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8 Attorney for Plaintiff
 9 IO GROUP, INC.

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO DIVISION**

13 IO GROUP, INC. d/b/a TITAN)	
14 MEDIA, a California corporation,)	CASE NO.: CV-08-4050 (MMC)
)	
15 Plaintiff,)	PLAINTIFF'S IO GROUP'S NOTICE OF
)	MOTION AND MOTION FOR COSTS AND
16 vs.)	ATTORNEY'S FEE AWARD; AND
17 ANTELOPE MEDIA, LLC et al.,)	PROPOSED ORDER
)	
18 Defendants.)	Date: July 16, 2010
)	Time: 9:00 am
)	CtRm: 7, 19th Fl.
)	

22 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:
 23
 24 PLEASE TAKE NOTICE that Plaintiff moves the Court for reasonable attorney fees under
 25 17 U.S.C. ¶ 505 and Local Civil Rule 54-5. On July 16, 2010 at 9:00 a.m. or as soon
 26 thereafter as this matter may be heard by the above-entitled court, located at 450 Golden
 27
 28

1 Gate Avenue, San Francisco, California, 94102, Plaintiff Io Group, Inc. will present its
2 Motion for Costs and Attorney's Fee Award against all Defendants.

3
4 **POINTS AND AUTHORITIES**

5 By Order on May 28, 2010 the Court awarded Plaintiff full costs, including
6 attorney's fees, pursuant to 17 U.S.C. §505 and directed Plaintiff to file a motion for costs
7 and fees no later than 14 days from the entry of the judgment. The Clerk entered judgment
8 on June 1, 2010.

9
10 The Copyright Act provides that, in civil copyright actions, the Court may, at its
11 discretion, "award a reasonable attorney's fee to the prevailing party as part of the costs.
12 *17 U.S.C. § 505.* "In deciding whether to award fees under the Copyright Act, the Court
13 shall consider the following factors: the degree of success obtained on the claim;
14 frivolousness; motivation; objective reasonableness of factual and legal arguments; and
15 need for compensation and deterrence." *Cadkin v. Bluestone*, 2007 U.S. Dist. LEXIS
16 83582 *1 (C.D. Cal. Apr. 9, 2007), citing, *Jackson v. Axton*, 25 F.3d 884, 890 (9th Cir.
17 1994). Plaintiff was entirely successful on its claims, its motives were just, its arguments
18 reasonable and the need for deterrence is great.

19
20 Since the Court awarded fees and cost, the purpose of this motion is simply to
21 establish a reasonable amount for the award.

22
23 As set forth fully in the accompanying Declaration of D. Gill Sperlein in support of
24 this Motion, Plaintiff is entitled to recover \$8,990.00 in attorney fees.¹ (Sperlein Decl. at
25
26
27

28

¹ Plaintiff only seeks fees for work preformed after November 1, 2009.

1 ¶7; Ex. A.) Plaintiff's counsel carefully tracked billable hours. (*Id.*) Plaintiff's counsel is
2 well qualified and has considerable experience in this field of the law. (*Id.* at ¶¶ 2 and 3.)
3
4 The rates charged by Plaintiff's counsel, if anything are lower than the average litigation
5 counsel in the San Francisco Bay Area. (*Id.* at ¶ 5.) The amount of time spent on each
6 task was also reasonable. Accordingly, Plaintiff seeks an award of attorney's fees in the
7 amount of \$\$8,990.00.
8

9 Plaintiff seeks costs in the amount of \$350 for the filing fee and \$1,158.67 for costs
10 relating to service of process including process server fees, mailing fees and other related
11 expenses for a total of \$1,508.67. (*Id.* at ¶ 8; Ex. B and C.)
12

13 Plaintiff submits this matter on the record before the Court and consents to have the
14 motion ruled upon without oral argument.
15

16 CONCLUSION

17 Plaintiff's request for attorney's fees is reasonable.
18

19 Respectfully Submitted,
20

21 Dated: *June 7, 2010*

/s/ D. Gill Sperlein

22 _____
23 GILL SPERLEIN
24 GENERAL COUNSEL, IO GROUP, INC.
25 Attorney for Plaintiff Io, Group, Inc.
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~~PROPOSED~~ ORDER

Having fully considered Plaintiff's Motion for Attorney's Fees and the Declarations and Exhibits in support thereof and reviewing the record, the Court **GRANTS** the Motion and awards attorney's fees in the amount of \$8,990.00 and costs in the amount of \$1,508.67.

The July 16, 2010 hearing is hereby VACATED.

DATED: July 8, 2010 _____

/s/ Susan Illston for

Maxine M. Chesney
United States District Judge