

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 06-61736-CIV-HURLEY/HOPKINS

**RESPONSIBLE ME, INC.,
Plaintiff,**

v.

**EVENFLO COMPANY, INC., et al.,
Defendants.**

**ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION
ON DEFENDANTS' MOTIONS FOR ATTORNEYS' FEES & COSTS [DE#239, 263]
& ENTERING FINAL JUDGMENT ON COSTS**

THIS CAUSE is before the court upon the defendants' motion for attorney's fees and costs pursuant to 35 U.S.C. §285 [DE # 263], and motion for costs pursuant to 28 U.S.C. §1920 and Fed. R. Civ. P. 54 [DE# 239]. These matters were previously referred to United States Magistrate Judge James Hopkins pursuant to 28 U.S.C. §§ 636-39 and Rule 72 of the Federal Rules of Civil Procedure for a recommended disposition. [DE# 253].

On February 4, 2009, Magistrate Judge Hopkins filed his Report and Recommendation upon the motions [DE# 271], to which neither side has filed any objection. Having carefully reviewed the Magistrate Judge's Report and Recommendation, the court finds the resolution of the issues as recommended by Magistrate Judge Hopkins to be sound, and accordingly shall adopt the Magistrate Judge's recommended disposition of both motions here.

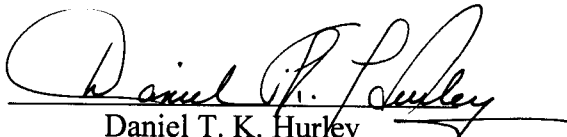
It is therefore **ORDERED** and **ADJUDGED**:

1. Magistrate Judge Hopkins' February 4, 2009 Report & Recommendation is hereby **ADOPTED** and **INCORPORATED** in full.
2. The defendants' motion for attorney's fees and costs pursuant to 35 U.S.C. §285 [DE# 263] is **DENIED**.
3. The defendants' motion for costs under Fed. R. Civ. P. 54 and 28 U.S.C. 1920 [DE# 239] is **GRANTED IN PART AND DENIED IN PART** as follows:

| | |
|--|-------------------|
| a. Court reporter and transcript fees: | \$4,019.70 |
| b. Copying Costs | 0.00 |
| c. Expert Witness Fees | 40.00 |
| TOTAL COST AWARD: | \$4,059.70 |

4. The defendants' shall accordingly recover costs from the plaintiff, **RESPONSIBLE ME, INC.**, in the **TOTAL SUM** of **\$4,059.70**, which sum shall bear interest at the rate prescribed by 28 U.S.C. § 1961 from this date, for which let execution issue.

DONE and **SIGNED** in Chambers at West Palm Beach, Florida this 27th day of February, 2009.


Daniel T. K. Hurley
United States District Judge

Copies furnished to:
Magistrate Judge James Hopkins
all counsel