

No. _____

IN THE
Supreme Court of the United States

VHT, INC.,
Petitioner,

v.

ZILLOW GROUP, INC., AND ZILLOW, INC.
Respondents.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

The owner of a copyright holds the exclusive rights of reproduction, distribution, public display, and adaptation in his or her work. 17 U.S.C. § 106. Where a plaintiff establishes ownership of a work, any other party who violates those exclusive rights in the work has infringed the plaintiff's copyright. 17 U.S.C. § 501(a). This case asks the Court to resolve the following questions, which determine when a party may be held liable for direct infringements:

1. Whether a plaintiff must prove that a defendant engaged in some form of volitional conduct in order to prove direct copyright infringement, as described in Justice Scalia's dissenting opinion in *American Broadcasting Companies v. Aereo, Inc.*, 573 U.S. 431 (2014).

2. If so, whether that requirement is properly understood as (1) identical to common-law proximate causation, as the Ninth Circuit held here and as one member of the panel opined in *BWP Media USA Inc. v. Polyvore, Inc.*, 922 F.3d 42 (2d Cir. 2019), or (2) a less demanding causation standard, as the Third, Fourth, and Fifth Circuits have held, or (3) requiring only an affirmative act with a meaningful connection to the infringement, as suggested by other members of the Second Circuit panel in *Polyvore*.

3. Whether a volitional conduct requirement insulates from liability for direct infringement defendants who create and maintain automated systems for making copies of content not requested by users, as the Ninth Circuit held, in conflict with this Court's decision in *Aereo* and opinions of the D.C. and Second Circuits.

PARTIES TO THE PROCEEDING

The parties named in the caption are the only parties to this proceeding. The petitioner, VHT, Inc., is a for-profit corporation. The respondents are Zillow Group, Inc. and Zillow Inc.

RULE 29.6 STATEMENT

Petitioner VHT, Inc., does not have a parent corporation and no publicly held corporation owns 10% or more of VHT's stock.

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