

Seattle Partner Brooke Taylor Successfully Knocks Down 12 of 13 Claims Brought Against Client Zillow

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SAN FRANCISCO (April 14th, 2014) — Partner Brooke Taylor has obtained dismissal 12 of 13 claims brought against client Zillow by Top Agent Network Inc. (TAN). On Monday U.S. District Judge Richard Seeborg of the Northern District of California dismissed the majority of charges brought by the plaintiff, a members-only online community of real estate agents. Seeborg found that TAN hadn't alleged "with sufficient specificity the trade secret and non-trade secret proprietary information at the heart of its claims."

Top Agent Network sued Zillow in October of 2014 claiming that Zillow executives feigned interest in investing in the network to get in-depth access to the TAN website and steal the "Coming Soon" listings idea. In Judge Seeborg's 18 page opinion, he found that Top Agent Network hadn't given enough evidence about its alleged trade secrets for him to determine whether or not they were protectable under California Uniform Trade Secrets Act. "While Zillow may very well have learned valuable information in the course of its contact with TAN and TAN's website, TAN's failure to distinguish the allegedly shared trade secrets from non-trade secret information renders this claim defective," Seeborg wrote. Seeborg also found that Zillow hadn't violated the federal Computer Fraud and Abuse Act or California's Computer Data Access And Fraud Act since Zillow accessed Top Area Network's site using an authorized log-in and password provided by the network.

All charges except TAN's breach of oral contract claim (in which TAN alleges Zillow broke its promise to keep its rival information confidential) have been dismissed. That claim remains in the case and Judge Seeborg allowed TAN the chance to modify its other claims, the ruling said.

Along with Taylor, Zillow is represented by Oleg Elkhunovich and Jenna Golda Farleigh of Susman Godfrey L.L.P.

TAN is represented by Evangeline Zimmerman Burbidge and Paul Timothy Llewellyn of Lewis & Llewellyn LLP.

The case is *Top Agent Network, Inc. v. Zillow, Inc.*, case number 3:14-cv-04769, in the U.S. District Court for the Northern District of California.

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