

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**JOHN WILEY & SONS, INC.,**

**Plaintiff**

**-against-**

**SUPAP KIRTSAENG D/B/A BLUECHRISTINE99  
and JOHN DOE NOS. 1-5,  
Defendants**

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**08 CV 7834**

**Lynch, G, USDJ  
Jury Trial Demanded**

**DEFENDANT'S INTERROGATORY RESPONSES**

Defendant Supap Kirtsaeng ("**Kirtsaeng**" or "**Defendant**"), by his counsel, Sam P. Israel, P.C., as and for his responses to the first set of interrogatories (the "**Request**") of Plaintiff John Wiley & Sons, Inc., ("**Plaintiff**") states as follows:

**General Objections**

The Defendant objects to the Request where it exceeds or is inconsistent with the obligations imposed upon the Defendants by the Federal Rules of Civil Procedure and the Local Civil Rules of this Court and/or to the extent that the Request seeks information not likely to lead to the discovery of admissible evidence.

~~The Defendant objects to the Request to the extent that it seeks information generated, or received in anticipation of or during litigation. The Defendant objects to the Request to the extent it seeks information protected by the attorney-client and/or work-product privileges.~~

The Defendant objects to the Request to the extent that it contains over-broad and undefined terms.

The Defendant and his counsel are continuing to investigate the facts in defending against the Plaintiff's claims and his responses are neither intended as, nor shall in any way be deemed as, an admission or representation that further facts, documents, or witnesses

having knowledge relevant to the subject matter of the Plaintiff's discovery demands do not exist. These responses are given without prejudice to the Defendant's right to use or rely on at any time, including at trial, subsequently discovered information or information omitted from these responses as a result of mistake or inadvertence.

### **Specific Interrogatory Responses**

#### **Interrogatory 1**

State the names and addresses of witnesses with knowledge of the subject matter of this action.

#### **Response**

Supap Kirtsaeng

#### **Interrogatory 2**

State the amount of revenue that defendant has received from the sale of Foreign Editions of the textbooks of Wiley.

#### **Response**

Estimated revenue from the sale of Wiley's international edition textbooks is \$1,600. This consists of 8 titles, 20 books per title @ \$10 per book.

#### **Interrogatory 3**

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Identify by title and author each Foreign Edition of the textbooks of Wiley that defendant has imported into the United States.

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#### **Response**

The Defendant lacks personal knowledge of which books were/were not Foreign Editions but believes that he has imported books included in each of the "Wiley Copyrights."

#### **Interrogatory 4**

Identify by title and author each Foreign Edition of the textbooks of Wiley that defendant has sold.

#### **Response**

The Defendant lacks personal knowledge of which books were/were not Foreign Editions but believes that he has imported books included in each of the "Wiley Copyrights," as

defined in this action by the Plaintiff. To the extent that the books are accurate, their titles and authors are self-evident.

Interrogatory 5

Identify by title and author each Foreign Edition of a Wiley textbook that defendant has in his inventory.

Response

None.

Interrogatory 6

Identify each website or forum by which defendant has sold or is selling Foreign Editions.

Response

The books were sold solely through eBay.

Interrogatory 7

Identify each financial account in which defendant has received funds from the sale of Foreign Editions.

Response

The Defendant objects to the Request to the extent that it is overbroad and not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory 8

Identify the title, date of sale, price, purchaser, and contact information of the purchaser for each sale of a Foreign Edition of any textbook defendant sold.

Response

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The Defendant objects to the Request to the extent that it is overbroad and not reasonably calculated to lead to the discovery of admissible evidence.

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Interrogatory 9

Identify the title, date of sale, price, purchaser, and contact information of the purchaser for each sale of a United States edition of any textbook defendant sold.

Response

The Defendant objects to the Request to the extent that it is overbroad and not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory 10

Identify the date of sale, price, seller, and contact information of the seller for each Foreign Edition of any textbook defendant purchased.

Response

The Defendant objects to the Request to the extent that it is overbroad and not reasonably calculated to lead to the discovery of admissible evidence.

Dated: New York, New York

February 16, 2009

**Sam P. Israel, P.C.**

By: 

**Sam P. Israel (SPI0270)**

**Attorney for Defendant Supap  
Kirtsaeng**

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