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7

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
10

11 EVOX PRODUCTIONS LLC, a  
Delaware limited liability company,

12 Plaintiff,

13 v.

14 KAYAK SOFTWARE  
CORPORATION, a Delaware  
15 corporation; and DOES 1-10,,  
16

Defendants.  
17

18 KAYAK SOFTWARE  
CORPORATION, a Delaware  
19 corporation,

20 Counterclaimant,

21 v.

22 EVOX PRODUCTIONS LLC., a  
Delaware limited liability company,  
23

Counterdefendant.  
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Case No. CV15-05053-PSG (AGR)

**NOTICE OF MOTION AND  
MOTION OF EVOX  
PRODUCTIONS LLC FOR  
SUMMARY JUDGMENT;  
MEMORANDUM OF POINTS AND  
AUTHORITIES**

**[Statement of Uncontroverted Facts  
and Conclusions of Law; Declarations  
and Exhibits in Support Thereof of  
Barry Thompson and Craig H.  
Bessenger; [Proposed] Order;  
Request for Judicial Notice; and  
[Proposed] Order Re Request for  
Judicial Notice filed concurrently  
herewith]**

The Honorable Philip S. Gutierrez

Date: January 9, 2017  
Time: 1:30 p.m.  
Crtrm.: 880

Trial Date: January 31, 2017

1 **TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that on January 9, 2017, at 1:30 p.m., or as soon  
3 thereafter as this matter may be heard, in the courtroom of the Honorable Philip S.  
4 Gutierrez, located in the United States Courthouse, 111 North Hill Street, Los  
5 Angeles, CA 90012, EVOX Productions LLC (“EVOX”) will and hereby does  
6 move this Court for Summary Judgment.

7 This Motion is brought pursuant to Federal Rule of Civil Procedure 56 on the  
8 following grounds:

9 EVOX is entitled to judgment as a matter of law on Defendant and  
10 Counterclaimant KAYAK Software Corporation’s (“KAYAK”) Fourth  
11 Counterclaim to Declare Invalid EVOX’s Asserted Copyrights because the  
12 undisputed evidence demonstrates that EVOX holds valid copyrights in the  
13 Photographs at issue in this case, and KAYAK has failed to adduce any evidence  
14 sufficient to create a genuine issue of fact on this claim.

15 This Motion is based on this Notice of Motion, the accompanying  
16 Memorandum of Points and Authorities, the Declarations of Barry Thompson and  
17 Craig H. Bessenger, the Statement of Uncontroverted Facts and Conclusions of  
18 Law, the Request for Judicial Notice filed concurrently herewith, all of the pleadings  
19 and other documents on file in this case, all other matters of which the Court may  
20 take judicial notice, and any further argument or evidence that may be received by  
21 the Court at the hearing.

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1 Pursuant to Local Rule 7-3, counsel for EVOX met and conferred with  
2 counsel for KAYAK regarding this Motion on November 2, 2016. The parties were  
3 unable to resolve the issues presented in this Motion. *See* Declaration of Craig H.  
4 Bessenger, ¶ 2.

5  
6 DATED: November 8, 2016

CALDWELL LESLIE & PROCTOR, PC  
ROBYN C. CROWTHER  
CRAIG H. BESSENGER

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10 By /s/ Robyn C. Crowther  
11 ROBYN C. CROWTHER  
12 Attorneys for EVOX Productions LLC  
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**TABLE OF CONTENTS**

**Page**

MEMORANDUM OF POINTS AND AUTHORITIES.....	1
I. INTRODUCTION.....	1
II. FACTUAL BACKGROUND .....	2
III. SUMMARY JUDGMENT STANDARD.....	4
IV. EVOX HOLDS VALID COPYRIGHTS IN THE IMAGES AT ISSUE.....	4
V. CONCLUSION .....	6

**TABLE OF AUTHORITIES****Page(s)****Cases**

<i>Anderson v. Liberty Lobby, Inc.</i> , 477 U.S. 242 (1986) .....	4
<i>Entertainment Research Grp., Inc. v. Genesis Creative Grp., Inc.</i> , 122 F.3d 1211 (9th Cir. 1997) .....	5
<i>Ets-Hokin v. Skyy Spirits, Inc.</i> , 225 F.3d 1068 (9th Cir. 2000) .....	4, 5
<i>EVOX Productions, LLC v. California Rent-A-Car</i> , Case No. CV-15-8046-MWF, ECF No. 51 (C.D. Cal. July 26, 2016) .....	1, 5
<i>Nissan Fire &amp; Marine Ins. Co. v. Fritz Cos., Inc.</i> , 210 F.3d 1099 (9th Cir. 2000) .....	4
<i>Satava v. Lowry</i> , 323 F.3d 805 (9th Cir. 2003) .....	1

**Statutes and Rules**

17 U.S.C. § 410(c) .....	4-5
Fed. R. Civ. Proc. 56(a) .....	4
L.R. 56-1 .....	2

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