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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

GILEAD SCIENCES, INC.,  
Plaintiff,  
v.  
MERCK & CO, INC., et al.,  
Defendants.

Case No. [13-cv-04057-BLF](#)

**ORDER REGARDING GILEAD'S  
MOTION FOR ATTORNEYS' FEES**

[Re: ECF 434]

Gilead is requested to provide the Court with a summary of hours expended on the major tasks necessary to prosecute this action as set forth on the chart below. The Court expects that the total number of hours will equal the hours set forth in the Motion for Attorney Fees. The information requested will provide the Court with a clear understanding of the Lodestar amount requested by Gilead and assist the Court in assessing the reasonableness of the hours expended.

<b>Task</b>	<b>Booker</b>	<b>Hardin-Smith</b>	<b>Oakes</b>	<b>Flanagan</b>	<b>etc.</b>
Pre-Suit Investigation					
Drafting Initial Complaint					
Discovery, including motions to compel					
Infringement/Invalidity Contentions					
Claims Construction					
Motion for Summary Judgment					
Trial Preparation					

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Trial					
Miscellaneous (describe)					
Total Hours					


While the Court has suggested the above categories of tasks, Gilead may add or modify categories as necessary to allow the Court to have a full understanding of the hours expended on this action. The Court is only interested in the amount of hours spent per task and not in the billing rate associated with those hours. If the Court decides attorneys' fees are warranted, and decides a reduction in hours is required for certain tasks, the parties will be expected to meet and confer and agree on what rate should be applied to those hours (e.g. blended billing rate).

The Court also orders Gilead to produce its full timekeeping records to Merck so that Merck can evaluate the reasonableness of the fees sought by Gilead.

Gilead shall file the completed the chart with the Court and produce its billing records to Merck by July 27, 2016.<sup>1</sup>

**IT IS SO ORDERED.**

Dated: July 20, 2016

  
BETH LABSON FREEMAN  
United States District Judge

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<sup>1</sup> If the parties believe more time is necessary to assemble this information, they may file a stipulation and proposed order setting out an appropriate schedule.