

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

John Wiley & Sons, Inc., <u>Plaintiff,</u> -v.- Supap Kirtsaeng d/b/a BlueChristine99, et al., <u>Defendants.</u>
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Civil Action No. 08 Civ. 7834
(GEL) (DCP)

VERDICT FORM

For each of the eight (8) textbooks, please determine:

(i) whether the Plaintiff has proven, by a preponderance of the evidence, that the Plaintiff is the owner of a valid United States copyright on the textbook;

(ii) whether the Plaintiff has proven, by a preponderance of the evidence, that the Defendant infringed on the textbook copyright, either by (a) distributing copies of the copyrighted textbook, or by (b) importing copies of the copyrighted textbooks either vicariously or contributorily;

(iii) whether the Plaintiff has proven, by a preponderance of the evidence, that the Defendant willfully infringed the textbook copyright -- *Please Note* that you *cannot* find *both* that the Defendant's infringement was willful and that the Defendant was not aware and had no reason to believe that his acts constituted infringement because a finding of "yes" on both issues would be contradictory;

(iv) whether the Defendant has proven, by a preponderance of the evidence, that the Defendant was not aware and had no reason to believe that his acts constituted infringement of the textbook copyright -- again, you *cannot* find *both* that the Defendant's infringement was willful and that the Defendant was not aware and had no reason to believe that his acts constituted infringement; and

(v) the amount of statutory damages, if any, to award the Plaintiff.

1. Accounting Principles:

(i) Did the Plaintiff prove it owns a valid copyright as to the textbook? (Yes or No) _____

(ii) Did the Plaintiff prove the Defendant infringed the copyright? (Yes or No) _____

(iii) Did the Plaintiff prove the Defendant willfully infringed the copyright? (Yes or No) _____

(iv) Did the Defendant prove he was not aware and had no reason to believe that he infringed the Plaintiff's copyright? (Yes or No) _____

(v) Amount of statutory damage award to the Plaintiff: \$ _____

2. Fundamentals of Heat and Mass Transfer:

(i) Did the Plaintiff prove it owns a valid copyright as to the textbook? (Yes or No) _____

(ii) Did the Plaintiff prove the Defendant infringed the copyright? (Yes or No) _____

(iii) Did the Plaintiff prove the Defendant willfully infringed the copyright? (Yes or No) _____

(iv) Did the Defendant prove he was not aware and had no reason to believe that he infringed the Plaintiff's copyright? (Yes or No) _____

(v) Amount of statutory damage award to the Plaintiff: \$ _____

3. Fundamentals of Physics:

(i) Did the Plaintiff prove it owns a valid copyright as to the textbook? (Yes or No) _____

(ii) Did the Plaintiff prove the Defendant infringed the copyright? (Yes or No) _____

(iii) Did the Plaintiff prove the Defendant willfully infringed the copyright? (Yes or No) _____

(iv) Did the Defendant prove he was not aware and had no reason to believe that he infringed the Plaintiff's copyright? (Yes or No) _____

(v) Amount of statutory damage award to the Plaintiff: \$ _____

4. Information Technology for Management:

(i) Did the Plaintiff prove it owns a valid copyright as to the textbook? (Yes or No) _____

(ii) Did the Plaintiff prove the Defendant infringed the copyright? (Yes or No) _____

(iii) Did the Plaintiff prove the Defendant willfully infringed the copyright? (Yes or No) _____

(iv) Did the Defendant prove he was not aware and had no reason to believe that he infringed the Plaintiff's copyright? (Yes or No) _____

(v) Amount of statutory damage award to the Plaintiff: \$ _____

5. Introduction to Heat Transfer:

(i) Did the Plaintiff prove it owns a valid copyright as to the textbook? (Yes or No) _____

(ii) Did the Plaintiff prove the Defendant infringed the copyright? (Yes or No) _____

(iii) Did the Plaintiff prove the Defendant willfully infringed the copyright? (Yes or No) _____

(iv) Did the Defendant prove he was not aware and had no reason to believe that he infringed the Plaintiff's copyright? (Yes or No) _____

(v) Amount of statutory damage award to the Plaintiff: \$ _____

6. Materials Science and Engineering: An Introduction:

(i) Did the Plaintiff prove it owns a valid copyright as to the textbook? (Yes or No) _____

(ii) Did the Plaintiff prove the Defendant infringed the copyright? (Yes or No) _____

(iii) Did the Plaintiff prove the Defendant willfully infringed the copyright? (Yes or No) _____

(iv) Did the Defendant prove he was not aware and had no reason to believe that he infringed the Plaintiff's copyright? (Yes or No) _____

(v) Amount of statutory damage award to the Plaintiff: \$ _____

7. Management:

(i) Did the Plaintiff prove it owns a valid copyright as to the textbook? (Yes or No) _____

(ii) Did the Plaintiff prove the Defendant infringed the copyright? (Yes or No) _____

(iii) Did the Plaintiff prove the Defendant willfully infringed the copyright? (Yes or No) _____

(iv) Did the Defendant prove he was not aware and had no reason to believe that he infringed the Plaintiff's copyright? (Yes or No) _____

(v) Amount of statutory damage award to the Plaintiff: \$ _____

8. Organic Chemistry:

(i) Did the Plaintiff prove it owns a valid copyright as to the textbook? (Yes or No) _____

(ii) Did the Plaintiff prove the Defendant infringed the copyright? (Yes or No) _____

(iii) Did the Plaintiff prove the Defendant willfully infringed the copyright? (Yes or No) _____

(iv) Did the Defendant prove he was not aware and had no reason to believe that he infringed the Plaintiff's copyright? (Yes or No) _____

(v) Amount of statutory damage award to the Plaintiff: \$ _____

DATE

FOREPERSON SIGNATURE