

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

**LENDINGTREE, LLC, a Delaware)
limited liability company,)**

Plaintiff,)

vs.)

SECOND AMENDED JUDGMENT

**ZILLOW, INC., a Washington)
corporation; and NEXTAG, INC., a)
Delaware corporation;)**

Defendants.)

Pursuant to the jury verdict in favor of Defendant NexTag, Inc. (“NexTag”) on March 12, 2014 (Doc. No. 565), the Court’s rulings in favor of NexTag on March 31, 2014 (Docs. Nos. 569, 570) on the issues of laches and equitable estoppel, and the parties’ post-trial motions upon which the Court has ruled, the Court enters this Second Amended Judgment in favor of NexTag and against Plaintiff LendingTree, LLC (“LendingTree”).

IT IS ORDERED AND ADJUDGED:

1. Judgment is entered in favor of NexTag and against LendingTree on NexTag’s claims that U.S. Patent Nos. 6,611,816 is invalid due to improper inventorship.
2. Judgment is entered in favor of NexTag and against LendingTree on LendingTree’s claims of infringement.
3. Judgment is entered in favor of NexTag and against LendingTree that LendingTree’s claims for damages are barred under the doctrines of laches and equitable estoppel for the

reasons set forth in this Court's rulings in favor of NexTag on March 31, 2014 (Docs. Nos. 569, 570).

4. Pursuant to 35 U.S.C. § 285 and this Court's findings thereunder, this is an exceptional case, and NexTag is awarded attorneys' fees and expenses incurred from January 10, 2014, in the amount of Two Million One Hundred Seventy Four Thousand Three Hundred Thirty Five and 38/100 Dollars (\$2,174,335.38), consisting of:

- (a) attorneys' fees of \$1,848,722.15 for the reasons set forth in this Court's Order of December 8, 2014 (Doc. No. 678); and
- (b) expenses of \$325,613.23 for the reasons set forth in this Court's Order of December 8, 2014 (Doc. No. 678).

5. NexTag, as the prevailing party, is likewise additionally entitled to \$111,906.03 on its Bill of Costs filed June 30, 2014 (Doc. No. 642).

6. The Clerk of the Court is respectfully directed to CLOSE this case.

This is the Final Judgment. It may be amended to reflect interest accrued until paid.

Signed: December 16, 2014



Frank D. Whitney
Chief United States District Judge

