

AO 133 (Rev. 9/89) Bill of Costs

UNITED STATES DISTRICT COURT

NORTHERN District of CALIFORNIA

PERFECT 10, INC., a California corporation,

BILL OF COSTS

V.
VISA INTERNATIONAL SERVICE ASSOCIATION, et al.

Case Number: C 04 0371 JW

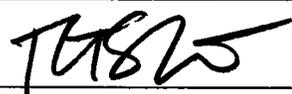
Judgment having been entered in the above entitled action on Dec 3, 2004 against Perfect 10, Inc.,
Date
the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ _____
Fees for service of summons and subpoena	_____
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case. . .	_____
Fees and disbursements for printing	_____
Fees for witnesses (itemize on reverse side)	_____
Fees for exemplification and copies of papers necessarily obtained for use in the case.	_____
Docket fees under 28 U.S.C. 1923	_____
Costs as shown on Mandate of Court of Appeals	_____
Compensation of court-appointed experts	_____
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	_____
Other costs (please itemize).....	<u>\$199,659</u>
Please See Exhibit 1	
TOTAL \$	<u>\$199,659</u>

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: _____
to Court

Signature of Attorney: 

Name of Attorney: R. JAMES SLAUGHTER

For: Defts FIRST DATA CORP., CARDSERVICE INTERNATIONAL, INC. HUMBOLDT BANK Date: 12/17/2004
Name of Claiming Party

Please take notice that I will appear before the clerk who will tax said costs on _____ at _____

Costs are taxed in the amount of _____ and included in the judgment.

Clerk of Court By: _____
Deputy Clerk Date

EXHIBIT 1

ITEMIZED BREAKDOWN OF OTHER COSTS

Attorneys' Fees	\$180,853.10
Legal Research	\$13,278.11
Travel, Meals & Parking	\$1,476.22
Delivery and Postage Fees	\$1,346.65
Photocopies	\$2,649.45
Phone	<u>\$37.47</u>
TOTAL:	\$199,659.00

Keker & Van Nest Invoice Summary
for services as of November 30, 2004

Perfect 10 v. Visa International Service Association et al.
Case No. CV 04 00371 JW (PVT)

Invoice #	Invoice Date	Fees	Costs	Total
200402-00139	2/29/04	\$12,687.50	\$779.18	\$13,466.68
200403-00153	3/31/04	\$64,124.60	\$4,964.03	\$69,088.63
200404-00155	4/30/04	\$43,156.25	\$7,559.20	\$50,715.45
200405-00167	5/31/04	\$23,222.50	\$3,629.61	\$26,852.11
200406-00141	6/30/04	\$6,273.75	\$20.25	\$6,294.00
200407-00146	7/31/04	\$6,325.00	\$25.44	\$6,350.44
200408-00128	8/31/04	\$4,330.00	\$53.15	\$4,383.15
200409-00114	9/30/04	\$12,575.00	\$1,334.99	\$13,909.99
200409-00320	10/31/04	\$3,463.75	\$264.70	\$3,728.45
200411-00129	11/30/04	\$4,694.75	\$175.35	\$4,870.10
	TOTALS:	\$180,853.10	\$18,805.90	\$199,659.00

Keker & Van Nest Billing Summary
for services as of November 30, 2004

Perfect 10 v. Visa International Service Association et al.
Case No. CV 04 00371 JW (PVT)

Job Title	Name	Hourly Rate*	Hours Recorded	Amount Billed
Partner	Robert A. Van Nest	\$650/\$700	31.625	\$20,725.00
Partner	Michael H. Page	\$450/\$500	126.125	\$58,387.50
Associate	R. James Slaughter	\$300/\$370	147.250	\$46,170.00
Associate	Yasmin Kok	\$340.00	155.650	\$52,921.00
Paralegal	Patrick W. Montgomery	\$170/\$200	14.880	\$2,649.60
	Total Attorney Fees		475.530	\$180,853.10

* In June 2004, billing rates increased.

Keker & Van Nest Invoice Summary
for Costs as of November 30, 2004

Perfect 10 v. Visa International Service Association et al.
Case No. CV 04 00371 JW (PVT)

Invoice Date	Invoice #	Description	Cost	Category
3/31/04	200403-00153	Airline Ticket	\$1,100.40	Attorney Travel
3/31/04	200403-00153	Travel, Meals & Parking	\$143.33	Attorney Travel
4/30/04	200404-00155	Travel, Meals & Parking	\$174.49	Attorney Travel
5/31/04	200405-00167	Travel, Meals & Parking	\$54.00	Attorney Travel
7/31/04	200407-00146	Travel, Meals & Parking	\$4.00	Attorney Travel
Total Travel, Travel, Meals & Parking			\$1,476.22	
3/31/04	200403-00153	Worldwide Courier	\$97.00	Delivery
4/30/04	200404-00155	Federal Express	\$25.51	Delivery
4/30/04	200404-00155	First Legal Support Services	\$703.10	Delivery
4/30/04	200404-00155	Postage	\$3.14	Delivery
5/31/04	200405-00167	First Legal Support Services	\$175.00	Delivery
5/31/04	200405-00167	Worldwide Courier	\$194.00	Delivery
9/30/04	200409-00114	Federal Express	\$25.73	Delivery
10/31/04	200409-00320	Delivery Service-Time Machine Network	\$100.00	Delivery
11/30/04	200411-00129	Federal Express	\$41.17	Delivery
Total Delivery			\$1,364.65	
2/29/04	200402-00139	Westlaw Computer Research	\$372.75	Legal Research
3/31/04	200403-00153	Lexis-Nexis Computer Research	\$170.63	Legal Research
3/31/04	200403-00153	Westlaw Computer Research	\$1,902.00	Legal Research
4/30/04	200404-00155	Lexis-Nexis Computer Research	\$371.10	Legal Research
4/30/04	200404-00155	Research	\$26.46	Legal Research
4/30/04	200404-00155	Westlaw Computer Research	\$6,157.80	Legal Research
5/31/04	200405-00167	Westlaw Computer Research	\$3,181.41	Legal Research
7/31/04	200407-00146	Research	\$4.34	Legal Research
9/30/04	200409-00114	Westlaw Computer Research	\$964.89	Legal Research
10/31/04	200409-00320	Research	\$23.45	Legal Research
11/30/04	200411-00129	Westlaw Computer Research	\$103.28	Legal Research
Total Legal Research			\$13,278.11	
2/29/04	200402-00139	Photocopies @ \$0.15	\$405.90	Photocopies
3/31/04	200403-00153	Photocopies @ \$0.15	\$1,541.40	Photocopies
4/30/04	200404-00155	Photocopies @ \$0.15	\$97.20	Photocopies

Invoice Date	Invoice #	Description	Cost	Category
5/31/04	200405-00167	Photocopies @ \$0.15	\$25.20	Photocopies
6/30/04	200406-00141	Photocopies @ \$0.15	\$19.65	Photocopies
7/31/04	200407-00146	Photocopies @ \$0.15	\$17.10	Photocopies
8/31/04	200408-00128	Photocopies @ \$0.15	\$27.15	Photocopies
9/30/04	200409-00114	Photocopies @ \$0.15	\$343.80	Photocopies
10/31/04	200409-00320	Photocopies @ \$0.15	\$141.15	Photocopies
11/30/04	200411-00129	Photocopies @ \$0.15	\$30.90	Photocopies
Total Photocopies			\$2,649.45	
2/29/04	200402-00139	Phone	\$0.53	Telephone
3/31/04	200403-00153	Phone	\$9.27	Telephone
4/30/04	200404-00155	Phone	\$0.40	Telephone
6/30/04	200406-00141	Phone	\$0.60	Telephone
8/31/04	200408-00128	Conference Calls	\$25.18	Telephone
8/31/04	200408-00128	Phone	\$0.82	Telephone
9/30/04	200409-00114	Phone	\$0.57	Telephone
10/31/04	200409-00320	Phone	\$0.10	Telephone
Total Telephone			\$37.47	

Total Costs By Category	
Travel, Travel, Meals & Parking	\$1,476.22
Delivery	\$1,364.65
Legal Research	\$13,278.11
Photocopies	\$2,649.45
Telephone	\$37.47
Total Costs	\$18,805.90