

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

BMG RIGHTS MANAGEMENT)	
(US) LLC, and ROUND HILL)	
MUSIC LP)	
)	
Plaintiffs,)	
)	
v.)	
)	
COX COMMUNICATIONS, INC. and)	
COXCOM, LLC)	
Defendants.)	
)	

Case No. 1:14-cv-1611(LOG/JFA)

**BMG RIGHTS MANAGEMENT (US) LLC AND ROUND HILL MUSIC LP’S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56, Plaintiffs BMG Rights Management (US) LLC and Round Hill Music LP (the “Copyright Holders”) respectfully move this Court for partial summary judgment as to (a) the validity and ownership of the copyrights at issue and (b) Defendants’ (“Cox”) asserted safe harbor defense under the Digital Millennium Copyright Act (DMCA), 17 U.S.C. § 512. Specifically, the Copyright Holders seek judgment that:

- The copyrights set forth in Appendices A1-A102 to the attached R. Briggs Declaration and Appendices A1-A5 of the attached N. Gillis Declaration are valid copyrights that the Copyright Holders own.
- As a third-party to the assignments of the copyrights set forth in Appendices A1-A102 to the attached R. Briggs Declaration and Appendices A1-A5 of the attached N. Gillis Declaration, Cox cannot challenge the Copyright Holders’ ownership of those copyrights.
- Cox has not met the requirements for safe harbor under the DMCA, and thus Cox cannot assert or claim their safe harbor defense (Defendants’ Answer, Affirmative

and other Defenses ¶15) to the Copyright Holders' vicarious and contributory copyright infringement claims.

The grounds and authorities in support of this motion are set forth in the Copyright Holders' Memorandum in Support of Their Motion for Partial Summary Judgment and the attached supporting declarations and exhibits.

Respectfully submitted,

/s/ Jeremy D. Engle _____

Jeremy D. Engle (VSB No. 72919)
jengle@steptoe.com
Paul Gennari (VSB No. 46890)
pgennari@steptoe.com
STEPTOE & JOHNSON, LLP
1330 Connecticut Ave, NW
Washington, DC 20036
Tel.: (202) 429-3000
Fax: (202) 429-3902

Walter D. Kelley, Jr. (VSB No. 21622)
HAUSFELD, LLP
1700 K Street, NW
Washington, DC 20006
Tel: (202) 540-7157
Fax: (202) 540-7201

Of Counsel

Michael J. Allan (admitted *pro hac vice*)
William G. Pecau (admitted *pro hac vice*)
John M. Caracappa (admitted *pro hac vice*)
Roger E. Warin (admitted *pro hac vice*)
Jeffrey M. Theodore (admitted *pro hac vice*)
Stephanie L. Roberts (admitted *pro hac vice*)
STEPTOE & JOHNSON, LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
Tel.: (202) 429-3000
Fax: (202) 429-3902

Michael O. Crain

Crain Law Group, LLC
The Bottleworks
297 Prince Avenue, Suite 24
Athens, Georgia 30601
Tel. (706) 548-0970
Fax: (706) 369-8869

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2015, I electronically filed a true and correct copy of the foregoing using the Court's CM/ECF system, which then sent a notification of such filing (NEF) to all counsel of record:

Craig C. Reilly (VSB No. 20942)
craig.reilly@ccreillylaw.com

/s/ Jeremy D. Engle
Jeremy D. Engle (VSB No. 72919)
jengle@steptoe.com
STEPTOE & JOHNSON, LLP
1330 Connecticut Ave, NW
Washington, DC 20036
Tel.: (202) 429-3000
Fax: (202) 429-3902

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA**

**BMG RIGHTS MANAGEMENT)
(US) LLC, and ROUND HILL)
MUSIC LP)**

Plaintiffs,)

v.)

Case No. 1:14-cv-1611(LOG/JFA)

**COX COMMUNICATIONS, INC. and)
COXCOM, LLC)**

Defendants.)

_____)

**[PROPOSED] ORDER GRANTING PLAINTIFF’S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Having considered Plaintiffs’ Motion for Partial Summary Judgment, filed September 21, 2015, and good cause appearing therefor, it is hereby ORDERED that the Motion is GRANTED.

It is so ORDERED this _____ day of _____, 2015.

Liam O’Grady
United States District Judge