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9 COXCOM, INC., HOSPITALITY NETWORK,  
10 INC., and CABLE AMERICA CORPORATION

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

13 In re  
14 ACACIA MEDIA TECHNOLOGIES  
15 CORPORATION

16 Case No. C-05-01114 JW  
17 **DECLARATION OF ANNAMARIE A.  
18 DALEY IN SUPPORT OF DEFENDANTS  
19 COXCOM, INC., HOSPITALITY  
20 NETWORK, INC., AND CABLE  
21 AMERICA CORPORATION’S BILL OF  
22 COSTS**

23 Pursuant to 28 U.S.C. § 1746, I Annamarie A. Daley, hereby declare as follows:

24 1. I represent Defendants Coxcom, Inc., Hospitality Network, Inc., and Cable  
25 America Corporation (collectively referred to as “Defendants Cox”) in this case. Based on my  
26 personal knowledge, I am competent to testify about the following matters.

27 2. By Order filed October 23, 2009, this Court granted Defendants’ Motion for  
28 Summary Judgment in Defendants’ favor on all counts. I am submitting this Declaration in  
support of the Bill of Costs for Defendants Cox in successfully defending this case pursuant to 28  
U.S.C. §§ 1920 and 1924, Rule 54(d)(1) of the Federal Rules of Civil Procedure, and Local Rule  
54-3 of the United States District Court, Northern District of California.

3. In connection with the defense of this lawsuit, Defendants Cox necessarily  
incurred the costs set forth in the Bill of Costs. Such costs are recoverable pursuant to Local Rule

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54. These costs are itemized in the Exhibits A through F attached hereto.

4. Exhibit A is a summary spreadsheet of filing costs associated with pro hac vice applications incurred by Defendants Cox in this matter with copies of cancelled checks, totaling \$330.

5. Exhibit B is a summary spreadsheet, compilation of invoices, and copies of cancelled checks reflecting \$4,252.47 in costs for deposition services. The invoices contained in Exhibit B are true and accurate copies of invoices received from court reporting services utilized in this case.

7. Exhibit C is a summary spreadsheet, compilation of invoices, and copies of cancelled checks reflecting \$3,903.48 in Court hearing transcript costs. The invoices contained in Exhibit C are true and accurate copies of invoices received from the court reporters in this matter. It was necessary for Defendants Cox to obtain these hearing transcripts to develop a record for use at summary judgment and claim construction to prepare for trial.

8. Exhibit D is a summary spreadsheet and compilation of invoices and bills reflecting \$3,854.74 in costs for patents needed to properly defend this matter. The bills and invoices contained in Exhibit D are true and accurate copies of invoices and bills received to obtain copies of the file histories of the patent-in-suit and related patents. Defendants Cox are entitled to recover the costs of papers necessarily obtained for the case under 28 U.S.C. § 1920(4).

9. Exhibit E is a spreadsheet summarizing the true and accurate costs for copies for exemplification and copies prepared by Robins, Kaplan, Miller & Ciresi's in-house photocopying service. Defendants Cox incurred a total of \$2,597.42 in copying costs. These costs were billed separately from legal fees, at the rate of either \$0.09 or \$0.40 per copy made.

10. Exhibit F is a summary spreadsheet, compilation of invoices, and copies of

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cancelled checks reflecting \$6,288.91 in costs incurred from the court-appointed expert, Rainer W. Schulz.<sup>1</sup>

11. The above costs are correct and have necessarily been incurred in this case, and the services for which these costs have been charged were actually and necessarily performed and paid by Defendants Cox.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Minneapolis, Minnesota, the 6th day of November, 2009.

DATED: November 6, 2009.

**ROBINS, KAPLAN, MILLER & CIRESI L.L.P.**

By: s/Annamarie A. Daley  
Annamarie A. Daley

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Attorneys for Defendants COXCOM, INC.,  
HOSPITALITY NETWORK, INC., and CABLE  
AMERICA CORPORATION

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<sup>1</sup> Rainer Schultz was a court-appointed expert and his costs were divided amongst the parties. Defendants Cox's portion noted on each invoice and the amounts identified on the spreadsheet.

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**PROOF OF SERVICE BY MAIL**

I am a partner of the law firm Robins, Kaplan, Miller & Ciresi L.L.P. My business address is 2800 LaSalle Plaza, 800 LaSalle Avenue, Minneapolis, Minnesota 55402-2015.

I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On November 6, 2009, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

**BILL OF COSTS AND DECLARATION OF ANNAMARIE A. DALEY IN SUPPORT OF DEFENDANTS COXCOM, INC., HOSPITALITY NETWORK, INC., AND CABLE AMERICA CORPORATION'S BILL OF COSTS**

in a sealed envelope, postage fully paid, addressed as set forth on the attached Service List.

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 6, 2009, at Minneapolis, Minnesota.

s/Annamarie A. Daley  
Annamarie A. Daley

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