

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FILED IN CHAMBERS  
U.S.D.C. - Atlanta

CAMBRIDGE UNIVERSITY PRESS;  
OXFORD UNIVERSITY PRESS, INC.;  
SAGE PUBLICATIONS, INC.

Plaintiffs,

v.

CIVIL ACTION NO.  
1:08-CV-1425-ODE

MAY 18 2011

JAMES N. HATTEN, Clerk  
By: 

Deputy Clerk

MARK P. BECKER, in his official capacity as President of Georgia State University; RISA PALM, in her official capacity as Senior Vice President for Academic Affairs and Provost of Georgia State University; J.L. ALBERT, in his official capacity as Georgia State University Associate Provost for Information Systems and Technology; NANCY SEAMANS, in her official capacity as Dean of Libraries at Georgia State University; ROBERT F. HATCHER, in his official capacity as Vice Chair of the Board of Regents of the University System of Georgia; KENNETH R. BERNARD, JR., JAMES A BISHOP, FREDERICK E. COOPER, LARRY R. ELLIS, FELTON JENKINS, W. MANSFIELD JENNINGS, JR., JAMES R. JOLLY, DONALD M. LEEBERN, JR., WILLIAM NESMITH, JR., DOREEN STILES POITEVINT, WILLIS J. POTTS, JR., WANDA YANCEY RODWELL, KESSEL STELLING, JR., BENJAMIN J. TARBUTTON, III, RICHARD L. TUCKER, ALLAN VIGIL, and LARRY WALKER, in their official capacities as members of the Board of Regents of the University System of Georgia

Defendants.

ORDER

This civil case is before the Court on two Motions in Limine filed by Plaintiffs [Doc. 273 and Doc. 274], to which Defendants responded in opposition [Doc. 289 and Doc. 290] and Plaintiffs have replied [Doc. 298 and Doc. 304]; and two Motions in Limine filed by Defendants [Doc. 272 and Doc. 277], to which Plaintiffs have

responded in opposition [Doc. 287 and Doc. 288] and Defendants have replied [Doc. 301 and Doc. 302]. After considering the parties' arguments, the Court rules as follows:

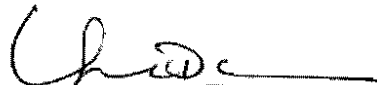
Plaintiffs' Motion in Limine to Overrule Objections to Evidence of Alleged Infringements [Doc. 273] is GRANTED in part and DENIED in part. Plaintiffs moved this Court to overrule three of Defendants' specific objections to the evidence of the alleged infringements in the parties' March 15, 2011 Joint Filing: (1) the objection that an exclusive license to publish a work does not confer standing to bring a copyright infringement claim; (2) the objection that copyright registration is a prerequisite to a suit for infringement of works first published outside the United States; and (3) the objection that Plaintiffs should have produced "deposit copies" of each allegedly infringed work. Plaintiffs' Motion to Overrule Defendants' first objection is DENIED; Defendants are entitled to insist that Plaintiffs prove ownership of certain copyrights at trial to show they have standing to bring certain copyright infringement claims. Plaintiffs' Motion to Overrule Defendants' second objection is DENIED; Defendants are entitled to insist that Plaintiffs make certain factual showings at trial regarding whether certain allegedly infringed works are "foreign works." The Court GRANTS Plaintiffs' Motion to Overrule Defendants' third objection as to all allegedly infringed works for which Plaintiffs have provided copies of valid copyright registration certificates; for the allegedly infringed works for which copyright registration is still pending, the Court DENIES Plaintiffs' Motion to Overrule Defendants' third objection.

Plaintiffs' Motion in Limine to Preclude the Admission of Recently Created Fair Use Checklists [Doc. 274] is DENIED; the Court will allow Defendants to seek to authenticate the documents at trial.

Defendants' Motion in Limine to Exclude Irrelevant Evidence in Accordance with Order of September 30, 2010 [Doc. 272] is GRANTED; Plaintiffs are only permitted to introduce evidence of the alleged infringed works identified in Plaintiffs' August 20, 2010 filing and the parties' March 15, 2011 joint filing.

Defendants' Motion in Limine to Exclude Evidence of Alleged Infringement of Improperly-Asserted Copyrights [Doc. 277] is GRANTED. Plaintiffs may not introduce evidence related to alleged copyright infringement of works for which Plaintiffs have not produced a valid copyright registration certificate. Additionally, Plaintiffs may not introduce evidence related to alleged copyright infringement of works for which Plaintiffs have not provided any admissible evidence to show Plaintiffs' ownership of the copyright for the works.

SO ORDERED, this 12 day of May, 2011.

  
ORINDA D. EVANS  
UNITED STATES DISTRICT JUDGE