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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UMG RECORDINGS, INC., et al.,

Plaintiff,

vs.

RCN TELECOM SERVICES, LLC, et
al.,

Defendants.

No. 3:19-cv-17272-RK-TJB

**DEFENDANTS' NOTICE OF NEW
CONTROLLING AUTHORITY**

Defendants RCN Telecom Services, LLC, et al. (collectively, “RCN”) provide this Notice of New Controlling Authority regarding the Supreme Court’s decision in *Cox Communications, Inc. v. Sony Music Entertainment*, 607 U.S. ___, 146 S. Ct. 959 (2026). Like this case, *Cox* involved claims for contributory copyright infringement brought by the major U.S. record labels against an internet service provider, on grounds that the provider did not terminate the internet access of subscribers accused of music piracy.

In *Cox*, the Supreme Court held that “[t]he intent required for contributory liability can be shown only if the party induced the infringement or the provided service is tailored to that infringement.” *Id.* at 967 (emphasis added). As a result, the Supreme Court reversed the judgment against Cox because (1) “Cox did not ‘induce’ or ‘encourage’ its subscribers to infringe in any manner,” such as through promotion or marketing; and (2) “Cox simply provided Internet access, which is used for many purposes other than copyright infringement.”¹ *Id.* at 968; *see also Grande Commc’ns Networks v. UMG Recordings, Inc.*, __ S. Ct. ___, 2026 WL 922501, at *1 (2026) (in light of *Cox*, vacating a judgment against another internet service provider found contributorily liable for its subscribers’ infringements).

¹ Below, the Fourth Circuit held that plaintiffs’ vicarious infringement claims failed as a matter of law because plaintiffs could not show “that Cox, in any sense, had a financial interest in its subscribers committing infringement.” The Supreme Court declined to review that ruling. *Sony Music Ent. v. Cox Commc’ns, Inc.*, 93 F.4th 222, 233 (4th Cir. 2024), *cert. denied in relevant part*, 145 S. Ct. 2844 (2025).

Date: April 17, 2026

Respectfully submitted,

/s/ Michael C. Witsch

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CERTIFICATE OF SERVICE

I hereby certify that, on April 17, 2026, I caused a true and correct copy of the foregoing Notice of New Controlling Authority to be filed via the ECF system and served on all counsel of record.

/s/ Michael C. Witsch