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13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF ALASKA**

15  
16 ALASKA STOCK, LLC, )  
17 Plaintiff, ) Case No. 3:11-cv-00162 TMB  
18 v. ) [Proposed]  
19 PEARSON EDUCATION, INC., and ) ORDER GRANTING PLAINTIFF  
20 JOHN DOE PRINTERS 1-10, ) ALASKA STOCK, LLC'S MOTION  
21 Defendants ) FOR SUMMARY ADJUDICATION OF  
22 ) CLAIMS  
\_\_\_\_\_ )

23 The Court having considered the motion filed by Plaintiff Alaska Stock, LLC  
24 ("Alaska Stock") for an order finding certain material facts are established in this case and  
25

26  
27 ORDER GRANTING PLAINTIFF ALASKA STOCK, LLC'S  
MOTION FOR SUMMARY ADJUDICATION OF CLAIMS  
28 *Alaska Stock, Inc. v. Pearson Education, Inc.*, Case No. 3:11-cv-00162-TMB

1 adjudicating Defendant Pearson Education, Inc.'s ("Pearson's") liability for copyright  
2 infringement with respect to certain identified claims, and having considered Pearson's  
3 opposition and the other papers filed in connection with the motion, the Court concludes that  
4 the motion is supported by good cause. Accordingly,

5 IT IS HEREBY ORDERED that the following material facts are established in this  
6 case:

7 1. Alaska Stock is an Anchorage company that licenses photographic images on  
8 behalf of photographers to publishers, including Pearson. In its licensing activities, Alaska  
9 Stock acts as the agent for the photographers who created the images.

10 2. Alaska Stock is the owner and exclusive copyright holder of certain  
11 photographic images ("the Photographs") identified in Exhibit 1 to the motion and therefore  
12 is the owner of the right to authorize reproduction, distribution and display of the  
13 Photographs. Alaska Stock also has, by assignment, the sole right to bring and resolve  
14 accrued and later accruing claims pertaining to the Photographs in the publications identified  
15 in Exhibit 1.

16 3. Each of the Photographs involved in this motion is the subject of a valid  
17 Certificate of Copyright Registration issued by the Register of Copyrights.

18 4. Between 1999 and 2007, Pearson requested, and Alaska Stock sold, limited  
19 licenses authorizing Pearson to reproduce the Photographs in certain educational  
20 publications.

21 5. The licenses Alaska Stock granted Pearson were expressly limited by number  
22 of copies and geographic distribution area, and Alaska Stock was paid accordingly.

23 6. Alaska Stock did not authorize Pearson to use the Photographs beyond the  
24 uses expressly granted by the licenses.

7. Despite the limits set forth in the licenses it obtained from Alaska Stock, Pearson used the Photographs beyond license limits in various publications. Specifically, Pearson reproduced more copies of some Photographs than was permitted by the licenses and distributed some Photographs beyond the licensed geographic distribution area. Pearson's infringing uses of each Photograph are set forth in Exhibit 1 to this motion and are summarized below.

<u>License</u>	<u>Photographer</u>	<u>License Limits</u>	<u>Pearson's Actual Uses</u>
1	Clark James Mishler	300,000	[redacted]
2	Michael Jones	200,000	[redacted]
3	Jeff Schultz	200,000	[redacted]
4	Mark Emery	150,000	[redacted]
5	Clark James Mishler	40,000	[redacted]
6	Jeff Schultz	200,000	[redacted]
7	Scott Darsney	200,000	[redacted]
8	Randy Brandon	200,000	[redacted]
9	Jeff Schultz	40,000	[redacted]
10	Jeff Schultz	200,000	[redacted]
11	Jeff Schultz	150,000	[redacted]
12	Randy Brandon	200,000	[redacted]
13	Randy Brandon	40,000	[redacted]
14	Sean Reid	40,000	[redacted]; distributed outside licensed geographic area
15	Sean Reid	40,000	[redacted]; distributed outside licensed geographic area
16	Sean Reid	40,000	[redacted]
17	Sean Reid	40,000	[redacted]
18	Jeff and Gary Schultz	100,000	[redacted]

1	19	Myron Wright	40,000	[redacted]
2	20	Mark Newman	40,000; North America	[redacted]; distributed outside licensed geographic area
3				
4	21	Ron Sanford	40,000; North America	[redacted]; distributed outside licensed geographic area
5				
6	22	Ron Sanford	40,000; North America	[redacted]; distributed outside licensed geographic area
7				
8	23	Sean Reid	40,000	[redacted]
9	24	Chris Arend	40,000; North America	[redacted]; distributed outside licensed geographic area
10				
11	25	Chris Arend	20,000; North America	[redacted]; distributed outside licensed geographic area
12				
13	26	Jeff Schultz	20,000; North America	[redacted]; distributed outside licensed geographic area
14				
15	27 <sup>1</sup>	Amanda Byrd	Not licensed	[redacted] (without any license)

16 IT IS FURTHER ORDERED that Pearson's liability for copyright infringement with  
17 respect to the claims identified in Exhibit 1 to the motion is hereby established.

18  
19 DATED: \_\_\_\_\_

20  
21 \_\_\_\_\_  
22 Timothy M. Burgess  
23 United States District Judge

24  
25 <sup>1</sup> Pearson published this photograph without any license at all.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on September 28, 2012, a true and correct copy of the foregoing  
3 PROPOSED ORDER GRANTING PLAINTIFF ALASKA STOCK, LLC'S MOTION FOR  
4 SUMMARY ADJUDICATION OF CLAIMS was filed via the CM/ECF system, which will  
serve a Notice of Electronic Filing to all counsel of record, including:

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19 DATE: September 28, 2012

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