

# **EXHIBIT D**

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JOHN H. RAINS IV

April 22, 2009

**VIA HAND DELIVERY AND ELECTRONIC MAIL**

Kristen A. Swift, Esq.  
King & Spalding LLP  
1180 Peachtree Street NE  
Atlanta, GA 30309-3521

Re: *Cambridge University Press, et al. v. Mark P. Becker, et al.*  
United States District Court, Northern District of Georgia  
Civil Action File No. 1:08-CV-1425-ODE

Dear Kristen:

Enclosed please find a second set of requests for admission, addressing the ERes and uLearn systems. These requests are directed to basic facts about the systems and the contents thereof that we do not believe should be in dispute. While there are a large number of requests, we believe that answering these requests – or agreeing to a set of stipulated facts – is ultimately more efficient than forcing Plaintiffs to notice and depose large numbers of faculty members. Indeed, we would welcome the opportunity to negotiate stipulations that cover these same topics. In addition, we reiterate our offer to work with Defendants to draft stipulations covering the topics raised in our first set of requests for admission. Plaintiffs are committed to completing discovery in this matter in the most efficient and least costly manner possible for both sides.

We hope that you will contact us soon to set up either a telephonic or in-person conference to facilitate the negotiation of stipulated facts. We look forward to your response.

Sincerely,



John H. Rains IV

Enclosure

**BONDURANT, MIXSON & ELMORE, LLP**

Kristen A. Swift, Esq.

April 22, 2009

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cc: R. Bruce Rich, Esq. (via email)  
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