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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

CAMBRIDGE UNIVERSITY PRESS,  
et al,

Plaintiffs,

- vs. -

CARL V. PATTON, in his official  
capacity as Georgia State University  
President, et al,

Defendants.

Civil Action File  
No. 1:08-CV-1425-ODE

**RESPONSES AND OBJECTIONS TO DEFENDANTS' FIRST SET OF  
INTERROGATORIES TO PLAINTIFFS**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Cambridge University Press, Oxford University Press, Inc., and Sage Publications, Inc. ("Plaintiffs"), hereby serve their responses and objections to Carl Patton, Ron Henry, Charlene Hurt, and J.L. Albert's ("Defendants") First Set of Interrogatories to Plaintiffs, dated September 9, 2008 (the "Interrogatories").

The following responses are made to the best of Plaintiffs' present knowledge, information, and belief. Plaintiffs' undertaking to respond to the Interrogatories is expressly limited to providing information that can be obtained with reasonable diligence. Plaintiffs reserve the right to supplement, amend or

**Interrogatory No. 8**

Identify the date(s) you first informed GSU or the University Administrators of the alleged infringement of any of Plaintiffs' copyrights, and describe in detail the substance of the allegation of infringement and any reply thereto.

**Response to Interrogatory No. 8**

Plaintiffs repeat and incorporate their General Objections into their response to this Interrogatory. Plaintiffs further object to this Interrogatory as overbroad and unduly burdensome. Plaintiffs further object to this Interrogatory on the grounds that it seeks information that is already within the possession, custody, or control of Defendants. Subject to and without waiving said objections, Plaintiffs refer Defendants to the April 18, 2007 letter from R. Bruce Rich of Weil, Gotshal & Manges to GSU President Carl V. Patton and the draft legal complaint included with the letter. Plaintiffs also state that on April 18, 2007, Patricia Schroeder, President of the Association of American Publishers, placed a phone call to Mr. Patton informing him that Mr. Rich's letter and the draft complaint would be arriving via Federal Express the next day. On April 30, 2007, Ms. Kerry Heyward, an attorney in GSU's Office of Legal Affairs, phoned Elizabeth Weiswasser, counsel for Plaintiffs and a colleague of Mr. Rich's at Weil, Gotshal & Manges, to indicate that she would try to provide a response within the week. Ms. Heyward did not do so. On June 26, 2007, after two additional letters from Mr. Rich to Ms. Heyward (dated May 18, 2007, and June 4, 2007), GSU's Neil Bateman phoned Mr. Rich to say that Ms. Heyward would contact him the following week. When she failed to do so, Mr. Rich left phone messages for Ms. Heyward on July 3 and July 6, 2007. Ms. Heyward left a return phone message for Mr. Rich on July 6,

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2007, indicating she would be back in her office on July 10, 2007. Mr. Rich returned that call and left a message for Ms. Heyward on July 11, 2007. Ms. Heyward then sent a letter to Mr. Rich dated July 20, 2007, indicating, *inter alia*, that "our actions are within fair use permitted by copyright law."