

*** NOTE: IT IS YOUR RESPONSIBILITY TO SET THE TIME (ANY TUESDAY, WEDNESDAY, OR THURSDAY AT 8:30 OR 9:00 A.M.) FOR APPEARANCE BEFORE THE CLERK FOR TAXATION.

AO 133

(Rev 03/02)

BILL OF COSTS	
United States District Court	DISTRICT COLORADO
VIDEO PROFESSOR, INC. v. AMAZON.COM, INC.	DOCKET NO. 09-CV-00636-REB-KLM
	MAGISTRATE CASE NO.
Judgment having been entered in the above entitled action on <u>APRIL 23, 2010</u> against <u>VIDEO PROFESSOR, INC.</u>	
the clerk is requested to tax the following as costs:	

BILL OF COSTS	
Fees of the clerk	\$ _____
Fees for service of summons and complaint	\$ _____
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 (itemized on reverse side)	\$ _____
Fees for exemplification and copies of papers necessarily obtained for use in the case	\$ 288.90
Docket fees under 28 U.S.C. § 1923	\$ _____
Costs incident to taking of depositions	\$ 6056.17
Costs as shown on Mandate of Court of Appeals	\$ _____
Other costs (Please itemize)	\$ _____
	\$ _____
Please review and comply with D.C.COLO.LCivR .54.1	\$ _____
(See Notice section on reverse side)	\$ _____
TOTAL	\$ 6345.07

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 hereof was this day mailed with postage fully prepaid thereon to: <u>Gregory C. Smith and Kieran A. Lasater, Fairfield & Woods, P.C., 1700 Lincoln St. #2400 Denver, CO 80203</u>	
Signature of Attorney <u>s/ Marc C. Levy</u>	
Print Name <u>Marc C. Levy</u>	Phone Number <u>(303) 607-3618</u>
For: <u>Amazon.com, Inc.</u>	Date <u>May 7, 2010</u>
<small>Name of Claiming Party</small>	

Please take notice that I will appear before the Clerk who will tax said costs on the following day and time:	Date and Time <u>May 18, 2010 at 9:30 am</u>
Costs are hereby taxed in the following amount and included in the judgment:	Amount Taxed <u>\$ 6,345.07</u>
CLERK OF COURT JAMES R. MANSPEAKER	(BY) DEPUTY CLERK
	DATE:

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)

NAME AND RESIDENCE	ATTENDANCE TOTAL		SUBSISTENCE TOTAL		MILEAGE TOTAL		Total Cost Each Witness
	Days	Cost	Days	Cost	Miles	Cost	
TOTAL:							

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28 which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

"Except when express provisions thereof is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

D.C.COLO.LCivR 54.1 Taxation of Costs

"Each judgment or the final order shall indicate which party or parties are entitled to costs. A bill of costs must be filed on the form provided by the court within ten days after entry of the judgment or final order. Costs will be taxed by the clerk or a designated deputy. Prior to appearance before the clerk, counsel for the party seeking costs shall file a written statement that a reasonable effort has been made, in conference with opposing counsel, to resolve disputes regarding costs. If costs are resolved, a stipulation setting forth the amount of costs shall be filed with the court."