

distributed, and offered to distribute through and into this district study notes that infringe on Wiley's copyrighted Works.

PARTIES

5. Plaintiff John Wiley & Sons, Inc. is a corporation organized under the laws of the State of New York with its principal place of business located at 111 River Street, Hoboken, New Jersey.

6. Plaintiff John Wiley & Sons, Ltd. is a corporation organized under the laws of England and Wales with a principal place of business located at The Atrium, Southern Gate, Chichester, West Sussex, England.

7. Plaintiff John Wiley & Sons Singapore Pte. Ltd. is a corporation organized under the laws of Singapore with a principal place of business located at 1 Fusionopolis Walk, #07-01 Solaris, South Tower, Singapore.

8. Defendant Bionic Turtle LLC is a California limited liability company with its principal place of business located at 31042 Hawksmoor Drive, Rancho Palos Verdes, California.

9. Defendant David Harper is an individual residing at 31042 Hawksmoor Drive, Rancho Palos Verdes, California and is the sole manager of Bionic Turtle.

GENERAL ALLEGATIONS

10. John Wiley & Sons, Inc. is a 212-year-old publisher whose publications include physical and digital books, as well as online test preparation courses. John Wiley & Sons, Inc. and its subsidiaries John Wiley & Sons Singapore Pte. Ltd. and John Wiley & Sons, Ltd. publish a broad array of non-fiction works, many of which are geared toward students and lifelong

learners. Wiley's works are widely available in the marketplace, including from Wiley as well as physical and online bookstores. Wiley also licenses portions of its works.

THE WORKS

11. The Works concern financial risk management. Wiley published the Works between 2002 and 2018. Each Work is original content created by the individual authors of each Work. The authors have assigned the copyrights -- or granted exclusive licenses -- in the Works to Wiley. The titles of the Works, their ISBNs, the copyright registration numbers, and the identity of the copyright owners/exclusive licensees are set forth in Exhibit A.

12. The authors of the Works are well-known in the field of finance or financial risk management. Signing well-known authors in the fields of finance or financial risk management requires extensive negotiations because there are at least 10 other major publishers, and many smaller publishers, who would like to publish their works.

13. The content of the Works is also competitive – meaning that there are not many similar books in the market that are written by authors who are well-known in their field. The combination of the field, author, and competitive content of the Works results in valuable books. In this case, many of the Works have list prices between \$100 and \$200.

14. Development of the Works takes place over a 12-18-month period. After the author and Wiley agree on a table of contents for a work, the authors draft manuscripts for the works and submit these to Wiley. Wiley reviews, edits, and provides support in further developing the manuscript, at which points the authors do another round of writing and editing. Upon Wiley's acceptance of the books, Wiley copyedits, proof-reads, typesets and creates a cover design for the book, among other things. The book is printed and a marketing plan is

developed, which entails advertising, search engine optimization, web development, and branding for the book.

15. The authors of the Works are each paid a royalty based on Wiley's sales of the Works. That means that the authors only realize a financial return if Wiley is able to sell the Works.

FRM EXAMINATION PREPARATION

16. The Financial Risk Manager ("FRM") certification is offered by the Global Association of Risk Managers ("GARP"). In order to receive the FRM certification, a student must pass both Parts I and II of the FRM examination. The FRM curriculum consists of topics related to finance and risk management, including market, credit, and operational risk; investment and portfolio management; financial analysis; and more. Wiley licenses many of the Works to Pearson Education Inc., who publishes the FRM curriculum for GARP.

17. Bionic Turtle is one of approximately 8-12 significantly sized companies (including Wiley) offering online test preparation products to students who sit for the FRM examination. These companies are trying to capture the business of the approximately 50,000 students who enroll annually in a test preparation course prior to sitting for the FRM exam.

18. Creating test preparation materials is an arduous process. It involves locating authors versed in the subject matter, contracting with them to prepare appropriate materials, and preparing the materials. Materials include written instruction (including study guides), lessons, online practice examinations, test banks, and explanations of correct answers. Marketing and sales channels, similar to those discussed in Paragraph 14 with regard to books, must be opened.

DEFENDANTS' INFRINGING CONDUCT

19. Bionic Turtle prepares and sells “study packages” that include study notes, instructional videos, questions sets, mock exams, interactive quizzes, and other materials to assist students who are preparing to take the FRM exam. Bionic Turtle charges \$399 to \$799 for its study packages for Parts I and II of the FRM exam.

20. Bionic Turtle plainly states that David Harper is the author of the study notes.

21. Bionic Turtle, by David Harper, copied portions of the Works and used them in the study notes without permission. Upon information and belief, David Harper copied portions of the FRM exam curriculum, which includes portions of many of the Works, which were licensed from Wiley by Pearson Education Inc.

22. Defendants’ copying of the Works is blatant. There are pages and pages of verbatim copying from the Works. An example of Defendants’ infringement is attached as Exhibit B. The yellow highlighted portions of the exhibit show word-for-word copying from the Wiley Work “Enterprise Risk Management: From Incentives to Controls, 2nd Edition.”

23. Indeed, even when the copying is not word-for-word, there are instances where the only differences are minor grammar changes.

24. Rather than investing time and money into preparing original content, Defendants stole from the Works. The sheer volume of infringing content in the Bionic Turtle study notes indicates that Defendants knew or should have known that its study notes infringed the Works.

25. Upon information and belief, Bionic Turtle distributed the infringing study notes as part of Bionic Turtle’s study packages to thousands of individual purchasers, including purchasers who reside in this district.

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