

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 26 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FROST-TSUJI ARCHITECTS,

No. 15-15802

Plaintiff-Appellant,

D.C. No.

v.

1:13-cv-00496-SOM-BMK

HIGHWAY INN, INC.; HO'OLA MAU, LLC; BRYCE E. UYEHARA, A.I.A., INCORPORATED; IWAMOTO AND ASSOCIATES, LLC; J. KADOWAKI, INC.; PALEKANA PERMITS LLC; BARGREEN ELLINGSON OF HAWAII, INC.,

MEMORANDUM*

Defendants-Appellees.

FROST-TSUJI ARCHITECTS,

No. 16-15562

Plaintiff-Appellant,

D.C. No.

v.

1:13-cv-00496-SOM-BMK

HIGHWAY INN, INC.; HO'OLA MAU, LLC; BRYCE E. UYEHARA, A.I.A., INCORPORATED; J. KADOWAKI, INC.; IWAMOTO AND ASSOCIATES, LLC; PALEKANA PERMITS LLC; BARGREEN ELLINGSON OF HAWAII, INC.,

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Defendants-Appellees.

FROST-TSUJI ARCHITECTS,

Plaintiff-Appellee,

v.

HIGHWAY INN, INC.; HO'OLA MAU,
LLC; BRYCE E. UYEHARA, A.I.A.,
INCORPORATED,

Defendants-Appellees,

J. KADOWAKI, INC.,

Defendant-Appellant,

IWAMOTO AND ASSOCIATES, LLC;
PALEKANA PERMITS LLC; BARGREEN
ELLINGSON OF HAWAII, INC.,

Defendants-Appellees.

No. 16-15799

D.C. No.

1:13-cv-00496-SOM-BMK

FROST-TSUJI ARCHITECTS,

Plaintiff-Appellee,

v.

HIGHWAY INN, INC.; HO'OLA MAU,
LLC,

Defendants-Appellants,

BRYCE E. UYEHARA, A.I.A.,
INCORPORATED; J. KADOWAKI, INC.;

No. 16-15802

D.C. No.

1:13-cv-00496-SOM-BMK

IWAMOTO AND ASSOCIATES, LLC;
PALEKANA PERMITS LLC; BARGREEN
ELLINGSON OF HAWAII, INC.,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Hawaii
Susan O. Mollway, District Judge, Presiding

Argued and Submitted October 12, 2017
U. of Hawaii Manoa

Before: SCHROEDER, D.W. NELSON, and McKEOWN, Circuit Judges.

Frost-Tsuji Architects brought this action against Highway Inn, Inc., a former client, and Ho‘ola Mau, LLC, J. Kadowaki, Inc., Bargreen Ellingson, Inc., Bryce E. Uyehara, A.I.A., Inc., Palekana Permits, LLC, and Iwamoto & Associates, LLC (collectively, “Highway Inn”), alleging that Highway Inn (1) infringed Frost-Tsuji’s copyright in architectural plans for a new restaurant, and (2) removed Frost-Tsuji’s copyright management information (“CMI”) from the plans in violation of the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 1202(b)(1). The district court granted summary judgment in favor of Highway Inn. The district court then denied Frost-Tsuji’s motions for reconsideration of the summary judgment orders. The court awarded Highway Inn attorneys’ fees and costs incurred in litigating the DMCA claim and in litigating the copyright

infringement claim after the district court's August 26, 2014 summary judgment order.

We review de novo the order granting summary judgment on Frost-Tsuji's copyright infringement claim, *Wolfe v. BNSF Ry. Co.*, 749 F.3d 859, 863 (9th Cir. 2014), and we affirm for the reasons stated in the district court's order entered August 26, 2014.

We review de novo the order granting summary judgment on Frost-Tsuji's CMI removal claim under the DMCA, *id.*, and we affirm for the reasons stated in the district court's order entered November 7, 2014.

We review for abuse of discretion the order denying Frost-Tsuji's motion for reconsideration of the November 7, 2014 summary judgment order, *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 661 (9th Cir. 1999), and we affirm for the reasons stated in the district court's order entered January 21, 2015.

We review for abuse of discretion the order denying Frost-Tsuji's motion for reconsideration of the August 26, 2014 summary judgment order, *id.*, and we affirm for the reasons stated in the district court's order entered January 23, 2015.

We review for abuse of discretion the order awarding Highway Inn attorneys' fees and costs under the Copyright Act, *Maljack Productions, Inc. v. GoodTimes Home Video Corp.*, 81 F.3d 881, 889 (9th Cir. 1996), and under the DMCA, *see Polar Bear Productions, Inc. v. Timex Corp.*, 384 F.3d 700, 719 (9th

Cir. 2004), and we affirm for the reasons stated in the district court's order entered March 30, 2015.

AFFIRMED.

Each party shall bear its own costs and fees on appeal.