

APPENDIX

APPENDIX

TABLE OF CONTENTS

Appendix A Opinion in the United States Court of Appeals for the Ninth Circuit (June 4, 2019) App. 1

Appendix B Amended Judgment in the United States District Court, Central District of California (January 4, 2018) App. 23

Appendix C Order re Defendants’ Motion for Award of Final Costs and Attorney’s Fees in the United States District Court, Central District of California (December 5, 2017) App. 26

Appendix D Judgment in the United States District Court, Central District of California (May 26, 2017). App. 68

Appendix E Order re Defendants’ Motion for Summary Judgment; Plaintiff’s Motion for Summary Adjudication as to Liability for Copyright Infringement, Willfulness, and Infringing Revenues; Plaintiff’s Motion for Reconsideration of Ruling on the Parties’ Motions for Summary Judgment in the United States District Court, Central District of California (May 12, 2017). App. 70

Appendix F Response of the Register of Copyrights to Request Pursuant to 17 U.S.C. § 411(b)(2) in the United States District Court, Central District of California (April 28, 2017) App. 99

Appendix G Request to the Register of Copyrights Pursuant to 17 U.S.C. § 411(b)(2) in the United States District Court, Central District of California (March 24, 2017) App. 109

Appendix H Order re Defendants’ Motion for Summary Judgment; Plaintiff’s Motion for Summary Adjudication as to Liability for Copyright Infringement, Willfulness, and Infringing Revenues in the United States District Court, Central District of California (March 24, 2017) App. 112

Appendix I Order Denying Petition for Rehearing and Rehearing En Banc in the United States Court of Appeals for the Ninth Circuit (July 30, 2019) App. 142

Appendix J Mandate in the United States Court of Appeals for the Ninth Circuit (August 7, 2019) App. 144

App. 1

APPENDIX A

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

No. 17-55818

D.C. No. 2:16-cv-00339-JAK-FFM

[Filed June 4, 2019]

GOLD VALUE INTERNATIONAL)
TEXTILE, INC., DBA Fiesta Fabric,)
a California Corporation,)
Plaintiff-Appellant,)
)
v.)
)
SANCTUARY CLOTHING, LLC,)
a California Limited Liability)
Company; AMAZON.COM, INC.,)
a Washington Corporation;)
MACY'S, INC., an Ohio Corporation;)
NORDSTROM, INC., a Washington)
Corporation; BLOOMINGDALES, INC.,)
a New York Corporation;)
DILLARDS, INC., an Arkansas)
Corporation; ZAPPOS IP, INC.,)
a Nevada Corporation; DOES, 1-10,)
Defendants-Appellees.)

App. 2

OPINION

Appeal from the United States District Court
for the Central District of California
John A. Kronstadt, District Judge, Presiding

Argued and Submitted December 6, 2018
Pasadena, California

Before: Diarmuid F. O'Scannlain and Sandra S.
Ikuta, Circuit Judges, and George Caram Steeh III,
District Judge.

Opinion by Judge Steeh

SUMMARY**

Copyright

The panel affirmed the district court's summary judgment and award of attorney's fees in favor of the defendants in an action under the Copyright Act.

Gold Value International Textile, Inc., doing business as Fiesta Fabric, alleged that defendant Sanctuary Clothing, LLC, copied its fabric design, which was used to manufacture a blouse that was sold by defendant retail outlets. Sanctuary filed a counterclaim, seeking invalidation of Fiesta's

* The Honorable George Caram Steeh III, United States District Judge for the Eastern District of Michigan, sitting by designation.

** This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.