

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN FRANCISCO DIVISION**
9

10 CALIFORNIA INSTITUTE OF COMPUTER
11 ASSISTED SURGERY, INC.,

12 Plaintiff,

13 v.

14 MED-SURGICAL SERVICES, INC., KRISHNA
15 SUDHAKARAN, MARK KIENE, RORY
16 RANDALL, and SHIRLEY CLAYTON,

17 Defendants.

Case Number 10-cv-05067 CW (NC)

**ORDER GRANTING ATTORNEYS'
FEES UNDER FED. R. CIV. P. 37**

Re: Docket Nos. 97, 101

18
19 Plaintiff California Institute of Computer Assisted Surgery, Inc. ("CICAS") filed this
20 action against Defendants Med-Surgical Services Inc., Krishna Sudhakaran, Mark Kiene, Rory
21 Randall, and Shirley Clayton for patent infringement in violation of the U.S. Patent Act, 28
22 U.S.C. § 271. On September 1, 2011, the Court granted Defendants' motion to compel CICAS
23 to serve infringement contentions that comply with Patent Local Rule 3-1. Dkt. No. 81. On
24 September 27, 2011, the Court granted Defendants' motion for attorneys' fees under Federal
25 Rule of Civil Procedure 37, and it ordered Defendants to submit a declaration that complies with
26 Civil Local Rule 37-4 in order to facilitate its determination of a reasonable award amount. Dkt.
27 No. 97. Defendants complied with the Court's order. Dkt. No. 101.
28

1 As Defendants have provided sufficient justification for the \$24,247.08 they incurred in
2 making their motion to compel, the Court finds that an award of \$24,247.08 is appropriate.
3 Defendants' request under Federal Rule of Civil Procedure 37 for \$24,247.08 in attorneys' fees
4 and related expenses is therefore GRANTED. CICAS and its attorneys must pay this amount to
5 Defendants within thirty days of the date this Order is filed.

6 IT IS SO ORDERED.

7
8
9
10
11 DATED: October 6, 2011


12 NATHANAEL M. COUSINS
13 United States Magistrate Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28