

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

REGIONAL MULTIPLE LISTING
SERVICE OF MINNESOTA, INC., d/b/a
NORTHSTARMLS,

Civil No. 12-0965 (JRT/FLN)

Plaintiff/Counterclaim Defendant,

v.

**FINAL JUDGMENT AND
PERMANENT INJUNCTION**

AMERICAN HOME REALTY
NETWORK, INC.,

Defendant/Counterclaimant,

Calvin L. Litsey, Mary Andreleita Walker, and Richard A. Duncan, **FAEGRE BAKER DANIELS LLP**, 90 South Seventh Street, Suite 2200, Minneapolis, MN 55402; Jared B. Briant, **FAEGRE BAKER DANIELS LLP**, 1700 Lincoln Street, Suite 3200, Denver, CO 80203; and Brian N. Larson and Mitchell A. Skinner, **LARSON/SOBOTKA PLLC**, 2701 University Avenue Southeast, Suite 201, Minneapolis, MN 55414, for plaintiff/counterclaim defendant.

Daniel E. Gustafson, Amanda M. Williams, and Karla M. Gluek, **GUSTAFSON GLUEK PLLC**, 120 South Sixth Street, Suite 2600, Minneapolis, MN 55402; and L. Peter Farkas, **FARKAS + TOIKKA LLP**, 1011 30th Street N.W., Washington, DC 20007, for defendant/counterclaimant.

In light of the Court's Order dated October 14, 2014, granting summary judgment in favor of Plaintiff/Counterclaim Defendant Regional Multiple Listing Service of Minnesota, Inc., d/b/a NorthstarMLS ("RMLS") and against Defendant/Counterclaimant American Home Realty Network, Inc. ("AHRN") on

AHRN's counterclaims [Docket No. 438], and the settlement by the parties of RMLS's claims for copyright infringement against AHRN,

IT IS HEREBY ORDERED THAT:

1. As part of their settlement of RMLS's copyright infringement claims against AHRN, the parties agreed that in the event AHRN did not prevail on its sham litigation Sherman Act § 1 counterclaim, the Court would enter final judgment on the copyright claims and enter a permanent injunction in the form set forth below.

2. On October 14, 2014, the Court granted summary judgment in favor of RMLS on AHRN's counterclaims. [Docket No. 438] Thus, AHRN did not prevail on its sham litigation Sherman Act § 1 counterclaim.

3. Pursuant to the parties' stipulation, the Court enters judgment on RMLS's copyright claims in the form of a **PERMANENT INJUNCTION**, as follows:

(a) Defendant, along with any of its officers, directors, subsidiaries, and successors, and all persons and entities acting in concert therewith, are immediately and **PERMANENTLY ENJOINED** from engaging in any unauthorized copying, display, use, and/or public distribution of:

(1) the works covered by U.S. Copyright Reg. Nos. VA 1-432-912; VA 1-432-913; VA 1-432-914; VA 1-432-917; TX 7-499-577; and

(2) the photographs from the listings of Twin Oaks and Countryside attached to the November 15, 2012, Declaration of Michael Bisping [Docket No. 51];

(b) Defendant, along with any of its officers, directors, subsidiaries, and successors, and all persons and entities acting in concert therewith, are immediately and **PERMANENTLY ENJOINED** from engaging in any unauthorized copying, display, use, and/or public distribution of any other photographs in which Plaintiff owns or co-owns the copyright and for which Plaintiff:

(1) has affixed a visually perceptible watermark to the photograph in the form of "© RMLSMN," and

(2) has obtained duly-executed and complete written agreements assigning or transferring copyright ownership of co-ownership in the photograph (agreements may be in the form of electronic writings and signatures) from the party representing or warranting its right to assign or transfer copyright ownership or co-ownership in the photograph.

(c) Defendant, along with any of its officers, directors, subsidiaries, and successors, and all persons and entities acting in concert therewith, are immediately and **PERMANENTLY ENJOINED** from engaging in any unauthorized copying, display, use, and/or public distribution of the Plaintiff's copyrighted "agent remarks" and "public remarks."

(d) Before filing any motion for contempt against a person or entity that Plaintiff believes is in violation of this Permanent Injunction Order, Plaintiff shall notify such person or entity of such violation. In the event such person or entity (i) does not cure such violation within three days of receiving notice from Plaintiff and (ii) provide notice of such cure to Plaintiff within such three-day period, then Plaintiff may file a motion seeking to have such person or entity held in contempt of this Permanent Injunction Order.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATE: October 28, 2014
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
U.S. District Court Judge