

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PEARSON EDUCATION, INC., :
JOHN WILEY & SONS, INC., :
CENGAGE LEARNING, INC. AND :
THE MCGRAW-HILL COMPANIES, INC., :

Plaintiffs, :

-against- :

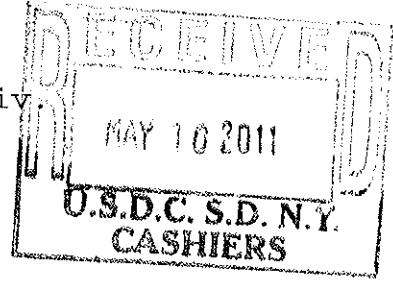
APOORV CHOPRA D/B/A SOLUTION HUT :
AND JOHN DOE NOS. 1-5, :

Defendants. :

- - - - -x

JUDGE GRIESA

11 CIV 3300



11 Civ

COMPLAINT

Plaintiffs Pearson Education, Inc. ("Pearson"), John Wiley & Sons, Inc. ("Wiley"), Cengage Learning, Inc. ("Cengage") and The McGraw-Hill Companies, Inc. ("McGraw-Hill"), by their undersigned attorneys, for their complaint against defendants Apoorv Chopra d/b/a Solution Hut and John Doe Nos. 1-5, aver:

Nature of the Action

1. Plaintiffs publish college textbooks and corresponding instructors' solutions manuals. Plaintiffs are bringing this action to obtain legal and equitable relief to remedy defendants' infringement of plaintiffs' copyrights through their sales of unauthorized copies of plaintiffs' instructors' solutions manuals and electronic copies of books ("e-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 and 1400(a).

Parties

4. Pearson is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at One Lake Street, Upper Saddle River, New Jersey 07458.

5. 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.

6. Cengage is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 200 First Stamford Place, 4th Floor, Stamford, Connecticut 06902.

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

8. Upon information and belief, defendant Apoorv Chopra is a natural person presently residing at 15 North 32nd Street, Apartment 615, Philadelphia, Pennsylvania 19104.

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

The Businesses of Plaintiffs

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

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

12. 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.

13. 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.

14. An important part of plaintiffs' business is derived from publishing college textbooks. College professors select textbooks from competing publishers based on the pedagogical value and the quality of supplementary materials.

15. Instructors' solutions manuals are important supplementary materials. Professors use instructors' solutions manuals to aid in grading homework. Students, however, use instructors' solutions manuals to cheat. Professors are less likely to select a textbook if the instructors' solutions manuals are freely and/or widely available. Accordingly, plaintiffs do not sell their instructors' solutions manuals, and tightly control their distribution to known faculty.

Plaintiffs' Copyrights

16. Plaintiffs routinely register their copyrights. Pearson has generally registered its copyrights in its works, including the works on Schedule A (the "Pearson Copyrights"). Wiley has generally registered its copyrights in its works, including the works on Schedule B (the "Wiley Copyrights"). Cengage has generally registered its copyrights in its works, including the works on Schedule C (the "Cengage Copyrights"). McGraw-Hill has generally registered its copyrights in its works, including the works on Schedule D (the "McGraw-Hill Copyrights").

The Infringing Acts of Defendants

17. Defendants have, without permission, reproduced and sold copies of plaintiffs' works. Specifically, the defendants have reproduced and sold copies of plaintiffs' instructors' solutions manuals and e-books, including sales into the Southern District of New York, through online sales at websites and forums, including but not limited to, AbeBooks.com using the username "Solution Hut" and e-mail address abebooks01@gmail.com.

CLAIM FOR RELIEF

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

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

19. Pearson has received United States Certificates of Copyright Registration for the Pearson Copyrights.

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

21. Cengage has received United States Certificates of Copyright Registration for the Cengage Copyrights.

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

23. The Pearson, Wiley, Cengage and McGraw-Hill Copyrights are valid and enforceable.

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

25. 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 Pearson, Wiley, Cengage and McGraw-Hill Copyrights.

26. Defendants have willfully infringed the Pearson, Wiley, Cengage and McGraw-Hill Copyrights.

27. 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 the defendants, their agents, servants, employees, and attorneys and all those acting in concert with them from infringing the Pearson, Wiley, Cengage 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 Pearson, Wiley, Cengage and McGraw-Hill Copyrights;

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

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

Dated: New York, New York
May 16, 2011

DUNNEGAN LLC

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Schedule A
"Pearson Copyrights"

Title, Author (Edition) (Registration Date) (Registration Number)

1. Calculus, Dale Varberg (9th Edition) (May 23, 2006)
(TX0006342740)
2. Biology, Neil A. Campbell (8th Edition) (February 18, 2009)
(TX0006959297)
3. Advertising: Principles & Practice, Sandra Moriarty (8th
Edition) (October 30, 2008) (TX0007002649)
4. Chemistry: The Central Science, Eugene LeMay (11th edition)
(August 4, 2008) (TX0006862056)
5. Physics: Principles with Applications, Vol. 1, Douglas C.
Giancoli (6th edition) (April 16, 2004) (TX0005961576)
6. Physics: Principles with Applications, Douglas C. Giancoli
(6th edition) (July 29, 2010) (TX0007222667)
7. Physics: Principles with Applications, Vol. 2, Douglas C.
Giancoli (6th edition) (January 17, 2006) (TX0006303834)
8. Physics for Scientists and Engineers with Modern Physics,
Douglas C. Giancoli (3rd edition) (August 20, 2000)
(TX0005249338)
9. Microbiology: An Introduction, Gerard J. Tortora (6th
edition) (TX0004582379)
10. Thomas' Calculus Early Transcendentals, Maurice D. Weir (11th
edition) (February 16, 2007) (TX0006514813)
11. Trigonometry, Mark Dugopolski (1st edition) (August 14, 2002)
(TX0005591729)
12. College Algebra, Michael Sullivan (7th edition) (March 9,
2004) (TX0005919457)
13. Calculus: Early Transcendentals, David E. Penney (6th
edition) (August 29, 2002) (TX0005600256)
14. Calculus and Its Applications, Marvin L. Bittinger (8th
edition) (January 13, 2004) (TX0005887147)
15. Business Statistics: A First Course, Timothy Krehbiel (5th
edition) (April 15, 2009) (TX0007007187)
16. Business Law, Henry R. Cheeseman (7th edition) (April 23,
2009) (TX0007098708)
17. Business Communication Today, Courtland Bovee (9th edition)
(August 9, 2007) (TX0006857280)
18. Brock Biology of Microorganisms, Michael T. Madigan (12th
edition) (March 14, 2008) (TX0006992056)
19. Bond Markets, Analysis and Strategies, Frank J. Fabozzi (6th
edition) (August 22, 2006) (TX0006436905)
20. Behavior Management: A Practical Approach for Educators,
James E. Walker (9th edition) (May 8, 2006) (TX0006344399)

21. Beginning and Intermediate Algebra with Applications and Visualization, Gary Rockwold (2nd edition) (January 18, 2008) (TX0006839930)
22. Beginning and Intermediate Algebra, Margaret Lial (1st edition) (June 6, 2003) (TX0005741117)
23. Beginning Algebra, Margaret Lial (10th edition) (November 1, 2007) (TX0006883440)
24. Beginning and Intermediate Algebra, Elayn Martin-Gay (4th edition) (April 24, 2008) (TX0007081345)
25. Basic Chemistry, Karen C. Timberlake (2nd edition) (April 23, 2007) (TX0006576720)
26. Basic Business Statistics, Mark L. Berenson (11th edition) (May 2, 2008) (TX0007023280)
27. Auditing Cases: An Interactive Learning Approach, Mark Beasley (4th edition) (April 22, 2009) (TX0006969203)
28. Artificial Intelligence, Stuart Russell (3rd edition) (February 23, 2010) (TX0007149176)
29. Analysis: With an Interactive Proof, Steven R. Lay (4th edition) (February 1, 2005) (TX0006095958)
30. Algebra & Trigonometry: Enhanced Graphing Utilities, Michael Sullivan, (4th edition) (February 9, 2005) (TX0006164554)
31. Algebra & Trigonometry, Michael Sullivan (7th edition) (February 27, 2004) (TX0005915116)
32. Absolute Java, Walter Savitch (4th edition) (March 25, 2009) (TX0007031718)
33. Absolute C++, Walter Savitch (4th edition) (June 30, 2009) (TX0006983278)
34. Accounting, Charles Horngren (7th edition) (February 2, 2007) (TX0006522916)
35. Engineering Mechanics: Statics, Wallace Fowler (3rd edition) (October 3, 2001) (TX0005450699)
36. Engineering Mechanics: Dynamics, Wallace Fowler (4th edition) (October 13, 2004) (TX0006054474)
37. Mechanics of Materials, Russell C. Hibbeler (7th edition) (November 17, 2008) (TX0006907816)
38. Engineering Mechanics: Statics, Russell C. Hibbeler, (12th edition) (February 12, 2009) (TX0006936012)
39. Engineering Mechanics: Dynamics, Russell C. Hibbeler, (12th edition) (June 15, 2009) (TX0006981922)
40. Engineering Mechanics: Statics & Dynamics, Russell C. Hibbeler (12th edition) (June 15, 2009) (TX0006984645)
41. Advanced Accounting, Floyd Beams, (10th edition) (October 22, 2008) (TX0006899994)
42. Auditing and Assurance Services: An Integrated Approach, Alvin A. Arens (13th edition) (April 2, 2009) (TX0006968258)
43. Accounting Information Systems, Marshall B. Romney (11th edition) (March 24, 2008) (TX0006996489)

44. Signals, Systems and Transforms, Charles L. Phillips (4th edition) (September 6, 2007) (TX0006822127)
45. Market Based Management, Roger Best (5th edition) (May 19, 2008) (TX0007005364)
46. Quantitative Analysis for Management, Barry Render (10th edition) (April 10, 2008) (TX0006936506)
47. Management Information Systems: Managing the Digital Firm, Ken Laudon (11th edition) (February 17, 2009) (TX0006954808)
48. Microeconomics, Robert Pindyck (7th edition) (July 21, 2008) (TX0006864689)
49. Options, Futures and Other Derivatives, John C. Hull (7th edition) (November 7, 2008) (TX0006909729)
50. Signals & Systems, Alan V. Oppenheim (2nd edition) (January 10, 1997) (TX0004445749)
51. Modern Operating Systems, Andrew S. Tanenbaum (3rd edition) (February 29, 2008) (TX0006843629)
52. Introduction to Quantum Mechanics, David J. Griffiths (2nd edition) (May 4, 2004) (TX0005959250)
53. A First Course in Probability, Sheldon Ross (8th edition) (January 21, 2001) (TX0007016155)
54. Discrete Time Signal Processing, Alan V. Oppenheim (ISM) (2nd edition) (April 25, 2005) (TX0006116972)
55. Artificial Intelligence: A Modern Approach, Stuart Russell (2nd edition) (February 4, 2003) (TX0005677567)
56. An Introduction to Database Systems, C.J. Date (8th edition) (September 8, 2003) (TX0005814575)
57. Understanding Financial Statements, Aileen Ormiston (9th edition) (June 11, 2009) (TX0006972598)
58. Strategic Management: Concepts & Cases, Fred R. David (12th edition) (June 10, 2008) (TX0006955727)
59. Strategic Brand Management: Building, Measuring and Managing Brand Equity, Kevin Keller (3rd edition) (August 9, 2007) (TX0006850584)
60. Statistics for Managers Using Microsoft Excel, David M. Levine (4th edition) (April 5, 2004) (TX0005941475)
61. Solid State Electronic Devices, Ben Streetman (6th edition) (September 1, 2005) (TX0006221401)
62. Signal Processing First, James McClellan (1st edition) (April 29, 2003) (TX0005751580)
63. Organizational Behavior, Stephen P. Robbins (13th edition) (May 1, 2008) (TX0007010770)
64. Modern Management: Concepts & Skills, Samuel Certo (11th edition) (January 7, 2009) (TX0006923150)
65. Marketing Management, Phillip Kotler (13th edition) (April 7, 2008) (TX0006937152)

66. Management of Organizational Behavior: Leading Human Resources, Paul Hersey (9th edition) (November 30, 2007) (TX0006916419)
67. Linear Algebra and Its Applications, David C. Lay (3rd edition) (September 28, 2005) (TX0006226146)
68. Java How to Program, Paul Deitel (8th edition) (June 2, 2009) (TX0006975428)
69. Introduction to Management Accounting, Charles T. Horngren (13th edition) (January 17, 2006) (TX0006305778)
70. Introduction to Environmental Engineering and Science, Gilbert M. Masters (3rd edition) (October 10, 2007) (TX0006859118)
71. International Economics, W. Charles Sawyer (3rd edition) (July 3, 2008) (TX0007010402)
72. Human Resource Management, Gary Dessler (11th edition) (December 31, 2007) (TX0006956448)
73. Fundamentals of Applied Electromagnetics, Fawwaz T. Ulaby (5th edition) (November 27, 2006) (TX0006468642)
74. Essentials of Systems Analysis and Design, Joseph Valacich (4th edition) (November 24, 2009) (TX0007090762)
75. Essentials of Strategic Management, J. David Hunger (3rd edition) (July 30, 2002) (TX0005588793)
76. Essentials of Organizational Behavior, Stephen Robbins (9th edition) (April 23, 2007) (TX0006578393)
77. Consumer Behavior: Buying, Having and Being, Michael Solomon (8th edition) (April 10, 2008) (TX0006936098)
78. E-Marketing, Judy Strauss (5th edition) (January 7, 2009) (TX0006927628)
79. Discrete Mathematics: With Graph Theory, Edgar G. Goodaire (3rd edition) (June 29, 2009) (TX0006989967)
80. Cost Accounting: A Managerial Emphasis, Charles T. Horngren (13th edition) (May 1, 2008) (TX0007005297)
81. Compensation Management in a Knowledge Based World, Richard I. Henderson (10th edition) (September 1, 2005) (TX0006228638)
82. Business Ethics: Concepts & Cases, Manuel G. Velasquez (6th edition) (October 31, 2005) (TX0006239649)
83. Behavior in Organizations, Jerald Greenberg (9th edition) (April 13, 2007) (TX0006565370)
84. Abnormal Psychology: The Problem of Maladaptive Behavior, Irwin G. Sarason (11th edition) (August 30, 2004) (TX0006018766)
85. Introduction to Electrodynamics, David J. Griffiths (3rd edition) (March 25, 1999) (TX0004950391)

Schedule B
"Wiley Copyrights"

Title, Author (Edition) (Registration Date) (Registration Number)

1. Accounting Principles: Annotated Instructor's Edition, Jerry Weygandt (Third Edition) (March 10, 1994) (TX0003750342)
2. Instructor's Manual for Advanced Engineering Mathematics, Erwin Kreyszig (Seventh Edition) (April 13, 1995) (TX0004035055)
3. Classical Electrodynamics, John David Jackson (Third Edition) (August 5, 1998) (TX0004828741)
4. Control Systems Engineering, Norman Nise (Fifth Edition) (September 10, 2009) (TX0007036764)
5. Elementary Differential Equations and Boundary Value Problems, William Boyce (Eighth Edition) (June 7, 2004) (TX0005981457)
6. Fundamentals of Engineering Thermodynamics, Michael Moran (Fifth Edition: Instructor's Resource CD-ROM) (February 25, 2005) (TX0006147524)
7. Fundamentals of Heat and Mass Transfer & Introduction to Heat Transfer Solutions Manual CD-ROM, Frank Incropera (January 21, 2005) (TX0006091403)
8. Fundamentals of Machine Component Design, Robert Juvinall (Fourth Edition) (September 8, 2005) (TX0006213219)
9. Fundamentals of Physics: Instructor's Solutions Manual Volume 1, David Halliday (Seventh Edition) (January 21, 2005) (TX0006101287)
10. Fundamentals of Physics: Instructor's Solutions Manual Volume 2, David Halliday (Seventh Edition) (January 21, 2005) (TX0006101286)
11. Fundamentals of Thermodynamics, Richard Sonntag (Sixth Edition) (November 12, 2002) (TX0005612550)
12. Intermediate Accounting, Donald Kieso (Eleventh Edition Solutions Manual Volume I: Chapters 1-14) (January 21, 2005) (TX0006092671)
13. Intermediate Accounting, Donald Kieso (Eleventh Edition Solutions Manual Volume II: Chapters 15-24) (January 21, 2005) (TX0006099837)
14. Materials Science and Engineering: An Introduction, William Callister (Seventh Edition) (June 19, 2006) (TX0006405304)
15. Microwave Engineering, Third Edition (David Pozar) (March 12, 2004) (TX0005939958)
16. Modeling and Analysis of Dynamic Systems, Charles Close (First Edition Solutions Manual) (October 23, 1978) (TX0000172011)

17. Separation Process Principles, J.D. Seader (Second Edition)
(November 22, 2005) (TX0006275447)

Schedule C
"Cengage Copyrights"

Title, Author (Edition) (Registration Date) (Registration Number)

1. College Physics, Serway/Faughn/Vuille (8th Edition) (March 28, 2008) (TX0006853334).
2. Brief Principles of Macroeconomics, Mankiw (4th Edition) (September 29, 2006) (TX0006437004).
3. Calculus: Early Transcendentals, Stewart (6th Edition) (June 22, 2007) (TX0006593776).
4. Organic Chemistry, Mcmurry (7th Edition) (April 5, 2007) (TX0006557805).
5. Answer Manual for Business Law Today: Comprehensive, Miller/Jentz (7th Edition) (June 12, 2006) (TX0006381420).
6. Business Law, Text and Cases: Legal, Ethical, Global, and E-Commerce Environments, Clarkson/Jentz/Cross/Miller (11th Edition) (May 12, 2008) (TX0006863239).
7. Financial Reporting and Analysis: Using Financial Accounting Information, Gibson (11th Edition) (July 7, 2008) (TX0006858958).
8. Auditing: A Business Risk Approach, Rittenberg/Schwieger
9. /Johnstone (6th Edition) (May 29, 2006) (TX0006583787).
10. Analytical Mechanics, Fowles/Cassiday (7th Edition) (April 6, 2004) (TX0005948682).
11. Advertising, Promotion, and Other Aspects of Integrated Marketing Communications, Shimp (7th Edition) (June 29, 2006) (TX0006393456).
12. Accounting Information Systems, Gelinas/Dull (8th Edition) (September 18, 2009) (TX0006547786).
13. Accounting, Warren/Reeve/Duchac (22nd Edition) (November 13, 2006) (TX0006480143).
14. Mechanics of Materials, Gere/Goodno (7th Edition) (May 20, 2008) (TX0006859398).
15. West Federal Taxation 2008: Comprehensive Volume, Professional Edition, Willis/Hoffman/Maloney/Raabe (31st Edition) (June 4, 2007) (TX0006584304).
16. Principles of Economics, Mankiw (4th Edition) (September 29, 2006) (TX0006434553).
17. Probability and Statistics for Engineers and Scientists, Hayter (3rd Edition) (February 5, 2006) (TX0006333416).
18. Fundamentals of Logic Design, Roth/Kinney (5th Edition) (July 7, 2003) (TX0005804154).
19. Classical Dynamics of Particles and Systems, Thornton/Marion (5th Edition) (July 30, 2003) (TX0005827168).
20. Principles of Instrumental Analysis, Skoog/Holler/Crouch (6th Edition) (January 16, 2007) (TX0006499740).

21. Power Systems Analysis and Design, Glover/Sarma/Overbye (4th Edition) (June 12, 2007) (TX0006584387).
22. Organizational Behavior: Science, the Real World, and You, Nelson/Quick (6th Edition) (May 12, 2008) (TX0006856844).
23. A First Course in the Finite Element Method, Logan (4th Edition) (May 29, 2007) (TX0006577547).

Schedule D
"McGraw-Hill Copyrights"

Title, Author (Edition) (Registration Date) (Registration Number)

1. First Aid for the USMLE Step 1, Tao Le (20th Edition) (June 17, 2009) (TX0006975551)
2. Harrison's Manual of Medicine, Anthony S. Fauci (17th Edition) (May 25, 2010) (TX0007187570)
3. Introduction to Managerial Accounting (5th Edition) (June 19, 2010) (TX0007184270)
4. Harrisons Manual of Medicine (17th Edition) (May 25, 2010) (TX0007187570)
5. Thermodynamics: An Engineering Approach (6th Edition) (September 13, 2010) (TX0007255710)