

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:10-cv-00439-FDW-DCK

**LENDINGTREE, LLC, ,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **ZILLOW, INC.; NEXTAG, INC.; and** )  
 **ADCHEMY, INC.;** )  
 )  
 **Defendants.** )  
 )  
 \_\_\_\_\_ )

ORDER

THIS MATTER is before the Court on the parties’ Joint Motion for a New Briefing Schedule (Doc. No. 599) for Defendants’ pending Motions for Attorneys’ Fees (Docs. Nos. 577, 584).<sup>1</sup> For the reasons stated in the joint motion, it is GRANTED.

The Court, acting *sua sponte*, also raises an issue to be included in the amended briefs and exhibits thereto. The Court requests Defendants to supplement their request for attorneys’ fees with a breakdown that distinguishes between fees incurred in defending against infringement claims from those incurred solely in pursuit of anti-trust claims. Where it is clear that fees overlapped the infringement and anti-trust claims, Defendants need not apportion the anti-trust fees from the fees incurred in defending against Plaintiff’s infringement claims. To be clear, the Court has not yet decided the issue of whether an award of attorneys’ fees is appropriate in this matter. The Court is reserving judgment on such decision until the parties have fully briefed these motions. Nevertheless, the Court requests this information in order to ensure a complete record.

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<sup>1</sup> Defendant NexTag has filed a redacted version of their motion, which is found at Doc. No. 587, but the Court considers the sealed motion, Doc. No. 584, as the pending motion for purposes of the Court’s ruling.

IT IS THEREFORE ORDERED that the parties' Joint Motion for a New Briefing Schedule (Doc. No. 599) is GRANTED. Accordingly, in accordance with the provisions set forth above,

1. Defendants shall submit Amended Briefs in Support of their Motions for Attorney's Fees (Dkt. Nos. 577 and 584) no later than May 13, 2014;
2. Plaintiff shall file its response to Defendants' Motions for Attorney's Fees no later than June 13, 2014;
3. Plaintiff shall file its response to Adchemy and Zillow's Renewed Motions for Sanction (Dkt. Nos. 581 and 582) no later than June 13, 2014; and
4. Defendants' reply briefs, if any, be filed no later than June 23, 2014.

IT IS SO ORDERED.

Signed: May 2, 2014

  
Frank D. Whitney  
Chief United States District Judge 