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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ADVANCED STEEL RECOVERY, LLC,

Plaintiff,

v.

X-BODY EQUIPMENT, INC. and
JEWELL ATTACHMENTS, LLC,

Defendants.

No. 2:12-cv-01004-GEB-DAD

**ORDER DENYING ATTORNEY'S FEES
MOTION**

AND RELATED COUNTERCLAIMS

Defendants and Counterclaimants X-Body Equipment, Inc. and Jewell Attachments, LLC move for an award of attorney's fees and costs under 35 U.S.C. § 285. (Mot. for Att'y Fees, ECF No. 87.) This statute prescribes that "[t]he court in exceptional cases may award reasonable attorney fees to the prevailing party."

[A]n "exceptional" case is . . . one that stands out from others with respect to the substantive strength of a party's litigating position (considering both the governing law and the facts of the case) or the unreasonable manner in which the case was litigated. District courts may determine whether a case is "exceptional" in the case-by-case exercise of their discretion, considering the totality of the circumstances.

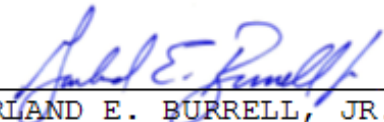
Octane Fitness, LLC v. ICON Health & Fitness, Inc., 134 S. Ct.

1 1749, 1756 (2014).

2 The moving parties have not satisfied this standard;
3 therefore, the motion is denied.

4 Dated: January 29, 2015

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GARIAND E. BURRELL, JR.
Senior United States District Judge