

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

John Wiley & Sons, Inc.,  
Plaintiff,  
-v.-  
Supap Kirtsaeng d/b/a  
BlueChristine99, et al.,  
Defendants.

Civil Action No. 08 Civ. 7834  
(GEL) (DCP)

## VERDICT FORM

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

(I) whether the Plaintiff proved, 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 proved, by a preponderance of the evidence, that the Defendant infringed on the Plaintiff's U.S. copyright on the textbook, by

(a) distributing copies of the copyrighted textbook;  
and/or by

(b) importing copies of the copyrighted textbook:

(i) vicariously; and/or

(ii) contributorily.

(CONTINUED ON NEXT PAGE)

(III) whether the Plaintiff proved, by a preponderance of the evidence, that the Defendant willfully infringed the textbook copyright -- *Please note*, as the court instructed before, 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 proved, 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, *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; and

(V) the amount of statutory damages, if any, to award the Plaintiff as to infringement of the Plaintiff's U.S. copyright on that particular textbook. Please remember to consult the guidelines on statutory damage awards that the court provided in the jury instructions.

Please complete the form below.

(CONTINUED ON NEXT PAGE)

1. Accounting Principles:

(I) Did the Plaintiff prove it owns a valid U.S. copyright as to this textbook? (Yes or No) \_\_\_\_\_

(II) Did the Plaintiff prove the Defendant infringed the Plaintiff's U.S. copyright on this textbook by:

(a) Distributing copies of this copyrighted textbook? (Yes or No) \_\_\_\_\_

(b) Importing copies of this copyrighted textbook:

(i) Vicariously? (Yes or No) \_\_\_\_\_

(ii) Contributorily? (Yes or No) \_\_\_\_\_

(III) Did the Plaintiff prove the Defendant *willfully* infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) \_\_\_\_\_

(IV) Did the Defendant prove he *was not aware and had no reason to believe* that he infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) \_\_\_\_\_

(V) Amount of statutory damage to award the Plaintiff: \$ \_\_\_\_\_

(CONTINUED ON NEXT PAGE)

2. Fundamentals of Heat and Mass Transfer:

(I) Did the Plaintiff prove it owns a valid U.S. copyright as to this textbook? (Yes or No) \_\_\_\_\_

(II) Did the Plaintiff prove the Defendant infringed the Plaintiff's U.S. copyright on this textbook by:

(a) Distributing copies of this copyrighted textbook? (Yes or No) \_\_\_\_\_

(b) Importing copies of this copyrighted textbook:

(i) Vicariously? (Yes or No) \_\_\_\_\_

(ii) Contributorily? (Yes or No) \_\_\_\_\_

(III) Did the Plaintiff prove the Defendant *willfully* infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) \_\_\_\_\_

(IV) Did the Defendant prove he *was not aware and had no reason to believe* that he infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) \_\_\_\_\_

(V) Amount of statutory damage to award the Plaintiff: \$ \_\_\_\_\_

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3. Fundamentals of Physics:

(I) Did the Plaintiff prove it owns a valid U.S. copyright as to this textbook? (Yes or No) \_\_\_\_\_

(II) Did the Plaintiff prove the Defendant infringed the Plaintiff's U.S. copyright on this textbook by:

(a) Distributing copies of this copyrighted textbook? (Yes or No) \_\_\_\_\_

(b) Importing copies of this copyrighted textbook:

(i) Vicariously? (Yes or No) \_\_\_\_\_

(ii) Contributorily? (Yes or No) \_\_\_\_\_

(III) Did the Plaintiff prove the Defendant *willfully* infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) \_\_\_\_\_

(IV) Did the Defendant prove he *was not aware and had no reason to believe* that he infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) \_\_\_\_\_

(V) Amount of statutory damage to award the Plaintiff: \$ \_\_\_\_\_

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4. Information Technology for Management:

(I) Did the Plaintiff prove it owns a valid U.S. copyright as to this textbook? (Yes or No) \_\_\_\_\_

(II) Did the Plaintiff prove the Defendant infringed the Plaintiff's U.S. copyright on this textbook by:

(a) Distributing copies of this copyrighted textbook? (Yes or No) \_\_\_\_\_

(b) Importing copies of this copyrighted textbook:

(i) Vicariously? (Yes or No) \_\_\_\_\_

(ii) Contributorily? (Yes or No) \_\_\_\_\_

(III) Did the Plaintiff prove the Defendant *willfully* infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) \_\_\_\_\_

(IV) Did the Defendant prove he *was not aware and had no reason to believe* that he infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) \_\_\_\_\_

(V) Amount of statutory damage to award the Plaintiff: \$ \_\_\_\_\_

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5. Introduction to Heat

Transfer:

(I) Did the Plaintiff prove it owns a valid U.S. copyright as to this textbook? (Yes or No) \_\_\_\_\_

(II) Did the Plaintiff prove the Defendant infringed the Plaintiff's U.S. copyright on this textbook by:

(a) Distributing copies of this copyrighted textbook? (Yes or No) \_\_\_\_\_

(b) Importing copies of this copyrighted textbook:

(i) Vicariously? (Yes or No) \_\_\_\_\_

(ii) Contributorily? (Yes or No) \_\_\_\_\_

(III) Did the Plaintiff prove the Defendant *willfully* infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) \_\_\_\_\_

(IV) Did the Defendant prove he *was not aware and had no reason to believe* that he infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) \_\_\_\_\_

(V) Amount of statutory damage to award the Plaintiff: \$ \_\_\_\_\_

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6. Materials Science and Engineering: An Introduction:

(I) Did the Plaintiff prove it owns a valid U.S. copyright as to this textbook? (Yes or No) \_\_\_\_\_

(II) Did the Plaintiff prove the Defendant infringed the Plaintiff's U.S. copyright on this textbook by:

(a) Distributing copies of this copyrighted textbook? (Yes or No) \_\_\_\_\_

(b) Importing copies of this copyrighted textbook:

(i) Vicariously? (Yes or No) \_\_\_\_\_

(ii) Contributorily? (Yes or No) \_\_\_\_\_

(III) Did the Plaintiff prove the Defendant *willfully* infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) \_\_\_\_\_

(IV) Did the Defendant prove he *was not aware and had no reason to believe* that he infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) \_\_\_\_\_

(V) Amount of statutory damage to award the Plaintiff: \$ \_\_\_\_\_

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7. Management:

(I) Did the Plaintiff prove it owns a valid U.S. copyright as to this textbook? (Yes or No) \_\_\_\_\_

(II) Did the Plaintiff prove the Defendant infringed the Plaintiff's U.S. copyright on this textbook by:

(a) Distributing copies of this copyrighted textbook? (Yes or No) \_\_\_\_\_

(b) Importing copies of this copyrighted textbook:

(i) Vicariously? (Yes or No) \_\_\_\_\_

(ii) Contributorily? (Yes or No) \_\_\_\_\_

(III) Did the Plaintiff prove the Defendant *willfully* infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) \_\_\_\_\_

(IV) Did the Defendant prove he *was not aware and had no reason to believe* that he infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) \_\_\_\_\_

(V) Amount of statutory damage to award the Plaintiff: \$ \_\_\_\_\_

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8. Organic Chemistry:

(I) Did the Plaintiff prove it owns a valid U.S. copyright as to this textbook? (Yes or No) \_\_\_\_\_

(II) Did the Plaintiff prove the Defendant infringed the Plaintiff's U.S. copyright on this textbook by:

(a) Distributing copies of this copyrighted textbook? (Yes or No) \_\_\_\_\_

(b) Importing copies of this copyrighted textbook:

(i) Vicariously? (Yes or No) \_\_\_\_\_

(ii) Contributorily? (Yes or No) \_\_\_\_\_

(III) Did the Plaintiff prove the Defendant *willfully* infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) \_\_\_\_\_

(IV) Did the Defendant prove he *was not aware and had no reason to believe* that he infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) \_\_\_\_\_

(V) Amount of statutory damage to award the Plaintiff: \$ \_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
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