

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN WILEY & SONS, INC., :

Plaintiff, :

-against- : 08 Civ. 7834 (GEL)

SUPAP KIRTSANG D/B/A : ECF case

BLUECHRISTINE99 AND JOHN :

DOE NOS. 1-5, :

Defendants. :

- - - - -x

DECLARATION OF PATRICK MURPHY IN SUPPORT
OF PLAINTIFF'S MOTION FOR A PRELIMINARY
INJUNCTION AND AN ORDER OF ATTACHMENT

PATRICK MURPHY hereby declares pursuant to 28 U.S.C.

§ 1746 that the following is true and correct.

1. I am a Senior Enforcement Specialist at plaintiff
John Wiley & Sons, Inc. ("Wiley").

The Parties

2. Wiley is a corporation organized and existing
under the laws of the State of New York with its principal place
of business at 111 River Street, Hoboken, New Jersey 07030.

3. I understand that defendant Supap Kirtsaeng
("Kirtsaeng") is a natural person residing at 3637 Mentone
Avenue, Apartment 3, Los Angeles, California 90034.

The Business of Wiley

4. Wiley publishes a variety of works, including educational books.

5. As a standard practice, Wiley requires its authors to assign the copyright to it or grant it the exclusive rights of reproduction and distribution in the United States. This practice enables Wiley to maximize dissemination of each work.

6. Wiley invests significant monies to publish its copyrighted works. Wiley, for example, makes substantial investments in royalties, content creation, licensing, copyediting, proofreading, typesetting, layout, printing, binding, distribution, and promotion.

7. Wiley earns a substantial portion of its revenue from the publication of its copyrighted works and would suffer serious financial injury if its copyrights were not enforced. A substantial decline in its income could cause Wiley to cease publishing one or more deserving books or journals. This would adversely impact the creation of new works, scholarly endeavor, and, ultimately, scientific progress.

8. Wiley's educational books authorized for sale in the United States are of the highest quality (the "United States Editions"). These books are generally printed with strong, hard-cover bindings with glossy protective coatings and, in some

cases, contain extra features such as sewn ribbon bookmarks. Wiley frequently offers academic supplements, such as CD-ROMs, computer passwords that provide purchasers with access to academic websites corresponding to the textbooks, and study guides with the United States Editions.

9. Wiley generally creates different versions of its educational books that are intended for sale in specific geographic markets outside of the United States and are not authorized for resale in the United States (the "Foreign Editions"). The Foreign Editions materially differ from the United States Editions. The Foreign Editions have thinner paper and different bindings, different cover and jacket designs, fewer internal ink colors, if any, lower quality photographs and graphics, and generally lower prices than the United States Editions. Also, the Foreign Editions often lack academic supplements, such as CD-ROMs, website passwords, or study guides. The Foreign Editions are generally marked to indicate their lower cost by a legend indicating, in substance, that the title is a "Low Price Edition" and/or authorized for sale only in a particular country or geographic region. The Foreign Editions are uniformly manufactured outside of the United States.

Wiley's Copyrights

10. Wiley routinely registers its copyrights. Wiley has generally registered its copyrights in its works, including the eight copyrights that are listed in Schedule A to the complaint in this action ("Wiley Copyrights"). I annex the Copyright Registrations for these works as Exhibit A.

The Infringing Acts of Kirtsaeng

11. I have examined the contents of a CD-Rom that I understand that PayPal has produced to Wiley pursuant to a subpoena in this action.

12. This CD-Rom demonstrates that Kirtsaeng has sold a Foreign Edition of each of Wiley works that is the subject of this action, as evidence by the following chart.


Title Date of Registration <u>Registration Number</u>	PayPal Account Date of Sale <u>Row Number</u>
Management, 8 th Edition November 14, 2005 TX-6-269-257	1438043790167252209 January 5, 2009 4417
Information Technology for Management, 4 th Edition August 20, 2004 TX-6-013-876	1438043790167252209 July 5, 2007 25155
Accounting Principles July 13, 1987 TX-2-111-034	1438043790167252209 December 23, 2007 20719
Fundamentals of Heat and Mass Transfer, 6 th Edition July 28, 2006 TX-6-410-153	1438043790167252209 December 26, 2007 20594

Introduction to Heat Transfer, 5 th Edition August 14, 2006 TX-6-407-668	1438043790167252209 December 28, 2007 20373
Fundamentals of Physics: Part 1, 8 th Edition September 17, 2007 TX-6-827-902	1438043790167252209 August 16, 2008 11624
Materials Science and Engineering: An Introduction, 7 th Edition June 19, 2006 TX-6-405-304	1438043790167252209 August 5, 2007 24870
Organic Chemistry, 4 th Edition April 19, 1989 TX-2-544-723	1438043790167252209 May 21, 2008 13792

13. The documents produced by PayPal on April 22, 2009 demonstrate that these 8 copyrights represent the tip of the iceberg of Kirtsaeng's infringing activity. Although we are currently in the process of examining the contents of the CD-Rom that PayPal produced, a casual examination of this document demonstrates that Kirtsaeng sold Foreign Editions of at least twenty five (25) other Wiley works.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of April 2009.



Patrick Murphy