

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|-------------------------------------|---|-------------------|
| GREEN EDGE ENTERPRISES, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:02CV566 TIA |
| |) | |
| RUBBER MULCH ETC. LLC, et al., |) | |
| |) | |
| Defendants/Counterclaim Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| GREEN EDGE ENTERPRISES, LLC, |) | |
| INTERNATIONAL MULCH COMPANY, |) | |
| and MICHAEL MILLER, et al., |) | |
| |) | |
| Counterclaim Defendants. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on Rubber Resources Ltd., LLLP’s Bill of Costs. The parties consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c).

On April 15, 2011, a jury returned its verdict in this patent case on April 15, 2011, finding, among other things, that all 8 claims of the ‘514 Patent pertaining to rubber mulch were invalid on the bases that the claims were anticipated by any of the prior art and that they would have been obvious to a person of ordinary skill in the field given the prior art references and devices. (Verdict Form, ECF No. 512) On May 5, 2011, Rubber Resources filed a Bill of Costs as the prevailing party, requesting reimbursement of costs related to this case. In addition, Rubber Resources submitted an Affidavit, along with invoices and receipts pertaining to filing fees; fees of the court reporter; stenographer fees; fees for witnesses; and copying and printing fees. The requested amount equals Twenty-one Thousand Two Hundred Eight Dollars and Twenty-three Cents (\$21,208.23). Green

Edge Enterprises, LLC originally filed objections to said amount.¹ However, in its Response to Court Order (ECF No. 558), Rubber Resources asserts that Green Edge has agreed to the entry of the total amount requested in the Bill of Costs.

Under Rule 54(d)(1) of the Federal Rules of Civil Procedure, costs shall be allowed as of course to the prevailing party unless the court directs otherwise. In the instant case, the undersigned finds that costs payable of the Rubber Resources are warranted.

Accordingly,

IT IS HEREBY ORDERED that Rubber Resources Ltd, LLLP's Bill of Costs [Doc. #524] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of the Court shall tax costs in the amount of Twenty-one Thousand Two Hundred Eight Dollars and Twenty-three Cents (\$21,208.23) against Green Edge Enterprises, LLC and payable to Rubber Resources Ltd, LLLP.

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

Dated this 15th day of August, 2011.

¹ Counsel for Green Edge maintained, and the undersigned agrees, that the documentation submitted by Rubber Resources does not support all of the costs it claims to have incurred.