

DUNNEGAN LLC
ATTORNEYS AT LAW
350 FIFTH AVENUE
NEW YORK, NEW YORK 10118

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October 23, 2009

By Hand

Hon. Donald C. Pogue
U.S. Court of International Trade
One Federal Plaza
New York, NY 10278-0001

Re: John Wiley & Sons, Inc. v. Kirtsaeng
08 Civ. 7834 (DCP)

Dear Judge Pogue:

As the Court requested, we are writing with the consent of defendant's counsel to advise the Court concerning certain issues that remain open from the final pre-trial conference on October 21, 2009.

1. The parties will stipulate that direct evidence demonstrates that defendant received \$37,000 in revenue from the sale of Foreign Editions of the 8 Wiley works that are the subject of the trial.
2. Defendant will not stipulate that he is responsible for the importation of the books, either directly, vicariously, or contributorily.
3. Plaintiff intends to offer PX 57, PX 58, PX 60A, PX 62 and PX 63. Defendant objects to the introduction of PX 57-63
4. Plaintiff intends to read the following portions of the deposition of defendant if defendant he does not appear for trial:

5:10-9:14
10:21-11:18
17:17-45:25
46:18-52:22
53:2-775:20
77:6-130:5

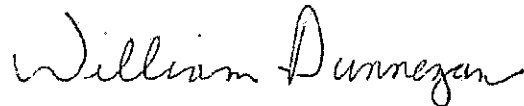
Plaintiffs submits that in accordance with the standing pretrial order of this Court the above designations were served on the attorney for defendant more than three weeks before trial and defendant did not object or counter designate within two weeks before trial. Defendant nevertheless reserves the right to object to these designations and/or make counter-designations.

Defendant maintains that he was not provided with the transcript such that he might have made counter-designations earlier.

5. Yesterday, Plaintiffs delivered to defendant's counsel a copy of the transcript of the October 1, 2009 deposition of defendant.
6. Defendant has agreed to authorize PACER to furnish us directly his relevant log in history.

We would be pleased to address any issues with the Court in connection with our appearance at the contempt hearing.

Respectfully yours,



William Dunnegan

Cc: Sam Israel, Esq. (by E-mail)