (partial) [JX 5, PX 114]**

Page Range (# pgs.): **58-98 (41 pages) [JX 1; PX 657; 5/31 Tr. at 94:4-10 (Murphy)]**

Percent Copied Without Permission: **21.2% (41/193 pages)**

Retail List Price (New): **\$29.00 (paperback) [JX 5]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$6.15 [41 pages x \$0.15 per page]**

Licensing Cost for Class, incl. \$3.00 service fee if through CCC: **\$64.50 [\$6.15/student x 10 students + \$3.00]**

Life to date sales revenue: **(approximately) [PX 117]**

Permissions from CCC (2004 – 2010): **[PX 118]**

Other Relevant Evidence Regarding Work:

- This work was posted on EReserves without permission or any payment to the copyright holder [JX 1; 5/31 Tr. at 138:18-24 (Murphy)]
- The work is an original work of authorship [PX 114, 115 ¶ 10; 5/17 Tr. at 111:14-112:1 (Smith)]

Maymester 2009 Infringement Summary: *More Grammar Games: Cognitive, Affective and Movement Activities for EFL Students* [PX 134]

Copyright Owner (or Licensee): **Cambridge [PX 135 (Agreement between Cambridge, Paul Davis, and Mario Rinvoluceri ¶ 8)]**

Copyright Registration Number: **TX 7-274-034 [PX 136]**

Description of Work: **Original activities accompanied by advice for teaching grammar. Work by two authors; 9 chapters, 174 pages. [PX 134; 5/31 Tr. at 98:22–25 (Murphy)]**

Course in Which Work Used: **AL8480 - Classroom Practices in Teaching ESL/EFL [JX 1; PX 540]**

Instructor: **Murphy [JX 1; PX 540]]**

Total number of works on ERes/uLearn for course: **20 [JX 1; Appendix B at p. 1; PX 540]**

Page Range (# pgs.): **58-93 (36 pages, 26 requiring permission) [JX 1; PX 658; 5/31 Tr. at 99:8-14 (Murphy)]**

Percent Copied Without Permission: **14.9% (26/174 pages)**

Retail List Price (New): **\$32.00 (paperback) [JX 5 at A-1]**

Available for licensing through CCC: **Yes [JX 5 at A-1; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$3.90 [26 pages x \$0.15 per page]**

Licensing Cost for Class, incl. \$3.00 service fee if through CCC: **\$42.00 [\$3.90/student x 10 students + \$3.00]**

Life to date sales revenue: **(approximately) [PX 137]**

Other Relevant Evidence Regarding Work:

- Although not on the final syllabus, the work was assigned to students as supplemental reading and posted on ERes without permission or payment to the copyright holder [5/31 Tr. at 99:1-3,138:18-24 (Murphy)]
- The work is an original work of authorship [PX 134, 135 ¶15); 5/17 Tr. at 111:14-112:1 (Smith); 5/31 Tr. at 99:21–25 (Murphy) (“This one focuses on unordinary teaching of language, it is cognitive, affective and movement activities for EFL students. So I thought this would be a useful text”)]

- 26 of the pages copied and distributed contain the author's original material, are protectable, and require permission for use [PX 134]

Maymester 2009 Infringement Summary: *Grammar Practice Activities* (1st ed.) [DX 788]

Copyright Owner (or Licensee): Cambridge [PX 100 (author agreement between Cambridge and Penny Ur at ¶ 8); 5/17 Tr. at 121:14-122:4 (Smith)]

Copyright Registration Number: Foreign work not requiring registration (17 U.S.C § 411(a))

Dates of Publication: December 15, 1988 (U.K.)
January 27, 1989; February 24, 1989 (U.S.) [PX 101]

Description of Work: Activities and teaching instructions for teaching grammar to students in a communicative methodology. Single author work; 4 chapters, with additional activities, 282 pages. [DX 788; 5/31 Tr. at 105:8–112 (Murphy)]

Course in Which Work Used: AL8480 - Classroom Practices in Teaching ESL/EFL [JX 1; PX 540]

Instructor: Murphy [JX 1; PX 540]

Total number of works on ERes/
uLearn for course: 20 [JX 1; Appendix B at p. 1; PX 540]

Page Range (# pgs.): 44-102 (59 pages, 41 requiring permission) [JX 1, 5; PX 659; 5/31 Tr. at 106:2–15 (Murphy)]

Percent Copied Without Permission: 14.5% (41/282 pages)

Retail List Price (New): \$30.00 (paperback) [JX 5]

Available for licensing through CCC: Yes [JX 5; 5/26 Tr. at 10:2-12:3]

Licensing cost per student: \$6.15 [41 pages x \$0.15 per page]

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: \$64.50 [\$6.15/student x 10 students + \$3.00]

Life to date sales revenue: (approximately) [PX 102]

Other Relevant Evidence Regarding Work:

- The work was placed on ERes without permission or any payment to the copyright holder [JX 1, 5, 5/31 Tr. at 138:18-24 (Murphy)]
- The work is an original work of authorship [DX 788; PX 100 ¶ 15; 5/17 Tr. at 111:14-112:1 (Smith)]

- 41 of the pages copied and distributed contain the author's original material, are protectable, and require permission for use [DX 788; 5/31 Tr. at 107:18-108:8 (Murphy)].

Maymester 2009 Infringement Summary: *Five-Minute Activities: A Resource Book of Short Activities* [PX 90]

Copyright Owner (or Licensee): **Cambridge [PX 91 (author agreement between Cambridge and Penny Ur & Andrew Wright ¶ 8)]**

Copyright Registration Number: **TX 7-274-046 [PX 92]**

Description of Work: **Activities and advice for language teaching. Work by two authors; 101 pages. [PX 90; 5/31 Tr. 112:13–15 (Murphy)]**

Course in Which Work Used: **AL8480 - Classroom Practices in Teaching ESL/EFL [JX 1; PX 540]**

Instructor: **Murphy [JX 1; PX 540]**

Total number of works on ERes/
uLearn for course: **20 [JX 1; Appendix B at p. 1]**

Page Range (# pgs.): **1-23 (23 pages) [JX 1; 5/31 Tr. at 112:16- 113:2 (Murphy)]**

Percent Copied Without Permission: **22.8% (23/101 pages)**

Retail List Price (New): **\$27.00 (paperback) [JX 5 at A-2]**

Available for licensing through CCC: **Yes* [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$3.45 [23 pages x \$0.15 per page]**

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: **\$37.50 [\$3.45/student x 10 students + \$3.00]**

Life to date sales revenue: **(approximately [PX 93])**

Permissions from CCC (2004 – 2010): **[PX 94]**

* Up to 20% of the work is available for licensing through CCC. [5/17 Tr. at 68:4-5 (Smith); 5/26 Tr. at 10:2-12:3.] Given the large size of this excerpt taken by GSU (22.8% of the work), a request for licensing would be submitted as a special order to Cambridge, which Cambridge would approve for processing by CCC.

Other Relevant Evidence Regarding Work:

- The work, although not on the final syllabus, was assigned to students as supplemental reading and posted on ERes without permission or any payment to the copyright holder [5/31 Tr. at 112:16-19, 138:18-24 (Murphy)]
- The work is an original work of authorship [PX 90, 91 ¶ 15; 5/17 Tr. 111:14-112:1 (Smith)]

Maymester 2009 Infringement Summary: Newspapers [PX 433]

Copyright Owner (or Licensee): **Oxford [PX 434 (author agreement between Oxford and Peter Grundy ¶ 5); 5/19 Tr. at 117:12-18 (Pfund)]**

Copyright Registration Number: **Foreign work not requiring registration (17 U.S.C § 411(a))**

Dates of Publication: **February 4, 1993 (U.K.)
March 18, 1993 (U.S.) [PX 993]**

Description of Work: **Recommendations for effective use of newspapers in language teaching. Single author work; 6 chapters, 129 pages. [PX 433; 5/31 Tr. at 116:19-117:4 (Murphy)]**

Course in Which Work Used: **AL8480 - Classroom Practices in Teaching ESL/EFL [JX 1; PX 540]**

Instructor: **Murphy [JX 1; PX 540]**

Total number of works on ERes/
uLearn for course: **20 [JX 1; Appendix B at p. 1]**

Number of Chapters Used: **1 [JX 5]**

Page Range (# pgs.): **30-58 (29 pages, 27 requiring permission) [JX 1; PX 661; 5/31 Tr. at 117:13-16 (Murphy)]**

Percent Copied Without Permission: **20.9% (27/129 pages)**

Retail List Price (New): **\$21.50 [JX 5 at A-2]**

Available for licensing through CCC: **Yes* [JX 5 at A-2; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$3.24 (27 pages x \$0.12 per page)**

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: **\$35.40 [\$3.24/student x 10 students + \$3.00]**

Life to date sales revenue: **[PX 357]**

* The work is available for licensing through CCC, subject to limits set by Oxford. [5/19 Tr. at 70:15-71:7 (Pfund); 5/26 Tr. at 10:2-12:3]. Given the large size of this excerpt taken by GSU (22.5% of the work), a request for licensing would be submitted as a special order to Oxford.

Permissions from CCC (2004 – 2010): [PX 436]

Other Relevant Evidence Regarding Work:

- The work, although not on the final syllabus, was assigned to students as supplemental reading and posted on ERes without permission or any payment to the copyright holder [5/31 Tr. at 117:19–118:1, 138:18-24 (Murphy)]
- The work is an original work of authorship owned by Oxford University Press in the UK and exclusively licensed to Oxford for U.S. distribution [PX 433, 434 ¶ 15; *see* 5/19 Tr. at 31:23 – 32:5, 45:7-19 (Pfund); PX 509 (granting Oxford exclusive distribution rights and the right to sue for infringement of OUP UK works)]
- 27 of the pages copied and distributed contain the author’s original material, are protectable, and require permission for use [5/31 Tr. at 118:24-119:4 (Murphy); PX 433]

Maymester 2009 Infringement Summary: *Role Play: Resource Books for Teachers* [PX 458]

Copyright Owner (or Licensee): **Oxford [PX 459 (author agreement between Oxford and Gillian Porter Ladousse ¶ 5); 5/19 Tr. 117:25-118:10 (Pfund)]**

Copyright Registration Number: **Foreign work not requiring registration (17 U.S.C § 411(a))**

Dates of Publication: **April 9, 1987 (U.K.)
June 11, 1987 (U.S.) [PX 993]**

Description of Work: **Comprehensive overview and analysis of developing fluency in students. Single author work; 177 pages. [PX 458; 5/31 Tr. 122:14-17 (Murphy)]**

Course in Which Work Used: **AL8480 - Classroom Practices in Teaching ESL/EFL [JX 1; PX 540]**

Instructor: **Murphy [JX 1; PX 540]**

Total number of works on ERes/
uLearn for course: **20 [JX 1; Appendix B at p. 1]**

Number of Chapters Used: **1 (plus part of additional) [PX 458]**

Page Range (# pgs.): **24-62 (39 pages, 30 requiring permission) [JX 1; 5/31 Tr. 123:2-6 (Murphy)]**

Percent Copied Without Permission: **16.9% (30/177 pages)**

Retail List Price (New): **\$19.95 [JX 5 at A-2]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$3.60 [30 pages x \$0.12 per page]**

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: **\$39 [\$3.60/student x 10 students + \$3.00]**

Life to date sales revenue: **[PX 357]**

Other Relevant Evidence Regarding Work:

- The work, although not on the final syllabus, was assigned to students as supplemental reading and posted to ERes without permission or any payment to the copyright holder [5/31 Tr. at 117:5-7, 117:19-118:1, 138:18-24 (Murphy)]

- The work is an original work of authorship owned by Oxford University Press in the UK and exclusively licensed to Oxford for U.S. distribution [PX 458, 459 ¶ 15; 5/19 Tr. 31:23 – 32:5, 45:7-19 (Pfund); PX 509 (granting Oxford exclusive distribution rights and the right to sue for infringement of OUP UK works)]
- 30 of the pages copied and distributed contain the author's original material, are protectable, and require permission for use [PX 458; 5/31 Tr. 124:10-17 (Murphy)]

Maymester 2009 Infringement Summary: *The Craft of Inquiry: Theories, Methods, Evidence* [PX 372]

Copyright Owner (or Licensee): Oxford [PX 373 (author agreement between Oxford and Robert Altford ¶ 1)]

Copyright Registration Number: TX 4-742-637 [PX 374]

Description of Work: Overview of sociological methodology for conducting research projects and the relationships between the various approaches. Single author work; 8 chapters, 134 pages. [PX 372; 5/23 Tr. at 188:11-13, 5/24 Tr. at 24:15-25:2 (Kaufmann)]

Course in Which Work Used: EPRS8500 - Qualitative/ Interpretive Research in Education I [JX 1; PX 516]

Instructor: Kaufmann [JX 1; PX 516]

Total number of works on ERes/uLearn for course: 18 excerpts from 11 works [JX 1; PX 516; Appendix B at p. 2]

Number of Chapters Used: 1 [JX 5]

Page Range (# pgs.): 21-31 (11 pages) [JX 1; 5/23 Tr. at 120:2-8 (Kaufmann)]

Percent Copied Without Permission: 8.2% (11/134 pages)

Retail List Price (New): \$32.95 [JX 5 at A-3]

Available for licensing through CCC: Yes [JX 5; 5/26 Tr. at 10:2-12:3]

Licensing Cost Per Student: \$1.32 [11 pages x \$0.12 per page]

Licensing Cost for Class, incl. \$3.00 service fee if through CCC:: \$20.16 [\$1.32/student x 13 students + \$3.00]

Life to date sales revenue: [PX 357]

Permissions from CCC (2004 – 2010): [PX 375]

Other Relevant Evidence Regarding Work:

- The work was assigned to students as required reading and placed on ERes without payment to the copyright holder [5/23 Tr. at 120:2-6, 121:6-17 (Kaufmann)]

Maymester 2009 Infringement Summary: *Handbook of Feminist Research: Theory and Praxis* [PX 243]

Copyright Owner (or Licensee): **SAGE [PX 244 (author agreement between SAGE and Sharlene Hesse Biber ¶ 6); PX 246 (contributing author agreement between SAGE and Judith Preissle for “Feminist Research Ethics” at pages 515-534); 5/18 Tr. at 87:10-88:3 (Richman)]**

Copyright Registration Number: **TX 7-031-746 [PX 247]**

Description of Work: **Analysis of feminist approaches to methodology. Compilation; 43 chapters, 712 pages. [PX 243; 5/23 Tr. at 183:17–21 (Kaufmann)]**

Course in Which Work Used: **EPRS8500 - Qualitative/ Interpretive Research in Education I [JX 1; PX 516]**

Instructor: **Kaufmann [JX 1; PX 516]**

Total number of works on ERes/ uLearn for course: **18 excerpts from 11 works [JX 1; Appendix B at p. 2; PX 516]**

Number of Chapters Used: **1 [JX 5]**

Page Range (# pgs.): **515-534 (20 pages) [JX 1; 5/23 Tr. at 184:2-15 (Kaufmann)]**

Percent Copied Without Permission: **100% of Preissle’s work
2.8% of the entire work (20/712 pages) [PX 243]**

Retail List Price (New): **\$146.00 (hardcover) [JX 5]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$2.80 [20 pages x \$0.14 per page]**

Licensing Cost for Class, incl. \$3.00 service fee if through CCC: **\$39.40 [\$2.80/student x 13 students + \$3.00]**

Life to date sales revenue: **[PX 248]**

Permissions revenue (from in-house requests): **[PX 248]**

Other Relevant Evidence Regarding Work:

- The work was assigned to students as required reading and placed on ERes without permission or payment to the copyright holder [PX 516 at 7; 5/23 Tr. at 121:6-17, 154:2-7 (Kaufmann)]

Maymester 2009 Infringement Summary: *Handbook of Social Theory* [PX 288]

Copyright Owner (or Licensee): **SAGE [PX 289 (author agreement between SAGE, George Ritzer, and Barry Smart ¶ 1); PX 290 (contributing author agreement between SAGE and Gary Fine for “Symbolic Interactionism at the End of the Century” at pages 217-228); 5/18 Tr. at 87:10-88: 3 (Richman)]**

Copyright Registration Number: **Foreign work not requiring registration (17 U.S.C § 411(a))**

Dates of Publication
(Trial Testimony of Carol Richman): **July 26, 2003 (UK)
November 13, 2003 (US)[5/18 Tr. at 129:20-130:1 (Richman)]**

Description of Work: **Comprehensive overview and analysis of social theory, including the strengths and weaknesses of contemporary social theory. Compilation; 39 chapters, 537 pages. [PX 288; 5/24 Tr. 36:17-22 (Kaufmann)]**

Course in Which Work Used: **EPRS8500 - Qualitative/ Interpretive Research in Education I [JX 1; PX 516]**

Instructor: **Kaufmann [JX 1; PX 516]**

Total number of works on ERes/
uLearn for course: **18 excerpts from 11 works [JX 1; Appendix B at p. 2; PX 516]**

Number of Chapters Used: **1 [JX 5; PX 288]**

Page Range (# pgs.): **217-228 (12 pages) [JX 1; 5/23 Tr. at 113:4-12 (Kaufmann)]**

Percent Copied Without Permission: **100% of Contributors’ article
2.2% of the entire work (12/537 pages) [PX 288]**

Retail List Price (New): **\$150.00 (hardcover) \$69.95 (paperback) [JX 5 at A-3]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$1.68 [12 pages x \$0.14 per page]**

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: **\$24.84 [\$1.68/student x 13 students + \$3.00]**

Life to date sales revenue: **(approximately) [PX 291]**

Permissions revenue (from
in-house requests): **(approximately :) [PX 291]**

Permissions from CCC (2004 – 2010): **[PX 292]**

Other Relevant Evidence Regarding Work:

- The work was assigned to students as required reading and placed on ERes without permission or payment to the copyright holder [PX 516; 5/23 Tr. at 113:4-10, 121:6-17 (Kaufmann)]
- The work is an original work of authorship [PX 288, PX 289 ¶ 5, PX 290]
- Notwithstanding Defendants’ claims to the contrary, SAGE owns excerpt via assignment from Gary Fine, who signed agreement on behalf of all co-authors [PX 290 (“Please sign on behalf of your co-authors”)]

Maymester 2009 Infringement Summary: *The SAGE Handbook of Qualitative Research* (3rd edition) [PX 267]

Copyright Owner (or Licensee): **SAGE [PX 268 (editor agreement between SAGE, Norman Denzin, and Yvonna Lincoln, which also covers the Introduction by the editors at pages 1–32, ¶ I); PX 274 (contributing author agreement between SAGE and Kenneth Plummer for “Critical Humanism and Queer Theory” at pages 357–73); PX 277 (contributing author agreement between SAGE and Robert Stake for “Qualitative Case Studies” at pages 443–65); PX 269 (contributing author agreement between SAGE and Susan Chase for “Narrative Inquiry” at pages 651–79); 5/18 Tr. at 98:10-14 (Richman)]**

Copyright Registration Number: **TX 6-175-287 [PX 282]**

Description of Work: **Original research and analysis concerning the theory and practice of qualitative inquiry. Compilation; 44 chapters, 1126 pages. [PX 267]**

Course in Which Work Used: **EPRS8500 - Qualitative/ Interpretive Research in Education I [JX 1; PX 516]**

Instructor: **Kaufmann [JX 1; PX 516]**

Total number of works on ERes/
uLearn for course: **18 excerpts from 11 works [JX 1; Appendix B at p. 2; PX 516]**

Number of Chapters Used: **4 [JX 5; PX 267]**

Page Range (# pgs.): **1-32, 357-375, 443-465, 651-679 (103 pages) [JX 1; 5/24 Tr. 7:7–13 (Kaufmann)]**

Percent Copied Without Permission: **100% of the Denzin & Lincoln, Plummer, Stake, and Chase works
9.1% of the entire work (103/1126 pages) [PX 267]**

Retail List Price (New): **\$156.00 (hardcover) [JX 5 at A-3]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$14.42 (103 pages x \$0.14 per page)**

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: **\$190.46 [\$14.42/student x 13 students + \$3.00]**

Life to date sales revenue: **0 (3rd edition) [PX 283]**

Permissions revenue (from
in-house requests): **0 (2d and 3d editions) [PX 283]**

Permissions revenue from CCC
2004-2010: **0 (2d and 3d editions) [PX 284-288]**

Other Relevant Evidence Regarding Work:

- The work was assigned to students as required reading and placed on ERes without permission or payment to the copyright holder [PX 516; *see* 5/23 Tr. at 78:22-79:1, 106:4-10, 109:17-21, 121:6-17 (Kaufmann)]
- The work is an original work of authorship [PX 289 ¶ VIII; PX 290; PX 274 at 3; PX 277 at 3; PX 269 at 3]

Maymester 2009 Infringement Summary: *The SAGE Handbook of Qualitative Research* (2nd edition)[PX 265]

Copyright Owner (or Licensee): **SAGE [PX 324 (editor agreement between SAGE, Norman Denzin, and Yvonna Lincoln ¶ I); PX 272 (contributing author agreement between SAGE and Douglas Harper for “Reimagining Visual Methods: Galileo to Neuromancer” at pages 717-732); PX 275 (contributing author agreement between SAGE and Laurel Richardson for “Writing: A Method of Inquiry” at pages 923-948); 5/18 Tr. at 93:24-94:3 (Richman)]**

Copyright Registration Number: **TX 5-220-475 [PX 282]**

Description of Work: **Original research and analysis concerning the theory and practice of qualitative inquiry. Compilation; 41 chapters, 1085 pages. [PX 265]**

Course in Which Work Used: **EPRS8500 - Qualitative/ Interpretive Research in Education I [JX 1; PX 516]**

Instructor: **Kaufmann [JX 1; PX 516]**

Total number of works on ERes/ uLearn for course: **18 excerpts from 11 works [JX 1; Appendix B at p. 2; PX 516]**

Number of Chapters Used: **3 [JX 5]**

Page Range (# pgs.) **717-732, 733-768, 923-948 (78 pages) [JX 1; PX 516; 5/18 Tr. at 94:7-21 (Richman)]**

Percent Copied Without Permission: **100% of chapters 27, 28 and 36
7.3% of the entire work (78/1065 pages) [PX 265; 5/18 Tr. at 95:2-10 (Richman)]**

Retail List Price (New): **\$175.00 (hardcover) [JX 5]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$10.92 [78 pages x \$0.14 per page]**

Licensing Cost for Class, incl. \$3.00 service fee if through CCC: **\$144.96 [\$10.92/student x 13 students + \$3.00]**

Life to date sales revenue:

(2nd edition) [PX 283]

Permissions revenue (from
in-house requests):

(2d and 3d editions) [PX 283]

Permissions revenue from CCC
2004-2010:

(2d and 3d editions) [PX 284-288]

Other Relevant Evidence Regarding Work:

- The work was assigned to students as required reading and placed on ERes without permission or payment to the copyright holder [PX 516; 5/23 Tr. at 121:6-17 (Kaufmann)]
- Copyright registration certificate (filed within five years of publication) establishes presumption of ownership, including to contributions, which was not rebutted. PX 282. In addition, Ms. Richman testified that “we have a policy that states that every contributing author must sign an agreement with us.” [5/18 Tr. at 64:24-65:4 (Richman).]
- Despite Defendants’ claim that pages 717-732 and 923-948 were used in Summer 2009 and not the 2009 Maymester, the ERes reports produced by the Defendants indicated that Professor Kaufmann placed pages 717-732 and 923-948 of *The SAGE Handbook of Qualitative Research* (2d ed.) on ERes during the 2009 Maymester. [JX 1]

Maymester 2009 Infringement Summary: *Handbook of Critical and Indigenous Methodologies* [PX 231]

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| Copyright Owner (or Licensee): | SAGE [PX 233 (editor agreement between SAGE, Norman Denzin, and Yvonna Lincoln ¶ 6); PX 232 (contributing author agreement between SAGE and Chris Dunbar for “Critical Race Theory and Indigenous Methodologies” at pages 85-100); PX 235 (contributing author agreement between SAGE, Joe Kincheloe, and Shirley Steinberg for “Indigenous Knowledges in Education: Complexities, Dangers, and Profound Benefits” at pages 135-156); 5/18 Tr. at 134:17–21, 135:9-10, 135:14-16 (Richman)] |
| Copyright Registration Number: | TX 7-164-515 [PX 236] |
| Description of Work: | Original research and analysis concerning the relationship between critical methodologies and indigenous perspectives. Compilation; 29 chapters, 570 pages. [PX 231; 5/23 Tr. at 186:25-187:9 (Kaufmann)] |
| Course in Which Work Used: | EPRS8500 - Qualitative/ Interpretive Research in Education I [JX 1; PX 516] |
| Instructor: | Kaufmann [JX 1; PX 516] |
| Total number of works on ERes/ uLearn for course: | 18 excerpts from 11 works [JX 1; Appendix B at p. 2; PX 516] |
| Number of Chapters Used: | 2 [JX 5] |
| Page Range (# pages): | 85-99; 135-156 (37 pages) [PX 516; JX 1; 5/23 Tr. at 115:8-15, 116:9-23 (Kaufmann)] |
| Percent Copied Without Permission: | 100% of Dunbar, Kincheloe, and Steinberg works [5/23 Tr. at 115:12-15, 116:20-117:1 (Kaufmann); PX 231] 6.5% of the entire work (37/570 pages) [PX 231] |
| Retail List Price (New): | \$146.00 (hardcover) [JX 5 at A-1] |
| Available for licensing through CCC: | Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3] |
| Licensing Cost Per Student: | \$5.18 [37 pages x \$0.14 per page] |

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: **\$70.34 [\$5.18/student x 13 students + \$3.00]**

Life to date sales revenue: [PX 237]

Permissions revenue (from
in-house requests): [PX 237]

Permissions from CCC (2004 – 2010): [PX 238]

Other Relevant Evidence Regarding Work:

- The work was assigned to students as required reading and placed on ERes without permission or payment to the copyright holder [PX 516; 5/23 Tr. at 114:20-23, 116:14-16, 121:6-17 (Kaufmann); 5/23 Tr. at 90:22-24 (Richman)]

Maymester 2009 Infringement Summary: *Qualitative Research Practice* [PX 298]

Copyright Owner (or Licensee): **SAGE [PX 299 (editor agreement between SAGE, Clive Seal, Giampetro Gobo, Jaber Gubrium, and David Silverman ¶ 1); PX 300 (contributing author agreement between SAGE and Sarah Pink for “Visual Methods” at pages 391-406); 5/18 Tr. at 123:24-124:1, 124:6-10 (Richman)]**

Copyright Registration Number: **Foreign work not requiring registration (17 U.S.C § 411(a))**
Only published in the United Kingdom and protected by copyright in the United Kingdom [5/18 Tr. at 124:11-15 (Richman)]

Description of Work: **Interdisciplinary overview of the varieties of qualitative research practice. Compilation; 38 chapters, 608 pages. [PX 298]**

Course in Which Work Used: **EPRS8500 - Qualitative/ Interpretive Research in Education I [JX 1]**

Instructor: **Kaufmann [JX 1]**

Total number of works on ERes/uLearn for course: **18 excerpts from 11 works [JX 1; Appendix B at p. 2; PX 516]**

Number of Chapters Used: **1 [JX 5]**

Page Range (# pages): **391-406 (16 pages) [JX 1; 5/18 Tr. at 123:11-14 (Richman)]**

Percent Copied Without Permission: **100% of Pink’s work
2.6% of the entire work (16/608 pages) [PX 298]**

Retail List Price (New): **\$130.00 (hardcover); \$67.95 (paperback) [JX 5 at A-4]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$2.24 [16 pages x \$0.14 per page]**

Licensing Cost for Class, incl. \$3.00 service fee if through CCC: **\$32.12 [\$2.24/student x 13 students + \$3.00]**

Life to date sales revenue: (approximately) [PX 302]

Permissions revenue (from in-house requests): approximately [PX 302, 303]

Permissions from CCC (2004 – 2010): [PX 304]

Other Relevant Evidence Regarding Work:

- The work is an original work of authorship [PX 299 ¶ 5; 300]
- The work was posted to ERes without permission or any payment to the copyright holder [JX 1; 5/23 Tr. at 121:6-17 (Kaufmann)]
- The ERes reports produced by the Defendants indicate that Professor Kaufmann placed the work on ERes during the 2009 Maymester [JX 1]

Maymester 2009 Infringement Summary: *Handbook of Narrative Inquiry* [PX 258]

Copyright Owner (or Licensee): **SAGE [PX 259 (editor agreement between SAGE and D. Jean Clandinin ¶ 6); PX 260 (contributing author agreement between SAGE and Stefanie Pinnegar for “Locating Narrative Inquiry Historically: Thematics in the Turn to Narrative” at pages 3-34); 5/18 Tr. at 126:19-21, 127:21-23 (Richman)]**

Copyright Registration Number: **TX 6-512-848 [PX 261]**

Description of Work: **Comprehensive and interdisciplinary overview of the methodology of narrative inquiry. Compilation; 24 chapters, 650 pages. [PX 258; 5/23 Tr. at 175:3–10 (Kaufmann)]**

Course in Which Work Used: **EPRS8500 - Qualitative/ Interpretive Research in Education I [JX 1; PX 516]**

Instructor: **Kaufmann [JX 1; PX 516]**

Total number of works on ERes/ uLearn for course: **18 excerpts from 11 works [JX 1; Appendix B at p. 2; PX 516]**

Number of Chapters Used: **1 [JX 5]**

Page Range (# pages): **3-34 (32 pages) [JX 1; 5/18 Tr. at 125:5-11 (Richman); 5/23 Tr. at 117:10-17 (Kaufmann)]**

Percent Copied Without Permission: **100% of Pinnegar’s work
4.9% of the entire work (32/650 pages) [PX 258; 5/23 Tr. at 117:15-118:1 (Kaufmann)]**

Retail List Price (New): **\$146.00 (hardcover) [JX 5 at A-4]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$4.48 (32 pages x \$0.14 per page)**

Licensing Cost for Class, incl. \$3.00 service fee if through CCC: **\$61.24 [\$4.48/student x 13 students + \$3.00]**

Life to date sales revenue: **[PX 262]**

Direct permissions revenue: **[PX 262]**

Permissions from CCC (2004 – 2010): [PX 264]

Other Relevant Evidence Regarding Work:

- The work was assigned to students as required reading and placed on ERes without permission or payment to the copyright holder [PX 516; 5/23 Tr. at 117:10-14,121:6-17 (Kaufmann); 5/23 Tr. at 90:22-24 (Richman)]

Summer 2009 Infringement Summary: *The SAGE Handbook of Qualitative Research* (2nd edition) [PX 265]

Copyright Owner (or Licensee): **SAGE [PX 324 (editor agreement between SAGE, Norman Denzin, and Yvonna Lincoln ¶ I); PX 272 (contributing author agreement between SAGE and Douglas Harper for “Reimagining Visual Methods: Galileo to Neuromancer” at pages 717-732); PX 275 (contributing author agreement between SAGE and Laurel Richardson for “Writing: A Method of Inquiry” at pages 923-948); 5/18 Tr. at 88:4-18, 96:7-11, 96:20-22 (Richman)]**

Copyright Registration Number: **TX 5-220-475 [PX 282]**

Description of Work: **Original research and analysis concerning the theory and practice of qualitative inquiry. Compilation; 41 chapters, 1085 pages. [PX 265]**

Course in Which Work Used: **EPRS8510 - Qualitative Research in Education II [JX 2; PX 517]**

Instructor: **Kaufmann [JX 2; PX 517]**

Total number of works on ERes/
uLearn for course: **4 excerpts from 3 works [JX 2; PX 517; Appendix B at p. 3]**

Number of Chapters Used: **2 [JX 5]**

Page Range (# pgs.): **717-732; 923-943 (37 pages) [JX 2; PX 517; 5/23 Tr. at 136:18-137:2, 141:6-12 (Kaufmann)]**

Percent Copied Without Permission: **100% of Harper’s and Richardson’s works [5/18 Tr. at 95:2-10 (Richman); PX 265]
3.5% of the entire work (37/1085 pages) [PX 265]**

Retail List Price (New): **\$175.00 (hard-cover) [JX 5 at B-1]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$5.18 (37 pages x \$0.14 per page)**

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: **\$49.62 [\$5.18/student x 9 students + \$3.00]**

Life to date sales revenue: [PX 283]

Permissions revenue (from in-house requests): (2d and 3d editions) [PX 283]

Permissions revenue from CCC 2004-2010: (2d and 3d editions) [PX 284-288]

Other Relevant Evidence Regarding Work:

- The work was assigned to students as required reading and placed on ERes without permission or payment to the copyright holder [PX 517; 5/23 Tr. at 136:18-137:2, 141:6-19 (Kaufmann); 5/23 Tr. at 137:10-12 (Kaufmann); 5/18 Tr. at 90:22-24 (Richman)]

Summer 2009 Infringement Summary: *Servicing: New Lenses, New Concerns* [PX 293]

Copyright Owner (or Licensee): **SAGE [PX 294 (author agreement between SAGE, Jaber Gubrium and James Holstein ¶ I); 5/18 Tr. at 88:4-18 (Richman)]**

Copyright Registration Number: **TX 6-744-045 [PX 295]**

Description of Work: **Original research and analysis on the interview participant. Compilation; 24 chapters, 506 pages. [PX 293]**

Course in Which Work Used: **EPRS8510 - Qualitative Research in Education II [JX 2; PX 517]**

Instructor: **Kaufmann [JX 2; PX 517]**

Total number of works on ERes/uLearn for course: **4 excerpts from 3 works [JX 2; Appendix B at p. 3; PX 517]**

Number of Chapters Used: **1 [JX 5; PX 293]**

Page Range (# pages): **415-428 (14 pages) [JX 2; 5/24 Tr. at 13:16-25 (Kaufmann)]**

Percent Copied Without Permission: **2.8% (14/506 pages) [PX 293]**

Retail List Price (New): **\$79.95 (paperback) [JX 5 at B-1]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$1.96 [14 pages x \$0.14 per page]**

Licensing Cost for Class, incl. \$3.00 service fee if through CCC: **\$20.64 [\$1.96/student x 9 students + \$3.00]**

Life to date sales revenue: **\ [PX 296]**

Permissions revenue (from in-house requests): **§ [PX 296]**

Permissions from CCC (2004 – 2010): **§ [PX 297]**

Other Relevant Evidence Regarding Work:

- The work was assigned to students as required reading and placed on ERes without permission or any payment to the copyright holder [JX 2; 5/23 Tr. at 142:6-12 (Kaufmann); 5/18 Tr. at 90:22-24 (Richman)]
- The work is an original work of authorship [PX 294 ¶ VII]
- Copyright registration certificate (filed within five years of publication) establishes presumption of ownership, including to contributions, which was not rebutted. PX 295. In addition, although a contributing author agreement for this work is not in evidence, Ms. Richman testified that “we have a policy that states that every contributing author must sign an agreement with us.” [5/18 Tr. at 64:24-65:4]

Summer 2009 Infringement Summary: *Handbook of Ethnography* [PX 239]

Copyright Owner (or Licensee): **SAGE [PX 240 (editor agreement between SAGE, Paul Atkinson, Amanda Coffey, Sarah Delamont, John Lofland, and Lyn Lofland ¶ 1); 5/18 Tr. at 88:4-18 (Richman)]**

Copyright Registration Number: **Foreign work not requiring registration (17 U.S.C § 411(a))**
Only published in the United Kingdom [5/18 Tr. at 124:23–125:4 (Richman)]

Description of Work: **Interdisciplinary overview and analysis of the field of ethnography. Compilation; 33 chapters, 492 pages. [PX 239]**

Course in Which Work Used: **EPSF8280 - Anthropology of Education [JX 2; PX 547]**

Instructor: **Esposito [JX 2; PX 547]**

Total number of works on ERes/
uLearn for course: **9 excerpts from 8 works [JX 2; Appendix B at p. 4]**

Number of Chapters Used: **1 [JX 5]**

Page Range (# pgs.): **188-203 (16 pages) [JX 5; 5/18 Tr. at 124:19-22 (Richman)]**

Percent Copied Without Permission: **100% of chapter 13
3.3% of the entire work (16/492 pages) [PX 239]**

Retail List Price (New): **\$130.00 (hard) [JX 5 at B-1]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$2.24 [16 pages x \$0.14 per page]**

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: **\$52.28 [\$2.24/student x 22 students + \$3.00]**

Life to date sales revenue: **(approximately) [PX 241]**

Permissions revenue (from
882404.1

in-house requests): (approximately) [PX 241]

Permissions from CCC (2004 – 2010): [PX 242]

Other Relevant Evidence Regarding Work:

- The work was assigned to students as required reading and placed on EReserves without permission or payment to the copyright holder [5/24 Tr. at 53:9-12, 54:25-55:16 (Esposito); 5/18 Tr. at 90:22-24 (Richman)]
- The work is an original work of authorship [PX 239; 240 ¶ 5]
- Although, there is no contributing author agreement in evidence, Ms. Richman testified that “we have a policy that states that every contributing author must sign an agreement with us.” [5/18 Tr. at 64:24-65:4 (Richman).]

Summer 2009 Infringement Summary: *Handbook of Feminist Research: Theory and Praxis* [PX 243]

Copyright Owner (or Licensee): **SAGE [PX 244 (editor agreement between SAGE and Sharlene Nagy Hesse-Biber at ¶ 6); PX 245 (contributing author agreement between SAGE, Wanda Pillow, and Chris Mayo for “Toward Understandings of Feminist Ethnography”, at pages 155-172); 5/18 Tr. at 88:4-18, 119:22-24, 120:5-7 (Richman)]**

Copyright Registration Number: **TX 7-031-746 [PX 247]**

Description of Work: **Original research and analysis discussing feminist approaches to methodology. Compilation; 43 chapters, 712 pages. [PX 243; 5/24 Tr. 27:16–20 (Esposito) (describing the Pillow and Mayo work)]**

Course in Which Work Used: **EPSF8280 - Anthropology of Education [JX 2; PX 547]**

Instructor: **Esposito [JX 2; PX 547]**

Total number of works on ERes/uLearn for course: **9 excerpts from 8 works [JX 2; Appendix B at p. 4]**

Number of Chapters Used: **1 [JX 5]**

Page Range (# pages): **155-172 (18 pages) [JX 2, 5/24 Tr. at 56:21-24 (Esposito)]**

Percent Copied Without Permission: **100% of Pillow and Mayo’s work
2.5% of the entire work (18/712 pages) [PX 243]**

Retail List Price (New): **\$146.00 (hard) [JX 5 at B-1]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost for Class, incl. \$3.00 service fee if through CCC: **Yes [5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$2.52 [18 pages x \$0.14 per page]**

Licensing Cost for Class: **\$58.44 [\$2.52/student x 22 students + \$3.00]**

882404.1

Life to date sales revenue: [PX 248]

Permissions revenue (from in-house requests): [PX 248]

Other Relevant Evidence Regarding Work:

- The work was assigned to students as required reading and placed on EReserves without permission or payment to the copyright holder [PX 547; 5/24 Tr. at 53:7-8, 56:21-57:5 (Esposito); 5/18 Tr. at 90:22-24 (Richman)]

Summer 2009 Infringement Summary: *The SAGE Handbook of Qualitative Research* (2nd edition) [PX 265]

Copyright Owner (or Licensee): **SAGE [PX 324 (editor agreement between SAGE, Norman Denzin, and Yvonna Lincoln ¶ I); PX 278 (contributing author agreement between SAGE and Barbara Tedlock for “Ethnography and Participant Observation” at pages 455-486 ¶ I); 5/18 Tr. at 93:24-94:3, 97:3-10 (Richman)]**

Copyright Registration Number: **TX 5-220-475 [PX 282]**

Description of Work: **Original research and analysis concerning the theory and practice of qualitative inquiry. Compilation; 41 chapters, 1085 pages. [PX 265]**

Course in Which Work Used: **EPSF8280 - Anthropology of Education [JX 2; PX 547]**

Instructor: **Esposito [JX 2; PX 547]**

Total number of works on ERes/
uLearn for course: **9 excerpts from 8 works [JX 2; Appendix B at p. 4]**

Number of Chapters Used: **1 [JX 5]**

Page Range (# pgs.): **455-486 (32 pages) [JX 2; PX 547; 5/24 Tr. at 53:21-54:20 (Esposito)]**

Percent Copied Without Permission: **100% of Tedlock’s work
3% of the entire work (32/1085) [PX 265; 5/24 Tr. at 53:21-54:9 (Esposito)]**

Retail List Price (New): **\$156.00 (hard) [JX 5 at B-1]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$4.48 (32 pages x \$0.14 per page)**

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: **\$101.56 [\$4.48/student x 22 students + \$3.00]**

Life to date sales revenue: **[PX 283]**

Permissions revenue (from

882404.1

in-house requests):

(2d and 3d editions) [PX 283]

Permissions revenue from CCC

2004-2010:

(2d and 3d editions) [PX 284-288]

Other Relevant Evidence Regarding Work:

- The work was assigned to students as required reading and placed on EReserves without permission or payment to the copyright holder [5/24 Tr. at 53:7-12, 54:18-24 (Esposito); 5/18 Tr. at 90:22-24 (Richman)]
- The work is an original work of authorship [PX 324 ¶ VII); 278 ¶ IV); PX 282 (work registered with U.S. Copyright Office within five years of publication)]

Summer 2009 Infringement Summary: *The SAGE Handbook of Qualitative Research* (1st edition) [DX 739]

Copyright Owner (or Licensee): SAGE [PX 271 (contributing author agreement between SAGE and Michelle Fine for “Working the Hyphens” at pages 70-82, ¶ I); 5/18 Tr. at 88:4-18 (Richman)]

Copyright Registration Number: TX 3-721-799 [PX 282]

Description of Work: Original research and analysis concerning the theory and practice of qualitative inquiry. Compilation; 36 chapters, 586 pages. [DX 739]

Course in Which Work Used: EPSF8280 - Anthropology of Education [JX 2; PX 547]

Instructor: Esposito [JX 2; PX 547]

Total number of works on ERes/uLearn for course: 9 excerpts from 8 works [JX 2; Appendix B at p. 4]

Number of Chapters Used: 1 [JX 5]

Page Range (# pgs.): 70-82 (13 pages) [JX 5; 5/24 Tr. at 57:24-58:6 (Esposito)]

Percent Copied Without Permission: 100% of Michelle Fine’s work
2.2% of the entire work (13/588 pages) [PX 739]

Retail List Price (New): \$175.00 (hard) [JX 5]

Available for licensing through CCC: Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]

Licensing Cost Per Student: \$1.82 [13 pages x \$0.14 per page]

Licensing Cost for Class, incl. \$3.00 service fee if through CCC: \$43.04 [\$1.82/student x 22 students + \$3.00]

Other Relevant Evidence Regarding Work:

- The work was assigned to students as required reading and placed on EReserves without permission or payment to the copyright holder [PX 547; 5/24 Tr. at 53:7-12, 57:10–58:16 (Esposito); 5/18 Tr. at 90:22-24 (Richman)]

Summer 2009 Infringement Summary: *Awakening Children's Minds* [PX 354]

Copyright Owner (or Licensee): **Oxford [PX 355 (author agreement between Oxford and Laura Berk ¶ 1)]**

Copyright Registration Number: **TX 5-335-981 [PX 356]**

Description of Work: **Original research and analysis on child-rearing theories and the roles of parents and teachers. Single author work; 7 chapters, 250 pages. [PX 354; 5/31 Tr. at 32:12–16 (Kruger)]**

Course in Which Work Used: **EPY7090 - Learning and the Learner [JX 2; PX 553]**

Instructor: **Kruger [JX 2; PX 553]**

Total number of works on ERes/
uLearn for course: **15 book excerpts [JX 2; Appendix B at p. 5]**

Number of Chapters Used: **1 [JX 5]**

Page Range (# pages): **181-219 (39 pages) [JX 2; 5/31 Tr. at 38:1-11 (Kruger)]**

Percent Copied Without Permission: **15.6% (39/250 pages)**

Retail List Price (New): **\$28.00 [JX 5]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$4.68 [39 pages x \$0.12 per page]**

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: **\$82.56 [\$4.68/student x 17 students + \$3.00]**

Life to date sales revenue: **[PX 357, 344]**

Permissions from CCC (2004 – 2010): **[PX 358]**

Other Relevant Evidence Regarding Work:

- The work was required reading placed on EReserves without permission or payment to the copyright holder [5/31 Tr. at 32:3-20, 41:18-19, 48:10-15, 68:16-24 (Kruger); 5/20 Tr. 111:11-112:1 (Dimsdale); 6/1 Tr. 152:1-6 (Burtle); PX 599]
- The work has been through five printings and has “found an audience” in a competitive field [5/19 Tr. at 88:14-89:4 (Pfund)]

Summer 2009 Infringement Summary: Liszt: Sonata in B Minor [PX 130]

Copyright Owner (or Licensee): **Cambridge [PX 131 (author agreement between Cambridge and Kenneth Hamilton ¶ 8); 5/18 Tr. at 49:17-23 (Smith)]**

Copyright Registration Number: **TX 7-274-041 [PX 132]**

Description of Work: **Analytical essays on the composer and his music. Single author work; 5 chapters, 82 pages. [PX 130]**

Course in Which Work Used: **MUS8860 - Romantic Period 1800-1900 [JX 2; PX 523]**

Instructor: **Orr [JX 2; PX 523]**

Total number of works on ERes/uLearn for course: **21 [JX 2; Appendix B at p. 6]**

Number of Chapters Used: **1 [JX 5]**

Page Range (# pgs.): **28-48 (21 pages) [JX 2; 5/25 Tr. at 66:4-11 (Orr)]**

Percent Copied Without Permission: **25.6% (21/82 pages)**

Retail List Price (New): **\$80.00 (hard) \$28.99 (paper) [JX 5 at B-3]**

Available for licensing through CCC: **Yes* [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$3.15 [21 pages x \$0.15 per page]**

Licensing Cost for Class, incl. \$3.00 service fee if through CCC: **\$34.50 [\$3.15/student x 10 students + \$3.00]**

Life to date sales revenue: **(approximately) [PX 133]**

Other Relevant Evidence Regarding Work:

- The work was assigned to students as required reading and placed on EReserves without permission or payment to the copyright holder [See 5/25 Tr. at 59:7-11, 74:2-7 (Orr)]

* Up to 20% of the work is available for licensing through CCC. [5/17 Tr. at 68:4-5 (Smith); 5/26 Tr. at 10:2-12:3.] Given the large size of this excerpt taken by GSU (25.6% of the work), a request for licensing would be submitted as a special order to Cambridge, which Cambridge would approve for processing by CCC.

- The work is an original work of authorship [PX 131 ¶ 15; *see* 5/17 Tr. at 111:14-112:1 (Smith); 5/25 Tr. at 67:14–20 (Orr) (stating “this chapter deals with the – it treats different theories of the form of the B Minor Sonata. There are various interpretations of the form. It’s one long piece. It’s not in four separate movements, and there are various contrasting interpretations of the form. So basically this is a review of those three or four various theories.”)]
- All pages are protectable; 6 pages (31, 35, 37, 41, 43, 45) contain excerpts of sheet music along with original text written by the author discussing the excerpts. [PX 130]

Summer 2009: Infringement Summary: *The Cambridge Companion to Mendelssohn* [PX 65]

Copyright Owner (or Licensee): **Cambridge [PX 66 (author agreement between Cambridge and Peter Mercer-Taylor ¶ 3); PX 67 (contributing author agreement between Douglass Seaton for for “Symphony and Overture” at pages 91-111, ¶ 1)]**

Copyright Registration Number: **Foreign work not requiring registration (17 U.S.C § 411(a))**

Dates of Publication: **October 21, 2004 (U.K.)
November 29, 2004 (U.S.) [PX 68]**

Description of Work: **Comprehensive analysis of the composer’s life and music. Compilation; 14 chapters, 268 pages. [PX 65; 5/25 Tr. at 77:2–5 (Orr)]**

Course in Which Work Used: **MUS8860 - Romantic Period 1800-1900 [JX 2; PX 523]**

Instructor: **Orr [JX 2; PX 523]**

Total number of works on ERes/
uLearn for course: **21 [JX 2; Appendix B at p. 6]**

Number of Chapters Used: **1 (partial) [JX 5]**

Page Range (# pgs.): **96-111 (16 pages) [JX 2; 5/25 Tr. at 77:6-9 (Orr)]**

Percent Copied Without Permission: **approximately 80% of Seaton’s work [5/25 Tr. at 77:6-24]
5.6% of the entire work (16/268 pages) [PX 65]**

Retail List Price (New): **\$90.00 (hard) \$32.99 (paper) [JX 5 at B-3]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$2.40 [16 pages x \$0.15 per page]**

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: **\$27.00 [\$2.40/student x 10 students + \$3.00]**

Life to date sales revenue: **(approximately) [PX 69]**

Permissions from CCC (2004 – 2010): **[PX 70]**

Other Relevant Evidence Regarding Work:

- The work was assigned to students and placed on EReserves without permission or payment to the copyright holder [see 5/25 Tr. at 59:7-11, 77:6-9, 77:18-24 (Orr); 5/20 Tr. 111:11-112:1 (Dimsdale); 6/1 Tr. 152:1-6 (Burtle)]
- The work is an original work of authorship [PX 66 ¶ 14; PX 67 ¶ 8; 5/17 Tr. at 111:14-112:1 (Smith)]
- All pages are protectable; two pages (96 and 97) contain excerpts of sheet music along with original text written by the author discussing the excerpts [PX 65]

Summer 2009 Infringement Summary: *The Cambridge Companion to Schumann* [PX 75]

Copyright Owner (or Licensee): Cambridge [PX 76 (editor agreement between Cambridge and Beate Perrey ¶ 3); PX 1015 (contributing author agreement between Cambridge and Jonathan Dunsby ¶ 1)]

Copyright Registration Number: Foreign work not requiring registration (17 U.S.C § 411(a))

Dates of Publication: June 28, 2007 (U.K.)
August 13, 2007 (U.S.) [PX 77]

Description of Work: Comprehensive analysis of the composer's life and music. Compilation; 13 chapters, 291 pages. [PX 75; 5/25 Tr. at 80:25-81:3 (Orr)]

Course in Which Work Used: MUS8860 - Romantic Period 1800-1900 [JX 2; PX 523]

Instructor: Orr [JX 2; PX 523]

Total number of works on ERes/uLearn for course: 21 [JX 2; Appendix B at p. 6]

Number of Chapters Used: 1 (partial) [5/25 Tr. at 80:3-11 (Orr)]

Page Range (# pgs.): 105-119 (15) [5/25 Tr. at 80:3-11 (Orr)]

Percent Copied Without Permission: 68% of Dunsby's work
5.1% of the entire work (15/305 pages) [PX 75]
[5/25 Tr. at 80:3-11 (Orr)]

Retail List Price (New): \$94.99 (hard) \$31.99 (paper) [JX 5 at B-4]

Available for licensing through CCC: Yes [JX 5; 5/26 Tr. at 10:2-12:3]

Licensing Cost Per Student: \$2.25 [15 pages x \$0.15 per page]

Licensing Cost for Class: \$25.50 [\$2.25/student x 10 students + \$3.00]

Life to date sales revenue: (approximately) [PX 78]

Other Relevant Evidence Regarding Work:

- The work was assigned to students and placed on EReserves without permission or payment to the copyright holder [see 5/25 Tr. at 59:7-11; 79:12-80:17 (Orr); 5/20 Tr. 111:11-112:1 (Dimsdale); 6/1 Tr. 152:1-6 (Burtle)]

- The work is an original work of authorship [PX 75; 5/17 Tr. at 111:14-112:1 (Smith)]
- All pages are protectable; two pages (pages 116, 117) contain excerpts of sheet music along with original text written by the author discussing the excerpts [PX 75]

Summer 2009 Infringement Summary: *The Cambridge Companion to Beethoven* [PX 53]

Copyright Owner (or Licensee): **Cambridge [PX 54 (editor agreement between Cambridge and Glenn Stanley ¶ 3); PX 55 (contributing author agreement between Cambridge and Leon Botstein for “Sound and Structure in Beethoven’s Orchestral Music” at pages 165-185, ¶ 2); 5/18 Tr. at 46:19-47:12, 47:20–24 (Smith)]**

Copyright Registration Number: **TX 7-274-037 [PX 56]**

Description of Work: **Interdisciplinary analysis of the composer’s life and music. Compilation; 17 chapters, 305 pages. [PX 53]**

Course in Which Work Used: **MUS8860 - Romantic Period 1800-1900 [JX 2]**

Instructor: **Orr [JX 2]**

Total number of works on ERes/
uLearn for course: **21 [JX 2; Appendix B at p. 6]**

Number of Chapters Used: **1 [JX 5]**

Page Range (# pgs.): **165-185 (21 pages) [JX 2; 5/25 Tr. at 81:22-82:1 (Orr)]**

Percent Copied Without Permission: **100% of Botstein’s work [5/18 Tr. at 47:3–4 (Smith)]
6.9% of the entire work (21/305 pages) [PX 53]f**

Retail List Price (New): **\$34.99 (paper) [JX 5]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$3.15 [21 pages x \$0.15 per page]**

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: **\$34.50 [\$3.15/student x 10 students + \$3.00]**

Life to date sales revenue: **(approximately [redacted]) [PX 57]**

Permissions from CCC (2004 – 2010): **[redacted] [PX 58]**

Other Relevant Evidence Regarding Work:

- The work is an original work of authorship [PX 53; 55 ¶ 9; 5/17 Tr. at 111:14-112:1 (Smith); 5/25 Tr. at 83:12-14 (Orr) (admitting there is an “element of creativity” in the Botstein essay from this work)]
- The work was placed on EReserves without permission or payment to the copyright holder [5/25 Tr. at 59:7-11, 82:14–25 (Orr)]
- All pages are protectable – certain pages (174, 178, 179 and 180) contain excerpts of sheet music along with original text written by the author discussing the excerpts [PX 53]

Summer 2009 Infringement Summary: *The Music of Berlioz* [PX 427]

Copyright Owner (or Licensee): **Oxford [PX 428 (author agreement between Oxford and Julian Rushton ¶ 5); 5/19 Tr. at 115:16-116:15 (Pfund)]**

Copyright Registration Number: **Foreign work not requiring registration (17 U.S.C § 411(a))**

Dates of Publication: **August 2, 2001 (U.K.)
September 27, 2001 (U.S.) [PX 993]**

Description of Work: **Comprehensive analysis of Berlioz's musical style. Single author work; 10 chapters, 347 pages. [PX 427]**

Course in Which Work Used: **MUS8860 - Romantic Period 1800-1900 [JX 2; PX 523]**

Instructor: **Orr [JX 2; PX 523]**

Total number of works on ERes/uLearn for course: **21 [JX 2; Appendix B at p. 6]**

Number of Chapters Used: **1 (partial) [JX 5]**

Page Range (# pgs.): **250-267 (18 pages) [JX 2; 5/25 Tr. at 83:15-84:3 (Orr)]**

Percent Copied Without Permission: **5.2% (18/347 pages)**

Retail List Price (New): **\$65.95 [JX 5 at B-4]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$2.16 [18 pages x \$0.12 per page]**

Licensing Cost for Class, incl. \$3.00 service fee if through CCC: **\$24.60 [\$2.16/student x 10 students + \$3.00]**

Life to date sales revenue: **[PX 357]**

Other Relevant Evidence Regarding Work:

- The work was assigned to students and placed on EReserves without permission or payment to the copyright holder [see 5/25 Tr. at 59:7-11, 84:7-20 (Orr)]

- The work is an original work of authorship [PX 428 ¶ 17; *see* 5/19 Tr. at 45:7-19 (Pfund)]
- All pages are protectable; 2 pages (260 and 262) contain excerpts of sheet music along with original text written by the author discussing the excerpts [PX 427]
- Oxford's exclusive distribution agreement with its affiliate in the UK grants it the exclusive right to distribute this work [5/19 Tr. at 31:23-32:5 (Pfund); PX 509 (granting Oxford exclusive distribution rights and the right to sue for infringement of OUP UK works).]

Fall 2009 Infringement Summary: *The Slave Community* [PX 460]

Copyright Owner (or Licensee): **Oxford [PX 461 (author agreement between Oxford and John Blassingame ¶ 1)]**

Copyright Registration Number: **TX 0000367220 [PX 462]**

Description of Work: **Comprehensive analysis of the life of the black slave. Single author work; 8 chapters, 382 pages. [PX 460; 5/19 Tr. 46 at 10–22 (Pfund)]**

Course in Which Work Used: **AAS3000 - African-American Family [JX 3; PX 542]**

Instructor: **Dixon [JX 3; PX 542]**

Total number of works on ERes/
uLearn for course: **9 [JX 3; Appendix B at p. 7]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pages): **249-283 (35 pages) [JX 2; 5/19 Tr. at 90:18-24 (Pfund); 5/27 Tr. at 58:19-59:18 (Dixon)]**

Percent Copied Without Permission: **9.2% (35/382 pages)**

Retail List Price (New): **\$42.95 [JX 5 at C-1]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$4.20 (35 pages x \$0.12 per page)**

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: **\$250.80 [\$4.20/student x 59 students + \$3.00]**

Life to date sales revenue: **\[PX 357, 344]**

Permissions from CCC (2004 – 2010): **\[PX 463]**

Other Relevant Evidence Regarding Work:

- The work was required reading placed on EReserves without permission or any payment to the copyright holder [5/27 Tr. at 58:19-60:12, 88:13-19 (Dixon)]
- The same excerpt of the work was used by Professor Dixon in the Fall 2007 academic term and Fall 2009 term [Dixon Dep. at 45:13-23 (by video, *see* 5/23 Tr. at 169:23)]

- *The Slave Community* is “one of the gems of [Oxford’s] backlist” [5/19 Tr. at 46:22 (Pfund)] and has “obviously found an audience” given that it has “been through 36 printings” [*Id.* at 47:7–13; *see also id.* at 46:18 (Pfund) (describing the work as launching “ a whole new way of thinking about American history”)]

Fall 2009 Infringement Summary: *African American Single Mothers: Understanding Their Lives and Families* [PX 202]

Copyright Owner (or Licensee): **SAGE [PX 203 (editor agreement between SAGE and Bette Dickerson ¶ I); PX 204 (contributing author agreement between SAGE, Suzanne Randolph, and Linda Meyers for “African American Children in Single-Mother Families” at pages 117-145, ¶ I); 5/18 Tr. at 88:19-21, 89:24-90:1, 114:12-19, 115:16-19 (Richman)]**

Copyright Registration Number: **TX 4-009-242 [PX 205]**

Description of Work: **Afrocentric feminist perspective on the African-American mother-centered family. Compilation; 10 chapters, 192 pages. [PX 202]**

Course in Which Work Used: **AAS3000 - African-American Family [JX 3; PX 542]**

Instructor: **Dixon [JX 3; PX 542]**

Total number of works on ERes/
uLearn for course: **9 [JX 3; Appendix B at p. 7]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pgs.): **117-145 (29 pages) [JX 5; 5/27 Tr. at 60:20-24, 61:9-14 (Dixon)]**

Percent Copied Without Permission: **100% of Randolph and Meyers’s work [5/18 Tr. at 114:1-9 (Richman)]
15.9% of the entire work (29/192 pages) [PX 202]**

Retail List Price (New): **\$54.95 (hard-cover) \$67.95 (paperback) [JX 5 at C-1]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$4.06 [29 pages x \$0.14 per page]**

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: **\$242.54 [\$4.06/student x 59 students + \$3.00]**

Life to date sales revenue: **:(paper and hard-cover) [PX 206]**

Permissions revenue (from

in-house requests):

[PX 206, 207]

Permissions from CCC (2004 – 2010):

[PX 208]

Other Relevant Evidence Regarding Work:

- The work was placed on EReserves as required reading for students making a presentation on it without permission or payment to the copyright holder [5/27 Tr. at 60:20-62:14, 88:13-19 (Dixon); 5/18 Tr. at 90:22-24 (Richman)]

Fall 2009 Infringement Summary: *Black Children* [PX 209]

Copyright Owner (or Licensee): **SAGE [PX 210 (author agreement between SAGE and Harriette McAdoo ¶ I); PX 212 (contributing author agreement between SAGE, Carolyn Murray, and Jelani Mandara for “Racial Identity Development in African American Children: Cognitive and Experiential Antecedents” at pages 73-96, ¶ I); 5/18 Tr. at 88:19-23, 89:24-90:1, 116:23-117:18 (Richman)]**

Copyright Registration Number: **TX 5-439-988 [PX 213]**

Description of Work: **Comprehensive analysis on the experiences of black children. Compilation; 12 chapters, 220 pages. [PX 209]**

Course in Which Work Used: **AAS3000 - African-American Family [JX 3; PX 542]**

Instructor: **Dixon [JX 3; PX 542]**

Total number of works on ERes/
uLearn for course: **9 [JX 3; Appendix B at p. 7]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pgs.): **73-96 (24 pages) [JX 5; 5/27 Tr. at 63:2-24 (Dixon)]**

Percent Copied Without Permission: **100% of Murray and Mandar’s work [5/27 Tr. at 63:2-24 (Dixon)]
10.9% of the entire work (24/220 pages) [PX 209]**

Retail List Price (New): **\$114.00 (hard) \$58.95 (paper) [JX 5 at C-1]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$3.36 [24 pages x \$0.14 per page]**

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: **\$201.24 [\$3.36/student x 59 students + \$3.00]**

Life to date sales revenue: **[PX 214]**

Permissions revenue (from
in-house requests):

[PX 214, 215]

Permissions from CCC (2004 – 2010):

[PX 216]

Other Relevant Evidence Regarding Work:

- The work was placed on EReserves as required reading for students making a presentation on it without permission or payment to the copyright holder [5/27 Tr. at 64:19–24, 88:13-19 (Dixon); 5/18 Tr. at 90:22-24 (Richman)]

Fall 2009 Infringement Summary: *Black Families* (3d ed., 1997) [DX 749]

Copyright Owner (or Licensee): **SAGE [PX 218 (editor agreement between SAGE and Harriette McAdoo ¶ I); PX 219 (contributing author agreement between SAGE and Beverly Tatum for “Out There Stranded: Black Families in White Communities” at pages 214-233, ¶ I); 5/18 Tr. at 88:19-25, 89:24-90:1, 130:22-24, 131:4-6 (Richman)]**

Copyright Registration Number: **TX 7-012-550 (4th ed.), TX 4-352-849 (3d ed.), TX 2-385-511 (2d ed.) [PX 221]**

Description of Work: **Interdisciplinary analysis of black families in the United States using theory, research, and empirical findings. Compilation; 21 chapters, 363 pages. [DX 749]**

Course in Which Work Used: **AAS3000 - African-American Family [JX 3; PX 542]**

Instructor: **Dixon [JX 3; PX 542]**

Total number of works on ERes/
uLearn for course: **9 [JX 3; Appendix B at p. 7]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pages): **214-233 (20 pages) [JX 5; 5/27 Tr. at 66:22–25 (Dixon)]**

Percent Copied Without Permission: **100% of Tatum’s work
5.5% of the entire work (20/363 pages) [DX 749]**

Retail List Price (New): **\$114.00 (hard) \$58.95 (paper) [JX 5 at C-2]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$2.80 (20 pages x \$0.14 per page)**

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: **\$168.20 [\$2.80/student x 59 students + \$3.00]**

Life to date sales revenue: **(3d edition only) [PX 222]**

Permissions revenue (from
in-house requests): **[PX 222, 223]**

Permissions from CCC (2004 – 2010):

[PX 224]

Other Relevant Evidence Regarding Work:

- The work was placed on EReserves as required reading for students making a presentation on it without permission or payment to the copyright holder [5/27 Tr. at 67:11-19, 88:13-19 (Dixon); 5/18 Tr. at 90:22-24 (Richman)]

Fall 2009 Infringement Summary: *Ancient Egyptian Materials and Technology* [PX 6]

Copyright Owner (or Licensee): **Cambridge [PX 7 (editor agreement between Cambridge, Paul Nicholson, and Ian Shaw ¶ 3); PX 8-9 (contributing author agreements between Cambridge, Barbara Aston, Ian Shaw, and James Harrell for “Stone” at pages 5-77, ¶ 2); PX 10-11 (contributing author agreements between Cambridge and Stephen Quirke and Lorna Lee for “Painting Materials” at pages 104-120, ¶ 2)]**

Copyright Registration Number: **TX 7-273-390 [PX 12]**

Description of Work: **Interdisciplinary overview of craftwork in ancient Egypt. Compilation; 25 chapters, 672 pages. [PX 6; 5/27 Tr. at 33:8–15 (Hartwig)]**

Course in Which Work Used: **AH4900 - Materiality of Egyptian Painting [JX 3; PX 550]**

Instructor: **Hartwig [JX 3; PX 550]**

Total number of works on ERes/
uLearn for course: **5 [JX 3; Appendix B at p. 8]**

Number of Chapters Used: **1 (plus part of additional chapter) [JX 5]**

Page Range Distributed (# pgs.): **44-54; 104-120 (28 pages) [JX 3; 5/27 Tr. at 35:23-36:10 (Hartwig)]**

Percent Copied Without Permission: **100% of Quirke and Lee’s work
15.1% of Aston, Shaw, and Harrell’s work
4.2% of the entire work (28/672 pages) [PX 6]**

Retail List Price (New): **\$248.00 (hard) \$65.00 (paper) [JX 5 at C-2]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$4.20 [28 pages x \$0.15 per page]**

Licensing Cost for Class,
incl. \$3.00 service fee if through CCC: **\$57.60 [\$4.20/student x 13 students + \$3.00]**

Life to date sales revenue: **(approximately) [PX 13]**

Permissions from CCC (2004 – 2010): **[PX 14]**

Other Relevant Evidence Regarding Work:

- The work assigned to students as supplemental reading and placed on EReserves without permission or payment to the copyright holder [5/27 Tr. at 38:2-8, 38:21-23, 46:19-47:1 (Hartwig)]
- The work is an original work of authorship [PX 6; PX 8 ¶ VIII; PX 9 ¶ VII; PX 10 ¶ VIII; PX 11 ¶ VII; 5/17 Tr. at 111:14-112:1 (Smith)]

Fall 2009 Infringement Summary: *Criterion-Referenced Language Testing* [PX 85]

Copyright Owner (or Licensee): **Cambridge [PX 86 (author agreement between Cambridge, James Dean Brown and Thom Hudson ¶ 3)]**

Copyright Registration Number: **TX 7-274-044 [PX 87]**

Description of Work (incl. # pgs./chs.): **Original research and analysis on criterion-referenced testing. Work by two authors; 7 chapters, 291 pages. [PX 85]**

Course in Which Work Used: **AL8550 - Second Language Evaluation and Assessment [JX 3; PX 519]**

Instructor: **Kim [JX 3; PX 519]**

Total number of works on ERes/uLearn for course: **31 excerpts from 16 books [PX 519; JX 3; Appendix B at p. 9]**

Number of Chapters Used: **1 [5/24 Tr. at 110:9–14 (Kim)]**

Page Range Distributed (# pgs.): **101-148 (48 pages) [JX 5; 5/24 Tr. at 110:9–14 (Kim)]**

Percent Copied Without Permission: **16.5% (48/291 pages)**

Retail List Price (New): **\$96.00 (hard) \$37.00 (paper) [JX 5 at C-2]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$7.20 (48 pages x \$0.15 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$118.20 [\$7.20/student x 16 students + \$3.00]**

Life to date sales revenue: **(approximately) [PX 88]**

Permissions from CCC (2004 – 2010): **[PX 89]**

Other Relevant Evidence Regarding Work

- The work was required reading placed on ERes without permission or any payment to the copyright holder [PX 519; JX 3; 5/24 Tr. at 98:8-10, 110:3-20 (Kim)]
- The work is an original work of authorship [PX 85; PX 86 ¶ 16]

Fall 2009 Infringement Summary: *Assessing Grammar* [PX 15]

Copyright Owner (or Licensee): **Cambridge [PX 16 (author agreement between Cambridge and James E. Purpura ¶ 3)]**

Copyright Registration Number: **TX 7-274-039 [PX 17]**

Description of Work (incl. # pgs./chs.): **Comprehensive overview and analysis of assessing language learners' grammatical abilities. Single author work; 9 chapters, 274 pages. [PX 15]**

Course in Which Work Used: **AL8550 - Second Language Evaluation and Assessment [JX 3; PX 519]**

Instructor: **Kim [JX ; PX 519]**

Total number of works on ERes/
uLearn for course: **31 excerpts from 16 books [PX 519; JX 3; Appendix B at p. 9]**

Number of Chapters Used: **2 [5/24 Tr. at 122:7-12 (Kim)]**

Page Range Distributed (# pgs.): **49-82, 100-145 (80 pages, 79 requiring permission from Cambridge) [JX 5; 5/24 Tr. at 122:7-15 (Kim)]**

Percent Copied Without Permission: **28.8% (79/274 pages)**

Retail List Price (New): **\$36.00 (paper) [JX 5 at C-2]**

Available for licensing through CCC: **Yes* [JX 5; 5/26 Tr at 10:2-12:3]**

Licensing Cost Per Student: **\$11.85 (79 pages x \$0.15 per page)**

Licensing Cost for Class, including \$3.00
service fee if just through CCC: **\$192.60 [\$11.85/student x 16 students + \$3.00]**

Life to date sales revenue: **(approximately) [PX 18]**

Permissions from CCC (2004 – 2010): **[PX 19]**

* Up to 20% of the work is available for licensing through CCC. [5/26 Tr. at 10:2-12:3; 5/17 Tr. at 68:4-5 (Smith)]. Given the large size of this excerpt taken by GSU (29.2% of the work), a request for licensing would be submitted as a special order to Cambridge.

Other Relevant Evidence Regarding Work

- The work was required reading placed on ERes without permission or payment to the copyright holder [JX 3; 5/24 Tr. at 98:8-15, 102:10-103:7 (Kim)]
- The work is an original work of authorship [PX 15; PX 16 ¶ 16]
- 79 of the pages copied and distributed are protectable, and require permission from Cambridge for use; on each of these pages, the author discusses, in his own original expression, other research and theories along with his own analysis of that content [PX 15; 5/25 Tr. at 36:23-40:20 (Kim) (acknowledging that while author discusses third-party research, he does so in his own “expression”)]

Fall 2009 Infringement Summary: *Assessing Reading* [PX 29]

Copyright Owner (or Licensee): Cambridge [PX 30 (author agreement between Cambridge and Charles Alderson ¶ 8); 5/17 Tr. at 107:16-18 (Smith)]

Copyright Registration Number: Foreign work not requiring registration (17 U.S.C § 411(a))

Dates of Publication: February 24, 2000 (U.K.)
March 28, 2000 (U.S.) (PX 31)

Description of Work (incl. # pgs./chs.): Comprehensive overview of the assessment of reading in a second or foreign language. Single author work; 9 chapters, 357 pages. [PX 29]

Course in Which Work Used: AL8550 - Second Language Evaluation and Assessment [JX 5; PX 519]

Instructor: Kim [JX 5; PX 519]

Total number of works on ERes/uLearn for course: 31 excerpts from 16 books [PX 519]

Number of Chapters Used: 1 [JX 5]

Page Range Distributed (# pgs.): 202-270 (69 pages, 41 requiring permission from Cambridge) [JX 5; 5/24 Tr. at 106:2-17 (Kim)]

Percent Copied Without Permission: 11.4% (41/357 pages)

Retail List Price (New): \$85.00 (hard) \$40.00 (paper) [JX 5 at C-3]

Available for licensing through CCC: Yes [JX 5; 5/26 Tr at 10:2-12:3]

Licensing Cost Per Student: \$6.15 (41 pages x \$0.15 per page)

Licensing Cost for Class, including \$3.00 service fee if just through CCC: \$101.40 [\$6.15/student x 16 students + \$3.00]

Life to date sales revenue: (approximately) [PX 32]

Permissions from CCC (2004 – 2011): [PX 33]

Other Relevant Evidence Regarding Work

- The work was required reading placed on uLearn without permission or any payment to the copyright holder [PX 519; 5/24 Tr. at 98:8-10, 106:2-20 (Kim)]

- The work is an original work of authorship [PX 29; PX 30 ¶ 15]
- At least 41 of the pages copied and distributed contain the author's original material, are protectable, and require permission from Cambridge for use. The author discusses, in his own original expression, other research and theories along with his own analysis of that material [PX 29]

Fall 2009 Infringement Summary: *Fundamental Considerations in Language Testing* [PX 406]

Copyright Owner (or Licensee): **Oxford [PX 407 (author agreement between Oxford and Lyle Bachman ¶ 5)]**

Copyright Registration Number: **TX 7-318-822 [PX 408]**

Description of Work (incl. # pgs./chs.): **Comprehensive overview of measurement, the context that determines the uses of language tests, and the nature of the language abilities to be measured. Single author work; 8 sections, 360 pages. [PX 406]**

Course in Which Work Used: **AL8550 - Second Language Evaluation and Assessment [JX 5; PX 519]**

Instructor: **Kim [JX 5; PX 519]**

Total number of works on ERes/uLearn for course: **31 excerpts from 16 books [PX 519]**

Number of Chapters Used: **1 (JX 5); [5/24 Tr. at 102:4–102:6 (Kim)]**

Page Range Distributed (# pgs.): **81-110 (30 pages) [JX 5; 5/24 Tr. at 101:20-102:9 (Kim)]**

Percent Copied Without Permission: **8.3% (30/360 pages)**

Retail List Price (New): **\$33.95 (paper) [JX 5 at C-3]**

Available for licensing through CCC: **Yes* [JX 5; 5/26 Tr at 10:2-12:3]**

Licensing Cost Per Student: **\$3.60 (30 pages x \$0.12 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$60.60 [\$3.60/student x 16 students + \$3.00]**

Life to date sales revenue: **(approximately [PX 421]**

Permissions from CCC (2004 – 2010): **[PX 409]**

Other Relevant Evidence Regarding Work

- The work was posted to uLearn without permission or any payment to the copyright holder [5/24 Tr. at 98:8-10, 101:20-102:9]

* The work is available for licensing through CCC, subject to limits set by Oxford. [5/19 Tr. at 71:4-7 (Pfund); 5/26 Tr. at 10:2-12:3.] Given the large size of this excerpt taken by GSU (30 pages), a request for licensing would be submitted as a special order to Oxford.

- All of the pages copied and distributed contain the author's original material, are protectable, and require permission for use. The author discusses, in his own original expression, other research and theories along with his own analysis of that material. [PX 406]
- The work is an original work of authorship owned by Oxford University Press in the UK and exclusively licensed to Oxford for U.S. distribution [PX 406, 407; *see* 5/19 Tr. at 31:23 – 32:5 (Pfund); PX 509 (granting Oxford exclusive distribution rights and the right to sue for infringement of OUP UK works)]

Fall 2009 Infringement Summary: *Language Testing in Practice* [PX 418]

Copyright Owner (or Licensee): **Oxford [PX 419 (author agreement between Oxford and Lyle Bachman and Adrian Palmer ¶ 5)]**

Copyright Registration Number: **TX 7-318-818 [PX 420]**

Description of Work (incl. # pgs./chs.): **Overview of language testing, including bases of language testing, designing language tests, and analyzing data from language tests. Work by two authors; 12 chapters (plus additional section with projects), 365 pages. [PX 418]**

Course in Which Work Used: **AL8550 - Second Language Evaluation and Assessment [JX 5; PX 519]**

Instructor: **Kim [JX 5; PX 519]**

Total number of works on ERes/uLearn for course: **31 excerpts from 16 books [PX 519]**

Number of Chapters Used: **3 [JX 5]**

Page Range Distributed (# pgs.): **17-42, 43-60, 85-94 (54 pages) [JX 5; 5/24 Tr. at 98:16–100:11 (Kim)]**

Percent Copied Without Permission: **14.8% (54/365 pages)**

Retail List Price (New): **\$33.95 (paper) [JX 5 at C-4]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$6.48 (54 pages x \$0.12 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$106.68 [\$6.48/student x 16 students + \$3.00]**

Life to date sales revenue: **(approximately) [PX 421]**

Permissions from CCC (2004 – 2010): **[PX 422]**

Other Relevant Evidence Regarding Work

- Part of the work was assigned to students as required reading placed on uLearn without permission or payment to the copyright holder [5/24 Tr. at 98:8-10, 99:1–99:16 (Kim)]
- The work is an original work of authorship owned by Oxford University Press in the UK and exclusively licensed to Oxford for U.S. distribution [PX 418, 419; see 5/19 Tr. at

31:23 – 32:5 (Pfund); PX 509 (granting Oxford exclusive distribution rights and the right to sue for infringement of OUP UK works)

Fall 2009 Infringement Summary: *Assessing Listening* [PX 24]

Copyright Owner (or Licensee): **Cambridge [PX 25 (author agreement between Cambridge and Gary Buck ¶ 8)]**

Copyright Registration Number: **TX 7-316-939 [PX 26]**

Description of Work (incl. # pgs./chs.): **Comprehensive overview and analysis of the major areas of listening research, including guidelines for testing. Single author work; 9 chapters, 257 pages. [PX 24]**

Course in Which Work Used: **AL8550 - Second Language Evaluation and Assessment [JX 5; PX 519]**

Instructor: **Kim [JX 5; PX 519]**

Total number of works on ERes/uLearn for course: **31 excerpts from 16 books [PX 519]**

Number of Chapters Used: **1 (JX 5)**

Page Range Distributed (# pgs.): **116-153 (38 pages) [JX 5; 5/24 Tr. at 106:25–107:7 (Kim)]**

Percent Copied Without Permission: **14.7% (38/257 pages)**

Retail List Price (New): **\$82.00 (hard) \$30.00 (paper) [JX 5 at C-4]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$5.70 (38 pages x \$0.15 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$94.20 [\$5.70/student x 16 students + \$3.00]**

Life to date sales revenue: **(approximately) [PX 27]**

Permissions from CCC (2004 – 2010): **[PX 28]**

Other Relevant Evidence Regarding Work

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- The work is an original work of authorship [PX 24; PX 25 ¶ 15]

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Fall 2009 Infringement Summary: *Assessing Languages for Specific Purposes* [PX 20]

Copyright Owner (or Licensee): **Cambridge [PX 21 (author agreement between Cambridge and Dan Douglas ¶ 8)]**

Copyright Registration Number: **Foreign work not requiring registration (17 U.S.C § 411(a))**

Dates of Publication: **December 9, 1999 (U.K.)
February 28, 2000 (U.S.) [PX 22]**

Description of Work (incl. # pgs./chs.): **Original analysis of the implementation of language tests for specific purposes, as opposed to general purpose language tests. Single author work; 8 chapters, 282 pages. [PX 20]**

Course in Which Work Used: **AL8550 - Second Language Evaluation and Assessment [JX 5; PX519]**

Instructor: **Kim [JX 5; PX519]**

Total number of works on ERes/uLearn for course: **31 excerpts from 16 books [PX 519]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pgs.): **24-40 (17 pages) [JX 5; 5/24 Tr. at 100:12-25 (Kim)]**

Percent Copied Without Permission: **6% (17/282 pages)**

Retail List Price (New): **\$75.00 (hard) \$34.00 (paper) [JX 5 at C-5]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$2.55 (17 pages x \$0.15 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$43.80 [\$2.55/student x 16 students + \$3.00]**

Life to date sales revenue: **(approximately) [PX 23]**

Other Relevant Evidence Regarding Work

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- The work is an original work of authorship [PX 20; PX 21 ¶ 15]

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Fall 2009 Infringement Summary: *Assessing Speaking* [DX 808]

Copyright Owner (or Licensee): **Cambridge [PX 35 (author agreement between Cambridge and Sari Luoma ¶ 3); 5/17 Tr. at 115:2-4 (Smith)]**

Copyright Registration Number: **TX 7-323-566 [PX 36]**

Description of Work (incl. # pgs./chs.): **Comprehensive overview of the research on the assessment of speaking, designed for teachers and language testers. Single author work; 8 chapters, 191 pages. [DX 808]**

Course in Which Work Used: **AL8550 - Second Language Evaluation and Assessment [JX 5; PX519]**

Instructor: **Kim [JX 5; PX519]**

Total number of works on ERes/uLearn for course: **31 excerpts from 16 books [PX 519]**

Number of Chapters Used: **2 [JX 5]**

Page Range Distributed (# pages): **59-95, 139-169 (68 pages, 57 requiring permission from Cambridge) [JX 5; 5/24 Tr. at 108:1-12 (Kim)]**

Percent Copied Without Permission: **29.8% (57/191 pages)**

Retail List Price (New): **\$88.00 (hard) \$41.00 (paper) [JX 5 at C-5]**

Available for licensing through CCC: **Yes* [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$8.55 (57 pages x \$0.15 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$139.80 [\$8.55/student x 16 students + \$3.00]**

Life to date sales revenue: **(approximately) [PX 37]**

Permissions from CCC (2004 – 2010): **[PX 38]**

* Up to 20% of the work is available for licensing through CCC. [5/17 Tr. at 68:4-5 (Smith); 5/26 Tr. at 10:2-12:3] Given the large size of this excerpt taken by GSU, a request for licensing would be submitted as a special order to Cambridge.

Other Relevant Evidence Regarding Work

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Fall 2009 Infringement Summary: *Learning Vocabulary in Another Language* [PX 125]

Copyright Owner (or Licensee): **Cambridge [PX 126 (author agreement between Cambridge and Paul Nation ¶ 3); 5/17 Tr. at 116:10-13 (Smith)]**

Copyright Registration Number: **TX 7-317-976 [PX 127]**

Description of Work (incl. # pgs./chs.): **Detailed survey of the research and theory on the teaching and learning of vocabulary, aimed at providing pedagogical suggestions for both teachers and learners. Single author work; 11 sections, 431 pages. [PX 125]**

Course in Which Work Used: **AL8550 - Second Language Evaluation and Assessment [JX 5; PX519]**

Instructor: **Kim [JX 5; PX519]**

Total number of works on ERes/uLearn for course: **31 excerpts from 16 books [PX 519]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pages): **344-379 (36 pages) [JX 5; 5/24 Tr. at 105:2-14 (Kim)]**

Percent Copied Without Permission: **8.4% (36/431 pages)**

Retail List Price (New): **\$81.00 (hard) \$43.00 (paper) [JX 5 at C-6]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$5.40 (36 pages x \$0.15 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$89.40 [\$5.40/student x 16 students + \$3.00]**

Life to date sales revenue: **(approximately [redacted]) [PX 128]**

Permissions from CCC (2004 – 2010): **[PX 129]**

Other Relevant Evidence Regarding Work

- The work was required reading placed on uLearn without permission or payment to the copyright holder [5/24 Tr. at 98:8-10, 105:2-22 (Kim)]

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Fall 2009 Infringement Summary: *Assessing Vocabulary* [PX 44]

Copyright Owner (or Licensee): **Cambridge [PX 45 (author agreement between Cambridge and John Read ¶ 8)]**

Copyright Registration Number: **TX 7-316-938 [PX 46]**

Description of Work (incl. # pgs./chs.): **Original analysis on the framework of a vocabulary test to cover a range of procedures for assessing the vocabulary knowledge of second language learners. Single author work; 8 chapters, 251 pages. [PX 44]**

Course in Which Work Used: **AL8550 - Second Language Evaluation and Assessment [JX 5; PX 519]**

Instructor: **Kim [JX 5; PX 519]**

Total number of works on ERes/uLearn for course: **31 excerpts from 16 books [PX 519]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pgs.): **150-187 (38 pages, 37 requiring permission from Cambridge) [JX 5; 5/24 Tr. at 103:23-104:17 (Kim)]**

Percent Copied Without Permission: **14.7% (37/251 pages)**

Retail List Price (New): **\$61.00 (hard) \$30.00 (paper) [JX 5 at C-6]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$5.55 (37 pages x \$0.15 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$91.80 [\$5.55/student x 16 students + \$3.00]**

Life to date sales revenue: **(approximately [PX 47])**

Permissions from CCC (2004 – 2010): **[PX 48]**

Other Relevant Evidence Regarding Work

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Fall 2009 Infringement Summary: *Assessing Writing* [PX 39]

Copyright Owner (or Licensee): **Cambridge [PX 40 (author agreement between Cambridge and Sara C. Weigle ¶ 3); 5/17 Tr. at 117:25-118:1 (Smith)]**

Copyright Registration Number: **TX 7-316-942 (PX 41)**

Description of Work (incl. # pgs./chs.): **Comprehensive overview and analysis of assessing a student's writing abilities. Single author work; 10 chapters, 244 pages. [PX 39]**

Course in Which Work Used: **AL8550 - Second Language Evaluation and Assessment [JX 5; PX 519]**

Instructor: **Kim [JX 5; PX 519]**

Total number of works on ERes/
uLearn for course: **31 excerpts from 16 books [PX 519]**

Number of Chapters Used: **2 [JX 5]**

Page Range Distributed (# pages): **77-139 (63 pages, 54 requiring permission from Cambridge) [JX 5; 5/24 Tr. at 108:22-109:13 (Kim)]**

Percent Copied Without Permission: **22.1% (54/244 pages)**

Retail List Price (New): **\$76.00 (hard) \$29.00 (paper) [JX 5 at C-7]**

Available for licensing through CCC: **Yes* [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$8.10 (54 pages x \$0.15 per page)**

Licensing Cost for Class, including \$3.00
service fee if just through CCC: **\$132.60 [\$8.10/student x 16 students + \$3.00]**

Life to date sales revenue: **{approximately [PX 42]}**

Permissions from CCC (2004 – 2010): **[PX 43]**

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Other Relevant Evidence Regarding Work

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- The work is an original work of authorship [PX 39; PX 45 ¶ 15]
- 54 of the pages copied and distributed contain the author's original material, are protectable, and require permission from Cambridge for use. The author discusses, in her own original expression, other research and theories along with her own analysis of that material. [PX 39]
- Author, Sara Weigle, is a GSU professor [5/24 Tr. at 109:2-9 (Kim)]

Fall 2009 Infringement Summary: *International Health Organisations and Movements, 1918-1939* [PX 108]

Copyright Owner (or Licensee): **Cambridge [PX 109 (editor agreement between Cambridge and Paul Weindling ¶ 3); PX 110 (contributing author agreement between Cambridge and Marcos Cueto for “The Cycles of Eradication: The Rockefeller Foundation and Latin American Public Health” at pages 222-243, ¶ 2)]**

Copyright Registration Number: **TX 7-274-060 [PX 111]**

Description of Work (incl. # pgs./chs.): **Original research and analysis on international health and welfare organizations based on earlier models. Compilation; 5 chapters, 325 pages. [PX 108]**

Course in Which Work Used: **ANTH4440 - Epidemiology and Anthropology JX3; PX 536]**

Instructor: **McCombie [JX 3; PX 536]**

Total number of works on ERes/uLearn for course: **15 excerpts from 13 books [JX 3; Appendix B at p. 10]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pages): **222-243 (22 pages) [JX 3; PX 108]**

Percent Copied Without Permission: **100% of Marcos Cueto’s work
6.8% of entire work (22/325 pages) [PX 108]**

Retail List Price (New): **\$110 (hard) [JX 5 at C-7]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$3.30 (22 pages x \$0.15 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$98.70 [\$3.30/student x 29 students + \$3.00]**

Life to date sales revenue: **[PX 112]**

Permissions from CCC (2004 – 2010): **[PX 113]**

Other Relevant Evidence Regarding Work

- The work is an original work of authorship [PX 108; PX 110 ¶ 8]
- The work was required reading posted on EReserves without permission or any payment to the copyright holder [5/20 Tr. 111:11-112:1 (Dimsdale); 6/1 Tr. 152:1-6 (Burtle); PX 536; JX 3]

Fall 2009 Infringement Summary: *Evolution of Infectious Disease* [PX 388]

Copyright Owner (or Licensee): **Oxford [PX 389, p. 5 (author agreement between Oxford and Paul Ewald ¶ 1)]**

Copyright Registration Number: **TX 4-319-137 [PX 390]**

Description of Work (incl. # pgs./chs.): **Original research and analysis of the role of evolutionary biology in the fight against infectious disease. Single author work; 11 chapters, 216 pages. [PX 388]**

Course in Which Work Used: **ANTH4440 - Epidemiology and Anthropology [JX 3; PX 536]**

Instructor: **McCombie [JX 3; PX 536]**

Total number of works on ERes/uLearn for course: **15 excerpts from 13 books [JX 3; Appendix B at p. 10]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pgs.): **15-34 (20 pages) [JX 3; 5/19 Tr. at 94:11-15 (Pfund)]**

Percent Copied Without Permission: **9.3% (20/216 pages)**

Retail List Price (New): **\$170.00 (hard) \$60.00 (paper) [JX 5 at C-7]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$2.40 (20 pages x \$0.12 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$72.60 [\$2.40/student x 29 students + \$3.00]**

Life to date sales revenue: **(approximately) [PX 357]**

Other Relevant Evidence Regarding Work

- The work is an original work of authorship [PX 388; PX 389 at 7]
- The author agreement grants and assigns to the Publisher during the full term of copyright and all renewals thereof all rights in the work [PX 389, p. 5 ¶ 1]

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Fall 2009 Infringement Summary: *A History of Feminist Literary Criticism* [PX 103]

Copyright Owner (or Licensee): **Cambridge [PX 105 (editor agreement between Cambridge, Susan Sellers and Gill Plain ¶ 3)]**

Copyright Registration Number: **Foreign work not requiring registration (17 U.S.C § 411(a))**

Dates of Publication: **August 30, 2007 (U.K.)
October 8, 2007 (U.S.) [PX 104]**

Description of Work (incl. # pgs./chs.): **Comprehensive overview and analysis of feminist literary criticism from the Middle Ages through the present. Compilation; 17 chapters, 335 pages. [PX 103]**

Course in Which Work Used: **ENGL4200 - Cyborgs in American Culture [JX 3; PX 534]**

Instructor: **Gabler-Hover [JX 3; PX 534]**

Total number of works on ERes/uLearn for course: **8 excerpts from 4 books [JX 3; Appendix B at p. 12]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pages): **322-335 (14 pages) [JX 5; 5/18 Tr. at 49:24–50:12 (Smith); 5/26 Tr. at 173:13-14, 174:5-16 (Gabler-Hover)]**

Percent Copied Without Permission: **100% of chapter 17
4.2% (14/335 pages) [PX 103]**

Retail List Price (New): **\$130.00 (hard) [JX 5 at C-8]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$2.10 (14 pages x \$0.15 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$66.00 [\$2.10/student x 30 students + \$3.00]**

Life to date sales revenue: **(approximately) [PX 106]**

Permissions from CCC (2004 – 2010): **[PX 107]**

Other Relevant Evidence Regarding Work

- The work was required reading placed on ERes without permission or payment to the copyright holder [PX 534; JX 3; 5/20 Tr. 111:11-112:1 (Dimsdale); 6/1 Tr. 152:1-6 (Burtle)]
- The work is an original work of authorship [PX 103; PX 105 ¶ 14]

Fall 2009 Infringement Summary: *The Craft of Inquiry: Theories, Methods, Evidence* [PX 372]

Copyright Owner (or Licensee): Oxford [PX 373 (author agreement between Oxford and Robert Alford ¶ 2)]

Copyright Registration Number: TX 4-742-637 [PX 374]

Description of Work (incl. # pgs./chs.): Overview of sociological methodology and the relationships between the various approaches to sociological study. Single author work; 8 chapters, 134 pages. [PX 372]

Course in Which Work Used: EPRS8500 - Qualitative/ Interpretive Research in Education I [JX 3; PX 518]

Instructor: Kaufmann [JX 3; PX 518]

Total number of works on ERes/uLearn for course: 21 excerpts from 10 works [JX 3; Appendix B at p. 13]

Number of Chapters Used: 1 [JX 5]

Page Range Distributed (# pgs): 21-31 (11 pages) [JX 5; 5/23 Tr. at 120:2-8 (Kaufmann)]

Percent Copied Without Permission: 8.2% (11/134 pages)

Retail List Price (New): \$32.95 [JX 5 at C-8]

Available for licensing through CCC: Yes [JX 5; 5/26 Tr. at 10:2-12:3]

Licensing Cost Per Student: \$1.32 (11 pages x \$0.12 per page)

Licensing Cost for Class, including \$3.00 service fee if just through CCC: \$30.72 [\$1.32/student x 21 students + \$3.00]

Life to date sales revenue: [PX 357]

Permissions from CCC (2004 – 2010): [PX 375]

Other Relevant Evidence Regarding Work

- The work was required reading placed on ERes without permission or payment to the copyright holder [5/23 Tr. at 72:8-12 (Kaufmann)]
- The work is an original work of authorship [PX 372; PX 373 ¶ 10]

Fall 2009 Infringement Summary: *Approaches to Qualitative Research: A Reader on Theory and Practice* [PX 349]

Copyright Owner (or Licensee): **Oxford / SAGE**
[PX 351 (editor agreement between Oxford, Sharlene Hesse-Biber and Patricia Leavy ¶ 2); PX 270 (contributing author agreement between SAGE and Norman K. Denzin for “The Art and Politics of Interpretation” at pages 447-472, ¶ 1); 5/19 Tr. at 86:12–15 (Pfund); 5/18 Tr. at 105:14-16 (Richman)]

Copyright Registration Number: **TX 5-806-220 (for SAGE publication in which Denzin article originally appeared)**

Description of Work (incl. # pgs./chs.): **Comprehensive overview and analysis of the theoretical underpinnings of qualitative research and applications for practice. Compilation; 25 chapters, 546 pages. [PX349]**

Course in Which Work Used: **EPRS8500 - Qualitative/ Interpretive Research in Education I [JX 3; PX 518]**

Instructor: **Kaufmann [JX 3; PX 518]**

Total number of works on ERes/ uLearn for course: **21 excerpts from 10 works [JX 3; Appendix B at p. 13]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pages): **447-472 (26 pages) [5/19 Tr. at 95:9–24 (Pfund); 5/23 Tr. at 169:13–19 (Kaufmann)]**

Percent Copied Without Permission: **100% of Norman Denzin’s work
4.8% of the entire work [PX 349]**

Retail List Price (New): **\$92.00 (hard) \$49.95 (paper) [JX 5 at C-8]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$3.12 (26 pages x \$0.12 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$68.52 [\$3.12/student x 21 students + \$3.00]**

Permissions from CCC (2004 – 2010): **[PX 353]**

Other Relevant Evidence Regarding Work

- The work was required reading placed on ERes without permission or payment to the copyright holder [PX 518; 5/23 Tr. at 169:23-170:8 (Kaufmann)]

Fall 2009 Infringement Summary: *Handbook of Feminist Research: Theory and Praxis* [PX 243]

Copyright Owner (or Licensee): **SAGE [PX 244 (editor agreement between SAGE and Sharlene Hese-Biber ¶ 6); PX 245 (contributing author agreement between SAGE, Wanda Pillow and Cris Mayo for “Toward Understandings of Feminist Ethnography” at pages 155-172); PX 246 (contributing author agreement between SAGE and Judith Preissle for “Feminist Research Ethics” at pages 515-534); 5/18 Tr. at 88:19-89:1, 119:22-24 (Richman)]**

Copyright Registration Number: **TX 7-031-746 [PX 247]**

Description of Work (incl. # pgs./chs.): **Original research and analysis discussing feminist approaches to methodology. Compilation; 43 chapters, 712 pages. [PX 243; 5/23 Tr. at 183:17-21 (Kaufmann)]**

Course in Which Work Used: **EPRS8500 - Qualitative/ Interpretive Research in Education I [JX 3; PX 518]**

Instructor: **Kaufmann [JX 3; PX 518]**

Total number of works on ERes/uLearn for course: **21 excerpts from 10 works [JX 3; Appendix B at p. 13]**

Number of Chapters Used: **3 [PX 243]**

Page Range Distributed (# pgs.): **71-106, 155-172, 515-534 (74 pages) [JX 5; 5/23 Tr. at 165:23, 154:2-7, 156:3–156:4, 184:2-15 (Kaufmann)]**

Percent Copied Without Permission: **100% of chapters 3, 5, and 11
10.4% of entire work (74/712 pages) [PX 243]**

Retail List Price (New): **\$146.00 (hard) [JX 5 at C-8]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$10.36 (74 pages x \$0.14 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$220.56 [\$10.36/student x 21 students + \$3.00]**

Life to date sales revenue: [PX 248]

Permissions from CCC (2004 – 2010): [PX 248]

Other Relevant Evidence Regarding Work

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- Copyright registration certificate (which was filed within five years of publication) establishes presumption of ownership which was not rebutted; in addition, although no contributing author agreement for the excerpt at pages 71-106 is in evidence, SAGE produced two other identical contributor contracts for the book, and Ms. Richman testified that “we have a policy that states that every contributing author must sign an agreement with us.” [5/18 Tr. at 64:24-65:4 (Richman).]

Fall 2009 Infringement Summary: *Handbook of Narrative Inquiry: Mapping a Methodology* [PX 258]

Copyright Owner (or Licensee): **SAGE [PX 259 (editor agreement between SAGE and D. Jean Clandinin, which also covers “Mapping a Landscape of Narrative Inquiry: Borderland Spaces and Tensions” at pages 35-76); 5/18 Tr. at 126:19-128:2 (Richman)]**

Copyright Registration Number: **TX 6-512-848 [PX 261]**

Description of Work (incl. # pgs./chs.): **Comprehensive and interdisciplinary overview of the methodology of narrative inquiry. Compilation; 24 chapters, 650 pages. [PX 258]**

Course in Which Work Used: **EPRS8500 - Qualitative/ Interpretive Research in Education I [JX 3; PX 518]**

Instructor: **Kaufmann [JX 3; PX 518]**

Total number of works on ERes/uLearn for course: **21 excerpts from 10 works [JX 3; Appendix B at p. 13]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pages): **35-75 (41 pages) [JX 3; PX 518]**

Percent Copied Without Permission: **6.3% (41/650 pages) [PX 258]**

Retail List Price (New): **\$146.00 (hard) [JX 5 at C-9]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr at 10:2-12:3]**

Licensing Cost Per Student: **\$5.74 (41 pages x \$0.14 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$123.54 [\$5.74/student x 21 students + \$3.00]**

Life to date sales revenue: **[PX 262]**

Direct permissions revenue: **[PX 262]**

Permissions from CCC (2004 – 2010): **[PX 263-264]**

Other Relevant Evidence Regarding Work

- The work was required reading placed on EReserves without permission or payment to the copyright holder [5/23 Tr. at 67:19–67:21 (Kaufmann)]
- Copyright registration certificate (which was filed within a year of publication) establishes presumption of ownership of work which was not rebutted. PX 261.

Fall 2009 Infringement Summary: *The SAGE Handbook of Qualitative Research* (3rd edition) [PX 267]

Copyright Owner (or Licensee): **SAGE [PX 268 (editor agreement between SAGE and Norman K. Denzin and Yvonna Lincoln, which also covers the Introduction by the editors at pages 1-32, ¶ 1); PX 281 (contributing author agreement between SAGE and Russel Bishop for “Freeing Ourselves from Neocolonial Domination in Research” at pages 109-138); PX 274 (contributing author agreement between SAGE and Kenneth Plummer for “Critical Humanism and Queer Theory” at pages 357-373); PX 277 (contributing author agreement between SAGE and Robert Stake for “Qualitative Case Studies” at pages 443–65); PX 280 (contributing author agreement between SAGE and John R. Beverley for “Testimonio, Subalternity, and Narrative Authority, at pages 547-557); PX 276 (contributing author agreement between SAGE and John K. Smith for “Relativism, Criteria, and Politics” at pages 915-932); PX 275 (contributing author agreement between SAGE and Laurel Richardson for “Writing: A Method of Inquiry” at pages 959-978)]; 5/18 Tr. at 98:10-13 (Richman)]**

Copyright Registration Number: **TX 6-175-287 [PX 282]**

Description of Work (incl. # pgs./chs.): **Original research and analysis concerning the theory and practice of qualitative inquiry. Compilation; 44 chapters, 1126 pages [PX 267]**

Course in Which Work Used: **EPRS8500 - Qualitative/ Interpretive Research in Education I [JX 3; PX 518]**

Instructor: **Kaufmann [JX 3; PX 518]**

Total number of works on ERes/ uLearn for course: **21 excerpts from 10 works [JX 3; Appendix B at p. 13]**

Number of Chapters Used: **7 [JX 5]**

Page Range Distributed (# pages): **1-32, 109-138, 357-373, 443-465, 547-557, 915-932, 959-978 (151 pages) [JX 5; 5/18 Tr. at 92:22-**

93:1 (Richman); 5/23 Tr. at 80:15-19, 146:6-22, 147:15-23, 148:10-14, 148:23-149:11, 149:24-150:5, 151:7-22 (Kaufmann)]

Percent Copied Without Permission: **100% of Introduction and Bishop's, Plummer's, Stake's, Beverley's, Smith's, and Richardson's works**
13.4% of entire work (151/1126 pages) [PX 267]

Retail List Price (New): **\$156.00 (hard) [JX 5 at C-9]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$21.14 (151 pages x \$0.14 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$446.94 [\$21.14/student x 21 students + \$3.00]**

Life to date sales revenue: **[PX 283]**

Permissions revenue (from in-house requests): **(2d and 3d editions) [PX 283]**

Permissions revenue from CCC 2004-2010: **(2d and 3d editions) [PX 284-288]**

Other Relevant Evidence Regarding Work

- The work was required reading placed on ERes without permission or payment to the copyright holder [JX 3; 5/23 Tr. at 67:19-67:21, 145:22-151:22, 152:20-153:5 (Kaufmann); 5/18 Tr. at 90:22-24 (Richman)]

Fall 2009 Infringement Summary: *The SAGE Handbook of Qualitative Research* (2nd edition) [PX 265]

Copyright Owner (or Licensee): SAGE [PX 324 (editor agreement between SAGE, Norman K. Denzin & Yvonna Lincoln ¶ I); 5/18 Tr. at 93:24-94:3 (Richman)]

Copyright Registration Number: TX 5-220-475 [PX 282]

Description of Work (incl. # pgs./chs.): Original research and analysis concerning the theory and practice of qualitative inquiry. Compilation; 41 chapters, 1065 pages. [PX 265]

Course in Which Work Used: EPRS8500 - Qualitative/ Interpretive Research in Education I [JX 3; PX 518]

Instructor: Kaufmann [JX 3; PX 518]

Total number of works on ERes/uLearn for course: 21 excerpts from 10 works [JX 3; Appendix B at p. 13]

Number of Chapters Used: 1 [JX 5]

Page Range Distributed (# pgs.): 733-768 (36 pages) [JX 3; 5/23 Tr. at 118:13-20 (Kaufmann)]

Percent Copied Without Permission: 100% of chapter 28
3.3% of entire work (36/1065 pages) [PX 265]

Retail List Price (New): \$175.00 (hardcover) [JX 5 at C-9]

Available for licensing through CCC: Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]

Licensing Cost Per Student: \$5.04 (36 pages x \$0.14 per page)

Licensing Cost for Class, including \$3.00 service fee if just through CCC: \$108.84 [\$5.04/student x 21 students + \$3.00]

Life to date sales revenue: [REDACTED] [PX 283]

Permissions revenue (from in-house requests): [REDACTED] (2d and 3d editions) [PX 283]

Permissions revenue from CCC 2004-2010: [REDACTED] (2d and 3d editions) [PX 284-288]

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Other Relevant Evidence Regarding Work

- The work was required reading placed on EReserves without permission or payment to the copyright holder [JX 3; 5/23 Tr. at 67:19–21, 166:22-167:7(Kaufmann); 5/18 Tr. at 90:22-24 (Richman)]
- Copyright registration certificate establishes presumption of ownership which was not rebutted. PX 282. In addition, although no contributing author agreement for the excerpt at pages 733-768 is in evidence, SAGE produced other, identical contributor contracts for the book, and Ms. Richman testified that “we have a policy that states that every contributing author must sign an agreement with us.” [5/18 Tr. at 64:24-65:4 (Richman).]

Fall 2009 Infringement Summary: *Handbook of Social Theory* (2001) [PX 288]

Copyright Owner (or Licensee): **SAGE [PX 289 (editor agreement between SAGE, George Ritzer, and Barry Smart ¶ 1); PX 290 (author agreement between SAGE and Gary Fine for “Symbolic Interactionism at the End of the Century” at pages 217-228, ¶ 2); 5/18 Tr. at 129:8-10 (Richman)]**

Copyright Registration Number: **Foreign work not requiring registration (17 U.S.C § 411(a))**

Dates of Publication
(Trial Testimony of Carol Richman): **July 26, 2003 (UK)
November 13, 2003 (US) [5/18 Tr. at 129:20-130:1 (Richman)]**

Description of Work (incl. # pgs./chs.): **Original research and analysis concerning the theory and practice of qualitative inquiry. Compilation; 39 chapters, 537 pages. [PX 288]**

Course in Which Work Used: **EPRS8500 - Qualitative/ Interpretive Research in Education I [JX 3; PX 518]**

Instructor: **Kaufmann [JX 3; PX 518]**

Total number of works on ERes/
uLearn for course: **21 excerpts from 10 works [JX 3; Appendix B at p. 13]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pgs): **217-228 (12 pages) [JX 3; 5/23 Tr. at 157:12-23 (Kaufmann)]**

Percent Copied Without Permission: **100% of Fine’s work [5/23 Tr. at 157:12-23]
2.2% of entire work [PX 288]**

Retail List Price (New): **\$150.00 (hard) \$69.95 (paper) [JX 5 at C-9]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr at 10:2-12:3]**

Licensing Cost Per Student: **\$1.68 (12 pages x \$0.14 per page)**

Licensing Cost for Class, including \$3.00
service fee if just through CCC: **\$38.28 [\$1.68/student x 21 students + \$3.00]**

Life to date sales revenue: **(approximately) [PX 291]**

Permissions revenue (from

882404.1

in-house requests): (approximately) [PX 291]

Permissions from CCC (2004 – 2010): [PX 292]

Other Relevant Evidence Regarding Work

- The work was required reading placed on EReserves without permission or payment to the copyright holder [5/23 Tr. at 157:12-19 (Kaufmann); 5/8 Tr. at 90:22-24 (Richman)]
- The work is an original work of authorship [PX 288; PX 289 ¶ 5; PX 290]
- Notwithstanding Defendants' claims to the contrary, SAGE owns excerpt via assignment from Gary Fine, who signed agreement on behalf of all co-authors [PX 290 (“please sign on behalf of your co-authors”)]

Fall 2009 Infringement Summary: *Theoretical Frameworks in Qualitative Research* [PX 305]

Copyright Owner (or Licensee): **SAGE [PX 307 (author agreement between SAGE, Vincent A. Anfara, and Norma T. Mertz, which also covers the Introduction and Conclusion at pages xiii-xxxii and 189-196, ¶ 6); 5/18 Tr. at 112:4-7 (Richman)]**

Copyright Registration Number: **TX 6-989-056 [PX 306]**

Description of Work (incl. # pgs./chs.): **Original research and analysis on the role of the theoretical framework in qualitative research through case examples. Compilation; 10 chapters, 202 pages. [PX 305]**

Course in Which Work Used: **EPRS8520 - Qualitative Research in Education III [JX 3; PX 513]**

Instructor: **Esposito [JX 3; PX 513]**

Total number of works on ERes/uLearn for course: **1 [JX 3; Appendix B at p. 14]**

Number of Chapters Used: **2 [JX 5]**

Page Range Distributed (# pgs.): **xxiii-xxxii, 189-196 (16 pages) [JX 5; 5/18 Tr. at 111:4-19 (Richman); 5/24 Tr. at 88:5-10, 90:1-4 (Esposito)]**

Percent Copied Without Permission: **7.9% (16/202 pages)**

Retail List Price (New): **\$51.95 (paper) [JX 5 at C-9]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$2.24 (16 pages x \$0.14 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$34.36 [\$2.24/student x 14 students +\$3.00]**

Life to date sales revenue: **[PX 308]**

Permissions from CCC (2004 – 2010): **[PX 309]**

Other Relevant Evidence Regarding Work

- The work was required reading placed on EReserves without permission or payment to the copyright holder [5/24 Tr. at 61:21-62:22 (Esposito)]

Fall 2009 Infringement Summary: *Awakening Children's Minds* [PX 354]

Copyright Owner (or Licensee): **Oxford [PX 355 (author agreement between Oxford and Laura E. Berk ¶ 1)]**

Copyright Registration Number: **TX 5-335-981 [PX 356]**

Description of Work (incl. # pgs./chs.): **Original research and analysis on child-rearing theories and the roles of parents and teachers in children's lives. Single author work; 7 chapters, 250 pages. [PX 354; 5/31 Tr. at 32:12-16 (Kruger)]**

Course in Which Work Used: **EPY7090 - Learning and the Learner [JX 3; PX 554]**

Instructor: **Kruger [JX 3; PX 553, 554]**

Total number of works on ERes/
uLearn for course: **17 excerpts from 10 books [JX 3; Appendix B at pp. 15-16]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pgs.): **181-199, 200-219 (39 pages) [JX 5; 5/31 Tr. at 32:17-20, 33:15-23 (Kruger)]**

Percent Copied Without Permission: **15.6% (39/250 pages)**

Retail List Price (New): **\$28.00 [JX 5 at C-10]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr at 10:2-12:3]**

Licensing Cost Per Student: **\$4.68 (39 pages x \$0.12 per page)**

Licensing Cost for Class, including \$3.00
service fee if just through CCC: **\$91.92 [\$4.68/student x 19 students +\$3.00]**

Life to date sales revenue: **[PX 357, 344]**

Permissions from CCC (2004 – 2010): **[PX 358]**

Other Relevant Evidence Regarding Work

- The work was required reading placed on EReserves without permission or payment to the copyright holder [PX 599; 5/31 Tr. at 32:3-19, 41:18-19, 48:10-15 (Kruger); 5/20 Tr. 111:11-112:1 (Dimsdale); 6/1 Tr. 152:1-6 (Burtle)]

- The work has been through five printings and has “found an audience” in a competitive field [5/19 Tr. at 88:14-89:4 (Pfund)]

Fall 2009 Infringement Summary: *Understanding Trauma: Integrating Biological, Clinical and Cultural Perspectives* [PX 142]

Copyright Owner (or Licensee): Cambridge [PX 143 (editor agreement between Cambridge, Laurence Kirmayer, Robert Lemelson and Mark Barad ¶ 3); PX 144 (contributing author agreement between Cambridge and Bessel van der Kolk at ¶ 6)]

Copyright Registration Number: TX 7-276-783 [PX 145]

Description of Work (incl. # pgs./chs.): Interdisciplinary analysis of the individual and collective response to trauma. Compilation; 21 chapters, 490 pages. [PX 142]

Course in Which Work Used: EPY8220 - Advanced Developmental Psychology: Personality and Socialization [JX 3; PX 554]

Instructor: Kruger [JX 3; PX 554]

Total number of works on ERes/uLearn for course: 4 [JX 3; Appendix B at pp. 17-18]

Number of Chapters Used: 1 [JX 5]

Page Range Distributed (# pages): 224-241 (18 pages) [JX 3; 5/31 Tr. at 13:3-8 (Kruger)]

Percent Copied Without Permission: 100% of van der Kolk's work
3.7% of entire work (18/490 pages) [PX 142]

Retail List Price (New): \$110.00 (hard) \$35.99 (paper) [JX 5 at C-10]

Available for licensing through CCC: Yes [JX 5; 5/26 Tr. at 10:2-12:3]

Licensing Cost Per Student: \$2.70 (18 pages x \$0.15 per page)

Licensing Cost for Class, including \$3.00 service fee if just through CCC: \$54.30 [\$2.70/student x 19 students + \$3.00]

Life to date sales revenue: (approximately) [PX 146]

Other Relevant Evidence Regarding Work

- The work was required reading placed on EReserves without permission or payment to the copyright holder [JX 3; 5/31 Tr. at 58:11-59:11 (Kruger); 5/20 Tr. 111:11-112:1 (Dimsdale); 6/1 Tr. 152:1-6 (Burtle)]
- The work is an original work of authorship [PX 142; 5/31 Tr. at 61:15-62:3 (Kruger) (assigned the work because it as unique – it was the only scholarly work that Professor Kruger was aware of that addressed this educational purpose)]

Fall 2009 Infringement Summary: *Language Acquisition and Conceptual Development* [PX 119]

Copyright Owner (or Licensee): **Cambridge [PX 120 (editor agreement between Cambridge, Stephen C. Levinson and Melissa Bowerman ¶ 3); PX 121 (author agreement between Cambridge and Stephen Levinson ¶ 2)]**

Copyright Registration Number: **TX 7-274-052 [PX 122]**

Description of Work (incl. # pgs./chs.): **Interdisciplinary analysis of the interaction between language acquisition and early cognition. Compilation; 19 chapters, 588 pages. [PX 119]**

Course in Which Work Used: **EPY8960 - Seminar in Educational Psychology [JX 3]**

Instructor: **Anggoro [JX 3]**

Total number of works on ERes/uLearn for course: **18 [JX 3; Appendix B at p. 19]**

Number of Chapters Used: **1 (JX 5)**

Page Range Distributed (# pgs.): **566-588 (23 pages) [JX 5]**

Percent Copied Without Permission: **100% of chapter 19, authored by Stephen Levinson
3.9% of entire work (23/588 pages) [PX 119]**

Retail List Price (New): **\$140.00 (hard) \$53.00 (paper) [JX 5 at C-10]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr at 10:2-12:3]**

Licensing Cost Per Student: **\$3.45 (23 pages x \$0.15 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$34.05 [\$3.45/student x 9 students + \$3.00]**

Life to date sales revenue: **(approximately) [PX 123]**

Permissions from CCC (2004 – 2010): **[PX 124]**

Other Relevant Evidence Regarding Work

- The work is an original work of authorship [PX 119]

- This work was placed on EReserves without permission or payment to the copyright holder [JX 3; 5/20 Tr. 111:11-112:1 (Dimsdale); 6/1 Tr. 152:1-6 (Burtle)]

Fall 2009 Infringement Summary: *Film Language: A Semiotics of the Cinema* (1974) [DX 765]

Copyright Owner (or Licensee): **Oxford [PX 393 (publication agreement between Oxford and Klincksieck Publications, Art. I)]; 5/19 Tr. at 97:2-15 (Pfund)**

Copyright Registration Number: **A534927 [PX 391]**

Description of Work (incl. # pgs./chs.): **Original analysis of the language of film. Single author work; 10 chapters, 252 pages.**

Course in Which Work Used: **FILM4750 - Film Theory and Criticism [JX 3; PX 533]**

Instructor: **Barker [JX 3; PX 533]**

Total number of works on ERes/uLearn for course: **34 excerpts from 28 works [JX 3; Appendix B at p. 20]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pgs.): **108-148 (41 pages) [JX 3; 5/19 Tr. at 96:18-23 (Pfund)]**

Percent Copied Without Permission: **16.2% (41/252 pages)**

Retail List Price (New): **\$35.00 () [JX 5]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$4.92 (41 pages x \$0.12 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$111.24 [\$4.92/student x 22 students + \$3.00]**

Permissions from CCC (2004 – 2010): **[PX 394]**

Other Relevant Evidence Regarding Work

- Registration (filed concurrently with publication) creates presumption of ownership of English translation (which was not rebutted); contract with foreign owner grants Oxford exclusive rights in the English translation in any event [PX 391, 393]

- This work was posted to EReserves without permission or payment to the copyright holder [JX 3; 5/20 Tr. 111:11-112:1 (Dimsdale); 6/1 Tr. 152:1-6 (Burtle)]

Fall 2009 Infringement Summary: *The Cambridge History of China, Volume 8, Part 2* [PX 79]

Copyright Owner (or Licensee): Cambridge [PX 80 (editor agreement between Cambridge, F. W. Mote and D. C. Twitchett ¶ 3); PX 81 (contributing author agreement between Cambridge and Donald Clark ¶ 1)]

Copyright Registration Number: TX 7-272-952 [PX 82]

Description of Work (incl. # pgs./chs.): Comprehensive overview of the Ming Dynasty. Compilation; 15 chapters, 986 pages. [PX 79]

Course in Which Work Used: HIST4820 - Cross-Cultural Encounters in World History [JX 3; PX539; 5/26 Tr. at 16:23-17:8]

Instructor: Gainty [JX 3; 5/26 Tr. at 16:23-17:8; PX 539]

Total number of works on ERes/uLearn for course: 4 [JX 3; Appendix B at p. 21]

Number of Chapters Used: 1 [JX 5]

Page Range Distributed (# pgs.): 272-300 (29 pages) [JX 3; 5/27 Tr. at 107:11-13 (Gainty)]

Percent Copied Without Permission: 100% of Clark's work
2.9% of entire work (29/986 pages) [PX 79]

Retail List Price (New): \$187.00 (hard) [JX 5 at C-12]

Available for licensing through CCC: Yes [JX 5; 5/26 Tr. at 10:2-12:3]

Licensing Cost Per Student: \$4.35 (29 pages x \$0.15 per page)

Licensing Cost for Class, including \$3.00 service fee if just through CCC: \$7.35 [\$4.35/student x 1 student +\$3.00]

Life to date sales revenue: (approximately) [PX 83]

Permissions from CCC (2004 – 2010): [PX 84]

Other Relevant Evidence Regarding Work

- The work was required reading placed on EReserves without permission or payment to the copyright holder [JX 3; PX 539; 5/27 Tr. at 105:19-106:19, 109:9-16 (Gainty); 5/20 Tr. 111:11-112:1 (Dimsdale); 6/1 Tr. 152:1-6 (Burtle)]

- The work is an original work of authorship [PX 79]

Fall 2009 Infringement Summary: *Region, Race and Reconstruction* [DX 769]

Copyright Owner (or Licensee): **Oxford [PX 455 (editor agreement between Oxford, James M. McPherson and J. Morgan Kousser ¶ 1)]**

Copyright Registration Number: **TX 0000949127 [PX 456]**

Description of Work (incl. # pgs./chs.): **Comprehensive historical analysis of the American South. Compilation; 15 chapters, 450 pages. [DX 769]**

Course in Which Work Used: **HIST7010 - Issues and Interpretations in American History [JX 3; PX 512]**

Instructor: **Davis [JX 3; PX 512]**

Total number of works on ERes/uLearn for course: **7 [JX 3; Appendix B at p. 22]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pgs.): **143-177 (35 pages) [JX 3; 5/19 Tr. at 106:15–19 (Pfund); 5/25 Tr. at 113:10–22 (Davis)]**

Percent Copied Without Permission: **100% of Fields' essay [DX 769; 5/25 Tr. at 113:10-25]
7.8% of entire work (35/450 pages) [DX 769]**

Retail List Price (New): **\$29.95 [JX 5 at C-13]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$4.20 (35 pages x \$0.12 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$74.40 [\$4.20/student x 17 students + \$3.00]**

Life to date sales revenue: **[PX 357]**

Permissions from CCC (2004 – 2010): **[PX 457]**

Other Relevant Evidence Regarding Work

- The work was assigned to students as required reading and placed on EReserves without permission or payment to the copyright holder [5/25 Tr. at 113:10–114:9 (Davis)]

Fall 2009 Infringement Summary: *The Unpredictable Past: Explorations in American Cultural History* [PX 477]

Copyright Owner (or Licensee): **Oxford [PX 478 (author agreement between Oxford and Lawrence W. Levine ¶ 1)]**

Copyright Registration Number: **TX 4-640-675 [PX 479]**

Description of Work (incl. # pgs./chs.): **Original analysis of examples of history changing through the lens of the present. Single author work; 14 chapters, 320 pages. [PX 477]**

Course in Which Work Used: **HIST7010 - Issues and Interpretations in American History [JX 3; PX 512]**

Instructor: **Davis [JX 3; PX 512]**

Total number of works on ERes/
uLearn for course: **7 [JX 3; Appendix B at p. 22]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pgs.): **35-58 (24 pages) [JX 5; 5/19 Tr. at 99:4-99:8 (Pfund); 5/25 Tr. at 111:3-10 (Davis)]**

Percent Copied Without Permission: **7.5% (24/320 pages)**

Retail List Price (New): **\$34.99 [JX 5 at C-13]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$2.88 (24 pages x \$0.12 per page)**

Licensing Cost for Class, including \$3.00
service fee if just through CCC: **\$51.96 [\$2.88/student x 17 students + \$3.00]**

Life to date sales revenue: **[PX 357, 344]**

Permissions from CCC (2004 – 2010): **[PX 480]**

Other Relevant Evidence Regarding Work

- The work was assigned to students as required reading and placed on ERes without payment to the copyright holder [5/25 Tr. at 111:3-113:4 (Davis)]

Fall 2009 Infringement Summary: *Living Ethics: Across Media Platforms* [PX 423]

Copyright Owner (or Licensee): **Oxford [PX 424 (author agreement between Oxford and Michael Bugeja ¶ 1)]**

Copyright Registration Number: **TX 6-877-035 [PX 425]**

Description of Work (incl. # pgs./chs.): **Interdisciplinary analysis of ethical issues arising across new media platforms. Single author work; 10 chapters, 305 pages. [PX 423]**

Course in Which Work Used: **JOUR4800 - Media Ethics & Society [JX 3; PX 535]**

Instructor: **Freeman [JX 3; PX 535]**

Total number of works on ERes/
uLearn for course: **17 [JX 3; Appendix B at p. 11]**

Number of Chapters Used: **2 [JX 5]**

Page Range Distributed (# pgs.): **116-121, 299-305 (13 pages) [JX 3; 5/19 Tr. at 99:23-100:4 (Pfund)]**

Percent Copied Without Permission: **4.3% (13/305 pages)**

Retail List Price (New): **\$69.95 [JX 5 at C-14]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$1.56 (13 pages x \$0.12 per page)**

Licensing Cost for Class, including \$3.00
service fee if just through CCC: **\$32.64 [\$1.56/student x 19 students + \$3.00]**

Life to date sales revenue: **[PX 357]**

Permissions from CCC (2004 – 2010): **[PX 426]**

Other Relevant Evidence Regarding Work

- All 13 pages contain original text in addition to photographs and are protectable [PX 423]
- This work was posted to EReserves without permission or payment to the copyright holder [JX 3; 5/20 Tr. 111:11-112:1 (Dimsdale); 6/1 Tr. 152:1-6 (Burtle)]

Fall 2009 Infringement Summary: *The Organ As a Mirror of Its Time: North European Reflections 1610-2000* [PX 441]

Copyright Owner (or Licensee): **Oxford [PX 442 (editor agreement between Oxford and Kerala J. Snyder ¶ 1); PX 443 (contributing author agreement between Oxford and Hans Davidson)]**

Copyright Registration Number: **TX 5-586-351 [PX 444]**

Description of Work (incl. # pgs./chs.): **Original analysis of the organ's historical and cultural significance in Northern Europe. Compilation; 25 chapters, 346 pages. [PX 441]]**

Course in Which Work Used: **MUS8840 - Baroque Music [JX 3; PX 524]**

Instructor: **Orr [JX 3; PX 524]**

Total number of works on ERes/uLearn for course: **37 excerpts from 29 works [JX 3; Appendix B at p. 23]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pgs.): **78-91 (14 pages, 13 requiring permission) [JX 3; 5/19 Tr. at 100:18-23 (Pfund); 5/25 Tr. at 87:10-15 (Orr)]**

Percent Copied Without Permission: **100% of Davidson's work
3.7% of entire work (13/346 pages) [PX 441]**

Retail List Price (New): **\$65.00 [JX 5 at C-14]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$1.56 (13 pages x \$0.12 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$31.08 [\$1.45/student x 18 students + \$3.00]**

Life to date sales revenue: **[PX 357]**

Other Relevant Evidence Regarding Work

- The work was placed on EReserves without permission or payment to the copyright holder [JX 3; 5/25 Tr. at 86:2-25 (Orr)]

- 13 of the pages copied and distributed contain the author's original material, are protectable, and require permission for use [PX 441]

Fall 2009 Infringement Summary: *North German Church Music in the Age of Buxtehude* (1996) [PX 437]

Copyright Owner (or Licensee): **Oxford [PX 438 (author agreement between Oxford and Geoffrey Webber ¶ 2)]**

Copyright Registration Number: **Foreign work not requiring registration (17 U.S.C § 411(a))**

Description of Work (incl. # pgs./chs.): **Comprehensive survey of North German church music and its composers. Single author work; 9 chapters, 224 pages. [PX 437]**

Course in Which Work Used: **MUS8840 - Baroque Music [JX 3; PX 524]**

Instructor: **Orr [JX 3; PX 524]**

Total number of works on ERes/
uLearn for course: **37 excerpts from 29 works [JX 3; Appendix B at p. 23]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pgs.): **9-26 (18 pages) [JX 3; 5/19 Tr. at 108:17-22 (Pfund); 5/25 Tr. at 89:15-90:3 (Orr)]**

Percent Copied Without Permission: **8% (18/224 pages)**

Retail List Price (New): **\$115.00 [JX 5 at C-15]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$2.16 (18 pages x \$0.12 per page)**

Licensing Cost for Class, including \$3.00
service fee if just through CCC: **\$41.88 [\$2.16/student x 18 students + \$3.00]**

Life to date sales revenue: **[PX 357]**

Other Relevant Evidence Regarding Work

- The work was required reading placed on ERes without permission or payment to the copyright holder [see 5/25 Tr. at 89:15-91:9 (Orr)]
- The work is an original work of authorship [PX 437; PX 438 ¶ 18]

Fall 2009 Infringement Summary: *Handbook of Mixed Methods in Social & Behavioral Research* [DX 773]

Copyright Owner (or Licensee): **SAGE [PX 251 (editor agreement between SAGE, Abbas Tashakkori and Charles Teddlie ¶ I, VIII); PX 253 (author agreement between SAGE and Sheila Twinn ¶ I, V)]; 5/18 Tr. at 132:14-17 (Richman)]**

Copyright Registration Number: **TX 5-614-935 [PX 254]**

Description of Work (incl. # pgs./chs.): **Original research and analysis surveying the differing approaches to using mixed methods. Compilation; 26 chapters, 768 pages. [DX 773]**

Course in Which Work Used: **NURS8035 - Theoretical and Philosophical Foundations for Nursing [JX 3; PX 545]**

Instructor: **Moloney [JX 3; PX 545]**

Total number of works on ERes/uLearn for course: **13 [JX 3; Appendix B at p. 24]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pgs.): **541-556 (16 pages) [JX 5; 5/27 Tr. at 136:22-138:11 (Moloney)]**

Percent Copied Without Permission: **100% of Twinn's work
2% of entire work (16/768 pages) [DX 773]**

Retail List Price (New): **\$151.00 (hard) [JX 5 at C-15]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$2.24 (16 pages x \$0.16 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$34.36 [\$2.24/student x 14 students + \$3.00]**

Life to date sales revenue: **[PX 255]**

Permissions revenue (from in-house requests): **[PX 255, 256]**

Permissions from CCC (2004 – 2010): **[PX 257]**

Other Relevant Evidence Regarding Work

- The work was required reading placed on ERes without permission or payment to the copyright holder [5/27 Tr. at 139:13-19, 150:22-151:5, 153:20-154:2 (Moloney); 5/18 Tr. at 90:22-24 (Richman)]

Fall 2009 Infringement Summary: *Crabgrass Frontier: The Suburbanization of the United States* [PX 368]

Copyright Owner (or Licensee): **Oxford [PX 369 (author agreement between Oxford and Kenneth T. Jackson ¶¶ 1-2)]**

Copyright Registration Number: **TX 1-688-521 [PX 370]**

Description of Work (incl. # pgs./chs.): **Original, interdisciplinary analysis of the American suburbs. Single author work; 16 chapters, 306 pages. [PX 368]**

Course in Which Work Used: **PERS2001 - Comparative Culture [JX 3; PX 537]**

Instructor: **Lasner [JX 3; PX 537]**

Total number of works on ERes/uLearn for course: **37 excerpts [JX 3; Appendix B at pp. 25-26]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pgs.): **246-271 (26 pages) [JX 3; PX 537; 5/19 Tr. at 101:19-23 (Pfund)]**

Percent Copied Without Permission: **8.5% (26/306 pages)**

Retail List Price (New): **\$19.95 [JX 5 at C-16]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$3.12 (26 pages x \$0.12 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$358.68 [\$3.12/student x 114 students + \$3.00]**

Life to date sales revenue: **[PX 357, 344]**

Permissions from CCC (2004 – 2010): **[PX 371]**

Other Relevant Evidence Regarding Work

- The work was required reading placed on EReserves without permission or payment to the copyright holder [PX 537; JX 3; 5/20 Tr. 111:11-112:1 (Dimsdale); 6/1 Tr. 152:1-6 (Burtle)]

Fall 2009 Infringement Summary: *The Politics of Public Housing: Black Women's Struggles Against Urban Inequality* [PX 445]

Copyright Owner (or Licensee): Oxford [PX 446 (author agreement between Oxford and Rhonda Y. Williams ¶¶ 1-2)]

Copyright Registration Number: TX 6-033-330 (PX 447)

Description of Work (incl. # pgs./chs.): Original overview and analysis of the strengths of affordable public housing from the perspective of poor black women. Single author work; 6 chapters, 244 pages. [PX 445]

Course in Which Work Used: PERS2001 - Comparative Culture [JX 3; PX 537]

Instructor: Lasner [JX 3; PX 537]

Total number of works on ERes/uLearn for course: 37 excerpts [JX 3; Appendix B at pp. 25-26]

Number of Chapters Used: 1 [JX 5]

Page Range Distributed (# pgs.): 21-53 (33 pages) [JX 3; PX 537; 5/19 Tr. at 103:23-104:3 (Pfund)]

Percent Copied Without Permission: 13.5% (33/244 pages)

Retail List Price (New): \$25.00 [JX 5 at C-16]

Available for licensing through CCC: Yes [JX 5; 5/26 Tr. at 10:2-12:3]

Licensing Cost Per Student: \$3.96 (33 pages x \$0.12 per page)

Licensing Cost for Class, including \$3.00 service fee if just through CCC: \$454.44 [\$3.96/student x 114 students + \$3.00]

Life to date sales revenue: [PX 357, 344, 366]

Other Relevant Evidence Regarding Work

- The work was required reading placed on EReserves without permission or payment to the copyright holder [PX 537; JX 3; 5/20 Tr. 111:11-112:1 (Dimsdale); 6/1 Tr. 152:1-6 (Burtle)]

Fall 2009 Infringement Summary: *Contemporary Cases in U. S. Foreign Policy: From Terrorism to Trade* [DX 776]

Copyright Owner (or Licensee): **SAGE (CQ Press) [PX 226 (editor agreement between SAGE and Ralph G. Carter ¶ 1(b)); PX 227 (contributing author agreement between SAGE, Jeffrey Lantis, and Erick Moskowitz p. 2 ¶ 2); 5/18 Tr. at 88:19-89:1 (Richman)]**

Copyright Registration Number: **TX 6-906-070 (3d ed.), TX 6-181-314 (2d ed.), TX 5-445-213 [PX 228]**

Description of Work (incl. # pgs./chs.): **Comprehensive overview and analysis of U.S. foreign policy through recent case examples. Compilation; (3d ed. has 471 pages). [DX 776]**

Course in Which Work Used: **POLS3450 - U.S. Foreign Policy [JX 3; PX 549]**

Instructor: **Hankla [JX 3; PX 549]**

Total number of works on ERes/
uLearn for course: **10 excerpts from 7 works [JX 3; Appendix B at p. 27]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pgs.): **89-121 (33 pages) [JX 5; 5/26 Tr. at 106:13-107:10 (Hankla)]**

Percent Copied Without Permission: **100% of Lantis and Moskowitz work
7% of entire work (33/471 pages) [DX 776]**

Retail List Price (New): **\$38.95 (paper) [JX 5 at C-16]**

Available for licensing through CCC: **Yes* [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$4.95 (33 pages x \$0.15 per page)**

Licensing Cost for Class, including \$3.00
service fee if just through CCC: **\$240.60 [\$4.95/student x 48 students + \$3.00]**

Life to date sales revenue: **[PX 229]**

* The work is available for licensing through CCC as a special order request that would be submitted to SAGE; SAGE would approve for processing by CCC at \$0.15 per page, rather than its usual cost of \$0.14 per page.

Permissions revenue
(from in-house requests):

[PX 229]

Permissions from CCC (2004 – 2010):

[PX 230]

Other Relevant Evidence Regarding Work

- The work was required reading placed on ERes without permission or payment to the copyright holder [JX 3; 5/26 Tr. at 122:23–123:3 (Hankla); 5/18 Tr. at 90:22-24 (Richman)]

Fall 2009 Infringement Summary: *U.S. Foreign Policy: The Paradox of World Power* [DX 777]

Copyright Owner (or Licensee): **SAGE (CQ Press) [PX 311 (editor agreement between SAGE and Steven W. Hook ¶ 1(b)); PX 312 (contributing author agreement between SAGE and Helen Fessenden p. 2, ¶ 2); 5/18 Tr. at 89:18-19 (Richman)]**

Copyright Registration Number: **TX 6-814-128 (2d ed.), TX 6-082-538 (1st ed.) [PX 313]**

Description of Work (incl. # pgs./chs.): **Original research and analysis discussing the the U.S. as a super-power and its limitations in foreign policy decision making. Compilation; 12 chapters, 400 pages. [DX 777]**

Course in Which Work Used: **POLS3450 - U.S. Foreign Policy [JX3; PX 549]**

Instructor: **Hankla [JX 3; PX 549]**

Total number of works on ERes/uLearn for course: **10 excerpts from 7 works [JX 3; Appendix B at p. 27]**

Number of Chapters Used: **1 [JX 5]**

Page Range Distributed (# pgs.): **153-188 (36 pages) [JX 3; 5/26 Tr. at 125:5-18 (Hankla)]**

Percent Copied Without Permission: **9% of entire work (36/400 pages) [DX 777]**

Retail List Price (New): **\$84.95 (paper) [JX 5 at C-16]**

Available for licensing through CCC: **Yes* [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$5.40 (36 pages x \$0.15 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$262.20 [\$5.40/student x 48 students + \$3.00]**

Life to date sales revenue: **[PX 314]**

* The work is available for licensing through CCC as a special order request that would be submitted to SAGE; SAGE would approve for processing by CCC at \$0.15 per page, rather than its usual cost of \$0.14 per page.

Permissions revenue

(from in-house requests):

[PX 314]

Permissions from CCC (2004 – 2010):

[PX 315]

Other Relevant Evidence Regarding Work

- The work was required reading placed on EReserves without permission or payment to the copyright holder [PX 549, DX 480, 481; 5/26 Tr. at 126:23-127:10 (Hankla); 5/18 Tr. at 90:22-24 (Richman)]
- Professor Hankla assigned the work because it was the “best” reading out there for explaining the nuts and bolts of how the foreign policy bureaucracy works) [5/26 Tr. at 126:23-127:5 (Hankla)]

Fall 2009 Infringement Summary: *Regimes and Democracy in Latin America: Theories and Methods* [PX 452]

| | |
|--|--|
| Copyright Owner (or Licensee): | Oxford [PX 453 (editor agreement between Oxford and Gerado L. Munck, which covers Introduction and Chapter 1, Schedule III ¶ 5); 5/19 Tr. at 109:7-110:1 (Pfund)] |
| Copyright Registration Number: | Foreign work not requiring registration (17 U.S.C § 411(a)) |
| Dates of Publication: | May 10, 2007 (U.K.) June 28, 2007 (U.S.) [PX 993] |
| Description of Work (incl. # pgs./chs.): | Comprehensive analysis on democracy in Latin America. Compilation; 9 chapters, 246 pages. [PX 452] |
| Course in Which Work Used: | POLS8250 - Latin American Politics [JX 3; PX 555] |
| Instructor: | McCoy [JX 3; PX 555] |
| Total number of works on ERes/ uLearn for course: | 6 excerpts from 4 works [JX 3; Appendix B at p. 28] |
| Number of Chapters Used: | 3 [JX 5] |
| Page Range Distributed (# pgs.): | 1-24, 25-38, 39-50 (50 pages) [JX 3; 5/19 Tr. at 109:7-12 (Pfund)] |
| Percent Copied Without Permission: | 100% of Introduction, Chapter 1, and Chapter 2 20.4% of entire work (50/246 pages) [PX 452] |
| Retail List Price (New): | \$45.00 [JX 5 at C-17] |
| Available for licensing through CCC: | Yes* [JX 5; 5/26 Tr. at 10:2-12:3] |
| Licensing Cost Per Student: | \$6.00 (50 pages x \$0.12 per page) |
| Licensing Cost for Class, including \$3.00 service fee if just through CCC: | \$75.00 [\$6.00/student x 12 students + \$3.00] |
| Life to date sales revenue: | [PX 357, 344] |
| Permissions from CCC (2004 – 2010): | [PX 454] |

* The work is available for licensing through CCC, subject to limits set by Oxford. [5/19 Tr. at 71:4-7 (Pfund); 5/26 Tr. at 10:2-12:3]. Given the large size of this excerpt taken by GSU (20.4% of the work), a request for licensing would be submitted as a special order to Oxford.

Other Relevant Evidence Regarding Work

- The work is an original work of authorship [PX 452; PX 453 at Schedule III ¶ 16]
- The work was required reading placed on EReserves without permission or payment to the copyright holder [PX 606; JX 3; 5/20 Tr. 111:11-112:1 (Dimsdale); 6/1 Tr. 152:1-6 (Burtle)]
- The work is owned by Oxford University Press in the UK and exclusively licensed to Oxford for U.S. distribution [5/19 Tr. at 31:23 – 32:5 (Pfund); PX 509 (granting Oxford exclusive distribution rights and the right to sue for infringement of OUP UK works)]

Fall 2009 Infringement Summary: *Behavior, Society, and Nuclear War, Vol. 1* [PX 359]

Copyright Owner (or Licensee): **Oxford [PX 360 (agreement between Oxford and the National Academy Press ¶ 1)]**

Copyright Registration Number: **TX 2-752-091 [PX 361]**

Description of Work (incl. # pgs./chs.): **Comprehensive analysis of nuclear war and international security. Compilation; 5 chapters, 354 pages. [PX 359]**

Course in Which Work Used: **POLS8470 - Military Conflict and International Security [JX 3; PX 528]**

Instructor: **Duffield [JX 3; PX 528]**

Total number of works on ERes/
uLearn for course: **6 excerpts from 4 works [JX 3; Appendix B at p. 29]**

Number of Chapters Used: **1 (partial) [JX 5]**

Page Range Distributed (# pgs.): **8-15, 19-48 (38 pages) [JX 3; 5/19 Tr. at 105:14-18 (Pfund); 6/01 Tr. at 72:15-19 (Duffield)]**

Percent Copied Without Permission: **100% of Holsti's work
10.7% of entire work (38/354 pages) [PX 359]**

Retail List Price (New): **\$42.95 [JX 5 at C-17]**

Available for licensing through CCC: **Yes [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$4.56 (38 pages x \$0.12 per page)**

Licensing Cost for Class, including \$3.00
service fee if just through CCC: **\$66.84 [\$4.56/student x 14 students + \$3.00]**

Life-to-date sales revenue: **[PX 357]**

Permissions from CCC (2004 – 2010): **[PX 362]**

Other Relevant Evidence Regarding Work

- The work was required reading placed on ERes without permission or payment to the copyright holder [PX 528; Tr. 6/01 at 74:16-19, 76:2-11, 94:15-95:12 (Duffield)]
- Certificate of registration (filed within five years of publication) states that the National Academy Press for the National Academy of Sciences (the party with whom Oxford

contracted for all rights) is “author for hire of entire book” and establishes a presumption of ownership, including ownership of the contributions, that has not been rebutted. [PX 361]

Fall 2009 Infringement Summary: *A World of Babies: Imagined Childcare Guides for Seven Societies* [PX 147]

Copyright Owner (or Licensee): Cambridge [PX 148 (editor agreement between Cambridge, Judy De Loache and Alma Gottlieb ¶ 3); PX 149 (contributing author agreement between Cambridge and Marissa Diener ¶ 1(a)); PX 150 (contributing author agreement between Cambridge and Alma Gottlieb ¶ 1(a))]

Copyright Registration Number: TX 7-276-795 [PX 151]

Description of Work (incl. # pgs./chs.): Original interdisciplinary analysis of how varying societies care for babies. Compilation; 8 chapters, 220 pages. [PX 147]

Course in Which Work Used: PSYC4030 - Cross-Cultural Psychology [JX 3]

Instructor: Whitten [JX 5; PX 557]

Total number of works on ERes/
uLearn for course: 1 [JX 3; Appendix B at p. 30]

Number of Chapters Used: 1 [JX 5]

Page Range Distributed (# pgs.): 27, 91-112 (23 pages) [JX 5]

Percent Copied Without Permission: 88.4% of Diener's work
10.5% of entire work (23/220 pages) [PX 147]

Retail List Price (New): \$55.99 (hard) \$30.99 (paper) [JX 5 at C-17]

Available for licensing through CCC: Yes [JX 5; 5/26 Tr. at 10:2-12:3]

Licensing Cost Per Student: \$3.45 (23 pages x \$0.15 per page)

Licensing Cost for Class, including \$3.00
service fee if just through CCC: \$47.85 [\$3.45/student x 13 students + \$3.00]

Life to date sales revenue: (approximately \$159,729.60) [PX 152]

Permissions from CCC (2004 – 2010): [PX 153]

Other Relevant Evidence Regarding Work

- The work is an original work of authorship [PX 147; PX 149 ¶ 8; PX 150 ¶ 8]

- The work was placed on ERes without permission or payment to the copyright holder [JX 3; 5/20 Tr. 111:11-112:1 (Dimsdale); 6/1 Tr. 152:1-6 (Burtle)]

Fall 2009 Infringement Summary: *The Power Elite* [PX 448]

Copyright Owner (or Licensee): **Oxford [PX 449 (editor agreement between Oxford and C. Wright Mills ¶ 1)]**

Copyright Registration Number: **TX 6-941-020, A00000236642 [PX 450]**

Description of Work (incl. # pgs./chs.): **Analysis of C. Wright Mills's legendary work accompanied by original discussion. Single author work; 15 chapters, 362 pages. [PX 448]**

Course in Which Work Used: **SOCI8030 – Social Theory I [JX 3; PX 530]**

Instructor: **Harvey [JX 3; PX 530]**

Total number of works on ERes/
uLearn for course: **at least 12 excerpts from 8 works [JX 3; Appendix B at p. 31]**

Number of Chapters Used: **2 [JX 5]**

Page Range Distributed (# pgs.): **269-297, 298-324 (56 pages) [JX 3]**

Percent Copied Without Permission: **15.5% (56/365 pages)**

Retail List Price (New): **\$19.95 [JX 5 at C-19]**

Available for licensing through CCC: **Yes* [JX 5; 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$6.72 (56 pages x \$0.12 per page)**

Licensing Cost for Class, including \$3.00
service fee if just through CCC: **\$110.52 [\$6.72/student x 16 students + \$3.00]**

Life to date sales revenue: **[PX 344, 357]**

Permissions from CCC (2004 – 2010): **[PX 451]**

* The work is available for licensing through CCC [5/26 Tr. at 10:2-12:3, but the request would be submitted as a special order to Oxford, which Oxford would approve for processing by CCC.

Other Relevant Evidence Regarding Work

- The work was required reading placed on EReserves without permission or payment to the copyright holder [PX 530, JX 3; 5/20 Tr. 111:11-112:1 (Dimsdale); 6/1 Tr. 152:1-6 (Burtle)]

Fall 2009 Infringement Summary: *The SAGE Handbook of Qualitative Research* (2nd edition) [PX 265]

Copyright Owner (or Licensee): SAGE [PX 324 (editor agreement between SAGE, Norman K. Denzin and Yvonna Lincoln ¶ 8); PX 279 (contributing author agreement between SAGE and Eben Weitzman for “Software and Qualitative Research” at pages 803-820)]; 5/18 Tr. at 89:20-91:1, 93:24-94:3 (Richman)]

Copyright Registration Number: TX 5-220-475 [PX 282]

Description of Work (incl. # pgs./chs.): Original research and analysis concerning the theory and practice of qualitative inquiry. Compilation; 41 chapters, 1065 pages. [PX 265]

Course in Which Work Used: SW8200 - Evaluation and Technology [JX 3; PX 522]

Instructor: Ohmer [JX 3; PX 522]

Total number of works on ERes/uLearn for course: 2 [JX 3; Appendix B at p. 32]

Number of Chapters Used: 1 [JX 5]

Page Range Distributed (# pgs.): 803-820 (18 pages) [JX 3]

Percent Copied Without Permission: 100% of Weitzman’s work
1.7% of entire work (18/1065 pages) [PX265]

Retail List Price (New): \$175.00 (hard) [JX 5 at C-21]

Available for licensing through CCC: Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]

Licensing Cost Per Student: \$2.52 (18 pages x \$0.14 per page)

Licensing Cost for Class, including \$3.00 service fee if just through CCC: \$108.84 [\$2.53/student x 42 students + \$3.00]

Life to date sales revenue: [PX 283]

Permissions revenue (from in-house requests): (2d and 3d editions) [PX 283]

Fall 2009 Infringement Summary: *Utilization-Focused Evaluation: The New Century Text* (3rd edition) [PX 316]

Copyright Owner (or Licensee): **SAGE [PX 317 (author agreement between SAGE and Michael Q. Patton ¶ 1); 5/18 Tr. at 89:20-90:1 (Richman)]**

Copyright Registration Number: **TX 6-990-823 (4th ed.), TX 4-435-019 (3d ed.) [PX 318]**

Description of Work (incl. # pgs./chs.): **Comprehensive overview of how and why to conduct program evaluations. Single author work; 15 chapters, 386 pages. [PX 316]**

Course in Which Work Used: **SW8200 - Evaluation and Technology [JX 3; PX 522]**

Instructor: **Ohmer [JX 3; PX 522]**

Total number of works on ERes/uLearn for course: **2 [JX 3; Appendix B at p. 32]**

Number of Chapters Used: **2 [JX 5]**

Page Range Distributed (# pgs.): **1-38 (38 pages) [JX 3]**

Percent Copied Without Permission: **9.8% (38/386 pages)**

Retail List Price (New): **\$115.00 (hard) \$77.95 (paper) [JX 5 at C-21]**

Available for licensing through CCC: **Yes [JX 5; 5/18 Tr. at 90:2-18 (Richman); 5/26 Tr. at 10:2-12:3]**

Licensing Cost Per Student: **\$5.32 (38 pages x \$0.14 per page)**

Licensing Cost for Class, including \$3.00 service fee if just through CCC: **\$226.44 [\$5.32/student x 42 students + \$3.00]**

Life to date sales revenue: **[PX 319] (2d ed.); (3d ed.)**

Permissions revenue (from in-house requests): **[PX 319, 320]**

Permissions from CCC (2004 – 2010):

[PX 320-321]

Other Relevant Evidence Regarding Work

- The work is an original work of authorship [PX 316; PX 317 ¶ VII]
- The work was required reading placed on ERes without permission or payment to the copyright holder [PX 522; JX 3; 5/18 Tr. at 90:22-24 (Richman)]