

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PRISM TECHNOLOGIES, LLC,	)	
	)	
Plaintiff,	)	8:12CV123
	)	
v.	)	
	)	
SPRINT SPECTRUM L.P., D/B/A	)	MEMORANDUM AND ORDER
SPRINT PCS,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the Court on Sprint Spectrum L.P.'s ("Sprint") motion for review of the clerk's taxation of costs (Filing No. [558](#)). After reviewing the motion, brief, and applicable law, the Court finds as follows.

In this case, \$42,495.43 of costs were taxed against the defendant Sprint (Filing No. [556](#)). Sprint now brings this motion challenging one category of transcript costs. Sprint alleges that costs for real-time services, rough copies of deposition transcripts, and optical character recognition ("OCR") services in the amount of \$11,099.36 are unnecessary costs to which Prism Technologies, LLC ("Prism") is not entitled.

Federal Rule of Civil Procedure 54(d)(1) provides that "[u]nless a federal statute, these rules, or a court order provides otherwise, costs -- other than attorney's fees -- should be allowed to the prevailing party." "A prevailing party is

presumptively entitled to recover all of its costs." *In re Derailment Cases*, 417 F.3d 840, 844 (8th Cir. 2005).

The Clerk of the Court found that real-time services, rough copies of deposition transcripts, and OCR services are costs traditionally allowed by the Eighth Circuit. See *168th and Dodge, LP v. Rave Reviews Cinemas, LLC*, 501 F.3d 945, 957-58 (8th Cir. 2007). In addition, the Bill of Costs Handbook for the United States District Court of the District of Nebraska (the "Handbook"), does not specifically preclude such costs. The Court finds that the real-time services, rough copies of deposition transcripts, and OCR services were reasonably necessary in this case, and therefore the prevailing party is entitled to recover such costs. As a result, the Court will deny the defendant's motion. Accordingly,

IT IS ORDERED that Sprint's motion for review of the clerk's taxation of costs is denied.

DATED this 4th day of January, 2016.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court