

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**PLAINTIFFS**  
Hachette Book Group, Inc., HarperCollins Publishers LLC, John Wiley & Sons, Inc., and Penguin Random House LLC

**DEFENDANTS**  
Internet Archive and Does 1 through 5, inclusive

**ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**  
Davis Wright Tremaine LLP, 1251 Avenue of the Americas, 21st Floor, New York, NY 10020 (212) 489-8230; Oppenheim + Zembrak, LLP, 4530 Wisconsin Avenue, NW, 5th Floor, Washington, DC 20016 (202) 480-2999

**ATTORNEYS (IF KNOWN)**  
Davis Wright Tremaine: Elizabeth A. McNamara, Linda Steinman, John M. Browning, Meredith I. Santana. Oppenheim + Zembrak: Matthew J. Oppenheim, Scott A. Zembrak (pro hac vice motion forthcoming).

**CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)**  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Copyright Infringement Under 17 U.S.C. § 101, et seq.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

Is THIS AN INTERNATIONAL ARBITRATION CASE? No  Yes

(PLACE AN [x] IN ONE BOX ONLY)

**NATURE OF SUIT**

TORTS		ACTIONS UNDER STATUTES			
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL	[ ] 625 DRUG RELATED	[ ] 422 APPEAL	[ ] 375 FALSE CLAIMS
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	INJURY/PRODUCT LIABILITY	[ ] 625 DRUG RELATED	28 USC 158	[ ] 376 QUI TAM
[ ] 130 MILLER ACT	LIABILITY	[ ] 365 PERSONAL INJURY	SEIZURE OF PROPERTY	[ ] 423 WITHDRAWAL	[ ] 400 STATE
[ ] 140 NEGOTIABLE	[ ] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	21 USC 881	28 USC 157	REAPPORTIONMENT
INSTRUMENT	SLANDER	[ ] 368 ASBESTOS PERSONAL	[ ] 690 OTHER		[ ] 410 ANTI TRUST
[ ] 150 RECOVERY OF	[ ] 330 FEDERAL	INJURY PRODUCT			[ ] 430 BANKS & BANKING
OVERPAYMENT &	EMPLOYERS'	LIABILITY	<b>PROPERTY RIGHTS</b>		[ ] 450 COMMERCE
ENFORCEMENT	LIABILITY		[x] 820 COPYRIGHTS		[ ] 460 DEPORTATION
OF JUDGMENT	[ ] 340 MARINE	<b>PERSONAL PROPERTY</b>	[ ] 830 PATENT		[ ] 470 RACKETEER INFLU-
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT	[ ] 370 OTHER FRAUD	[ ] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		ENCED & CORRUPT
[ ] 152 RECOVERY OF	LIABILITY	[ ] 371 TRUTH IN LENDING	[ ] 840 TRADEMARK		ORGANIZATION ACT
DEFAULTED	[ ] 350 MOTOR VEHICLE				(RICO)
STUDENT LOANS	[ ] 355 MOTOR VEHICLE				[ ] 480 CONSUMER CREDIT
(EXCL VETERANS)	PRODUCT LIABILITY				[ ] 490 CABLE/SATELLITE TV
[ ] 153 RECOVERY OF	[ ] 360 OTHER PERSONAL	[ ] 380 OTHER PERSONAL	<b>LABOR</b>	<b>SOCIAL SECURITY</b>	
OVERPAYMENT	INJURY	PROPERTY DAMAGE	[ ] 710 FAIR LABOR	[ ] 861 HIA (1395ff)	[ ] 850 SECURITIES/
OF VETERAN'S	[ ] 362 PERSONAL INJURY -	PRODUCT LIABILITY	STANDARDS ACT	[ ] 862 BLACK LUNG (923)	COMMODITIES/
BENEFITS	MED MALPRACTICE	[ ] 385 PROPERTY DAMAGE	[ ] 720 LABOR/MGMT	[ ] 863 DIWC/DIWW (405(g))	EXCHANGE
[ ] 160 STOCKHOLDERS		PRODUCT LIABILITY	RELATIONS	[ ] 864 SSID TITLE XVI	
SUITS			[ ] 740 RAILWAY LABOR ACT	[ ] 865 RSI (405(g))	[ ] 890 OTHER STATUTORY
[ ] 190 OTHER		<b>PRISONER PETITIONS</b>	LEAVE ACT (FMLA)		ACTIONS
CONTRACT		[ ] 463 ALIEN DETAINEE	[ ] 751 FAMILY MEDICAL	<b>FEDERAL TAX SUITS</b>	[ ] 891 AGRICULTURAL ACTS
[ ] 195 CONTRACT	<b>ACTIONS UNDER STATUTES</b>	[ ] 510 MOTIONS TO	[ ] 790 OTHER LABOR	[ ] 870 TAXES (U.S. Plaintiff or	
PRODUCT	<b>CIVIL RIGHTS</b>	VACATE SENTENCE	LITIGATION	Defendant)	[ ] 893 ENVIRONMENTAL
LIABILITY	[ ] 440 OTHER CIVIL RIGHTS	28 USC 2255	[ ] 791 EMPLOYMENT INC	[ ] 871 IRS-THIRD PARTY	MATTERS
[ ] 196 FRANCHISE	(Non-Prisoner)	[ ] 530 HABEAS CORPUS	SECURITY ACT (ERISA)	26 USC 7609	[ ] 895 FREEDOM OF
	[ ] 441 VOTING	[ ] 535 DEATH PENALTY			INFORMATION ACT
<b>REAL PROPERTY</b>	[ ] 442 EMPLOYMENT	[ ] 540 MANDAMUS & OTHER	<b>IMMIGRATION</b>		[ ] 896 ARBITRATION
[ ] 210 LAND	[ ] 443 HOUSING/		[ ] 462 NATURALIZATION		[ ] 899 ADMINISTRATIVE
CONDEMNATION	ACCOMMODATIONS	<b>PRISONER CIVIL RIGHTS</b>	APPLICATION		PROCEDURE ACT/REVIEW OR
[ ] 220 FORECLOSURE	[ ] 445 AMERICANS WITH	[ ] 550 CIVIL RIGHTS	[ ] 465 OTHER IMMIGRATION		APPEAL OF AGENCY DECISION
[ ] 230 RENT LEASE &	DISABILITIES -	[ ] 555 PRISON CONDITION	ACTIONS		[ ] 950 CONSTITUTIONALITY OF
EJECTMENT	EMPLOYMENT	[ ] 560 CIVIL DETAINEE			STATE STATUTES
[ ] 240 TORTS TO LAND	[ ] 446 AMERICANS WITH	CONDITIONS OF CONFINEMENT			
[ ] 245 TORT PRODUCT	DISABILITIES -OTHER				
LIABILITY	[ ] 448 EDUCATION				
[ ] 290 ALL OTHER					
REAL PROPERTY					

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13? IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND:  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Recopened
- 5 Transferred from (Specify District)
- 6 Multidistrict Litigation (Transferred)
- 7 Appeal to District Judge from Magistrate Judge
- a. all parties represented
- b. At least one party is pro se.
- 8 Multidistrict Litigation (Direct File)

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- 1 U.S. PLAINTIFF
- 2 U.S. DEFENDANT
- 3 FEDERAL QUESTION (U.S. NOT A PARTY)
- 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] DEF [ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [ ] DEF [ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] DEF [ ]
CITIZEN OF ANOTHER STATE	[ ] 2 [ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6 [ ] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Hachette Book Group, Inc., 1290 6th Ave, New York, NY 10104, New York County  
 HarperCollins Publishers LLC, 195 Broadway, New York, NY 10007, New York County  
 John Wiley & Sons, Inc., 111 River Street, Hoboken, NJ 07030, Hudson County  
 Penguin Random House LLC, 1745 Broadway, New York, NY 10019, New York County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Internet Archive  
 300 Funston Avenue  
 San Francisco, CA 94118  
 San Francisco County

DEFENDANT(S) ADDRESS UNKNOWN

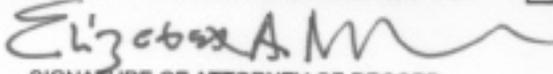
REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Does 1 through 5

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN

DATE 6/1/2020  
  
 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT  
 NO  
 YES (DATE ADMITTED Mo. 02 Yr. 1982)  
 Attorney Bar Code # 1930643

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)