

United States District Court
Southern District of Texas

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ENTERED

June 06, 2017

David J. Bradley, Clerk

J&J SPORTS PRODUCTION, INC.,

Plaintiff,

VS.

JONESCOP, INC, *et al.*,

Defendants.

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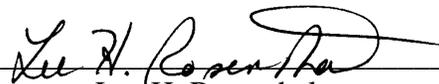
CIVIL ACTION NO. H-15-1172

ORDER

The defendants’ pretrial statement notes that the defendants intend to prove that Jonescorp ordered the pay-per-view fights in issue from Dish Network. In light of this defense, the parties should come prepared to discuss the Fifth Circuit’s opinion in *J&J Sports Prods., Inc. v. Mandell Family Ventures, L.L.C.*, 751 F.3d 346 (5th Cir. 2014), and this court’s opinion in *J&J Sports Prods., Inc. v. Tepatitlan Mexican Kitchen, Inc.*, No. CV H-15-2666, 2016 WL 8710461 (S.D. Tex. Oct. 21, 2016). (Copies of both opinions are attached to this order.)

Specifically, the parties should be prepared to discuss *Mandell’s* holding that a defendant under § 553 can prevail by showing that he or she had the permission of the cable operator, rather than the permission of the license-owner. In *Tepatitlan*, this court explained why *Mandell’s* holding logically extends to claims under § 605. The issue is whether the defendants had permission from the “sender” of the satellite transmission, not whether it had permission from the license-owner. The parties should come prepared to discuss these cases and tailor their presentations to the legal rule they establish.

SIGNED on June 6, 2017, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge