

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

09 CIV 2108

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JOHN WILEY & SONS, INC. AND :  
THE MCGRAW-HILL COMPANIES, INC., :

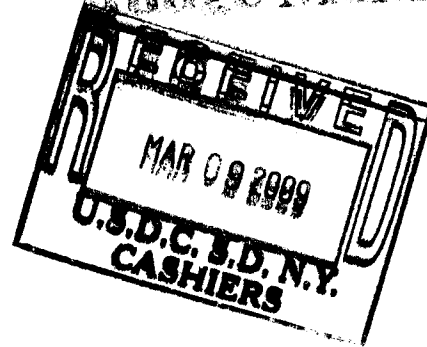
Plaintiffs, :

-against- :

ALIN TREEAKARABENJAKUL AND :  
LEO SHUMACHER BOTH D/B/A :  
TEXT BOOK PIRATE D/B/A :  
ALINONLINE D/B/A LPS BOOKS :  
D/B/A ALL BRAND NEW D/B/A :  
BOOK DELI AND JOHN DOE NOS. 1-5, :

Defendants. :

09 CIV Judge McMahon



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COMPLAINT

Plaintiffs John Wiley & Sons, Inc. ("Wiley") and The McGraw-Hill Companies, Inc. ("McGraw-Hill"), by their undersigned attorneys, for their complaint against defendants Alin Treeakarabenzakul and Leo Shumacher both d/b/a Text Book Pirate d/b/a Alinonline d/b/a LPS Books d/b/a All\_Brand\_New d/b/a Book Deli and John Doe Nos. 1 through 5, aver:

Nature of the Action

1. Plaintiffs are bringing this action to enforce their copyrights against defendants' unlawful sale in the United States of non-United States versions of plaintiffs' educational books.

Jurisdiction and Venue

2. This Court has subject matter jurisdiction over the claim in this action pursuant to 28 U.S.C. §§ 1331 and 1338 because it arises under the Copyright Act, 17 U.S.C. § 101 et seq.

3. Upon information and belief, venue is proper in this District pursuant to 28 U.S.C. § 1391.

Parties

4. 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.

5. McGraw-Hill is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 1221 Avenue of the Americas, New York, New York, 10020.

6. Upon information and belief, defendant Alin Treeakarabenjakul is a natural person presently residing at 1989 Persimmon Court, Schaumburg, Illinois 60193.

7. Upon information and belief, defendant Leo Shumacher is a natural person presently residing at 519 Landfair Avenue, Apt. 11, Los Angeles, California 90024.

8. Upon information and belief, defendants John Doe Nos. 1-5 are associates of the named defendants whose identities are presently unknown to plaintiffs.

The Businesses of Plaintiffs

9. Each plaintiff publishes a variety of works, including educational books.

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

11. Plaintiffs invest significant monies to publish their copyrighted works. Plaintiffs, for example, make substantial investments in royalties, content creation, licensing, copyediting, proofreading, typesetting, layout, printing, binding, distribution, and promotion.

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

13. Plaintiffs' 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. Plaintiffs frequently offer 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.

14. Plaintiffs generally create different versions of their educational books that are intended for sale in specific geographic markets outside of 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.

#### Plaintiffs' Copyrights

15. Plaintiffs routinely register their copyrights. Wiley has generally registered its copyrights in its works (the

"Wiley Copyrights") including those identified on Schedule A. McGraw-Hill has generally registered its copyrights in its works (the "McGraw-Hill Copyrights") including those identified on Schedule B.

The Infringing Acts of Defendants

16. Defendants have without permission purchased Foreign Editions of plaintiffs' books manufactured outside of the United States and resold them to purchasers in the United States through the Internet using the usernames Alinonline and All\_Brand\_New, the names Text Book Pirate, LPS Books, and Book Deli, the e-mail addresses all\_brand-new@yahoo.com, all\_brand\_new2@hotmail.com and all\_brand\_new3@hotmail.com at websites including, but not limited to, Abebooks.com Biblio.com, eBay.com and Half.com.

FIRST CLAIM FOR RELIEF

(Copyright Infringement - 17 U.S.C. § 501)

17. Plaintiffs repeat the averments contained in paragraphs 1 through 16 as if set forth in full.

18. Wiley has received United States Certificates of Copyright Registration for the Wiley Copyrights.

19. McGraw-Hill has received United States Certificates of Copyright Registration for the McGraw-Hill Copyrights.

20. The Wiley and McGraw-Hill Copyrights are valid and enforceable.

21. Defendants have infringed the Wiley and McGraw-Hill Copyrights in violation of 17 U.S.C. § 501.

22. Defendants' acts have irreparably damaged and, unless enjoined, will continue to irreparably damage plaintiffs. Plaintiffs have no adequate remedy at law for these wrongs and injuries. Plaintiffs are, therefore, entitled to a preliminary and permanent injunction restraining and enjoining defendants and their agents, servants, employees, and attorneys and all persons acting in concert with them, from infringing the Wiley and McGraw-Hill Copyrights.

23. Defendants have willfully infringed the Wiley and McGraw-Hill Copyrights.

24. Plaintiffs are entitled to recover all damages sustained as a result of defendants' unlawful conduct including (1) defendants' profits, or (2) plaintiffs' damages, or alternatively (3) statutory damages.

WHEREFORE, plaintiffs demand judgment:

A. Preliminarily and permanently enjoining defendants, their agents, servants, employees, and attorneys and all those acting in concert with them from infringing the Wiley, and McGraw-Hill Copyrights in violation of 17 U.S.C. § 501;


B. Awarding plaintiffs their damages or defendants' profits, or alternatively, at plaintiffs' election, statutory damages, as a result of defendants' willful infringement of the Wiley and McGraw-Hill Copyrights;

C. Awarding plaintiffs their costs in this action, including their reasonable attorneys' fees pursuant 17 U.S.C. § 505;

D. Granting such other and further relief as to this Court seems just and proper.

Dated: New York, New York  
March 9, 2009

DUNNEGAN LLC

By   
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Schedule A  
"Wiley Copyrights"

<u>Title</u>	<u>(Date of Registration)</u>	<u>(Registration #)</u>
1. Advanced Accounting, Second Edition	(October 14, 2003)	(TX-5-823-829)
2. Applied Econometric Time Series, Second Edition	(September 5, 2003)	(TX-5-818-578)
3. Design of Reinforced Concrete, Sixth Edition	(August 11, 2004)	(TX-6-007-144)
4. Financial Accounting, Fifth Edition	(February 24, 2005)	(TX-6-191-978)
5. Financial Accounting: Tools for Business Decision Making, Third Edition	(May 13, 2003)	(TX-5-737-492)
6. Fundamentals of Biochemistry: Life at the Molecular Level, Second Edition	(June 23, 2005)	(TX-6-196-136)
7. Global Marketing Management, Third Edition	(December 16, 2003)	(TX-5-869-479)
8. Information Technology for Management: Transforming Organizations in the Digital Economy, Fifth Edition	(April 1, 2005)	(TX-6-151-565)
9. International Economics, Eighth Edition	(July 7, 2003)	(TX-5-771-131)
10. Introduction to Statistical Quality Control, Fifth Edition	(September 24, 2004)	(TX-6-032-390)
11. Marketing Research, Eighth Edition	(January 9, 2004)	(TX-5-902-250)
12. Mechanics of Materials, Sixth Edition	(June 19, 2006)	(TX-6-368-212)
13. Microeconomics, Second Edition	(February 10, 2005)	(TX-6-118-288)
14. Multinational Financial Management, Eighth Edition	(April 3, 2006)	(TX-6-361-381)
15. Objects, Abstraction, Data Structures and Design: Using Java	(September 29, 2004)	(TX-6-031-805)
16. Organic Chemistry, Eighth Edition	(August 26, 2003)	(TX-5-788-101)
17. Physical Chemistry, Fourth Edition	(August 30, 2004)	(TX-6-034-249)
18. Project Management: A Managerial Approach, Fifth Edition	(February 27, 2003)	(TX-5-680-495)
19. Research in Psychology: Methods and Design, Fourth Edition	(March 12, 2004)	(TX-5-946-896)



Schedule B  
"McGraw-Hill Copyrights"

<u>Title</u>	<u>Registration #</u>	<u>Date of Registration</u>
1. Complex Variables and Applications (May 5, 2003) (TX0005715943).		
2. Unit Operations of Chemical Engineering (December 15, 2004) (TX0006087720).		
3. Employee Training and Development (November 24, 2006) (TX0006463073).		
4. Global Business Today (March 19, 2007) (TX0006573913).		
5. Research and Design Methods: A Process Approach (August 16, 2004) (TX0005999189).		
6. International Economics (October 14, 2003) (TX0005825184).		
7. International Marketing (June 28, 2006) (TX0006403093).		
8. International Financial Management (March 17, 2006) (TX0006335399).		
9. Fundamental Methods of Mathematical Economics (May 5, 2005) (TX0006196160)		