

Honorable Marsha J. Pechman

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CORBIS CORPORATION,

Plaintiff,

v.

INTEGRITY WEALTH
MANAGEMENT, INC.,

Defendant.

Case No. 09-CV-00708 MJP

STIPULATION AND ORDER TO
DISMISS CLAIMS FOR VICARIOUS
COPYRIGHT INFRINGEMENT OF
UNREGISTERED COPYRIGHTS

I. STIPULATION

Pending before the Court are Defendant Integrity Wealth Management, Inc.’s (“IWM”) Motion to Dismiss Claims for Infringement of Unregistered Copyrights (Dkt. 22), filed on 26 August 2009, and Plaintiff Corbis Corporation’s (“Corbis”) Motion to Amend Complaint for Damages and Injunctive Relief (Dkt. 27/28). Corbis and IWM hereby jointly stipulate to the following to resolve the issues in dispute in both of these motions in the spirit of cooperation and in the interests of judicial economy:

1. Any and all claims of direct copyright infringement in this action are those based on the images contained on only pages 1, 2, 4, 5 & 7 of Appendix A to the Complaint (Dkt. 1).

1 2. Any and all claims of vicarious copyright infringement in this action
2 are those based on the images contained on only pages 1, 2, 4, 5 & 7 of Appendix A to
3 the Complaint (Dkt. 1).

4 3. While the parties dispute whether any claim for copyright
5 infringement was based on any unregistered copyrights, in the interest of efficiency, the
6 parties stipulate to the dismissal of any and all claims for vicarious copyright
7 infringement asserted in the Complaint with respect to the images contained on pages 3,
8 6, 8 & 9 of Appendix A to the Complaint, without prejudice.

9 4. The parties agree that this Stipulation and Order fully and
10 completely resolve all issues raised by IWM's Motion to Dismiss Claims for
11 Infringement of Unregistered Copyrights (Dkt. 22).

12 5. All remaining claims in the Complaint that are not explicitly
13 dismissed with this Stipulation and Order, which consist of Corbis' claims for direct and
14 vicarious copyright infringement based upon the images contained on pages 1, 2, 4, 5 & 7
15 of Appendix A to the Complaint, and Corbis' claims for breach of contract, based upon
16 all nine of the images contained in Appendix A to the Complaint, remain pending before
17 the Court.

18 6. This Stipulation is intended to resolve both IWM's Motion to
19 Dismiss Claims for Infringement of Unregistered Copyrights (Dkt. 22) and Corbis'
20 pending Motion to Amend Complaint for Damages and Injunctive Relief (Dkt. 27/28).
21 Accordingly, following entry of this Order, Corbis will strike its Motion to Amend
22 Complaint for Damages and Injunctive Relief.

23 7. Each party is to bear its own costs and attorneys fees with respect to
24 this Stipulation and Order, the dismissal without prejudice of any of Corbis' claims
25 resulting from this Stipulation and Order, IWM's Motion to Dismiss Claims for
26 Infringement of Unregistered Copyrights (Dkt. 22), and Corbis' pending Motion to

1 Amend Complaint for Damages and Injunctive Relief (Dkt. 27/28). This Stipulation and
2 Order shall in no way be interpreted to render either party a prevailing party on any
3 claims.

4 Dated this 23rd day of September, 2009.

5 LANE POWELL PC

RYAN KROMHOLZ & MANION, S.C.

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18 Attorneys for Defendant
19 Integrity Wealth Management, Inc.

1 **II. ORDER**

2 Based upon the above Stipulation of the parties, by and through their
3 counsel of record, and for good cause showing, IT IS HEREBY ORDERED,
4 ADJUDGED AND DECREED:

5 1. Any and all claims of direct copyright infringement in this action are
6 those based on the images contained on only pages 1, 2, 4, 5 & 7 of Appendix A to the
7 Complaint (Dkt. 1).

8 2. Any and all claims of vicarious copyright infringement in this action
9 are those based on the images contained on only pages 1, 2, 4, 5 & 7 of Appendix A to
10 the Complaint (Dkt. 1).

11 3. Any and all claims for vicarious copyright infringement asserted in
12 the Complaint with respect to the images contained on pages 3, 6, 8 & 9 of Appendix A
13 to the Complaint are dismissed without prejudice.

14 4. This Order fully and completely resolves all issues raised by IWM's
15 Motion to Dismiss Claims for Infringement of Unregistered Copyrights (Dkt. 22).

16 5. All remaining claims in the Complaint that are not explicitly
17 dismissed with this Order, which consist of Corbis' claims for direct and vicarious
18 copyright infringement based upon the images contained on pages 1, 2, 4, 5 & 7 of
19 Appendix A to the Complaint, and Corbis' claims for breach of contract, based upon all
20 nine of the images contained in Appendix A to the Complaint, remain pending before the
21 Court.

22 6. Pursuant to the above Stipulation, Corbis shall strike its Motion to
23 Amend Complaint for Damages and Injunctive Relief upon entry of this Order.

24 7. Each party is to bear its own costs and attorneys fees with respect to
25 this Stipulation and Order, the dismissal without prejudice of Corbis' claims resulting
26 from this Order, IWM's Motion to Dismiss Claims for Infringement of Unregistered

1 Copyrights (Dkt. 22), and Corbis' pending Motion to Amend Complaint for Damages and
2 Injunctive Relief (Dkt. 27/28). This Order shall in no way be interpreted to render either
3 party a prevailing party on any claims.

4 DATED this 24th day of September, 2009.

5 
6 _____
7

8 Marsha J. Pechman
9 United States District Judge

10 Presented by:

11 LANE POWELL PC

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35 Attorneys for Defendant
36 Integrity Wealth Management, Inc.

1 I hereby certify that on this 23rd day of September, 2009, I electronically
2 filed the foregoing STIPULATION AND [PROPOSED] ORDER TO DISMISS
3 CLAIMS FOR VICARIOUS COPYRIGHT INFRINGEMENT OF UNREGISTERED
4 COPYRIGHTS with the Clerk of the Court using the CM/ECF system which will send
5 notification of such filing to all counsel of record:
6

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