

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

11 CIV 4886

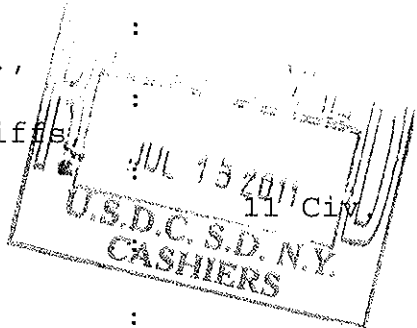
PEARSON EDUCATION, INC.,
JOHN WILEY & SONS, INC.,
CENGAGE LEARNING, INC. AND
THE MCGRAW-HILL COMPANIES, INC.,

Plaintiffs,

-against-

TUNG FUNG CHEUNG D/B/A ROBERT
WILLIAMS D/B/A KITWIL4EVER
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 Tung Fung Cheung d/b/a Robert Williams d/b/a KitWil4ever 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 unauthorized 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 Tung Fung Cheung d/b/a Robert Williams d/b/a KatWil4ever is a natural person currently residing at 853 48th Street, Brooklyn, New York 11220.

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 and e-books, including sales into the Southern District of New York, through online sales at websites and forums, including but not limited to, auctions.overstock.com, mysolutionsworld.blogspot.com, e-junkie.com and tradebit.com, using usernames including, but not limited to, Robert Williams and KitWil4Ever, and e-mail addresses including, but not limited to, payloadztrade@gmail.com, eded2011@gmail.com, rwrw2011@gmail.com, dpdp2011@gmail.com and ebook.group2011@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
July 15, 2011

DUNNEGAN LLC

By Samantha Morrissey

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Schedule A
"Pearson Copyrights"

Title, Author (Edition) (Registration Date) (Registration Number)
1. Modern Control Engineering, Ogata (5 th Edition) (December 15, 2009) (TX0007125156)
2. A Balanced Introduction to Computer Science, Reed (3 rd Edition) (December 31, 2007) (TX0006956543)
3. Probability and Statistical Inference, Hogg (8 th Edition) (TX0007012433)
4. A First Course in Probability, Ross (7 th Edition) (January 17, 2006) (TX0006304470)
5. Accounting Information Systems, Romney (11 th edition) (March 24, 2008) (TX0006996489)
6. Introduction to Financial Accounting, Horngren (10 th Edition) (November 16, 2010) (TX0007291474)
7. Accounting, Horngren (7 th edition) (February 2, 2007) (TX0006522916)
8. Advanced Accounting, Beams (10 th Edition) (October 22, 2008) (TX0006899994)
9. Auditing and Assurance Services: An Integrated Approach, Arens (12 th Edition) (April 13, 2007) (TX0006548957)
10. Basic Marketing Research: A Decision Making Approach, Malhotra (3 rd Edition) (November 4, 2008) (TX0006900606)
11. Beginning and Intermediate Algebra, Tobey (3 rd Edition) (July 28, 2009) (TX000707133)
12. Business Law, Cheeseman (7 th Edition) (April 23, 2009) (TX0007098708)
13. Elementary Statistics, Triola (11 th Edition) (January 16, 2009) (TX0007018726)
14. Engineering Mechanics: Statics and Dynamics, Bedford (5 th Edition) (September 6, 2007) (TX0006821471)
15. Entrepreneurial Finance: Finance for Small Business, Adelman (August 12, 2003) (TX0005783157)
16. Feedback Control of Dynamic Systems, Franklin (5 th Edition) (January 17, 2006) (TX0006293829)
17. Financial Accounting, Waybright (1 st Edition) (March 1, 2010) (TX0007147630)
18. Calculus and Its Applications, Goldstein (12 th Edition) (April 16, 2009) (TX0007248517)
19. Foundations of Microeconomics, Bade (5 th Edition) (March 9, 2010) (TX0007163453)
20. Human Resource Management, Dessler (12 th Edition) (March 9, 2010) (TX0007151406)
21. College Algebra: Enhanced with Graphing Utilities, Sullivan (5 th Edition) (April 11, 2008) (TX0006975098)

22. Integrated Advertising, Promotion, and Marketing Communications, Clow (4th Edition) (February 13, 2009) (TX0006939525)
23. Finite Mathematics and Its Applications, Goldstein (8th Edition) (April 29, 2003) (TX0005738264)
24. Human Anatomy, Martini (6th Edition) (May 20, 2009) (TX0006984851)
25. Fundamentals of Anatomy and Physiology, Martini (8th Edition) (March 29, 2011) (TX0007346267)

Schedule B
"Wiley Copyrights"

<u>Title</u>	<u>Author (Edition)</u>	<u>(Registration Date)</u>	<u>(Registration Number)</u>
1.	Physics (Solutions Manual), Halliday (5 th Edition)	(January 21, 2005)	(TX-6-101-286)
2.	Accounting Information Systems Controls and Processes, Leslie Turner (First Edition),	(May 11, 2009)	(TX-6-997-785)
3.	Accounting Principles, Jerry Weygandt (Eighth Edition)	(December 20, 2007)	(TX-6-954-905)
4.	Accounting Principles, Jerry Weygandt (Ninth Edition)	(April 16, 2010)	(TX-7-192-054)
5.	Advanced Accounting, Debra Jeter (Fourth Edition)	(March 25, 2011)	(TX-7-348-265)
6.	Advanced Calculus with Applications in Statistics, Andre Khuri (Second Edition)	(January 30, 2003)	(TX-5-667-244)
7.	Automatic Control Systems, Benjamin Kuo (Eighth Edition)	(November 20, 2002)	(TX-5-622-535)
8.	Basic Engineering Circuit Analysis, David Irwin (Seventh Edition)	(April 19, 2004)	(TX-5-973-103)
9.	Basic Engineering Circuit Analysis, David Irwin (Eighth Edition)	(February 10, 2005)	(TX-6-118-290)
10.	Calculus: Early Transcendentals, Howard Anton (Eighth Edition)	(March 23, 2005)	(TX-6-139-880)
11.	Chemical and Engineering Thermodynamics, Stanley Sandler (Third Edition)	(September 11, 1998)	(TX-4-852-935)
12.	Concepts in Biochemistry, Rodney Boyer (Third Edition)	(January 9, 2006)	(TX-6-300-692)
13.	Core Concepts of Accounting Information Systems, Nancy Bagronff (Tenth Edition)	(March 11, 2008)	(TX-6-844-066)
14.	Device Electronics for Integrated Circuits, Richard Muller (Third Edition)	(January 16, 2003)	(TX-5-654-600)
15.	Elementary Linear Algebra, Howard Anton (Ninth Edition)	(February 24, 2005)	(TX-6-173-767)
16.	Elementary Principles of Chemical Processes, Richard Felder (Third Edition)	(February 17, 2005)	(TX-6-116-656)
17.	Engineering Mechanics: Dynamics, J.L. Meriam (Fifth Edition)	(November 8, 2001)	(TX-5-539-471)
18.	Financial Accounting: IFRS Edition, Jerry Weygandt (First Edition)	(February 22, 2011)	(TX-7-328-417)
19.	Financial Accounting: Tools for Business Decision Making, Paul Kimmel (Fifth Edition)	(April 15, 2010)	(TX-7-166-080)
20.	Financial Institutions, Markets and Money, David Kidswell (Tenth Edition)	(July 28, 2010)	(TX-6-091-811)

21. Fundamentals of Computer Organization and Architecture, Mostafa Abb-El-Barr (First Edition) (February 1, 2005) (TX-6-091-811)
22. Fundamentals of Engineering Thermodynamics, Michael Moran (Sixth Edition) (March 17, 2008) (TX-6-982-352)
23. Fundamentals of Fluid Mechanics, Bruce Munson (Fifth Edition) (May 2, 2005) (TX-6-169-180)
24. Fundamentals of Fluid Mechanics, Bruce Munson (Sixth Edition) (May 3, 2010) (TX-7-180-154)
25. Fundamentals of Physics (Solutions Manual), David Halliday (Seventh Edition) (January 21, 2005) (TX-6-101-286)
26. Fundamentals of Physics, David Halliday (Eighth Edition) (March 11, 2005) (TX6-983-085)
27. Fundamentals of Telecommunications, Roger Freeman (Second Edition) (March 17, 2011) (TX-4-950-476)
28. Fundamentals of Thermodynamics, Claus Borgnakke (Seventh Edition) (May 4, 2010) (TX-7-177-087)
29. Government and Not For Profit Accounting Concepts and Practices, Michael Granoff (Fourth Edition) (March 11, 2008) (TX-6-845-409)
30. Intermediate Accounting, Donald Keiso (12th Edition) (August 3, 2006) (TX-6-408-031)
31. Intermediate Accounting, Donald Keiso (13th Edition) (March 25, 2011) (TX-7-350-089)
32. Introduction to Electric Circuits, Richard Dorf (Seventh Edition) (April 20, 2006)
33. Introduction to Solid State Physics, Charles Kittel (Eighth Edition) (January 18, 2005) (TX-6-091-587)
34. Managerial Accounting, James Jiambalvo (Fourth Edition) May 4, 2010) (TX-7-712-095)
35. Managerial Accounting Tools For Business Decision Making, Jerry Weygandt (Fifth Edition) (November 19, 2010) (TX-7-311-538)
36. Managerial Economics, William Samuelson (Sixth Edition) (April 30, 2010) (TX-7-311-538)
37. Mechanics of Materials, William Riley (Sixth Edition) (June 19, 2-6) (TX-6-368-212)
38. Modern Auditing Assurance Services and The Integrity of Financial Reporting, William Boynton (Eighth Edition) (October 11, 2005) (TX-6-245-639)
39. Project Management: A Managerial Approach, Jack Merideth (Sixth Edition) (January 24, 2006) (TX-9-273-440)
40. Quantum Physics, Stephen Gasiorowicz (Third Edition) (June 19, 2003) (TX-5-740-529)
41. Solid State Physics Problems and Solutions, Laszlo Mihaly (First Edition) (January 29, 1996) (TX-4345-055)

42. Statistical Digital Signal Processing and Modeling, M.H. Hayes (First Edition) (May 23, 1996) (TX-4-294-661)

Schedule C
"Cengage Copyrights"

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

1. Managerial Economics, Hirschey (12th Edition) (March 28, 2008) (TX0006842708)
2. Accounting, Warren/Reeve/Duchac (23rd Edition) (November 13, 2006) (TX0006480143)
3. Accounting: Concepts and Applications, Albrecht/Stice/Stice/Skousen (10th Edition) (May 9, 2007) (TX0006577433)
4. Accounting Information Systems, Hall (6th Edition) (March 28, 2008) (TX0006843764)
5. Accounting Information Systems, Gelinas/Dull (8th Edition) (September 18, 2009) (TX0006547786)
6. Advanced Accounting, Fischer/Cheng/Taylor (9th Edition) (January 3, 2006) (TX0006274172)
7. An Introduction to Derivatives and Risk Management, Chance/Brooks (7th Edition) (October 6, 2006) (TX0006453399)
8. An Introduction to Management Science: Quantitative Approaches to Decision Making, Anderson/Sweeny/Williams/Mart (12th Edition) (October 10, 2007) (TX0006865345)
9. Analytical Mechanics, Fowles/Cassiday (7th Edition) (April 6, 2004) (TX0005948682)
10. Anderson's Business Law and the Legal Environment, Comprehensive Volume, Twomey/Jennings (20th Edition) (May 9, 2007) (TX0006560083)
11. Auditing: A Business Risk Approach, Rittenber/Schweiger/Johnstone (6th Edition) (May 29, 2006) (TX0006583787)
12. Bank Management, Koch/Macdonald (7th Edition) (September 3, 2009) (TX0007039097)
13. Business and Professional Ethics for Directors, Executives, and Accountants, Brooks (4th Edition) (September 26, 2009) (TX0006425925)
14. Business and Society: Ethics and Stakeholder Management, Carroll/Buchholtz (7th Edition) (April 9, 2008) (TX0006850051)
15. Business Analysis and Valuation: Using Financial Statements, Text and Cases, Palepu/Healy (4th Edition) (August 27, 2007) (TX0006814141)

Schedule D
"McGraw-Hill Copyrights"

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

1. Principles of Auditing and Other Assurance Services,
Whittington (17th Edition) (September 28, 2009)
(TX0007226971)
2. Advanced Financial Accounting, Baker (8th Edition) (June 18,
2009) (TX0006994271)
3. Corporate Finance, Ross/Westerfield/Jaffe (9th Edition)
(September 28, 2010) (TX0007265582)
4. Advanced Accounting Solutions Manual, Hoyle/Schaefer/Doupnik
(9th Edition) (May 27, 2009) (TX0006976421)
5. Managerial Accounting, Garrison (12th Edition) (July 9, 2010)
(TX0007221129)