

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CAMBRIDGE UNIVERSITY PRESS,
OXFORD UNIVERSITY PRESS, INC.,
SAGE PUBLICATIONS, INC

Plaintiffs,

v.

MARK P. BECKER, in his official capacity as President of Georgia State University, RISA PALM, in her official capacity as Senior Vice President for Academic Affairs and Provost of Georgia State University, J.L. ALBERT, in his official capacity as Georgia State University Associate Provost for Information Systems and Technology, NANCY SEAMANS, in her official capacity as Dean of Libraries at Georgia State University, ROBERT F. HATCHER, in his official capacity as Vice Chair of the Board of Regents of the University System of Georgia, KENNETH R. BERNARD, JR., LARRY R. ELLIS, W. MANSFIELD JENNINGS, JR., JAMES R. JOLLY, DONALD M. LEEBERN, JR., WILLIAM NESMITH, JR., DOREEN STILES POITEVINT, WILLIS J. POTTS, JR., C. DEAN ALFORD, KESSEL STELLING, JR., BENJAMIN J. TARBUTTON, III, RICHARD L. TUCKER, LARRY WALKER, RUTLEDGE A. GRIFFIN, JR., C. THOMAS HOPKINS, JR., NEIL L. PRUITT, JR., and PHILIP A. WILHEIT, SR in their official capacities as members of the Board of Regents of the University System of Georgia,

Defendants.

Civil Action No.
1:08-cv-1425-ODE

J U D G M E N T

This action having come before the court, Honorable Orinda D. Evans, United States District Judge, for consideration of the Defendants' Motion for Leave to Supplement the Detailed Request for Attorneys' Fees and Costs and the court having granted said motion, and finding that there are no remaining issues to be decided, it is

Ordered and Adjudged that Defendants, as prevailing parties, are awarded their reasonable attorneys' fee in the amount of \$2,861,348.71 and costs in the amount of \$85,746.39. Judgment is entered in favor of Plaintiff Oxford University Press, Inc. on its claim that Defendants infringed its copyright in *The Power Elite*. Judgment is entered in favor of Plaintiff Sage Publications, Inc. on its claims that Defendants infringed its copyrights in *The Sage Handbook of Qualitative Research (Second Edition)*, *The Sage Handbook of Qualitative Research (Third Edition)* and *Utilization-Focused Evaluation: The New Century Text (Third Edition)*. As to all of Plaintiffs' other claimed copyright infringements, as are referenced in the Court's Order of May 11, 2012, judgment is entered in Defendants' favor. Injunctive relief is entered as follows: Defendants are hereby ORDERED and DIRECTED to maintain copyright policies for Georgia State University which are not inconsistent with the Court's Orders of May 11, 2012 and August 10, 2012. Defendants are ORDERED and DIRECTED to disseminate to faculty and relevant staff at Georgia State the essential points of this Court's aforesaid rulings. The Court will retain jurisdiction for the sole purpose of enforcing these Orders. Declaratory relief is entered as follows: (1) The requirement that excerpts be "decidedly small" to tip factor three in Defendants' favor applies to the aggregate of all excerpts from a book which are assigned during the term of the course; (2) The holdings of this case do not apply to books intended solely for instruction of students enrolled in a class. These books would need to be evaluated by a different fair use analysis; (3) The fair use protection outlined in the Court's Order of May 11, 2012 is conditioned on strict reliance with measures calculated to protect

copyright of excerpts from unwarranted distribution; (4) Although in limited fact situations fair use may apply even where an unpaid excerpt is not "decidedly small", as explained in the Order of August 10, 2012, significant caution is called for before determining that such a use is fair use.

Dated at Atlanta, Georgia, this 30th day of September, 2012

JAMES N. HATTEN
CLERK OF COURT

By: s/ A. Coleman
Ashley Coleman, Deputy Clerk

Prepared and Entered
in the Clerk's Office
October 1, 2012
James N. Hatten
Clerk of Court

By: A. Coleman
Deputy Clerk