

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BLUEBONNET INTERNET MEDIA
SERVICES, LLC,

Plaintiff,

v.

PANDORA MEDIA, LLC,

Defendant.

Case No. 21-cv-08294-VC

**ORDER DENYING MOTION FOR
ATTORNEYS' FEES AND
SANCTIONS**

Re: Dkt. No. 163

Pandora's motion for attorneys' fees is denied. The conduct of Bluebonnet and its counsel is troubling, and judgment on the pleadings was not a close question. But this case was not so weak or litigated so unreasonably as to be "exceptional" under 35 U.S.C. § 285. *See Octane Fitness, LLC v. ICON Health & Fitness, Inc.*, 572 U.S. 545, 554 (2014). In particular, the patents in this case were issued after the Supreme Court's *Alice* decision, and there is disagreement among courts on how to apply that decision. For the same reasons, fees are also not warranted under 28 U.S.C. § 1927 or the Court's inherent authority.

The related motions to seal are granted. Dkt. Nos. 161, 162, 172, 173, 177. The sealed documents include material previously ordered sealed, technical information from Pandora that was filed by Bluebonnet, and three pages of brief notes apparently dating from the conception of Bluebonnet's patent. The latter two sets of materials were not considered in resolving this motion.


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IT IS SO ORDERED.

Dated: November 22, 2022



VINCE CHHABRIA
United States District Judge