

documents. (Pl.'s Mot. 2.) In a separate order, the Court found that McWilliams was qualified as an expert, but could not opine on certain portions of the attorneys' fees. (Dckt. 205.)

Plaintiff designated Perry as an expert to opine on financial damages, which took the form of a reasonable royalty. (Pl.'s Mot. 2.) Perry signed his expert report on December 18, 2008. The report consisted of nineteen written pages, four spreadsheets of damages calculations, and two exhibits that totaled seven pages. (*Id.* at Ex. B.) To prepare his report, Perry reviewed these and other documents, including thirteen deposition transcripts. (*Id.* at 2–3.)

McWilliams and Perry spent additional time responding to subpoenas, which Defendant issued on January 27, 2009, under Federal Rule of Civil Procedure 45 ("Rule 45"). (*Id.* at 3, Ex. C–D.) The subpoenas sought the depositions of McWilliams and Perry, as well as twenty categories of documents, ranging from the expert's curriculum vitae to "[a]ny correspondence or communications with any person regarding Catapult Communications Corporation, Nethawk Corporation (or any of its affiliates), or Lewis Foster." (Pl.'s Mot. 3, Ex. C at 2–3; *id.* at D at 2–3.) One subpoena commanded McWilliams to produce these documents by February 12, 2009, and be deposed by February 19, 2009. (Pl.'s Mot. 3, Ex. C.) The other subpoena commanded Perry to produce documents by February 26, 2009, and appear for his deposition by March 5, 2009. (Pl.'s Mot. 3, Ex. D.)

McWilliams and Perry complied with both document requests, with McWilliams producing 517 pages and Perry producing "144 objects on a CD, with respective subfolders for the types of objects produced." (Pl.'s Mot. 3.) The depositions went forward as well: Defendant deposed McWilliams on February 19, 2009, for approximately two hours, and deposed Perry on March 27, 2009, for approximately three hours. (Pl.'s Mot. 3.)

These experts then submitted invoices to Defendant for the time spent responding to the subpoenas. (Pl.'s Mot. 3.) The time included 6.1 hours spent by McWilliams reviewing the subpoena and identifying and gathering documents for production, 11.8 hours spent by McWilliams preparing for and attending his deposition, four hours spent with Plaintiff's attorney, and 2.3 hours spent by McWilliams' paralegal preparing the documents for production. (Pl.'s Mot. 3; Ex. E.) The fees for this time amounted to \$9,511.00. On March 23, 2009, Plaintiff requested only \$6,329.80 of the \$9,511.00, which represented 9.8 hours of McWilliams' time and 2.3 hours of his paralegal's time. (Pl.'s Mot. 3-4, Ex. E.) This decreased amount reflected deductions of four hours McWilliams' spent with his attorney, as well as three additional hours. (Pl.'s Mot., Ex. E at 1.)

Perry's time included four hours (three by Perry and one by his assistant) responding to the document requests, sixteen hours (fifteen by Perry and one by his assistant) preparing for the deposition, four hours meeting with Plaintiff's counsel prior to the deposition, and three hours attending the deposition. (Pl.'s Mot. 4.) The total fees for this time equaled \$11,880.00. On April 8, 2009, Plaintiff then sent an invoice to Defendant, requesting only \$9,765.00, which reflects deductions of the four hours Perry spent meeting with Plaintiff's counsel and one hour of time spent by Perry's assistant. (Pl.'s Mot. 4, 9; Pl.'s Reply 6, 7.) Because this matter remains unresolved—and Defendant has yet to pay any fees—Plaintiff filed this motion requesting fees totaling \$16,094.80: \$6,329.80 for McWilliams and \$9,765.00 for Perry. (Pl.'s Mot. 4-5; Pl.'s Reply 6-7.)