

ADDENDUM B

Issues Proposed To Be Raised On Appeal

- Does a preliminary injunction against the publication of a transformative work constitute an impermissible prior restraint where the defendants have presented a colorable fair use defense?

Standard of Review: De Novo

- Is *60 Years* substantially similar to the copyright-protected elements of *Catcher* and the character Holden Caulfield?

Standard of Review: De Novo

- Is *60 Years* a fair use of *Catcher* and the character Holden Caulfield?

Standard of Review: De Novo

- Is fair use limited to critical commentary on the specific copyrighted work, or may it be grounded in comment on the author and his views as reflected in his work?

Standard of Review: De Novo

- In light of the Supreme Court's decision in *eBay, Inc. v. MercExchange*, 547 U.S. 388 (2006), must a plaintiff demonstrate irreparable harm to obtain a preliminary injunction barring publication of a transformative work?

Standard of Review: De Novo

- Would the publication of *60 Years* irreparably damage the actual and potential market for derivative works of *Catcher*?

Standard of Review: De Novo

- Does the District Court's failure to require plaintiff to post a bond require reversal of the grant of an injunction?

Standard of Review: De Novo