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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NUANCE COMMUNICATIONS, INC.,

No. C 08-2912 JSW (MEJ)

Plaintiff(s),

**ORDER REQUESTING FURTHER
EVIDENCE RE: MOTION FOR COSTS**

vs.

ABBY SOFTWARE HOUSE, et al.,

Defendant(s).

Pending before the Court is Defendant Abbyy USA Software's motion for award of attorneys' fees and costs, which has been referred to the undersigned magistrate judge for a report and recommendation. In support of its request for costs, Abbyy submitted a declaration from its counsel. However, the "burden is on the fee applicant to produce satisfactory evidence - in addition to the attorney's own affidavits - that the requested rates are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience and reputation. *Blum v. Stenson*, 465 U.S. 886, 895 n.11 (1984); *see also Chalmers v. City of Los Angeles*, 796 F.2d 1205, 1210 (9th Cir. 1986). Further, in determining a reasonable number of hours, the Court must review detailed time records to determine whether the hours claimed by the applicant are adequately documented and whether any of the hours were unnecessary, duplicative or excessive. *Chalmers*, 796 F.2d at 1210. Accordingly, the Court ORDERS Abbyy to file the appropriate time records, as well as evidence, other than its attorney's affidavits, that the requested rates are reasonable. Abbyy shall file its evidence by September 15, 2008. Nuance shall file any objections **to the newly-filed evidence only** by September 18, 2008.

IT IS SO ORDERED.

Dated: September 11, 2008



MARIA ELENA JAMES
United States Magistrate Judge