

1 CALDWELL LESLIE & PROCTOR, PC  
 ROBYN C. CROWTHER, State Bar No. 193840  
 2 *crowther@caldwell-leslie.com*  
 CRAIG H. BESSENGER, State Bar No. 245787  
 3 *bessenger@caldwell-leslie.com*  
 725 South Figueroa Street, 31st Floor  
 4 Los Angeles, California 90017-5524  
 Telephone: (213) 629-9040  
 5 Facsimile: (213) 629-9022  
 6 Attorneys for EVOX Productions LLC

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 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.

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 18 KAYAK SOFTWARE  
 CORPORATION, a Delaware  
 19 corporation,  
 20  
 Counterclaimant,  
 21  
 v.  
 22 EVOX PRODUCTIONS LLC., a  
 Delaware limited liability company,  
 23  
 Counterdefendant.

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

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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.

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DATED: November 8, 2016

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

By           /s/ Robyn C. Crowther            
ROBYN C. CROWTHER  
Attorneys for EVOX Productions LLC

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