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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

07 - 12731

BLACKWELL PUBLISHING, INC.,  
ELSEVIER, INC.,  
OXFORD UNIVERSITY PRESS, INC.,  
SAGE PUBLICATIONS, INC., and  
JOHN WILEY & SONS, INC.,

Civil Action No. 07-CV-\_\_\_\_\_

**AVERN COHN**

Plaintiffs,

Hon. \_\_\_\_\_  
**MAGISTRATE JUDGE MORGAN**

vs.

Mag. \_\_\_\_\_

NORMAN MILLER d/b/a  
EXCEL TEST PREPARATION,

Defendant.

**F I L E D**  
**JUN 28 2007**

CLERK'S OFFICE  
U.S. DISTRICT COURT  
ANN ARBOR, MI

**COMPLAINT**

This is an action for infringement of numerous copyrights belonging to plaintiffs, in violation of Title 17 of the U.S. Code. Plaintiffs complain of defendant as follows:

**Parties**

1. Plaintiff Blackwell Publishing, Inc. ("Blackwell") is a Delaware corporation having its principal place of business at 350 Main Street, Malden, Massachusetts 02148. It is a subsidiary of Plaintiff John Wiley & Sons, Inc. It is engaged in the business of publishing books and journals in medicine, the social sciences and other fields, including but not limited to those specifically identified in this action.

2. Plaintiff Elsevier, Inc. ("Elsevier") is a business corporation organized and existing under the laws of New York, and having a place of business at 30 Corporate Drive, Suite 400, Burlington, MA 01803. It is engaged in the business of publishing

scholarly books and journals in many fields of science and social science, including but not limited to those specifically identified in this action.

3. Plaintiff Oxford University Press, Inc. ("OUP") is a non-profit corporation organized and existing under the laws of Delaware and having its principal place of business at 198 Madison Avenue, New York, NY 10016. It publishes numerous books and journals in many fields, including but not limited to those specifically identified in this action.

4. Plaintiff Sage Publications, Inc. ("Sage") is a Delaware corporation having its principal place of business at 2455 Teller Road, Thousand Oaks, CA 91320. It is engaged in the publication of books and journals in many fields, including but not limited to those identified in this action.

5. Plaintiff John Wiley & Sons, Inc. ("Wiley") is a business corporation organized and existing under the laws of New York and having its principal place of business at 111 River Street, Hoboken, New Jersey 07030. It and its subsidiaries are engaged in the business of publishing books and journals in many fields, including but not limited to those specifically identified in this action.

6. Defendant Norman Miller d/b/a Excel Test Preparation ("Excel") is, according to plaintiffs' information and belief, a citizen of Michigan and has a business address at 1117 S. University, Ann Arbor, MI 48104. He is engaged in the business of reproducing and distributing, for profit, material published and owned by others, including but not limited to the plaintiffs in this action. One of his primary activities in this regard is the preparation and sale of so-called "coursepacks," in which selected readings for a college or graduate course are reproduced and bound together for use in a particular class.

7. Plaintiffs are informed and believe that Defendant Norman Miller is transacting business under the assumed name Excel Test Preparation without having filed a certificate with the Washtenaw County clerk, in violation of Mich.Comp.Laws § 445.1.

**Jurisdiction and Venue**

8. This Court has jurisdiction over this Complaint under 28 U.S.C. §1338(a).

9. Venue is appropriate in this Court under 28 U.S.C. §1400(a), the statute governing venue in copyright cases, because the defendant resides or may be found in this District.

**Facts**

10. Plaintiff Blackwell publishes books and journals in many fields. Among its publications are those identified on Schedule A to this Complaint as “Blackwell Items.”

11. Plaintiff Elsevier and its affiliated companies in the U.S. and other countries among them publish thousands of scholarly books and journals in the English language alone, all of them in the sciences. Among its publications are those identified on Schedule A to this Complaint as “Elsevier Items.”

12. Plaintiff OUP publishes scholarly books and journals in many fields. Among its publications are those identified on Schedule A to this Complaint as “OUP Items.”

13. Plaintiff Sage publishes scholarly books and journals in the sciences and social sciences. Among its publications are those identified on Schedule A to this Complaint as “Sage Items.”

14. Plaintiff Wiley, together with its affiliated companies, publishes each year thousands of scholarly books and hundreds of scholarly journals in a number of fields, including but not limited to chemistry, physics, business, and certain social sciences.

Among its publications are those identified on Schedule A to this Complaint under the heading "Wiley Items."

15. The Blackwell Items, Elsevier Items, OUP Items, Sage Items and Wiley Items are sometimes referred to collectively hereinafter as the "Plaintiffs' Works."

16. The books that plaintiffs publish are written or edited by scholars in their respective fields. The journals that plaintiffs publish consist primarily of articles written by scholars in their respective fields and peer-reviewed by fellow scholars.

17. Each plaintiff, as a matter of standard practice, requires that the authors who write its books or contribute to its journals assign copyright to the publisher or grant the publisher exclusive rights of reproduction and distribution within the United States. This enables each plaintiff to seek out the greatest number of markets for the book, article or journal concerned and for its contents, thereby maximizing dissemination of the article, journal or book.

18. Specifically, but without limitation of the foregoing, Blackwell, Elsevier, OUP, Sage and Wiley, or their respective predecessors in interest as the case may be, have, in connection with the books, articles and journals specifically named in this Complaint, secured transfers of copyright (either outright assignments or exclusive licenses) from the authors of the contents thereof. All copyrights thus transferred are those involved in this civil action.

19. Plaintiffs invest heavily in their book and journal publishing programs. Each year they incur substantial costs for author royalties or other costs of content creation or licensing, copyediting and proofreading, and for typesetting, layout, printing, binding, distribution, and promotion, and for support of journal editorial offices.

20. The revenue from their respective publications represents the majority, in most cases the vast majority, of plaintiffs' respective annual revenues, and is therefore critical to their financial health.

21. Plaintiffs suffer serious financial injury if their copyrights are not respected. A substantial decline in their income could cause plaintiffs to cease publication of one or more deserving books or journals. This would have an adverse impact on the creation of new works, on scholarly endeavor, and on scientific progress, by making it more difficult to publish deserving work.

22. In the case of infringed books, not only the publishers but also the authors receive income from such books, and depriving authors of that income can have serious repercussions for them and their work.

23. As part of their program of protecting their copyrights, plaintiffs routinely register their copyrights. The books and journal issues identified in this Complaint all bear copyright notice, and the plaintiffs' have registered copyright in all of them, as indicated on Schedule A, with the exception of Wiley's book *Managing Ambiguity and Change* and Elsevier's journals *Journal of Criminal Justice*, *Information Processing & Management*, *Interacting with Computers*, and *Social Science and Medicine*, which are non-U.S. works and therefore not required to be registered as a prerequisite to suit. See 17 U.S.C. § 411 (registration required only for "United States works," as such term is defined in 17 U.S.C. §101).

24. Defendant Excel is one of a number of commercial companies that offers to provide, on demand, photocopies of individual articles from journals, individual chapters

from books, and other similar material. These companies are known in the marketplace as “copy shops.”

25. Like many copy shops in towns and cities where colleges and universities are located, Excel does a substantial business in “coursepacks.” The contents of a typical coursepack include journal articles, excerpts from books, and perhaps other printed materials, selected by the teacher of a course as required reading for that course. The teacher delivers the course syllabus, and/or the materials to be copied, to the copy shop. The copy shop copies the portions identified by the teacher, and binds them in a plastic ring binder or other inexpensive binding. The copy shop then sells these coursepacks to students at a profit.

26. The copy shop is required to arrange for permission to copy the materials in coursepacks that it reproduces. Frequently, copy shops do so through an independent agency known as Copyright Clearance Center, Inc. (“CCC”), of Danvers, Massachusetts.

27. In order to expand and facilitate the distribution of their publications and compliance with their copyrights, plaintiffs have licensed CCC, a non-profit intermediary, to authorize commercial photocopying of articles from plaintiffs’ journals or excerpts from plaintiffs’ books. Any copy shop such as Excel can comply with copyright by reporting its coursepack photocopying activities to CCC and paying a copyright fee for each copy made. CCC in turn reports aggregate licensing information to plaintiffs, and pays plaintiffs the copyright fees collected, less an agreed amount to compensate CCC for its services. Many, if not all, of the plaintiffs will also respond directly to requests for permission to use portions of their materials in coursepacks.

28. Defendant, however, has been engaged in routine and systematic reproduction of materials from plaintiffs' publications, without seeking permission from plaintiffs or from CCC. This infringement takes the form of (without limitation) coursepacks for courses taught at the University of Michigan. The coursepacks currently known to plaintiffs to contain such material are those identified on Schedule A.

29. Plaintiffs are informed and believe that Excel does not itself perform the copying for each of its customers. Rather, Excel requires each student to copy the pages of each coursepack him/herself on Excel's premises, using Excel's copying machines. This is an explicit attempt to circumvent copyright law. Excel has stated publicly that it believes such an arrangement exempts it from the rules laid down in past cases involving copy shops making unauthorized coursepacks. However, by providing the means of reproduction and charging for their use Excel is just as much engaged in infringement as if its own employees made the copies, and its conduct constitutes willful infringement.

#### **COUNTS 1 -41**

#### **Copyright Infringement**

30. Plaintiffs reallege and incorporate herein by reference paragraphs 10-29 of this Complaint.

31. Plaintiffs have identified at least 41 separate and distinct counts of specific unauthorized copying of which plaintiffs have knowledge. Each instance of unauthorized reproduction and sale of plaintiffs' materials is a separate count in this action.

32. Each infringed work is identified on Schedule A to this Complaint. From left to right, the columns of Schedule A state the number of the count, the coursepack in which the item of the plaintiffs' was reproduced by defendant without permission, the

professor of said course, the title of the material infringed, the chapter or article from the larger book or journal from which such material was copied (if applicable), the author of the material infringed, the date the work was published, the numbers of the pages infringed (if known), and the copyright registration number. All coursepacks identified in Counts 1- 41 are for courses taught at the University of Michigan.

33. Plaintiffs are informed and believe that this unauthorized copying is representative of a much larger pattern of unauthorized copying, which when examined will reveal infringements of numerous other works owned by them, and plaintiffs will amend this Complaint to add such works after discovery has occurred.

34. Defendant has at all times have been fully aware of his obligations under copyright law. Defendant's infringement of plaintiffs' copyrights, including but not limited to those set forth on Schedule A, has been willful.

35. Defendant is responsible in whole or in part for establishing the policies and procedures that have led to the infringing conduct described herein. At all times relevant he has been in a position to control the infringement described in this Complaint, and has had a direct financial stake in the infringing activity.

36. Plaintiffs have suffered substantial harm from defendant's unauthorized conduct. Plaintiffs will continue to suffer harm if defendant is permitted to continue his infringing activities.

**WHEREFORE PLAINTIFFS PRAY THAT THIS HONORABLE COURT:**

A. Issue a preliminary order enjoining defendant, his officers, agents, servants, employees, and attorneys, and all those in active concert with him or participation with him, from all further reproduction and distribution by any means or method of



contents from the books, journals, or other publications published by plaintiffs or any of them, during the pendency of this litigation, except only such reproduction and distribution as may be authorized by plaintiffs or CCC as plaintiffs' agent and only upon payment of the fees required by them;

- B. Issue an order permanently enjoining defendant, his officers, agents, servants, employees, and attorneys, and all those in active concert with him or participation with him, from all further reproduction and distribution by any means or method of contents from the books, journals, or other publications published by plaintiffs or any of them, except only such reproduction and distribution as may be authorized by plaintiffs or CCC as plaintiffs' agent and only upon payment of the fees required by them;
- C. Award plaintiffs all of their direct and consequential damages arising from defendant's willful infringement of copyright, whether direct, contributory or vicarious, or in the alternative statutory damages for such infringement in the maximum amount permitted by law;
- D. Award plaintiffs an accounting of defendant's profits from such infringement;
- E. Award plaintiffs their reasonable attorneys' fees and costs, as provided in 17 U.S.C. §505, and interest as provided by law; and
- F. Award plaintiffs such other and further relief as the Court deems just and proper.

Respectfully submitted,

BLACKWELL PUBLISHING, INC.,  
ELSEVIER, INC.,  
OXFORD UNIVERSITY PRESS, INC.,  
SAGE PUBLICATIONS, INC.,  
JOHN WILEY & SONS, INC.,

Plaintiffs,

By their Attorneys:

PEAR SPERLING EGGAN & DANIELS, P.C.

Dated: June 28, 2007

By: Karl V. Fink

Claudia Rast (P40165)

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**Schedule A**  
**List of Infringed Items**

Count No.	Course	Prof	Book/Journal Name	Chapter/Article Name	Book/Article Author	Pub Yr	Page Range	Copyright Reg. No.
<b>Blackwell Items:</b>								
1	SPP 692/UP 598 Fall 2004	David Thatcher	Criminology and Public Policy	Effectiveness of Drug Treatment Courts: Evidence from a Randomized Trial	Denise Gottfredson, Stacy Najaka, and Brook Kearley	2003 Vol. 2 No. 2	171-196	TX 5-711-508
2	Education 604-001 Fall 2006	Stuart C. Rankin	Teachers College Record	The Politics of Official Knowledge: Does a National Curriculum Make Sense?	Apple, Michael W.	Winter 1993	222-241	TX 3-757-533
<b>Elsevier Items:</b>								
3	SPP 692/UP 598 Fall 2004	David Thatcher	Journal of Criminal Justice	Abandoned Buildings: Magnets for Crime?	Spelman, William	1993 Vol. 21	481-495	None, non U.S. Work
4	SI 551/751 Winter 2005	Soo Young Rieh	Information Processing & Management	Information Behaviour: An interdisciplinary perspective Material Mastery: Situating Digital Library Use in University Research Practices; Waiting for Chiropody: contextual results from an ethnographic study of the information behaviour among	Wilson T.D.	1997 33(4)	551-572	None, non U.S. Work
5	SI 551/751 Winter 2005	Soo Young Rieh	Information Processing & Management		Covi, L.M. ; Pettigrew, K.E.	1999 Vol. 35	293-316; 801-817	None, non U.S. Work

attendees at community clinics

SI 551/751								
Winter 2005	Soo Young Rieh	Interacting with Computers	Making use is more than a matter of task analysis Whose Fault is it? People's own conceptions of the reasons for Health Inequalities	Carroll, J.M.	2002	619-14	627	None, non U.S. Work
Soc. 102 Fall 2006	Sarah Burgard	Social Science and Medicine		Blaxter	44(6)	747-756		None, non U.S. Work

**OUP Items:**

ED 392 Winter 2006	Sarah Tucker	The American Dream and the Public Schools	Chapter 2	Hochschild and Scovronick	2003	?		TX-5-744-856
ED 868 Winter 2005	Jana Nidiffer	Beyond the Double Bind: Women and Leadership	Double Bind Number Three: Sameness/Difference	Jamieson	1995			TX-4-392-270
692/UP 598 Fall 2005 and Fall 2004	David Thatcher	Crime is not the problem: lethal violence in America	What Americans Fear	Franklin Zimring and Gordon Hawkins	1997	3 to 20		TX-4-610-691
SPP 692/UP 598 Fall 2005 and Fall 2004	David Thatcher	Harm to Others: the moral limits for the Criminal Law	Assessing and Comparing Harms	Joel Feinberg	1985	187-193;21	4-15	TX-1-390-350
SPP 692/UP 598 Fall 2005 and Fall 2004	David Thatcher	Offense to others: the moral limits of the criminal law	Offensive nuisances	Joel Feinberg	1985	1 to 13		TX-1-642-537

13	SPP 692/UP 598 Fall 2005 and Fall 2004	David Thatcher	Incapacitation	Elements of a Theory	Franklin Zimring and Gordon Hawkins	1995	42-59	TX-4-538-577
14	SPP 692/UP 598 Fall 2005 and Fall 2004	David Thatcher	Malign Neglect : Race Crime and Punishment in America	Social Adversity and the Criminal Law; Social Adversity and Punishment; Racial Disproportion in the Criminal Justice System; Race and the War on Drugs	Michael Tony	1995	125- 161; 49-80; 81-123	TX-4-618-124
15	SPP 692/UP 598 Fall 2004	David Thatcher	Between Prison and Probation		Norval Morris and Michael Tony	1990	37-58, 82-108	TX-2-858-278

16	SPP 692/UP 598 Fall 2005	David Thatcher	Debating the Death Penalty	Why the Death Penalty is Morally Permissible and Why the United States will Join the Rest of the World in Abandoning Capital Punishment	Lois Pojman and Stephen Bright	2004	52-73; 152- 179	TX-5-962-522
17	SPP 692/UP 598 Fall 2005 SPP 692/UP 598 Fall 2005 and Fall 2004	David Thatcher	The Contradictions of Capital Punishment	The Consequences of Contradictory values	Franklin Zimring	2003	119- 140	TX-5-737-393
18	SPP 692/UP 598 Fall 2005 and Fall 2004	David Thatcher	American Youth Violence		Franklin Zimring	1998	17- 30;107- 125	TX-4-912-467
19	SW 633, Section 003 and Section 001 Winter 2004	David Thatcher	Readings in Juvenile Justice Administration		Barry Feld	1999	161-67; 184- 210	TX-4-941-972
20	Section 001 Winter 2004	Barbara Mackenzie; S.K. Danziger	The Politics of Child Abuse in America		Costin, Lela, Karger, Howard and Stoessz, David	1996	3-11, 171- 177	TX-4-253-807

21	SW 633, Section 003 and Section 001 Winter 2004	Barbara Mackenzie; S.K. Danziger	The Tender Years: Toward developmentally sensitive child welfare services for very young children	Berrick, Jill Duert, Barbara Needell, Richard Barth and Melissa Jonson-Reid	1998	1-27	TX-4-722-252
22	SW 633, Section 003 and Section 001 Winter 2004	Barbara Mackenzie; S.K. Danziger	Safe Passage: Making it through adolescence	Dryfoos, Joy G.	1998	3-69	TX-4-767-296
23	SW 652 Fall 2006	Charles H. Kieffer	Social Workers' Desk Reference	Reisch, M. (Eds. Roberts and Greene)	2001	545- 550	TX-5-504-938
24	SW 820 Fall 2005	Michael Reisch	The color of welfare: how racism undermined the war on poverty	Explaining American exceptionalism: The politics of welfare reform	Jill Quadagno	1994 187- 197; 117- 134	TX-4-530-086
25	SW 820 Fall 2005	Michael Reisch	From difference shores: perspectives on race and ethnicity in America	Puerto Ricans and the underclass debate	María Tienda	1989, 2 <sup>nd</sup> ed. January 261- 269	TX-4-392-311

26	SW 820 Fall 2005	Micael Reisch	Social Security in the 21 <sup>st</sup> Century	Bridging the centuries: the case for traditional Social Security	Robert M. Ball and Thomas N. Bethell	1997	259- 294	TX-4-409-415
27	SPP 692/UP 598 Fall 2004	David Thatcher	When Prisoners Come Home		Joan Petersilia	2003	76-154	TX-5-743-977
28	Soc. 102 Fall 2006	Sarah Burgard	Freedom Summer		McAdam	66-115	1988	TX-2-416-588

Sage Items:

29	Education 771 Winter 2006	Micael N. Bastedo	Organizational Environments: Ritual and Rationality	The Structure of Educational Organizations	Meyer, John, Brian Rowan	1978	71-96	TX-1-323-645
30	Education 771 Winter 2006	Micael N. Bastedo	Organizational Theory and Public Policy	State Expansion and Organizational Fields	DiMaggio, Paul J	1983	147-61	TX-1-223-942



31	ED 392 Winter 2006	Sarah Tucker	American Behavioral Scientist	Everyday Race-Making: Negotiating Racial Boundaries in school	Lewis, A.	2003 47(3)	283- 305	TX 5-884-010
32	SW 502 Section 5 Fall 2005	Scott Weissman	The Handbook of Community Practice	Theorizing in Community Practice	Reed, B.	?	84-102	TX-6-116-867
33	SW 502 Section 5 Fall 2005	Scott Weissman	Human Services as Complex Organizations	Power in Social Work Practice and Theoretical Approaches to Human Service Organizations Evolution, Models, and the Changing Context of Community Practice; Participatory Methods in Community Practice; Coalitions as Social Change Agents; Rise Up and Build the Cities: Faith Based Community Organizing; Four Models of Policy Practice: Local State, and National Arenas; Political, Social and Legislative Action; The Practice of Community Organizing; Diverse Populations and Community Practice; Radical Community Organizing	Hasenfeld Y. Well, M and Gamble D.N.; Castelloe, P. and Gamble, D.N.; Roberts- DeGennaro, M. and Mizrahi, T.; Cnaan, R.A., Boddie, S.C., and Yancey, G.I.; Jansson, B.S., Dempsey, D., McCroskey, J. and Schneider, R.; Mondros, J.; Rubin, H.J. and Rubin, I.S.; Bankhead T. and Erich, J.L.; Reisch, M.	1992	257- 275; 24-44	TX-3-741-350
34	SW 652 Fall 2006	Charles H. Kieffer	The Handbook of Community Practice			2005		TX-6-116-867

35	SW 652 Fall 2006	Charles H. Kieffer	Social Work in the 21 <sup>st</sup> Century	Multicultural Community Organizing: Prospects for Community Organization	Gutierrez, L.; Wenocour, S. and Soifer, S.	1997	249- 259; 198- 208	TX-4-524-673
36	SW 652 Fall 2006	Charles H. Kieffer	Empowerment Evaluation	Participatory and Empowerment Evaluation	Dugan, M.A.	2004	277- 303	TX-4-111-569
37	SPP 692/UP 598 Fall 2004	David Thatcher	Annals of the American Academy of Political and Social Sciences	Lawful Policing	Welsey Skogan and Tracey Meares	2004 vol. 593	66-83	TX 5-987-270

**Wiley Items:**

38	Education 771 Winter 2006	Micahel N. Bastedo	Handbook of Research on Educational Administration	Institutional Theory and the Study of Educational Organizations	Rowan, Brian and Cecil G. Miskel	1999	359- 383	TX-5-022-908
39	Education 771 Winter 2006	Micahel N. Bastedo	Managing Ambiguity and Change	Organizational Cultures and the Denial, Channeling and Acknowledgment of Ambiguity	Martin, Joanne and Debra Meyerson	1988	93-125	None, non U.S. Work
40	Education 771 Winter 2006	Micahel N. Bastedo	Assessing Academic Climates and Cultures Methods in Community Based Participatory Research for Health	Understanding Academic Culture and Climate	Peterson, Marvin W. and Melinda Spencer	1990		TX-3-034-155
41	SW 652 Fall 2006	Charles H. Kieffer	Community Based Participatory Research for Health	Policy Analysis and Advocacy: An Approach to Community Based Participatory Research	Freudenberg, N., Rogers, M.A., Ritas, C. and Nerney, S.M.	2005	349- 370	TX-6-212-212

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Blackwell Publishing, Inc.; Elsevier, Inc.; Oxford University Press, Inc.; Sage Publications, Inc.; and John Wiley & Sons, Inc.

(b) County of Residence of First Listed Plaintiff (all Ps are non-residents)  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
Pear Sperling Eggan & Daniels, P.C., by Claudia Rast, Karl Fink, and Cynthia York  
24 Frank Lloyd Wright Drive, Ann Arbor, MI 48105 (734) 665-4441

DEFENDANTS

Normal Miller d/b/a Excel Test Preparation

County of Residence of First Listed Defendant Washtenaw  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)  
N/A

II. BASIS OF JURISDICTION (Select One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Select One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Select One Box Only)

<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input checked="" type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 650 Airline Regs.		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> 690 Other		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury				<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract					<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability					<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise					<input type="checkbox"/> 890 Other Statutory Actions
					<input type="checkbox"/> 891 Agricultural Acts
					<input type="checkbox"/> 892 Economic Stabilization Act
					<input type="checkbox"/> 893 Environmental Matters
					<input type="checkbox"/> 894 Energy Allocation Act
					<input type="checkbox"/> 895 Freedom of Information Act
					<input type="checkbox"/> 900 Appeal of Fee Determination Under Access to Justice
					<input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Select One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
17 U.S.C. Sections 101 et seq.

Brief description of cause:  
copyright infringement

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ Amt. Not Stated CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE  
June 28, 2007

SIGNATURE OF ATTORNEY OF RECORD

Karl V. Fink

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFF JUDGE MAG. JUDGE

1. Is this a case that has been previously dismissed?

Yes  
 No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes  
 No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes :

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