

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

11: CIV 9096

EDGE SCHEINDLIN

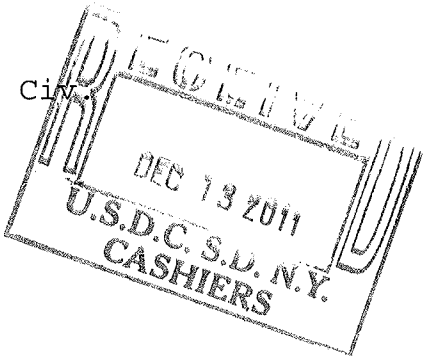
Plaintiffs,

-against-

11 Civ

JOHN DOE D/B/A COPING IN COLLEGE
AND JOHN DOE NOS. 1-5,

Defendants.



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COMPLAINT

Plaintiffs Pearson Education, Inc. ("Pearson"), John Wiley & Sons, Inc. ("Wiley") and The McGraw-Hill Companies, Inc. ("McGraw-Hill"), by their undersigned attorneys, for their complaint against defendants John Doe d/b/a Coping in College 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. 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.

7. Upon information and belief, defendant John Doe d/b/a Coping in College is a natural person currently residing in the United States whose identity and location is currently unknown to plaintiffs.

8. 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

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

10. 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.

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. 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.

14. 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

15. Plaintiffs routinely register their copyrights. Pearson has generally registered its copyrights in its works, including the works on Schedule A (the "Pearson Copyrights").

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

17. McGraw-Hill has generally registered its copyrights in its works, including the works on Schedule C (the "McGraw-Hill Copyrights").

The Infringing Acts of Defendants

18. 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, pdfcast.org/pdf/solution-manuals-instructor-manuals-and-test-banks, topix.com, copingincollege.weebly.com, facebook.com and slideshare.net/copingincollege, using usernames including, but not limited to, "Coping in College," and e-mail addresses including, but not limited to, copingincollege@yahoo.com and trendybags2008@yahoo.com.

CLAIM FOR RELIEF

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

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

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

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

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

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

24. Defendants have infringed the Pearson, Wiley 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 and McGraw-Hill Copyrights.

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

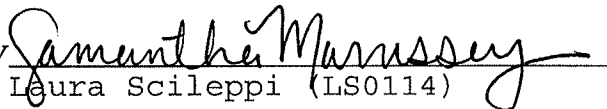
B. Awarding plaintiffs their damages or defendants' profits, or alternatively, at plaintiffs' election, statutory damages, as a result of defendants' willful infringement of the Pearson, Wiley and McGraw-Hill Copyrights;

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
December 13, 2011

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Schedule A
"Pearson Copyrights"

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

1. Auditing and Assurance Services, Arens (13th Edition) (April 2, 2009) (TX0006968258)
2. Applied Partial Differential Equations, Haberman (4th Edition) (April 29,2003) (TX0005736755)
3. Auditing Cases: An Interactive Learning Approach, Beasley (4th Edition) (April 22,2009) (TX0006969203)
4. A Course in Probability, Weiss (1st Edition) (March 4, 2005) (TX0006140222)
5. A First Course in Probability, Ross (8th Edition) (January 21,2009) (TX0007016155)
6. A Graphical Approach to Algebra and Trigonometry, Hornsby (5th Edition) (February 24,2010) (TX0007146489)
7. A History of Mathematics: An Introduction, Katz (3rd Edition) (July 31,2008) (TX0006966054)
8. Absolute C++, Savitch (3rd Edition) (May 4,2007) (TX0006579170)
9. Absolute Java, Savitch (4th Edition) (March 25,2009) (TX0007031718)
10. Accounting Information Systems, Romney (11th Edition) (March 24,2008) (TX0006996489)
11. Accounting Information Systems, Bodnar (10th Edition) (October 27,2009) (TX0007073739)
12. Advanced Accounting, Beams (10th Edition) (October 22, 2008) (TX0006899994)
13. Advanced Engineering Mathematics, Greenberg (2nd Edition) (January 22,1998) (TX0004699356)
14. Aerodynamics for Engineers, Bertin (5th Edition) (November 17,2010) (TX0007346329)
15. Algebra & Trigonometry: Enhanced with Graphing Utilities, Sullivan (5th Edition) (January 17,2008) (TX0007347066)
16. Algebra and Trigonometry, Beecher (3rd Edition) (February 16,2007) (TX0006520320)
17. Algebra: Pure & Applied, Papantonopoulou (1st Edition) (July 11, 2001) (TX0005407341)
18. An Engineer's Guide to MATLAB: with Applications from Mechanical, Aerospace, Electrical, Civil, and Biological Systems Engineering, Magrab (3rd Edition) (March 31,2010) (TX0007159654)
19. An Introduction to Mathematical Statistics and Its Applications, Larsen (5th Edition) (December 23, 2010) (TX0007300233)

Schedule B
"Wiley Copyrights"

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

1. Accounting Principles, Jerry Weygandt (8th Edition)
(December 20, 2007) (TX0006954905)
2. Accounting Principles, Jerry Weygandt (9th Edition) (April
16, 2010) (TX0007192054)
3. Accounting Principles, Volume I: Chapters 1-12, Instructor's
Manual, Jerry Weygandt (9th Edition) (August 29, 2011)
(TX0007420228)
4. Accounting Principles, Volume II: Chapters 13-26,
Instructor's Manual, Jerry Weygandt (9th Edition) (August 29,
2011) (TX0007420235)
5. Advanced Engineering Mathematics, Erwin Kreyszig (9th
Edition) (December 19, 2005) (TX0006287796)
6. Business Data Communications and Networking, Jerry
Fitzgerald (10th Edition) (April 20, 2010) (TX0007166889)
7. Financial Accounting: Tools for Business Decision Making,
Paul Kimmel (4th Edition) (April 20, 2006) (TX0006355329)
8. Fundamentals of Human Resource Management, David DeCenzo (8th
Edition) (August 20, 2004) (TX0006013880)
9. Fundamentals of Human Resource Management, David DeCenzo (9th
Edition) (February 2, 2007) (TX0006525645)
10. Intermediate Accounting, Donald Kieso (12th Edition) (August
3, 2006) (TX0006408031)

Schedule C
"McGraw-Hill Copyrights"

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

1. Advanced Financial Accounting, Baker (8th Edition) (June 18, 2009) (TX0006994271)
2. Essentials of Corporate Finance, Ross (7th Edition) (April 20, 2010) (TX0007339012)
3. Corporate Finance, Ross (8th Edition) (November 24, 2006) (TX0006459761)
4. International Economics, Pugel (12th Edition) (October 14, 2003) (TX0005825184)
5. Essentials of Marketing, Perreault (11th Edition) (May 20, 2010) (TX0007184388)
6. Economics, McConnell (17th Edition) (July 24, 2008) (TX0007010463)