

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 13-20011

United States Court of Appeals
Fifth Circuit

FILED

November 7, 2013

Lyle W. Cayce
Clerk

KIPP FLORES ARCHITECTS, L.L.C.,

Plaintiff–Appellee,

versus

HALLMARK DESIGN HOMES, L.P.,

Defendant–Appellant,

RONALD D. TOW, Chapter 7 Bankruptcy Trustee,

Appellant.

Appeal from the United States District Court
for the Southern District of Texas
No. 4:09-CV-850

Before SMITH, PRADO, and ELROD, Circuit Judges.

PER CURIAM:*

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 13-20011

Kipp Flores Architects, L.L.C. (“KFA”), sued Hallmark Design Homes, L.P. (“Hallmark”), for copyright infringement in building houses based on KFA’s architectural plans without purchasing the plans for each house as required. A jury found Hallmark liable and awarded substantial damages. Hallmark appeals, contending that the evidence was insufficient to support a jury finding of “substantial similarity” and that the damages are inappropriate as a matter of law because KFA did not meet its burden of proof.

We have reviewed the briefs, the applicable law, and the pertinent portions of the record and have heard the arguments of counsel. The case was well tried by the magistrate judge sitting by consent. There is no error, and the judgment is AFFIRMED.