

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**United States District Court
Central District of California**

UNICOLORS, INC.,
Plaintiff,
v.
ZULILY, LLC,
Defendant.

Case No. 2:16-cv-06913-ODW (JEM)

JUDGMENT

On September 14, 2016, Plaintiff Unicolors, Inc. (“Unicolors”) filed a Complaint against Defendant Zulily, LLC (“Zulily”) for copyright infringement. (ECF No. 1.) On November 15, 2016, Zulily served by mail on Unicolors an offer to enter judgment pursuant to Federal Rule of Civil Procedure 68. (ECF No. 16.) On November 22, 2016, Unicolors accepted the offer, and filed both the offer and the acceptance with the Court. (ECF Nos. 16, 17.)

///
///
///
///
///
///
///

1 Pursuant to Federal Rule of Civil Procedure 68(a), the Court must enter
2 judgment on the terms of the offer. Accordingly, it is hereby **ORDERED**,
3 **ADJUDGED**, and **DECREED** as follows:

4 1. Unicolors shall recover from Zulily the amount of Two Hundred Dollars
5 (\$200.00) with the costs accrued as of the making of the Rule 68 offer;

6 2. The amount of costs will be determined by mutual agreement of the
7 parties following acceptance of the Rule 68 offer or, if the parties cannot agree, in an
8 amount to be determined by the Court. If the parties cannot agree on the amount of
9 costs, reasonable attorney's fees may be awarded as part of the costs only if (1) the
10 Court determines that Plaintiff is the prevailing party; and, (2) in its discretion after
11 consideration of all relevant factors, the Court determines that an award of reasonable
12 attorney's fees is appropriate in this case. The amount of costs and attorney's fees (if
13 applicable) shall not include costs that are fairly attributable to Plaintiff's claims
14 against parties other than Zulily and claims against Zulily which were previously
15 settled;

16 3. The offer of compromise was for purposes of settlement only. This
17 judgment shall not constitute an admission of any wrongdoing by Zulily. This offer
18 shall not have preclusive effect with respect to the truth or falsity of any party's
19 allegations.

20
21 **IT IS SO ORDERED.**

22
23 November 23, 2016

24
25 

26 **OTIS D. WRIGHT, II**
27 **UNITED STATES DISTRICT JUDGE**
28