

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VHT, INC.,

FINAL JUDGMENT

Plaintiff,

CASE NO. C15-1096JLR

v.

ZILLOW GROUP, INC., et al.,

Defendants.

Whereas, the disputes between and among the parties in the above-captioned case have been resolved through a series of Opinions and Orders, a jury verdict and stipulations between the parties, including:

Whereas, on December 23, 2016, the Court entered an Order [Dkt. 211] granting in part and denying in part the parties' cross-motions for summary judgment, including granting summary judgment to defendants Zillow, Inc. and Zillow Group, Inc. (together, "Zillow") on VHT's claims relating to use of 54,257 VHT Photos on Zillow's Listing Site; and granting summary judgment to VHT, Inc. ("VHT") on Zillow's counterclaims;

Whereas, on January 19, 2017, the Court entered an Order [Dkt. 236] addressing VHT's motion for reconsideration and renewed motion for summary judgment, as well as several issues relating to the parties' cross-motions for summary judgment and motions in limine;

Whereas, from January 23 through February 9, 2017, a jury trial was held, at the conclusion of which, the jury submitted a completed verdict form [Dkt. 281] awarding VHT, on

its copyright infringement claims for all 28,125 VHT Photos at issue at trial, alternative awards of \$8,247,300 in statutory damages and \$79,875 in actual damages;

Whereas, on February 10, 2017, VHT elected statutory damages on its claims for all VHT Photos eligible for statutory damages, and actual damages on all remaining VHT Photos [Dkt. 274];

Whereas, on February 22, 2017, the Clerk of the Court entered judgment in favor of VHT and against Zillow in the amount of \$8,272,328.92 [Dkt. 296];

Whereas, on March 22, 2017, Zillow timely moved for judgment as a matter of law under Federal Rule of Civil Procedure 50, and alternatively for a new trial under Federal Rule of Civil Procedure 59 [Dkt. 301], and VHT moved to amend the Clerk's judgment and for entry of a permanent injunction under Federal Rules of Civil Procedure 59(e) and 65 [Dkt. 300];

Whereas, on June 20, 2017, the Court entered an Order [Dkt. 315] in which it:

1. granted Zillow's motions for judgment as a matter of law and conditionally for a new trial with respect to VHT's direct copyright infringement claims for 24,202 of the VHT Photos and VHT's indirect copyright infringement claims for 27,994 of the VHT Photos;
2. denied Zillow's motions for judgment as a matter of law and for a new trial with respect to VHT's direct copyright infringement claims for 3,921 "displayed, searchable" VHT Photos and 2 VHT Photos copied via email and/or blog post, as well as the jury's damages award for each of those VHT Photos; and
3. granted a new trial on VHT's indirect copyright infringement claims for 114 VHT Photos that VHT had specifically identified to Zillow prior to the first infringing act

by Zillow and for which the Court had not denied Zillow's motions for judgment as a matter of law and alternatively for a new trial;

Whereas, on June 27, 2017, the parties filed a joint submission [Dkt. 316] in which they stipulated and agreed to waive their rights to file motions for costs and for attorneys' fees, and to the dismissal without prejudice of VHT's indirect copyright infringement claims with respect to the 114 VHT Photos on which the Court had granted a new trial in its Order of June 20, 2017 [Dkt. 315].

Based on these Opinions and Orders, jury verdict and stipulations between the parties, and all other orders issued in this case, it is hereby **ORDERED** that, for the reasons set forth in the above-referenced Opinions and Orders, jury verdict and stipulations, that **FINAL JUDGMENT IS ENTERED** as follows:

1. Judgment is entered in favor of plaintiff VHT, Inc. and against defendants Zillow Inc. and Zillow Group, Inc., on VHT's direct copyright infringement claims for the 3,923 VHT Photos identified in the Court's Order of June 20, 2017 [Dkt. 315], in the amount of \$4,053,867.64, along with (a) pre-judgment interest for the 1,221 VHT Photos not eligible for statutory damages, running with respect to each photo from the date that photo was first made available on Zillow's Digs site (as reflected in Column P of Trial Exhibit 512), through the date of this Judgment, as well as (b) post-judgment interest on all 3,923 VHT Photos, running from the date of this Judgment through the date of payment, both at the statutory rate pursuant to 28 U.S.C. § 1961;
2. Judgment is entered dismissing without prejudice VHT's indirect copyright infringement claims for the 114 VHT Photos on which the Court had granted a new trial in its Order of June 20, 2017 [Dkt. 315] and the additional 17 VHT Photos

discussed in that Order that VHT had specifically identified to Zillow prior to the first infringing act by Zillow, pursuant to the parties' agreement in their joint submission dated June 27, 2017 [Dkt. 316];

3. Judgment as a matter of law is entered in favor of defendants Zillow Inc. and Zillow Group, Inc. and against plaintiff VHT, Inc., on VHT's direct copyright infringement claims for the remaining 24,202 VHT Photos identified in the Court's Order of June 20, 2017 [Dkt. 315], and on VHT's indirect copyright infringement claims for the remaining 27,994 VHT Photos identified in the Court's Order of June 20, 2017 [Dkt. 315];
4. In connection with Zillow's motion for a new trial:
 - a. Zillow's motion is denied with respect to the 3,923 VHT Photos identified in the Court's Order of June 20, 2017 [Dkt. 315] for which judgment is entered in favor of plaintiff VHT, Inc. and against defendants Zillow Inc. and Zillow Group, Inc. in paragraph 1, above;
 - b. In the event the judgment as a matter of law entered in the paragraph 3, above, is vacated or reversed on appeal, judgment is conditionally entered in favor of defendants Zillow Inc. and Zillow Group, Inc. and against plaintiff VHT, Inc., on VHT's direct copyright infringement claims for the remaining 24,202 VHT Photos identified in the Court's Order of June 20, 2017 [Dkt. 315], and on VHT's indirect copyright infringement claims for the remaining 27,994 VHT Photos identified in the Court's Order of June 20, 2017 [Dkt. 315];
5. Judgment is entered in favor of defendants Zillow Inc. and Zillow Group, Inc. and against plaintiff VHT, Inc., on VHT's direct copyright infringement claims regarding

- the 54,257 VHT Photos identified in VHT's Third Amended Complaint [Dkt. 123] as having been displayed on Zillow's Listing Site on Home Details Pages of properties not actively listed for sale;
6. Judgment is entered in favor of plaintiff VHT, Inc. and against defendants Zillow Inc. and Zillow Group, Inc., on Zillow's counterclaims set forth in Zillow's Answer to VHT's Third Amended Complaint [Dkt. 156];
 7. Pursuant to the parties' agreement in their joint submission dated June 27, 2017 [Dkt. 316], no party shall be awarded attorneys' fees or costs;
 8. This case is closed, and the deadline to file any notice of appeal is 30 days after the issuance of this Judgment.

Filed this 10th day of July, 2017.

WILLIAM M. MCCOOL
Clerk of Court

s/ Ashleigh Drecktrah
Deputy Clerk