

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>MALIBU MEDIA, LLC,</b>	:	<b>CIVIL ACTION NO. 4:15-CV-2281</b>
	:	
<b>Plaintiff,</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>JOHN DOE subscriber assigned IP</b>	:	
<b>Address 71.58.216.197,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 8th day of November, 2018, upon consideration of the motion (Doc. 122) for summary judgment filed by plaintiff Malibu Media, LLC (“Malibu”), and the motion (Doc. 123) for summary judgment filed by defendant John Doe, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Malibu’s motion (Doc. 122) for summary judgment is GRANTED to the extent that there are no genuine disputes of material fact as to whether John Doe engaged in direct copyright infringement of the following 19 copyrights-in-suit: “Tantric Massage,” “One Night Stand,” “The Rich Girl Part #2,” “Just the Three of Us,” “One Show For Each,” “Four Ways,” “Sneaking In,” “A Little Rain Must Fall,” “Sparks,” “Tie Her Up For Me,” “Angelica means Angel,” “Sweet Awakening,” “Rock Me Baby,” “Fashion Models,” “Chloe Loves Carl Part 2,” “Give Me More Part 2,” “Above The Air,” “Coming Late,” and “Sexy En Noir.”
  
2. Malibu’s motion (Doc. 122) for summary judgment is further GRANTED to the extent that there are no genuine disputes of material fact and Malibu is entitled to summary judgment on the following of John Doe’s affirmative defenses: actual or implied license, unclean hands, estoppel, copyright misuse, *de minimis* infringement, innocent infringement, failure to mitigate, accord and satisfaction, and failure to state a claim for injunctive relief.

3. John Doe's motion (Doc. 123) for summary judgment is DENIED.
4. Entry of judgment in accordance with the above paragraphs is DEFERRED pending trial on the issues outlined in paragraph 5.
5. This matter shall proceed to trial on the issues of (1) whether John Doe engaged in unauthorized copying of the disputed video "In for the Night" and (2) whether Malibu, itself or through the acts of its agents, abandoned its rights under the Copyright Act to the 20 copyrights-in-suit.
6. The court will establish a pretrial and trial schedule by separate order to issue forthwith.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania