

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

11 : CV 3547

Plaintiffs, JUDGE STANTON

-against-

11 Civ.

JOHN DOE D/B/A VINCEHILL54
D/B/A TOMMYJACKSON66 D/B/A
JASONWOODS22 D/B/A ALVINPARK38
D/B/A SOLUTIONSMANUALWORLD D/B/A
CHADTUCKER56 D/B/A KEVINCOLE84
D/B/A RAUL SP AND JOHN DOE
NOS. 1-5,

Defendants. :



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 John Doe d/b/a Vincehill154 d/b/a Tommyjackson66 d/b/a Jasonwoods22 d/b/a Alvinpark38 d/b/a Solutionsmanualworld d/b/a Chadtucker56 d/b/a Kevincole84 d/b/a Raul Sp 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.

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 John Doe d/b/a Vincehill54 d/b/a Tommyjackson66 d/b/a Jasonwoods22 d/b/a Alvinpark38 d/b/a Solutionsmanualworld d/b/a Chadtucker56 d/b/a Kevincole84 d/b/a Raul Sp is a natural person currently residing in the United States whose identity is presently unknown to plaintiffs.

9. Upon information and belief, defendants John Doe Nos. 1-5 are natural persons currently residing in the United States 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").

17. Wiley has generally registered its copyrights in its works, including the works on Schedule B (the "Wiley Copyrights").

18. Cengage has generally registered its copyrights in its works, including the works on Schedule C (the "Cengage Copyrights").

19. 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

20. Defendants have, without permission, reproduced and sold copies of plaintiffs' works. Specifically, the defendants have reproduced and sold copies of plaintiffs' instructors' solutions manuals, including sales into the Southern District of New York, through online sales at websites and forums, including but not limited to, store.payloadz.com, e-junkie.com, slideshare.net, docs.thinkfree.com, and docstoc.com, using the usernames including, but not limited to, "Vincehill54," "Tommyjackson66," "Jasonwoods22," "Alvinpark38," "Solutionsmanualworld," "Chadtucker56," "Kevincole84," and "Raul Sp," and e-mail addresses including, but not limited to, vincehill54@gmail.com, tommyjackson66@gmail.com,

jasonwoods22@gmail.com, alvinpark38@gmail.com,
solutionsmanualworld@gmail.com, chadtucker56@gmail.com,
kevincole84@gmail.com, Raul.cp.sp@gmail.com, and
felixlee651@gmail.com.

CLAIM FOR RELIEF

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

21. Plaintiffs repeat the averments contained in paragraphs 1 through 20 as if set forth in full.

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

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

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

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

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

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

28. 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.

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

30. 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 at plaintiffs' election, (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 24, 2011

DUNNEGAN LLC

By 
William Dunnegan (WD9316)

wd@dunnegan.com

Laura Scileppi (LS0114)

ls@dunnegan.com

Samantha Morrissey (SM1210)

sm@dunnegan.com

Attorneys for Plaintiffs

Pearson Education, Inc.,

John Wiley & Sons, Inc.,

Cengage Learning, Inc. and

The McGraw-Hill Companies, Inc.

350 Fifth Avenue

New York, New York 10118

(212) 332-8300

Schedule A
"Pearson Copyrights"

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

1. Accounting Information Systems, George H. Bodnar (10th Edition) (October 27, 2009) (TX0007073739)
2. Modern Control Systems, Richard C. Dorf (11th Edition) (October 22, 2007) (TX0006877323)
3. Probability and Statistics, Morris H. DeGroot (3rd edition) (November 2, 2001) (TX0005475012)
4. Structural Analysis, R.C. Hibbeler (August 4, 2008) (TX0006862634)
5. Strategic Management and Business Policy: Achieving Sustainability, Thomas L. Wheelen (October 22, 2009) (TX0007044321)
6. Principles of Managerial Finance, Lawrence J. Gitman (12th edition) (February 5, 2008) (TX0006841473)
7. Statistics for Business and Economics, James T. McClave (December 15, 2009) (TX0007127613)
8. Economics of Money, Banking and Financial Markets, Frederic S. Mishkin (August 20, 2009) (TX0007027602)
9. Accounting Information Systems, Marshall B. Romney (11th edition) (March 24, 2008) (TX0006996489)
10. Advanced Accounting, Floyd A. Beams (10th edition) (October 22, 2008) (TX0006899994)
11. Auditing and Assurance Services: An Integrated Approach, Alvin Arens (13th edition) (April 2, 2009) (TX0006968258)
12. Business Law, Henry R. Cheeseman (7th edition) (April 23, 2009) (TX0007098708)
13. Cost Accounting, Charles T. Horngren (13th edition) (May 1, 2008) (TX0007005297)
14. Electric Circuits, James W. Nilsson (9th edition) (August 6, 2010) (TX0007230096)
15. Elementary Statistics, Mario F. Triola (11th edition) (January 16, 2009) (TX0007018726)
16. Human Resource Management, Gary Dessler (12th edition) (March 9, 2010) (TX0007151406)
17. Principles of Marketing, Philip Kotler (13th edition) (February 17, 2009) (TX0006936572)
18. Strategic Management: Concepts and Cases, Fred R. David (13th edition) (March 31, 2010) (TX0007165326)
19. Introduction to Management Accounting, Charles T. Horngren (14th edition) (June 7, 2007) (TX0006593822)
20. International Business, John D. Daniels (13th edition) (May 6, 2010) (TX0007178642)

21. Introduction to Financial Accounting, Charles T. Horngren (9th edition) (March 9, 2005) (TX0006124994)
22. Linear Algebra and Its Applications, David C. Lay (3rd edition) (September 28, 2005) (TX0006226146)
23. Macroeconomics, Stephen D. Williamson (4th edition) (March 23, 2010) (TX0007155551)
24. Management Information Systems, Kenneth Laudon (11th edition) (February 17, 2009) (TX0006954808)
25. Marketing Management, Philip Kotler (13th edition) (April 7, 2008) (TX0006937152)
26. Multinational Business, David K. Eiteman (12th edition) (October 30, 2009) (TX0007074217)
27. Operations Management, Lee J. Krajewski (9th edition) (March 6, 2009) (TX0006937727)
28. Operations, Futures and Other Derivatives, John C. Hull (7th edition) (July 10, 2008) (TX0006943944)
29. Physics for Scientists and Engineers: A Strategic Approach, Randall D. Knight (2nd edition) (June 3, 2009) (TX0006984405)
30. Practical Research: Planning and Design, Paul D. Leedy (9th edition) (June 26, 2009) (TX0006982904)
31. Quantitative Analysis for Management, Barry Render (10th edition) (April 10, 2008) (TX0006936506)

Schedule B
 "Wiley Copyrights"

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

1. Accounting Principles, Eighth Edition, Jerry Weygandt
 (December 20, 2007) (TX-6-954-905)
2. Accounting Principles, Ninth Edition, Jerry Weygandt
 (April 16, 2010) (TX-7-192-054)
3. Advanced Engineering Mathematics, Ninth Edition, Erwin
 Kreyszig (December 19, 2005) (TX-6-287-796)
4. Analysis and Design of Analog Integrated Circuits, Fourth
 Edition, Paul Gray (April 30, 2001) (TX-5-377-540)
5. Applied Statistics and Probability for Engineers, Third
 Edition, Douglas Montgomery (November 12, 2002) (TX-5-
 612-548)
6. Applied Statistics and Probability for Engineers, Fourth
 Edition, Douglas Montgomery (August 25, 2006) (TX-6-428-
 380)
7. Automatic Control Systems, Eighth Edition, Benjamin Kuo
 (November 20, 2002) (TX-5-622-535)
8. Automatic Control Systems, Ninth Edition, Farid
 Golnaraghi (February 4, 2011) (TX-7-324-097)
9. Basic Engineering Circuit Analysis, Ninth Edition, J.
 David Irwin (April 19, 2010) (TX-7-168-788)
10. Calculus: Early Transcendentals, Combined, Seventh
 Edition, Howard Anton (October 30, 2001) (TX-5-444-138)
11. Calculus: Early Transcendentals, Eighth Edition, Howard
 Anton (March 23, 2005) (TX-6-139-880)
12. Calculus: Multivariable, Eighth Edition, Howard Anton
 (August 8, 2005) (TX-6-209-590)
13. Calculus: Single Variable, Fourth Edition, Howard Anton
 (February 7, 2005) (TX-6-116-934)
14. Classical Electrodynamics, John David Jackson (A-539-968)
 (January 24, 1962) (RE-512-275) (December 6, 1990)
15. Classical Electrodynamics, Third Edition, John David
 Jackson (August 5, 1998) (TX-4-828-741)
16. Communication Systems, Fourth Edition, Simon Haykin (June
 9, 2000) (TX-5-230-210)
17. Communication Systems, Fifth Edition, Simon Haykin (April
 15, 2010) (TX-7-166-076)
18. Core Concepts of Accounting Information Systems, Tenth
 Edition, Nancy Baganoff (March 11, 2008) (TX-6-844-066)
19. Design and Analysis of Experiments, Sixth Edition,
 Douglas Montgomery (February 18, 2005) (TX-6-120-647)

20. Elementary Differential Equations and Boundary Value Problems, Seventh Edition, William Boyce (August 25, 2000) (TX-5-257-588)
21. Elementary Differential Equations and Boundary Value Problems, Eighth Edition, William Boyce (June 7, 2004) (TX-5-981-457)
22. Elementary Principles of Chemical Processes, Third Edition, Richard Felder (February 17, 2005) (TX-6-116-656)
23. Engineering Fluid Mechanics, Seventh Edition, Clayton Crowe (January 2, 2001) (TX-5-327-699)
24. Engineering Fluid Mechanics Instructor's Resource CD-ROM, Seventh Edition, Clayton Crowe (January 21, 2005) (TX-6-093-617)
25. Engineering Mechanics: Dynamics, Fifth Edition, J.L. Meriam (November 8, 2001) (TX-5-539-471)
26. Engineering Mechanics: Statics, Fifth Edition, J.L. Meriam (February 28, 2002) (TX-5-461-761)
27. Engineering Mechanics: Statics, Solutions Manual CD-ROM, Fifth Edition, J.L. Meriam (January 21, 2005) (TX-6-091-402)
28. Engineering Statistics, Fourth Edition, Douglas Montgomery (November 14, 2007) (TX-6-906-792)
29. Financial Accounting: Tools for Business Decision Making, Third Edition, Paul Kimmel (May 13, 2003) (TX-5-737-492)
30. Financial Accounting: Tools for Business Decision Making, Fourth Edition, Paul Kimmel (April 20, 2006) (TX-6-355-329)
31. Fundamentals of Engineering Thermodynamics, Fifth Edition, Michael Moran (August 1, 2003) (TX-5-809-993)
32. Fundamentals of Engineering Thermodynamics, Sixth Edition, Michael Moran (March 17, 2008) (TX-6-982-352)
33. Fundamentals of Fluid Mechanics, Fifth Edition, Bruce Munson (May 2, 2005) (TX-6-169-180)
34. Fundamentals of Fluid Mechanics, Sixth Edition, Bruce Munson (May 3, 2010) (TX-7-180-154)
35. Fundamentals of Heat and Mass Transfer, Fifth Edition, Frank Incropera (October 25, 2001) (TX-5-457-784)
36. Fundamentals of Heat and Mass Transfer, Sixth Edition, Frank Inropera (July 28, 2006) (TX-6-410-153)
37. Fundamentals of Heat and Mass Transfer & Introduction to Heat Transfer Solutions Manual CD-ROM, Frank Incropera (January 21, 2005) (TX-6-091-403)
38. Fundamentals of Machine Component Design, Third Edition, Robert Juvinall (March 27, 2003) (TX-5-752-683)
39. Fundamentals of Machine Component Design, Fourth Edition, Robert Juvinall (September 8, 2005) (TX-6-213-219)

40. Fundamentals of Materials Science and Engineering: An Integrated Approach, Second Edition, William Callister (June 29, 2004) (TX-5-990-247)
41. Fundamentals of Physics: Instructor's Solutions Manual Volume 1, Seventh Edition, David Halliday (January 21, 2005) (TX-6-101-287)
42. Fundamentals of Physics: Instructor's Solutions Manual Volume 2, Seventh Edition, David Halliday (January 21, 2005) (TX-6-101-286)
43. Fundamentals of Physics: Part 1, Eighth Edition, David Halliday (September 17, 2007) (TX-6-827-902)
44. Fundamentals of Physics: Part 2, Eighth Edition, David Halliday (September 17, 2007) (TX-6-827-883)
45. Fundamentals of Thermodynamics, Sixth Edition, Claus Borgnakke (November 12, 2002) (TX-5-612-550)
46. Fundamentals of Thermodynamics, Seventh Edition, Claus Borgnakke (May 4, 2010) (TX-7-177-087)
47. Intermediate Accounting, Eleventh Edition, Donald Kieso (May 29, 2003) (TX-5-745-393)
48. Intermediate Accounting Solutions Manual Volume I: Chapters 1-14, Donald Kieso (January 21, 2005) (TX-6-092-671)
49. Intermediate Accounting Solutions Manual Volume II: Chapters 15-24, Donald Kieso (January 21, 2005) (TX-6-099-837)
50. Intermediate Accounting, Twelfth Edition, Donald Kieso (August 3, 2006) (TX-6-408-031)
51. Intermediate Accounting, Thirteenth Edition, Donald Kieso (September 10, 2009) (TX-7-044-357)
52. Introduction to Electric Circuits, Sixth Edition, Richard Dorf (August 15, 2003) (TX-5-807-740)
53. Introduction to Engineering Thermodynamics, Second Edition, Richard Sonntag (June 27, 2006) (TX-6-406-988)
54. Introduction to Fluid Mechanics, Fifth Edition, Robert Fox (October 23, 1998) (TX-4-843-215)
55. Introduction to Heat Transfer, Fourth Edition, Frank Incropera (April 7, 2004) (TX-5-951-039)
56. Introduction to Heat Transfer, Fifth Edition, Frank Incropera (August 14, 2006) (TX-6-407-668)
57. Introduction to Statistical Quality Control, Sixth Edition, Douglas Montgomery (April 30, 2010) (TX-7-185-745)
58. Materials Science and Engineering: An Introduction, Seventh Edition, William Callister (June 19, 2006) (TX-6-405-304)
59. Microwave Engineering, Third Edition, David Pozar (March 12, 2004) (TX-5-939-958)

60. Multinational Financial Management, Seventh Edition, Alan Shapiro (July 26, 2002) (TX-5-580-050)
61. Operating Systems Concepts, Seventh Edition, Abraham Silberschatz (February 17, 2005) (TX-6-160-089)
62. Physics Instructor's Manual, Fifth Edition, Volumes I and II, John Cutnell (January 21, 2005) (TX-6-101-288)
63. Physics, Fifth Edition, Extended, John Cutnell (March 7, 1997) (TX-4-493-075)
64. Quantum Physics, Third Edition, Stephen Gasiorowicz (June 19, 2003) (TX-5-740-529)
65. Semiconductor Devices: Physics and Technology, Second Edition, Simon Sze (November 23, 2001) (TX-5-461-970)
66. Signals and Systems, Second Edition, Simon Haykin (September 19, 2002) (TX-5-653-714)
67. Transport Phenomena, Second Edition, R. Byron Bird (October 11, 2001) (TX-5-459-935)

Schedule C
"Cengage Copyrights"

<u>Title, Author (Edition) (Registration Date) (Registration Number)</u>
1. Organic Chemistry (MCMURRY) (7 th Edition) (April 5, 2007) (TX0006557805).
2. Abnormal Psychology (BARLOW/DURAND) (5 th Edition) (September 17, 2008) (TX0006890719).
3. Principles of Macroeconomics (MANKIW) (4 th Edition) (September 26, 2006) (TX0006434453).
4. Principles of Economics (MANKIW) (4 th Edition) (September 29, 2006) (TX0006434553).
5. South-Western Federal Taxation: Individual Income Taxes 2009 (HOFFMAN/SMITH/WILLIS) (32 nd Edition) (February 12, 2009) (TX0006973312).
6. South-Western Federal Taxation: Comprehensive 2009 (WILLIS/HOFFMAN/MALONEY/RAABE) (32 nd Edition) (February 13, 2009) (TX0006972055).
7. West Federal Taxation: Taxation of Business Entities, Professional Edition 2008 (SMITH/RAABE/MALONEY) (11 th Edition) (June 4, 2007) (TX0006594098).
8. Payroll Accounting 2009 (BIEG/TOLAND) (19 th Edition) (February 13, 2009) (TX0006931803).
9. Fundamentals of Financial Management (BRIGHAM/HOUSTON) (12 th Edition) (September 18, 2009) (TX0007035007).
10. Financial Management: Theory and Practice (BRIGHAM/EHRHARDT) (12 th Edition) (May 9, 2007) (TX0006560448).
11. Management (DAFT) (8 th Edition) (May 9, 2007) (TX0006577475).
12. Investment Analysis and Portfolio Management (REILLY/BROWN) (9 th Edition) (December 19, 2008) (TX0006920176).
13. Intermediate Financial Management (BRIGHAM/DAVES) (9 th Edition) (September 29, 2006) (TX0006438595).
14. Introductory Econometrics: A Modern Approach (WOOLDRIDGE) (4 th Edition) (May 27, 2008) (TX0006853299).
15. Statistics for Business and Economics (ANDERSON/SWEENEY/WILLIAMS) (10 th Edition) (July 14, 2008) (TX0006855701).
16. Cost Accounting: Foundations and Evolutions (KINNEY/RAIBORN) (7 th Edition) (March 28, 2008) (TX0006843770).
17. Accounting (WARREN/REEVE/DUCHAC) (22 nd Edition) (November 13, 2006) (TX0006480143).

Schedule D
"McGraw-Hill Copyrights"

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

1. Principles of Corporate Finance, Richard Brealey (8th Edition) (TX0006208921)
2. Advanced Financial Accounting Baker Lembke King 8th Edition Solutions Manual (TX0006994271)
3. Advanced Accounting Hoyle Schaefer Douppnik 9th Edition Solution Manual (TX0006976421)
4. Corporate Finance Ross Westerfield Jaffe 9th Edition Solution Manual (TX0007265582)
5. Principles of Auditing and Other Assurance Service Whittington Pany Solution Manual 17th Edition (TX0007226971)