

From: [REDACTED] </O=ITHAKA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=[REDACTED]>
Sent: Monday, July 11, 2011 2:07 PM
To: 'Heymann, Stephen (USAMA)' <Stephen.Heymann@usdoj.gov>
Subject: RE: Number of Articles Downloaded

The answer is that it depends, but in MIT's case generally yes.

Journals (and thus, articles) are offered to institutions through "Collections". Some institutions subscribe to all collections. In the fall of '10, MIT subscribed to 8 out of 9 collections (I am checking on when that 9th collection was released). Some institutions sign up for select collections. PSS is a way for users – not institutions – to purchase individual articles that aren't made available by the user's affiliated institution (or if a user is not affiliated with an institution).

Know that all content in the PSS program is available in the Collections offered by JSTOR. But, not all content available in the Collections is available via PSS. PSS is an opt-in program for publishers.

From: Heymann, Stephen (USAMA) [mailto:Stephen.Heymann@usdoj.gov]
Sent: Monday, July 11, 2011 1:49 PM
To: [REDACTED]
Subject: RE: Number of Articles Downloaded

[REDACTED]

If you are a subscriber like MIT, do you get free access to the articles in the PSS program as part of your subscription? Or are the articles in the PSS program only made available outside of your subscription programs and for an additional fee?

Steve

From: [REDACTED]@ithaka.org]
Sent: Tuesday, June 21, 2011 4:07 PM
To: Heymann, Stephen (USAMA)
Cc: [REDACTED]
Subject: FW: Number of Articles Downloaded
Importance: High

Hi Steve,

Please see the responses to your questions below. Re Q4, you will note that the time frame is for end of May. The numbers have not changed significantly since January.

[REDACTED]

From: [REDACTED]
Sent: Tuesday, June 21, 2011 3:53 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Number of Articles Downloaded
Importance: High

Q1. This is correct. By our count, a total of 4,851,872 distinct articles were downloaded between those dates from the MIT IP addresses specified in the subpoena.

Q2. This is correct. Of the 4.8M articles downloaded, we determined that 1,735,935 were part of the PSS program at the time of download.

Q3. I believe this is (mostly) correct. The average price of the 1.7M PSS articles downloaded in this case was \$14.28. I don't have an average price for all PSS content yet, but \$13 seems reasonable. And yes, JSTOR generally receives a \$4 service charge for each article purchased via the PSS program. I understand that a handful of Publishers have negotiated a different (lower) rate with us, but the vast majority are \$4.

Q4. As of the end of May we show a total of 6,695,749 articles on-line. Of those, I find that 3,618,201 are identified as being available for purchase via PSS.

Q5. Participation in PSS is an opt-in by individual Publishers and is done on a journal-by-journal basis. Within included journals, a Publisher will often exclude certain article types and/or individual articles. We track PSS participation in a database and use this to determine whether to offer specific articles for purchase. They do not have different file names per se; rather we know which titles are included in the program through the agreements the publishers have signed with us.

From: Heymann, Stephen (USAMA) [mailto:Stephen.Heymann@usdoj.gov]

Sent: Tuesday, June 21, 2011 11:58 AM

To: [REDACTED]

Cc: [REDACTED]@debevoise.com>

Subject: Number of Articles Downloaded

[REDACTED]

Please let me know whether you want a separate subpoena for what I am about to ask, but I think it is covered by earlier subpoenas to JSTOR. Are the following facts correct? If not, can you correct them.

- Between September 25, 2010 and January 6, 2011, 4.8 million articles were downloaded to MIT IP addresses which were involved in systematic excessive downloads during this period.
- Of these, 1.7 million articles were articles made available by publishers through JSTOR's Publisher Sale Service.
- The average article sells for \$13, of which JSTOR earns \$4.

Two other questions (not covered by previous subpoena, but, again, let me know if you need one).

- Approximately how many articles in total does JSTOR have in its database? How many in its Publisher Sales Program?
- How by file name can you distinguish Publisher Sales Service documents from others? By the face of the document?

Thank you, Steve