

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AARON CLARK and JOHN PEIRANO,

Plaintiffs

Case No. 08 cv 0982

v.

THE WALT DISNEY COMPANY, et al

Hon. John D. Holschuh

Defendants.

DECLARATION OF GRANT E. KINSEL

I, Grant Kinsel, declare:

1. I make this declaration on the basis of personal knowledge, and if called to testify as a witness, I would and could testify competently hereto.

2. I am lead counsel of record for the Defendants in this matter, and I make this declaration in support of JAKKS Pacific, Inc.'s ("JAKKS") Supplemental Motion for Attorneys' Fees Pursuant to 35 U.S.C. § 285. I was also the billing attorney for this matter, and reviewed all invoices sent to JAKKS in connection with this matter.

3. Attached as Exhibit "1" is a true and correct copy of a spreadsheet that I prepared based on the invoices I sent to JAKKS in connection with this matter. To prepare Exhibit 1, I reviewed all of the invoices sent to JAKKS, true and correct copies of which are attached as group Exhibit "3." I added hours to the various categories reflected in Exhibit 1 based on the descriptions contained in the invoices. In circumstances where an entry related to more than one category, I allocated the entry to a particular category based on my personal knowledge of what I and others were doing in the litigation at the time. I did not attempt to allocate block billed entries among the various categories, but rather, included the entire block into the categories where I believed most of the time for particular entries were spent.

4. Attached as Exhibit "2" is a true and correct copy of a spreadsheet that I prepared based on the invoices sent to JAKKS in connection with this matter. I prepared this spreadsheet by adding all of the costs reflected in the invoices, with the exception of the costs that are included in the Bill of Costs filed concurrently with this Motion, and attached as Exhibit "6." Thus, Exhibit 2 reflects all costs billed to JAKKS, except those costs included in the Bill of Costs, which are separately recoverable.

5. Attached as Exhibit "4" is a true and correct copy of the declaration filed in support of defendants' request for attorneys' fees in *Applied Materials, Inc. v. Multimetrix, LLC*, No. C 06-07372 MHP, 2009 U.S. Dist. LEXIS 44061, (N.D. Cal May 26, 2009).

6. Attached as Exhibit "5" are true and correct copies of excerpts from the American Intellectual Property Law Association's Report of the Economic Survey for 2009.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed November 10, 2009, at Los Angeles, California.

/s/ Grant Kinsel

EXHIBIT 1

EXHIBIT 1

SUMMARY OF HOURS BY TIMEKEEPER AND TASK

TASK	KINSEL (\$565)	LUEDER (\$490)	MINASSIAN (\$525)	SONG (\$450)	ROSENBERG (\$255)	MATTHEWS (\$255)	TASK TOTAL
Rule 11 Motions	18.1	.3	0	51.4	4.1	0	73.9
12(b)(6)/Summary Judgment	31.9	0	17.9	89.5	0	9	148.3
Personal Jurisdiction TWDC	42.9	0	0	36.6	0	0	79.5
Discovery	18.5	0	1.1	72.3	0	0	91.9
12(b)(7)	0	0	0	10.9	0	0	10.9
Other	1	.2	0	.3	0	0	1.5
Totals	112.4	.5	19	261	4.1	9	406
Lodestar (hours x rate)	\$63,506	\$245	\$9,975	\$117,450	\$1,045.50	\$2,295	\$194,516.50

EXHIBIT 2

EXHIBIT 2

SUMMARY OF COSTS BY CATEGORY

COST DESCRIPTION	COST
Copies	\$402.60
Electronic research	\$4,896.07
Paralegal expenses	\$357.00
Document management personnel	\$280.50
Shipping costs	\$42.16
Mailing costs	\$10.51
PTO file history	\$197
TOTAL	\$6,185.84

EXHIBIT 3



FOLEY & LARDNER LLP
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JAKKS Pacific, Inc.
22619 Pacific Coast Highway
Suite 250
Malibu, CA 90265

Date: March 9, 2009
Invoice No.: 31010273

Services through
February 28, 2009
Summary of Services

Our Ref.	Description	Services	Expenses	Total
094622-0101	CLARK V. JAKKS	\$30,929.50	\$823.14	\$31,752.64
	Totals:	\$30,929.50	\$823.14	\$31,752.64
		Total Amount Due:		\$31,752.64

Please note that as of February 1, 2009, there may be certain matters on which legal fees have been adjusted. This may or may not affect you. Please contact your principal attorney at the Firm if you have questions.

Please reference your account number 094622-0101 and your invoice number 31010273 with your remittance payable to Foley & Lardner LLP.

Foley & Lardner LLP
Federal Employer Number:
39-0473800

Professional Services Detail

✓ 2/2/09	GREK	Research regarding plaintiff's statement that TWDC annual report showed jurisdiction over TWDC; review annual report regarding same; draft response to plaintiff regarding same.	1.00
✓ 2/2/09	LVM	Review/analyze opposition to motion to dismiss; review/analyze motion to strike; review local rules for S.D. Ohio regarding reply; strategize regarding draft of reply and opposition to motion to strike/reply regarding motion to take judicial notice.	1.80
✓ 2/3/09	LVM	Review case law cited by plaintiff; analyze same; draft outline of reply regarding motion and opposition to motion to strike.	1.10
✓ 2/4/09	LVM	Draft reply brief and motion to strike.	4.80
✓ 2/5/09	GREK	Prepare for and attend scheduling conference and prepare report to clients regarding same.	1.00
✓ 2/5/09	LVM	Strategize regarding discovery issues; supplement drafts of reply brief and opposition to motion to strike.	5.80
✓ 2/6/09	GREK	Review and revise reply brief regarding motion to dismiss; research regarding same.	2.30
✓ 2/6/09	LVM	Finalize motion to dismiss and opposition regarding motion to strike.	2.60
✓ 2/9/09	GREK	Review and revise reply brief; research regarding supreme court authority concerning Lanham Act claim.	6.00
2/9/09	LVM	Revise and finalize draft of reply brief.	1.70
2/10/09	GREK	Review and revise reply brief; prepare request for clarifications regarding initial disclosures; prepare draft initial disclosures for JAKKS, Play Along and TRU; draft requests for production to Clark.	5.50
2/10/09	LVM	Review preliminary pretrial order; strategize regarding discovery issues and motion to stay discovery.	0.30
2/11/09	GREK	Review and revise requests for production; draft interrogatories; prepare same for filing.	2.00
2/17/09	LVM	Review motion to amend and order granting same.	0.40
2/18/09	MCLU	Review pro hac vice affidavit.	0.20
2/19/09	GREK	Review and revise initial disclosures for TRU, JAKKS and Play Along; Research regarding reply brief in support of 12(b)(2) motion; prepare outline regarding same; draft same.	5.20
2/20/09	GREK	Draft 12(b)(2) reply brief; research regarding same; follow up with G. Goldsmith regarding same.	7.20

JAKKS PACIFIC, INC.
 Our Ref. No.: 094622-0101
 Invoice No.: 31010273
 CLARK V. JAKKS

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 March 9, 2009

2/22/09	GREK	Review and revise reply brief and supporting papers in support of motion to dismiss 12(b)(2).	2.30
2/23/09	GREK	Review and revise reply brief in support of motion to dismiss; prepare supporting declarations; emails with G. Goldsmith regarding same; review G. Goldsmith edits to brief; prepare same for filing.	2.50
2/24/09	LVM	Strategize regarding motion to stay.	0.30
2/24/09	GREK	Review, revise and finalize reply brief regarding 12(b)(2) motion for The Walt Disney Company.	2.10

Services Total: 56.10

Professional Services Summary

Timekeeper	Initials	Title	Hours	Rate	Dollars
Grant E. Kinsel	GREK	Partner	37.10	\$565.00	\$20,961.50
Michael C. Lueder	MCLU	Partner	0.20	\$490.00	\$98.00
Lori V. Minassian	LVM	Senior Counsel	18.80	\$525.00	\$9,870.00
Services Total:			56.10		\$30,929.50

Expenses Incurred

Description	Amount
Photocopying Charges	\$21.75
Electronic Legal Research Services	\$336.39
Recording / Filing Fees -- Vendor: U.S. Legal Management Services, Inc. -- United States District Court	\$265.00
Recording / Filing Fees -- Vendor: Clerk Of The Court Motion For Admission Pro Hac Vice	\$200.00
Expenses Total:	\$823.14

Certain services and expenses, which involve payments made to third parties, include an additional charge based upon our internal costs with respect to those services and expenses.

Matter Total: \$31,752.64



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WWW.FOLEY.COM

JAKKS Pacific, Inc.
22619 Pacific Coast Highway
Suite 250
Malibu, CA 90265

Date: April 9, 2009
Invoice No.: 31023776

Services through
March 31, 2009
Summary of Services

Our Ref.	Description	Service	Expense	Total
094622-0101	CLARK V. JAKKS	\$4,631.00	\$127.24	\$4,758.24
	Totals:	\$4,631.00	\$127.24	\$4,758.24
		Total Amount Due:		\$4,758.24

Please reference your account number 094622-0101 and your invoice number 31023776 with your remittance payable to Foley & Lardner LLP.

Foley & Lardner LLP
Federal Employer Number:
39-0473800

Professional Services Detail

3/16/09	GREK	Review response to discovery letter; draft letter to Magistrate regarding discovery.	1.60
3/17/09	GREK	Draft letter to magistrate regarding discovery disputes; telephone conference with chambers regarding discovery conference; follow up with plaintiff's counsel regarding same.	2.20
3/17/09	JS	Coordinate scanning of discovery documents for attorney review.	0.40
3/19/09	GREK	Prepare for and attend telephonic discovery conference regarding JAKKS' interrogatories.	1.60
3/20/09	JS	Coordinate attorney review of discovery materials.	0.70
3/23/09	GREK	Review documents produced by Plaintiff and compare against requests for production.	2.30
Services Total:			8.80

Professional Services Summary

Timekeeper	Initials	Title	Hours	Rate	Dollars
Grant E. Kinsel	GREK	Partner	7.70	\$565.00	\$4,350.50
Joel Sandler	JS	Other	1.10	\$255.00	\$280.50
Services Total:			8.80		\$4,631.00

Expenses Incurred

Description	Amount
Shipping/courier/messenger Services	\$12.26
Electronic Legal Research Services	\$109.52
Mailing Expense	\$5.46
Expenses Total:	\$127.24

Certain services and expenses, which involve payments made to third parties, include an additional charge based upon our internal costs with respect to those services and expenses.

Matter Total: \$4,758.24



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JAKKS Pacific, Inc.
22619 Pacific Coast Highway
Suite 250
Malibu, CA 90265

Date: May 7, 2009
Invoice No.: 31034104

Services through
April 30, 2009
Summary of Services

Our Ref.	Description	Services	Expenses	Total
094622-0101	CLARK V. JAKKS	\$14,110.50	\$917.70	\$15,028.20
094622-9001	NIGHT VISION GOGGLES LITIGATION	\$6,925.50	\$0.00	\$6,925.50
	Totals:	\$21,036.00	\$917.70	\$21,953.70
		Total Amount Due:		\$21,953.70

Please reference your account number 094622-0101 and your invoice number 31034104 with your remittance payable to Foley & Lardner LLP.

Foley & Lardner LLP
Federal Employer Number:
39-0473800

Professional Services Detail

4/6/09	MJSO	Review complaint, patent-in-suit, interrogatories, responses and supplemental responses to interrogatories; draft letter identifying deficiencies in responses to interrogatories; conference with G. Kinsel regarding same; review and respond to emails.	2.50
4/6/09	GREK	Review supplemental discovery responses; prepare follow up regarding same; review M. Song correspondence regarding same.	0.70
4/7/09	MJSO	Revise draft letter identifying deficiencies in responses to interrogatories; conference with G. Kinsel regarding same; review and respond to emails.	2.00
4/8/09	MJSO	Conference with opposing counsel regarding deficiencies in Responses to Interrogatories; conference with G. Kinsel regarding same; draft letter to Magistrate Judge Abel regarding same; review Plaintiff's responses to Defendants' Requests for Production of Documents; review Motion for Michael Song to appear pro hac vice; contact court clerk regarding pending order and scheduling of discovery conference.	3.80
4/9/09	MJSO	Conference with court clerk regarding pending order and scheduling of discovery conference; contact opposing counsel regarding scheduling of discovery conference.	0.20
4/10/09	MJSO	Review Plaintiff's responses to Defendants' requests for the production of documents; review documents produced by Plaintiff; draft letter to opposing counsel regarding deficiencies in Plaintiff's responses and document production; review and respond to emails.	3.00
4/13/09	MJSO	Review Plaintiff's initial disclosures and document production; revise draft letter regarding deficiencies in Plaintiff's response to Defendants' requests for production of documents.	1.30
4/14/09	MJSO	Conference with court clerk regarding scheduling of discovery conference; correspond with opposing counsel regarding same; revise letter to Magistrate Judge Abel regarding same; conference with G. Kinsel regarding same.	0.50
4/14/09	GREK	Review discovery letter to magistrate regarding motion to compel further responses to interrogatories; telephone conference with G. Goldsmith regarding proper Disney defendant and follow up regarding same.	1.20
4/15/09	MJSO	Review Plaintiff's response to Defendants' letter to Magistrate Judge Abel regarding deficiencies in Plaintiff's responses to Defendants' first set of interrogatories.	0.20
4/15/09	GREK	Telephone conference with G. Goldsmith regarding proper Disney defendant and follow up regarding same; review plaintiff's response to discovery letter.	0.90

JAKKS PACIFIC, INC.
 Our Ref. No.: 094622-0101
 Invoice No.: 31034104
 CLARK V. JAKKS

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 May 7, 2009

4/16/09	MJSO	Draft notes regarding discovery conference; review correspondence and pleadings in preparation of same; conference with G. Kinsel regarding same; research case law regarding motion to compel dates with more specificity.	1.40
4/16/09	GREK	Prepare for discovery conference; participate in discovery conference regarding responses to interrogatories.	1.60
4/16/09	LVM	Review order denying motion to strike.	0.10
4/20/09	MJSO	Draft requests for admission.	0.80
4/20/09	LVM	Review discovery conference order.	0.10
4/21/09	GREK	Follow up with plaintiff counsel regarding Disney defendants and report same to client.	0.10
4/23/09	MJSO	Correspond with opposing counsel regarding dismissal of incorrect Disney entities and substitution of correct Disney entity; conference with G. Kinsel regarding same; review and respond to emails.	0.30
4/27/09	MJSO	Review Plaintiff's supplemental responses to interrogatories related to claim construction; revise and serve Requests for Admission; revise and send draft letter to opposing counsel regarding deficiencies in document production; conference with G. Kinsel regarding same; review and respond to emails.	2.70
4/27/09	GREK	Review RFAs and review and revise correspondence regarding document demands.	0.80
			0.60
		REDACTED NOT INCLUDED IN TOTAL.	2.80
4/30/09	MJSO	Review letter from opposing counsel regarding deficiencies in Plaintiff's document production; research case law regarding "possession, custody and control"; draft letter regarding deficiencies in Plaintiff's document production; conference with G. Kinsel regarding same.	1.50

Services Total: 29.10

Professional Services Summary

Timekeeper	Initials	Title	Hours	Rate	Dollars
Grant E. Kinsel	GREK	Partner	8.70	\$565.00	\$4,915.50
Lori V. Minassian	LVM	Senior Counsel	0.20	\$525.00	\$105.00
Michael J. Song	MJSO	Associate	20.20	\$450.00	\$9,090.00
		Services Total:	29.10		\$14,110.50

Expenses Incurred

Description	Amount
Photocopying Charges	\$1.05

JAKKS PACIFIC, INC.
Our Ref. No.: 094622-0101
Invoice No.: 31034104
CLARK V. JAKKS

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Foley & Lardner LLP
May 7, 2009

Description	Amount
Shipping/courier/messenger Services	\$29.90
Electronic Legal Research Services	\$61.95
Photocopying Charges -- Vendor: Marcus Uppe, Inc. -- Document Imaging, OCR and Cd Creation Charges	\$379.80
Recording / Filing Fees -- Vendor: U.S. Legal Management Services, Inc. -- Usdc Southern District Of Ohio	\$445.00
Expenses Total:	\$917.70

Certain services and expenses, which involve payments made to third parties, include an additional charge based upon our internal costs with respect to those services and expenses.

Matter Total: \$15,028.20



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JAKKS Pacific, Inc.
22619 Pacific Coast Highway
Suite 250
Malibu, CA 90265

Date: June 8, 2009
Invoice No.: 31047489

Services through
May 31, 2009

Summary of Services

Our Ref	Description	Services	Expenses	Total
094622-0101	CLARK V. JAKKS	\$26,752.50	\$1,291.80	\$28,044.30
094622-9001	NIGHT VISION GOGGLES LITIGATION	\$27,200.00	\$585.84	\$27,785.84
	Totals:	\$53,952.50	\$1,877.64	\$55,830.14
		Total Amount Due:		\$55,830.14

Please reference your account number 094622-0101 and your invoice number 31047489 with your remittance payable to Foley & Lardner LLP.

Foley & Lardner LLP
Federal Employer Number:
39-0473800

Professional Services Detail

5/1/09	MJSO	Review Plaintiff's responses to JAKKS' First Set of Requests For Production; revise draft letter regarding deficiencies in Plaintiff's document production; review notice of dismissal and motion for leave to file second amended complaint; compare second amended complaint and first amended complaint; conference with G. Kinsel regarding same.	3.00
5/5/09	MJSO	Research case law regarding affect of amended complaint on a pending motion to dismiss; review pleadings regarding first amended complaint and second amended complaint.	0.70
5/7/09	GREK	Review discovery propounded by Clark and send summary emails to clients regarding same.	1.20
5/7/09	MJSO	Conference with G. Kinsel regarding non-service of summons on Disney Shopping, Inc., Defendants' letter to Plaintiff regarding deficiencies in Plaintiff's document production, and Plaintiff's discovery requests; conference with S. Chance regarding Plaintiff's document production; research law regarding additional Rule 26(f) conferences when a new party is added, requesting status conference on pending motion to dismiss; draft Disney Shopping, Inc.'s joinder of motion to dismiss; review motion to dismiss; review Plaintiff's discovery requests; draft responses to Plaintiff's first set of requests for admission; review and respond to emails.	7.60
5/8/09	MJSO	Revise draft responses to Plaintiff's First Requests For Admission on JAKKS Pacific, Inc.; draft responses to Plaintiff's First Set of Interrogatories on JAKKS Pacific, Inc.; research case law regarding indefiniteness and unpatentable subject matter; draft memorandum regarding same; review accused products, Plaintiff's proposed claim constructions, file history, and prior art in preparation of same.	5.80
5/11/09	MJSO	Review correspondence from opposing counsel; review research on case law regarding indefiniteness.	1.50
5/12/09	MJSO	Review correspondence from opposing counsel regarding copying of documents; conference with G. Kinsel regarding case strategy to minimize costs; research case law regarding stay of discovery pending ruling on motion to dismiss; research case law regarding impermissibly reading out claim limitations from a patent claim; research case law regarding failure to join a necessary party; review Plaintiff's interrogatory responses; obtain and review assignment agreements for patent-in-suit; draft letter to opposing counsel regarding filing of motion to dismiss for failure to join a necessary party and request for stay of discovery pending ruling on motion to dismiss; review and respond to emails.	7.00

5/13/09	MJSO	Research case law regarding motion to dismiss for failure to join a necessary and indispensable party; research case law regarding co-owner of a patent as a necessary party to an action for patent infringement; draft motion to dismiss for failure to join necessary and indispensable party pursuant to Fed. R. Civ. P. 12(b)(7); draft declaration in support of motion to dismiss; review pleadings, discovery and assignment papers in preparation of same; conference with G. Kinsel regarding same; review prior art in preparation of responding to interrogatories.	8.00
5/14/09	MJSO	Revise draft responses to interrogatories; conference with G. Kinsel regarding same; correspond with opposing counsel regarding production of documents.	5.00
5/14/09	GREK	Review discovery; telephone conference with J. Tennenberg regarding discovery issues; exchange emails with J. Tennenberg regarding identification of additional defendants; research regarding same.	1.80
5/18/09	MJSO	Review correspondence from opposing counsel regarding stay of discovery; draft letter to Magistrate Judge Abel regarding stay in discovery; research case law regarding same; conference with G. Kinsel regarding same; review discovery requests and initial disclosures regarding same; review supplementary responses to interrogatories.	5.30
5/22/09	MJSO	Correspond with opposing counsel regarding discovery conference regarding discovery stay.	0.10
5/26/09	MJSO	Revise draft letter to Magistrate Judge Abel regarding request for stay in discovery; conference with G. Kinsel regarding same; communicate with opposing counsel and court clerk regarding scheduling for discovery conference.	2.80
5/26/09	GREK	Review correspondence to magistrate regarding request to stay discovery in light of motions to dismiss.	0.70
5/27/09	MJSO	Review motion to amend complaint to add plaintiff; research case law regarding same; review correspondence from opposing counsel regarding discovery conference to stay discovery; research case law regarding same; prepare for discovery conference; conference with G. Kinsel regarding same.	2.90
5/28/09	MJSO	Review correspondence, case law, discovery requests and pleadings in preparation of discovery conference with Magistrate Judge Abel regarding a stay in discovery; participate in discovery conference regarding same; conference with G. Kinsel regarding same; draft document preservation memo.	4.10
5/28/09	GREK	Review RFA responses; telephone conference with M. Dwyer regarding discovery stay; draft document preservation memos for all clients pending discovery stay.	0.80
Services Total:			58.30

JAKKS PACIFIC, INC.
Our Ref. No.: 094622-0101
Invoice No.: 31047489
CLARK V. JAKKS

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Foley & Lardner LLP
June 8, 2009

Professional Services Summary

Timekeeper	Initials	Title	Hours	Rate	Dollars
Grant E. Kinsel	GREK	Partner	4.50	\$565.00	\$2,542.50
Michael J. Song	MJSO	Associate	53.80	\$450.00	\$24,210.00
		Services Total:	58.30		\$26,752.50

Expenses Incurred

Description	Amount
Electronic Legal Research Services	\$1,206.75
Mailing Expense	\$5.05
Recording / Filing Fees - - Vendor: Rtis-reedfax -- File Us History	\$80.00
Expenses Total:	\$1,291.80

Certain services and expenses, which involve payments made to third parties, include an additional charge based upon our internal costs with respect to those services and expenses.

Matter Total: \$28,044.30



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JAKKS Pacific, Inc.
22619 Pacific Coast Highway
Suite 250
Malibu, CA 90265

Date: July 14, 2009
Invoice No.: 31062461

Services through
June 30, 2009

Summary of Services

Our Ref.	Description	Services	Expenses	Total
094622-0101	CLARK V. JAKKS	\$6,390.00	\$178.73	\$6,568.73
094622-9001	NIGHT VISION GOGGLES LITIGATION	\$0.00	\$434.75	\$434.75
	Totals:	\$6,390.00	\$613.48	\$7,003.48
		Total Amount Due:		\$7,003.48

Please reference your account number 094622-0101 and your invoice number 31062461 with your remittance payable to Foley & Lardner LLP.

Foley & Lardner LLP
Federal Employer Number:
39-0473800

Professional Services Detail

6/9/09	MJSO	Conference with court clerk regarding pending motion to dismiss; conference with G. Kinsel regarding same.	0.30
6/22/09	MJSO	Review order on motion to dismiss; review motion for extension of time; review requests for production, requests for admission, and interrogatories served on JAKKS Pacific Inc., Play Along Toys, Toys R Us and Disney Shopping Inc.; draft letter to opposing counsel regarding misrepresentations to the court regarding May 28, 2009 discovery conference and re-served discovery requests.	3.90
6/23/09	MJSO	Review order on motion to dismiss; review motion for extension of time; review re-served discovery requests by Plaintiff; revise draft letter to opposing counsel regarding misrepresentations to the court regarding May 28, 2009 discovery conference and re-served discovery requests; research local rules regarding motion for attorneys' fees; review documents produced by Plaintiff.	4.40
6/24/09	MJSO	Draft letter to Magistrate Judge Abel regarding discovery conference on discovery stay; review discovery requests re-served by Plaintiff in preparation of same; draft opposition to motion for extension of time to supplement record on Defendants' Motion for Summary Judgment; conference with G. Kinsel regarding same; coordinate with Court Clerk and opposing counsel regarding discovery conference.	4.00
6/25/09	MJSO	Coordinate with opposing counsel and court clerk regarding discovery conference; review and revise letter to Magistrate Judge Abel regarding discovery conference, including exhibits.	0.10
6/30/09	MJSO	Review letter from opposing counsel to Magistrate Judge Abel regarding discovery conference; review discovery requests identified in letter from opposing counsel in preparation of discovery conference.	1.50
Services Total:			14.20

Professional Services Summary

Timekeeper	Initials	Title	Hours	Rate	Dollars
Michael J. Song	MJSO	Associate	14.20	\$450.00	\$6,390.00
Services Total:			14.20		\$6,390.00

Expenses Incurred

Description	Amount
Electronic Legal Research Services	\$174.60
Long Distance Telephone Charges	\$4.13
Expenses Total:	\$178.73



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WWW.FOLEY.COM

JAKKS Pacific, Inc.
22619 Pacific Coast Highway
Suite 250
Malibu, CA 90265

Date: August 7, 2009
Invoice No.: 31071290

Services through
July 31, 2009
Summary of Services

Our Ref.	Description	Services	Expenses	Total
094622-0101	CLARK V. JAKKS	\$17,300.50	\$667.14	\$17,967.64
	Totals:	\$17,300.50	\$667.14	\$17,967.64
		Total Amount Due:		\$17,967.64

Please reference your account number 094622-0101 and your invoice number 31071290 with your remittance payable to Foley & Lardner LLP.

Foley & Lardner LLP
Federal Employer Number:
39-0473800

Professional Services Detail

7/1/09	MJSO	Prepare for and attend discovery conference with Magistrate Judge Abel regarding stay of discovery, objections to Plaintiff's discovery requests, motion for leave to amend the complaint, and motion for extension of time to supplement record on motion for summary judgment.	1.40
7/8/09	MJSO	Review third amended complaint and compare to exhibit to motion for leave to file a third amended complaint.	0.30
7/9/09	MJSO	Review order denying motion to dismiss Walt Disney Co. for lack of personal jurisdiction and mootng Defendants' motion to dismiss for failure to add an indispensable party; review opposition to motion to dismiss for lack of personal jurisdiction in preparation of limiting discovery to issues regarding personal jurisdiction; review correspondence from opposing counsel regarding waiver of summons; review Federal Rules of Civil Procedure 4(d) regarding waiver of service of summons.	0.70
7/13/09	MJSO	Review discovery requests for response by JAKKS; draft email regarding waiver of summons; conference with G. Kinsel regarding same.	1.50
7/14/09	MJSO	Draft JAKKS Pacific, Inc.'s responses to Plaintiff's discovery requests; review pleadings filed with respect to Defendants' motion to dismiss in preparation of same; review file history and notes regarding invalidity in preparation of same.	2.60
7/14/09	GREK	Telephone conference with M. Dwyer regarding discovery and case status; telephone conference with G. Goldsmith regarding discovery regarding jurisdiction over TWDC.	0.50
7/16/09	MJSO	Revise draft responses to Plaintiff's discovery requests on JAKKS Pacific, Inc.; review case law regarding prosecution history estoppel and construction of claims to preserve validity in preparation of same; review discovery requests on The Walt Disney Company; draft objections to same.	6.90
7/17/09	GREK	Review and revise discovery responses; review discovery received from plaintiff regarding TWDC jurisdiction.	0.80
7/17/09	MJSO	Revise draft responses to Requests for Admission on JAKKS Pacific, Inc.; revise draft objections to notice of deposition of The Walt Disney Company; draft responses to First Set of Interrogatories, Requests for Admission, and Requests for Production of Documents on The Walt Disney Company.	4.10
7/20/09	GREK	Review and revise discovery responses; review and revise deposition notice objections; prepare email to B. Dickerson regarding continuing answer date.	0.90

JAKKS PACIFIC, INC.
Our Ref. No.: 094622-0101
Invoice No.: 31071290
CLARK V. JAKKS

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Foley & Lardner LLP
August 7, 2009

7/20/09	MJSO	Coordinate service of responses to discovery requests on JAKKS Pacific, Inc.; revise draft objections to notice of deposition of The Walt Disney Company; draft responses to First Set of Interrogatories, Requests for Admission, and Requests for Production of Documents on The Walt Disney Company; conference with G. Kinsel regarding same.	4.30
7/22/09	SMAT	Research cases addressing a defendant's duty to file an answer to a complaint where the defendant's motion to dismiss has been converted to a motion for summary judgment.	5.00
7/23/09	GREK	Review deposition notice to TWDC and revise same; review draft correspondence to plaintiff's counsel regarding discovery and revise same.	1.00
7/23/09	PALO	Prepare documents and product exemplars for production and inspection.	1.00
7/23/09	SMAT	Research and draft memorandum re: a defendant's duty to file an answer to a complaint where the defendant's motion to dismiss has been converted to a motion for summary judgment. (Matthews, Stephanie M. for G. Kinsel).	4.00
7/23/09	MJSO	Respond to opposing counsel's questions regarding inspection of documents produced by JAKKS Pacific, Inc. including responding to request for documents under Rule 26(a) in violation of Federal Rules and Discovery Conference Order; conference with P. Lombardo regarding inspection of documents for production and Bates labeling; conference with G. Kinsel regarding same.	0.50
7/24/09	MJSO	Review documents for production; oversee inspection of document production by opposing counsel's agent; conferences with P. Lombardo and G. Kinsel regarding same.	0.80
7/27/09	JERO	Conference with M. Song regarding research project on Rule 11 sanctions timing issue. Read suggested Federal and Eleventh Circuit cases regarding Rule 11 sanctions. Begin research regarding Rule 11 motion requirements, as assigned by M. Song.	1.50
7/27/09	MJSO	Review Federal Rules of Civil Procedure and recent Federal Circuit decision regarding deadline to file motion for sanctions under Rule 11; conference with G. Kinsel regarding same; conference with J. Rosenberg regarding research of deadline to file motion for sanction under Rule 11 under Sixth Circuit law; review research from S. Matthews regarding duty to file Answer to Complaint when motion to dismiss is converted into a motion for summary judgment; draft email responding to opposing counsel's refusal to stipulate to time to file an Answer; prepare waiver of service of summons on Disney Shopping, Inc.; revise draft response to Rule 30(b)(6) deposition notice on The Walt Disney Co.	2.10
7/28/09	GREK	Review correspondence to plaintiff's counsel regarding discovery; review and revise deposition objections and provide same to G. Goldsmith; follow up with J. Tennenberg regarding eToys and BabyUniverse service of process; arrange conference regarding discovery.	0.40

7/28/09	MJSO	Revise and send communication to opposing counsel regarding waiver of service of summons by Disney Shopping Inc. and Defendants JAKKS Pacific, Inc., Play Along Toys, and Toys "R" Us' lack of duty to file an Answer to the Third Amended Complaint in view of the Court's conversion of a Rule 12(b)(6) motion to dismiss into a motion for summary judgment based on case law and treatises; review communication from client regarding named defendants eToys and BabyUniverse regarding bankruptcy proceedings; draft communication regarding deadlines for The Walt Disney Company to respond to discovery requests and Notice of Rule 30(b)(6) Deposition; review communication from client regarding draft response to Notice of Rule 30(b)(6) Deposition; conference with G. Kinsel regarding same; conference with J. Rosenberg regarding research on deadline to file motion for sanctions under Rule 11.	1.40
7/29/09	JERO	Continue researching Rule 11 sanctions motion issue, as assigned by M. Song. Review cases. Consult with M. Song regarding specific facts affecting research results.	2.60
7/30/09	MJSO	Conference with J. Rosenberg regarding research on deadline to file a motion for sanctions under Rule 11 under Sixth Circuit law and additional research specifically related to patent cases and deadline to file a motion for attorneys' fees under 35 U.S.C. 285; conference with G. Kinsel regarding same.	0.20
7/31/09	MJSO	Conference with J. Rosenberg regarding research on deadline to file a motion for attorneys' fees under Rule 11 and 35 USC 285; review relevant cases and preliminary memorandum regarding same; conference with G. Kinsel regarding results of research.	0.30

Services Total: 44.80

Professional Services Summary

Timekeeper	Initials	Title	Hours	Rate	Dollars
Grant E. Kinsel	GREK	Partner	3.60	\$565.00	\$2,034.00
Michael J. Song	MJSO	Associate	27.10	\$450.00	\$12,195.00
Pamela A. Lombardo	PALO	Paralegal	1.00	\$255.00	\$255.00
Jennifer E. Rosenberg	JERO	Summer Assoc	4.10	\$215.00	\$881.50
Stephanie M. Matthews	SMAT	Summer Assoc	9.00	\$215.00	\$1,935.00
Services Total:			44.80		\$17,300.50

Expenses Incurred

Description	Amount
Electronic Legal Research Services	\$464.30
Recording / Filing Fees - - Vendor: Rtis-reedfax -- File Us History	\$197.00
Electronic Legal Research Services - - Vendor: Us Courts Ao-pacer Service Center -- Computer Assisted Research	\$5.84
Expenses Total:	\$667.14

JAKKS PACIFIC, INC.
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Foley & Lardner LLP
August 7, 2009

Certain services and expenses, which involve payments made to third parties, include an additional charge based upon our internal costs with respect to those services and expenses.

Matter Total: **\$17,967.64**



FOLEY & LARDNER LLP

FOLEY & LARDNER LLP
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LOS ANGELES, CALIFORNIA 90071-2411
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FACSIMILE (213) 486-0065
WWW.FOLEY.COM

JAKKS Pacific, Inc.
22619 Pacific Coast Highway
Suite 250
Malibu, CA 90265

Date: September 14, 2009
Invoice No.: 31087010

Services through
August 31, 2009
Summary of Services

Our Ref.	Description	Services	Expenses	Total
094622-0101	CLARK V. JAKKS	\$81,090.00	\$1,175.03	\$82,265.03
	Totals:	\$81,090.00	\$1,175.03	\$82,265.03
		Total Amount Due:		\$82,265.03

Please reference your account number 094622-0101 and your invoice number 31087010 with your remittance payable to Foley & Lardner LLP.

Foley & Lardner LLP
Federal Employer Number:
39-0473800

Professional Services Detail

8/3/09	MJSO	Review Plaintiffs' supplemental memorandum in opposition to Defendants' Motion for Summary Judgment and exhibits cited therein.	0.50
8/4/09	GREK	Review Plaintiff's supplemental summary judgment brief and research regarding issues of expert witness testimony regarding same.	1.80
8/4/09	MJSO	Review Plaintiffs' Supplemental Memorandum in Opposition to Defendants' Motion for Summary Judgment and exhibits cited therein; conference with G. Kinsel regarding same; outline and draft Defendants' Response to Plaintiffs' Supplemental Memorandum.	2.60
8/5/09	MJSO	Conference with T. Gordnia regarding research regarding declaration of purported expert in graphics design; review pleadings filed regarding Defendants' Motion for Summary Judgment; draft Supplemental Reply brief; research case law regarding same.	8.30
8/6/09	MJSO	Revise draft supplemental memorandum in support of motion for summary judgment; review memoranda and exhibits filed in support of and in opposition to motion for summary judgment.	3.30
8/9/09	MJSO	Revise draft supplemental memorandum in support of motion for summary judgment; review memoranda and exhibits filed in support of and in opposition to motion for summary judgment.	4.10
8/10/09	MJSO	Revise draft supplemental memorandum in support of motion for summary judgment; review memoranda and exhibits filed in support of and in opposition to motion for summary judgment.	2.10
8/11/09	MJSO	Revise draft The Walt Disney Company's responses and objections to deposition notice, interrogatories, requests for production, and requests for admission; revise draft supplemental memorandum in support of motion for summary judgment; conferences with G. Kinsel regarding same.	3.40
		REDACTED	1.10
		NOT INCLUDED IN TOTAL	
8/13/09	MJSO	Revise draft supplemental memorandum; review pleadings and case law in preparation of same.	3.90
8/14/09	GREK	Review draft discovery responses for Disney and prepare same.	1.30
8/14/09	MJSO	Revise draft responses to discovery requests by The Walt Disney Company; revise draft supplemental memorandum in support of motion for summary judgment; review case law and pleadings in preparation of same.	5.90
8/15/09	MJSO	Revise draft supplemental memorandum in support of motion for summary judgment; review case law and pleadings in preparation of same.	6.20
8/17/09	GREK	Review and revise jurisdictional discovery responses from TWDC.	2.50

8/17/09	MJSO	Review and revise draft responses by The Walt Disney Company to deposition notice, interrogatories and requests for production by Plaintiffs; conference with G. Kinsel regarding same.	3.70
8/18/09	GREK	Review correspondence from S. Chance and prepare response to same; review and revise TWDC discovery; telephone conference with G. Goldsmith regarding TWDC discovery and revise responses in accordance therewith.	3.50
8/18/09	MJSO	Revise draft responses by The Walt Disney Company to Plaintiffs' requests for admission; conference with G. Kinsel regarding same; research case law regarding relevance of inventor intent to claim construction; revise draft supplemental memorandum in support of motion for summary judgment.	3.30
8/19/09	GREK	Review and revise TWDC discovery; review summary judgment opposition brief and revise reply regarding same.	4.30
8/19/09	MJSO	Revise supplemental reply memorandum of law in support of Defendants' Motion for Summary Judgment; research case law in preparation of same; review pleadings in preparation of same; conference with G. Kinsel regarding same.	12.70
		REDACTED NOT INCLUDED IN TOTAL	5.50
8/20/09	PALO	Prepare production documents for attorney review and retention.	0.40
8/20/09	MJSO	Revise supplemental reply memorandum of law in support of Defendants' Motion for Summary Judgment; research case law in preparation of same; review pleadings in preparation of same; conference with G. Kinsel regarding same.	5.10
8/21/09	GREK	Review and revise summary judgment reply brief.	6.50
8/21/09	MJSO	Revise supplemental reply memorandum of law in support of Defendants' Motion for Summary Judgment; research case law in preparation of same; review pleadings in preparation of same; conference with G. Kinsel regarding same.	8.30
8/22/09	MJSO	Revise supplemental reply memorandum of law in support of Defendants' Motion for Summary Judgment; research case law in preparation of same; review pleadings in preparation of same.	8.70
8/23/09	MJSO	Revise and cite-check supplemental reply memorandum of law in support of Defendants' Motion for Summary Judgment; research case law reading out limitations in claims, standard for summary judgment of non-infringement, and other legal issues in preparation of same; review pleadings in preparation of same.	9.80
8/24/09	GREK	Review and revise supplemental summary judgment brief; draft motion to strike declaration of plaintiffs' experts; prepare documents for filings.	5.50
8/24/09	MJSO	Revise and finalize supplemental reply memorandum of law in support of Defendants' Motion for Summary Judgment and declaration of Michael J. Song in support of motion for summary judgment; conference with G. Kinsel regarding same; review pleadings in preparation of same.	4.60

8/25/09	GREK	Review and revise Rule 11 motion and prepare same for filing; review and follow up on correspondence from Clark regarding deposition; prepare for same.	3.60
8/25/09	MCLU	Review Rule 11 motion.	0.30
8/25/09	MJSO	Revise draft motion for sanctions pursuant to Federal Rule of Civil Procedure 11; conference with G. Kinsel regarding same; review correspondence from opposing counsel regarding discovery responses.	1.80
8/26/09	MJSO	Revise draft motion for sanctions to include motion and memorandum, certificate of service, and revise declaration to mention previously served motion for sanction; review cases from J. Holschuh regarding sanctions and draft proposed order in light of same.	0.40
8/27/09	GREK	Review and revise Rule 11 motion regarding Plaintiffs' failure to comply with discovery requirements; telephone conference with G. Goldsmith regarding TWDC deposition; telephone conference with M. Reed regarding TWDC deposition.	4.50
8/28/09	GREK	Prepare for TWDC 30(b)(6) deposition; telephone conference with G. Goldsmith regarding same; review and revise Rule 11 motion; research regarding 6th Circuit standards for attorneys' fees in Rule 11 motions.	6.60
8/28/09	MJSO	Research case law from Sixth Circuit, Federal Circuit, and other courts regarding sanctions under Rule 11, 28 USC 1927 and other possible bases including research on case law awarding sanctions for frivolous claims of patent infringement, false allegations of standing, baseless assertions of personal jurisdiction and discovery abuse; review revised draft motion for sanctions and revise same.	5.70
8/29/09	MJSO	Review research case law from Sixth Circuit, Federal Circuit, and other courts regarding sanctions under Rule 11, 28 USC 1927 and other possible bases including research on case law awarding sanctions for frivolous claims of patent infringement, false allegations of standing, baseless assertions of personal jurisdiction and discovery abuse.	2.80
8/31/09	GREK	Prepare for TWDC 30(b)(6) deposition; telephone conference with G. Goldsmith regarding same; prepare for meeting with M. Reed regarding deposition; cancel deposition with counsel for Plaintiff and review proposed stipulation regarding same; review and revise Rule 11 motion.	6.70
8/31/09	MJSO	Review research on case law from Sixth Circuit, Federal Circuit, and other courts regarding sanctions under Rule 11, 28 USC 1927 and other possible bases including research on case law awarding sanctions for frivolous claims of patent infringement, false allegations of standing, baseless assertions of personal jurisdiction and discovery abuse; revise draft motion for sanctions.	5.40
Services Total:			166.70

JAKKS PACIFIC, INC.
Our Ref. No.: 094622-0101
Invoice No.: 31087010
CLARK V. JAKKS

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Foley & Lardner LLP
September 14, 2009

Professional Services Summary

Timekeeper	Initials	Title	Hours	Rate	Dollars
Grant E. Kinsel	GREK	Partner	53.40	\$565.00	\$30,171.00
Michael C. Lueder	MCLU	Partner	0.30	\$490.00	\$147.00
Michael J. Song	MJSO	Associate	112.60	\$450.00	\$50,670.00
Pamela A. Lombardo	PALO	Paralegal	0.40	\$255.00	\$102.00
		Services Total:	166.70		\$81,090.00

Expenses Incurred

Description	Amount
Electronic Legal Research Services	\$1,175.03
Expenses Total:	\$1,175.03

Certain services and expenses, which involve payments made to third parties, include an additional charge based upon our internal costs with respect to those services and expenses.

Matter Total: \$82,265.03



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LOS ANGELES, CALIFORNIA 90071-2411
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JAKKS Pacific, Inc.
22619 Pacific Coast Highway
Suite 250
Malibu, CA 90265

Date: October 7, 2009
Invoice No.: 31095753

Services through
September 30, 2009
Summary of Services

Our Ref.	Description	Services	Expenses	Total
094622-0101	CLARK V. JAKKS	\$19,076.00	\$1,361.69	\$20,437.69
	Totals:	\$19,076.00	\$1,361.69	\$20,437.69
		Total Amount Due:		\$20,437.69

Please reference your account number 094622-0101 and your invoice number 31095753 with your remittance payable to Foley & Lardner LLP.

Foley & Lardner LLP
Federal Employer Number:
39-0473800

Professional Services Detail

9/1/09	MJSO	Review research regarding sanctions under 28 USC 1927 and court's inherent power; review and revise draft motion for sanctions.	0.80
9/2/09	GREK	Review and revise discovery stipulation; review and revise rule 11 motion; research regarding sanctions standards in 6th Circuit.	3.40
9/8/09	MJSO	Review revised stipulation and proposed order regarding continuation of personal jurisdiction discovery; draft revisions of same; communicate with G. Kinsel regarding same.	0.40
9/14/09	MJSO	Revise draft motion for sanctions; research case law in preparation of same; review pleadings in preparation of same.	8.60
9/15/09	MJSO	Revise draft motion for sanctions; research case law in preparation of same; review pleadings in preparation of same.	8.40
9/16/09	GREK	Telephone conference with G. Goldsmith regarding TWDC jurisdictional discovery; review discovery responses and prepare for hearing on motion to compel; attend hearing on motion to compel.	3.40
9/16/09	MJSO	Review and revise draft motion for sanctions, including case law regarding sanctions in patent cases for frivolous claim construction, false allegations regarding standing, pleadings, and communications between the parties, naming improper defendants, false allegations regarding jurisdiction, and discovery abuses; conference with G. Kinsel regarding same and discovery conference regarding motion to compel The Walt Disney Company to supplement responses to discovery.	5.10
9/17/09	GREK	Telephone conference with G. Goldsmith regarding dismissal of TWDC; telephone conference with B. Dickerson regarding same.	0.60
9/19/09	MJSO	Review documents produced by plaintiffs; review research regarding discovery deficiencies as evidence of failure to conduct pre-filing investigation; revise draft motion for sanctions pursuant to Rule 11 in view of same.	2.60
9/24/09	MJSO	Revise draft motion for sanctions pursuant to Federal Rule of Civil Procedure 11, including summary of discovery deficiencies and motions to dismiss.	5.80
9/25/09	MJSO	Revise draft motion for sanctions pursuant to Federal Rule of Civil Procedure 11, including summary of discovery deficiencies and motions to dismiss.	1.40
		Services Total:	40.50

JAKKS PACIFIC, INC.
Our Ref. No.: 094622-0101
Invoice No.: 31095753
CLARK V. JAKKS

Page 3
Foley & Lardner LLP
October 7, 2009

Professional Services Summary

Timekeeper	Initials	Title	Hours	Rate	Dollars
Grant E. Kinsel	GREK	Partner	7.40	\$565.00	\$4,181.00
Michael J. Song	MJSO	Associate	33.10	\$450.00	\$14,895.00
		Services Total:	40.50		\$19,076.00

Expenses Incurred

Description	Amount
Electronic Legal Research Services	\$1,361.69
Expenses Total:	\$1,361.69

Certain services and expenses, which involve payments made to third parties, include an additional charge based upon our internal costs with respect to those services and expenses.

Matter Total: **\$20,437.69**

EXHIBIT 4

1 JEFFREY L. BLEICH (SBN 144340)
2 ROHIT K. SINGLA (SBN 213057)
3 VICTORIA L. BOESCH (SBN 228561)
4 MUNGER, TOLLES & OLSON LLP
5 560 Mission Street
6 Twenty-Seventh Floor
7 San Francisco, CA 94105-2907
8 Telephone: (415) 512-4000
9 Facsimile: (415) 512-4077
10 E-Mail: *Jeff.Bleich@mto.com*; *Rohit.Singla@mto.com*;
11 *Victoria.Boesch@mto.com*

12 Attorneys for Plaintiff
13 APPLIED MATERIALS, INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 APPLIED MATERIALS, INC.,
18 Plaintiff,
19 vs.
20 MULTI METRIXS, LLC,
21 Defendant.

CASE NO. C-06-7372 MHP

**DECLARATION OF ROHIT K. SINGLA
IN SUPPORT OF PLAINTIFF APPLIED
MATERIALS, INC.'S MOTION FOR
ATTORNEY FEES**

**NOTICE OF MOTION AND MOTION
FOR ATTORNEY FEES AND PROPOSED
ORDER FILED CONCURRENTLY**

Judge: Hon. Marilyn H. Patel
Date: January 26, 2009
Time: 2:00 p.m.
Courtroom: 15, 18th Floor

[EXHIBITS A & C FILED UNDER SEAL]

22 I, Rohit K. Singla, declare:

23 1. I am an attorney duly licensed to practice in the State of California and in the
24 United States District Court for the Northern District of California. I am a partner in the firm of
25 Munger, Tolles & Olson LLP ("Munger Tolles"), counsel of record for Plaintiff Applied
26 Materials, Inc. ("Applied") in this litigation. I was one of the lawyers at the firm with principal
27 responsibility for the trial and pre-trial proceedings in this litigation. This declaration is made in
28

1 support of Applied's Motion for Attorney Fees. The following facts are within my personal
2 knowledge based upon my representation of Applied in this litigation. I would be competent to
3 testify to the facts stated herein if called to do so.

4 2. Attached as Exhibit A to this declaration is a true and correct copy of an excerpt
5 from the transcript of the deposition of Boris Kesil taken on September 6, 2007.

6 3. Attached as Exhibit B to this declaration is a true and correct copy of Defendant
7 MultiMetrix's Second Supplemental Objections and Responses to Applied's First Set of
8 Interrogatories.

9 4. Attached as Exhibit C to this declaration is a true and correct copy of an excerpt of
10 the report submitted by A. J. Nichols, the Special Master appointed by the Court to retrieve
11 documents from MultiMetrix.

12 5. I personally reviewed the Special Master's index of files and observed that, at least
13 based on the names of the files in the index, it appeared the Special Master had found hundreds of
14 responsive and relevant documents on Elik Gershenson's personal computer that had not been
15 produced in discovery in this litigation.

16 6. Munger Tolles has performed legal services in the above-captioned matter and
17 these services were billed to Applied and paid by Applied. Services were provided by firm
18 attorneys including myself, Jeffrey L. Bleich, Peter A. Detre, Martin D. Bern, Daniel Beck, Erin
19 C. Dougherty and Victoria L. Boesch. (Mr. Beck and Ms. Dougherty are no longer with the
20 firm.) Additional services were performed by a legal assistant, Bonnie M. Follett, who worked
21 under the direction of attorneys. Litigation Support Specialist Shannon Bales also worked on the
22 matter under the direction of firm attorneys.

23 7. The legal services provided to Applied were billed on an hourly basis using the
24 firm's customary hourly rates for the services provided. Hourly rates were generally increased
25 for all clients in Jan. 2007 and Jan. 2008. Records of the time billed to Applied were kept in the
26 firm's customary manner, through its electronic timekeeping and accounting systems.

27 8. The hourly rates charged to Applied for the services of individuals mentioned in
28 Paragraph 6 above are as follows:

Name	2006	2007	2008
Jeffrey L. Bleich (partner)	\$575	\$600	\$650
Peter A. Detre (partner)	\$460	\$500	
Rohit K. Singla (partner)		\$470	\$525
Martin D. Bern (partner)			\$550
Daniel Beck (associate)	\$395	\$425	
Erin C. Dougherty (associate)		\$275	\$350
Victoria L. Boesch (associate)			\$420
Bonnie M. Follett (paralegal)		\$195	\$200
Shannon Bales (litig. support)			\$295

9. These rates were actually paid by Applied in connection with this matter.

10. Based upon my experience, including experience litigating fee issues in cases in this district, the rates charged by Munger Tolles, including the rates charged in this case, are lower than the majority of our peer firms with lawyers of similar experience and credentials.

11. Attached as Exhibit D to this declaration is a true and correct copy of an excerpt of the American Intellectual Property Law Association's 2007 Report of the Economic Survey showing the following average hourly billing rates for private firm intellectual property lawyers working in San Francisco in **2006**: Partners \$469, Associates \$337.¹ As the AIPLA data includes patent prosecutors, who typically bill at a lower rate than litigators, these 2006 figures strongly support the reasonableness of the rates billed by Munger Tolles in this matter.

12. Attached as Exhibit E to this declaration is a true and correct copy of a chart submitted by Morrison & Foerster in connection with a motion for attorney fees in another patent case with which I am involved (*Abbott v. Roche Diagnostics Corp. et al.*, Case No. C 05 3117 JF, United States District Court for the Northern District of California). Below is a comparison between the Morrison & Foerster hourly billing rates and Munger Tolles' rates in this case. Again, the data supports the reasonableness of Munger Tolles' rates.

¹ The Federal Circuit has held that the AIPLA report may be used to determine reasonable rates for patent litigation. See, e.g., *View Eng'g, Inc. v. Robotic Vision Sys., Inc.*, 208 F.3d 981, 987-88 (Fed. Cir. 2000) (affirming a fee request reduction based on a difference between the submitted fees and the fees stated in the AIPLA survey); *Mathis v. Spears*, 857 F.2d 749, 755-56 (Fed. Cir. 1988) (affirming a fee request because the rates corresponded to those stated in the AIPLA survey).

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Timekeeper Category		2006	2007	2008
Partners:	M&F	\$460-\$700	\$545-\$750	\$546-\$745
	MTO	\$460-\$575	\$470-\$600	\$525-\$650
Associates:	M&F	\$235-\$470	\$270-\$530	\$332-\$532
	MTO	\$395	\$275-\$425	\$350-\$420
Paralegals:	M&F	\$125-\$195	\$135-\$205	\$128-\$242
	MTO	————	\$195	\$200
Lit. Support:	M&F	\$200	\$225	\$228
	MTO	————	————	\$295

13. Jeffrey L. Bleich is a litigation partner in Munger Tolles' San Francisco office. He received his J.D. from Berkeley Law (Boalt Hall) and served as a law clerk to Judge Abner J. Mikva, U.S. Court of Appeals for the D.C. Circuit; Chief Justice William H. Rehnquist, U.S. Supreme Court and Judge Howard Holzmann, Iran-U.S. Claims Tribunal at The Hague. Mr. Bleich also served as the 2007-2008 President of the State Bar of California. In connection with this litigation, Mr. Bleich participated in all aspects of trial preparation beginning in October 2006 and participated in the trial. From the inception of the litigation until the Court issued its ruling on Inequitable Conduct, Mr. Bleich worked 391.30 hours on the litigation (167.8 hours on pre-trial proceedings and discovery, 110.90 hours on trial preparation, 48.70 hours during trial, and 63.90 hours on post-trial proceedings) that were billed to and paid for by Applied.

14. Peter A. Detre is a litigation partner in Munger Tolles' San Francisco office. He received his J.D. from Yale School of Law and served as a law clerk to Judge Kimba M. Wood, U.S. District Court for the Southern District of New York. In connection with this litigation, Mr. Detre worked on pre-trial proceedings (including drafting pleadings, conducting research and overseeing discovery) from October 2006 until September 2007. During this timeframe, Mr. Detre worked 169.40 hours on pre-trial proceedings and discovery in the litigation that were billed to and paid for by Applied.

15. I (Rohit K. Singla) am a litigation partner in Munger Tolles' San Francisco office. I received my J.D. from Harvard School of Law and served as a law clerk to Judge Alfred T. Goodwin, U.S. Court of Appeals for the Ninth Circuit. Beginning in late June 2007, I participated in all aspects of pre-trial proceedings and discovery, trial preparation, trial and post-

1 trial proceedings. From June 2007 until the Court issued its ruling on Inequitable Conduct, I
2 worked 781.70 hours on the litigation (260.50 hours on pre-trial proceedings and discovery, 268.0
3 hours on trial preparation, 60.20 hours during trial, and 194.0 hours on post-trial proceedings) that
4 were billed to and paid for by Applied.

5 16. Martin D. Bern is a litigation partner in Munger Tolles' San Francisco office. He
6 received his J.D. from Berkeley Law (Boalt Hall) and served as a law clerk to Judge J. Gifford
7 Wallace, U.S. Court of Appeals for the Ninth Circuit and to Judge Charles A. Legge, U.S. District
8 Court for the Northern District of California. In February and March of 2008, Mr. Bern stepped
9 in to assist with the trial preparation for this case, including drafting outlines for direct and cross
10 examinations. Mr. Bern worked 66.50 hours on trial preparation that were billed to and paid for
11 by Applied.

12 17. Daniel Beck was formerly an associate in Munger Tolles' Los Angeles office. He
13 received his J.D. from Yale School of Law. From October 2006 through August 2007, Mr. Beck
14 worked on trial preparation for this case including witness interviews, document production, legal
15 research and drafting discovery and discovery responses. During this timeframe, Mr. Beck
16 worked 202.10 hours on pre-trial proceedings and discovery for the litigation that were billed to
17 and paid for by Applied.

18 18. Erin Dougherty was formerly an associate in Munger Tolles' San Francisco office.
19 She received her J.D. from Columbia University School of Law and served as a law clerk to
20 Judge Sidney R. Thomas, U.S. Court of Appeals for the Ninth Circuit. From March 2007 through
21 March 2008, Ms. Dougherty participated in trial preparation for this case (including drafting
22 pleadings, taking and defending depositions and responding to discovery). She also participated
23 in the trial itself, including the examination of a witness at trial. During the year she worked on
24 the case, Ms. Dougherty spent 791.10 hours on the litigation (360.90 hours on pre-trial
25 proceedings and discovery, 374.0 hours on trial preparation, 50.50 hours during trial, and 5.70
26 hours on post-trial proceedings) that were billed to and paid for by Applied.

27 19. Victoria L. Boesch is an associate in Munger Tolles San Francisco office. She
28 received her J.D. from Berkeley Law (Boalt Hall) and served as a law clerk to Judge A. Wallace

1 Tashima, U.S. Court of Appeals for the Ninth Circuit. Beginning in late February 2008, Ms.
2 Boesch worked on trial preparation and post-trial briefing for this case. From February 2008 until
3 the Court issued its ruling on Inequitable Conduct, Ms. Boesch worked 297.00 hours on the
4 litigation (53.7 hours on trial preparation and 243.3 hours on post-trial proceedings) that were
5 billed to and paid for by Applied.

6 20. Bonnie Follett is a paralegal in Munger Tolles' San Francisco office. Beginning in
7 April 2007, Ms. Follett performed work on this case involving document organization and
8 management in connection with document production, the receipt of documents in discovery and
9 trial preparation. From April 2007 until the Court issued its ruling on Inequitable Conduct, Ms.
10 Follett worked 486.50 hours on the litigation (175.50 hours on pre-trial proceedings and
11 discovery, 157.80 hours on trial preparation, 35.40 hours during trial, and 117.80 hours on post-
12 trial proceedings) that were billed to and paid for by Applied.

13 21. Shannon Bales is an Automated Litigation Specialist in Munger Tolles' Los
14 Angeles office who specializes in trial support. Beginning in late February 2008, Mr. Bales
15 provided technical support for the trial team in connection with trial presentations and post-trial
16 proceedings. From February 2008 through April 2008, Mr. Bales worked 202.20 hours on the
17 litigation 110.50 hours on trial preparation, 58.50 hours during trial, and 33.20 hours on post-trial
18 proceedings) that were billed to and paid for by Applied.

19 22. From the inception of the litigation until the Court issued its ruling on Inequitable
20 Conduct, Munger Tolles incurred \$52,932.44 in costs on behalf of Applied in connection with
21 this matter. These costs included copying and telephone charges, travel expenses, research
22 expenses, filing and service fees, meals, deposition expenses, translation services and transcripts.
23 The costs were billed to and paid by Applied.

24 23. The fees and costs previously discussed in this declaration can be summarized as
25 follows:

26 ///

27 ///

28 ///

EXHIBIT 5

AIPLA

**Report of the
Economic Survey**

2009

**Prepared Under Direction of
Law Practice Management Committee**

**American Intellectual Property Law Association
241 18th Street South, Suite 700
Arlington, Virginia 22202
www.aipla.org**

AIPLA

REPORT OF THE ECONOMIC SURVEY 2009

**PREPARED UNDER DIRECTION OF THE
AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION
LAW PRACTICE MANAGEMENT COMMITTEE**

**ASHOK K. MANNAVA, CHAIR
MANISHA CHAKRABARTI, VICE CHAIR**

July 2009



15200 Shady Grove Road, Suite 306
Rockville, Maryland 20850
TEL: (240) 268-1262
ARI@associationresearch.com

Private Firm, Partner

Average hourly billing rate in 2008 (Q33)

Private Firm, Partner

		What was your average hourly billing rate in 2008?				
		Number of Individuals	Mean (Average)	First Quartile 25%	Median (Midpoint)	Third Quartile 75%
All Individuals		752	\$447	\$325	\$420	\$559
Years of Intellectual Property Law Experience	Fewer than 5	9	\$264	\$210	\$275	\$320
	5-6	17	\$300	\$250	\$300	\$345
	7-9	67	\$329	\$260	\$300	\$380
	10-14	186	\$429	\$325	\$400	\$530
	15-24	279	\$467	\$350	\$445	\$570
	25-34	118	\$472	\$375	\$450	\$581
	35 or More	71	\$548	\$400	\$575	\$700
Location	Boston CMSA	42	\$539	\$466	\$573	\$639
	NYC CMSA	59	\$566	\$450	\$575	\$700
	Philadelphia CMSA	28	\$442	\$400	\$438	\$483
	Washington, DC CMSA	122	\$506	\$400	\$500	\$601
	Other East	29	\$333	\$275	\$300	\$385
	Metro Southeast	22	\$442	\$348	\$438	\$513
	Other Southeast	21	\$372	\$293	\$350	\$395
	Chicago CMSA	50	\$445	\$379	\$428	\$521
	Minne.-St. Paul PMSA	33	\$393	\$325	\$365	\$448
	Other Central	127	\$329	\$270	\$310	\$375
	Texas	61	\$472	\$338	\$450	\$590
	Los Angeles CMSA	32	\$503	\$371	\$505	\$619
	San Francisco CMSA	54	\$564	\$469	\$578	\$660
Other West	72	\$372	\$295	\$358	\$429	
IP Technical Specialization (>=50%)	Biotechnology	43	\$443	\$305	\$410	\$580
	Chemical	66	\$431	\$310	\$400	\$531
	Computer Hardware	11	\$516	\$425	\$490	\$575
	Computer Software	43	\$418	\$345	\$400	\$485
	Electrical	78	\$473	\$350	\$450	\$583
	Mechanical	191	\$391	\$300	\$365	\$475
	Other areas	7	\$449	\$300	\$365	\$675
Age	Younger than 35	15	\$333	\$250	\$300	\$445
	35-39	71	\$377	\$275	\$335	\$460
	40-44	170	\$405	\$300	\$375	\$490
	45-49	158	\$446	\$340	\$423	\$550
	50-54	118	\$460	\$354	\$444	\$550
	55-59	86	\$496	\$375	\$478	\$601
60 or Older	132	\$511	\$382	\$513	\$625	
Gender	Male	686	\$450	\$325	\$423	\$560
	Female	62	\$421	\$300	\$400	\$553
Highest Non-Law Degree	Bachelor's Degree	493	\$443	\$323	\$410	\$550
	Master's Degree	154	\$445	\$344	\$408	\$550
	Doctorate Degree	46	\$443	\$309	\$400	\$565
Ethnicity	White/Caucasian	683	\$449	\$325	\$425	\$560
	Black/African American	4	\$531	\$319	\$563	\$713
	Hispanic/Latino	9	\$428	\$314	\$400	\$548
	Asian/Pacific Islander	28	\$436	\$339	\$423	\$543
	North American Indian/Native Canadian	1	ISD	ISD	ISD	ISD
	Blended	6	\$327	\$254	\$290	\$419
	Other	9	\$362	\$298	\$390	\$420
Full-time Intellectual Property lawyers and agents in the firm or corporation	1-2	52	\$317	\$253	\$300	\$375
	3-5	79	\$337	\$275	\$325	\$400
	6-10	92	\$358	\$292	\$330	\$400
	11-25	139	\$406	\$300	\$381	\$470
	26-50	125	\$454	\$350	\$425	\$553
	51-100	134	\$533	\$439	\$525	\$605
	101-150	48	\$574	\$480	\$590	\$674
	More than 150	74	\$599	\$499	\$598	\$696

Private Firm, Associate

Average hourly billing rate in 2008 (Q33)

Private Firm, Associate

		What was your average hourly billing rate in 2008?				
		Number of Individuals	Mean (Average)	First Quartile 25%	Median (Midpoint)	Third Quartile 75%
All Individuals		727	\$311	\$230	\$285	\$375
Years of Intellectual Property Law Experience	Fewer than 5	341	\$259	\$210	\$250	\$300
	5-6	116	\$305	\$246	\$280	\$350
	7-9	109	\$394	\$290	\$400	\$498
	10-14	77	\$408	\$330	\$405	\$490
	15-24	29	\$395	\$300	\$370	\$490
	25-34	11	\$402	\$280	\$385	\$465
	35 or More	6	\$543	\$421	\$585	\$624
Location	Boston CMSA	33	\$389	\$278	\$400	\$483
	NYC CMSA	42	\$380	\$264	\$355	\$481
	Philadelphia CMSA	16	\$322	\$253	\$320	\$379
	Washington, DC CMSA	148	\$350	\$270	\$325	\$424
	Other East	38	\$273	\$205	\$275	\$321
	Metro Southeast	39	\$329	\$250	\$300	\$400
	Other Southeast	17	\$251	\$200	\$235	\$283
	Chicago CMSA	40	\$298	\$240	\$279	\$359
	Minne.-St. Paul PMSA	30	\$261	\$213	\$249	\$300
	Other Central	111	\$238	\$185	\$225	\$275
	Texas	65	\$316	\$250	\$295	\$385
	Los Angeles CMSA	20	\$349	\$250	\$320	\$419
	San Francisco CMSA	44	\$366	\$266	\$338	\$488
	Other West	84	\$271	\$210	\$245	\$299
IP Technical Specialization (>=50%)	Biotechnology	64	\$334	\$250	\$300	\$423
	Chemical	94	\$331	\$249	\$300	\$420
	Computer Hardware	13	\$339	\$245	\$305	\$388
	Computer Software	80	\$296	\$231	\$273	\$346
	Electrical	88	\$320	\$226	\$288	\$400
	Mechanical	155	\$287	\$205	\$265	\$350
Age	Other areas	24	\$310	\$231	\$282	\$320
	Younger than 35	256	\$267	\$210	\$260	\$305
	35-39	202	\$312	\$237	\$283	\$371
	40-44	113	\$337	\$254	\$315	\$423
	45-49	76	\$352	\$250	\$333	\$455
	50-54	44	\$362	\$276	\$343	\$424
	55-59	12	\$356	\$226	\$345	\$490
60 or Older	21	\$408	\$251	\$440	\$555	
Gender	Male	570	\$310	\$235	\$285	\$365
	Female	153	\$314	\$225	\$295	\$400
Highest Non-Law Degree	Bachelor's Degree	412	\$301	\$225	\$280	\$360
	Master's Degree	200	\$312	\$235	\$290	\$369
	Doctorate Degree	91	\$336	\$240	\$310	\$425
Ethnicity	White/Caucasian	608	\$311	\$230	\$285	\$375
	Black/African American	12	\$335	\$278	\$325	\$395
	Hispanic/Latino	13	\$321	\$231	\$250	\$423
	Asian/Pacific Islander	47	\$286	\$245	\$270	\$325
	North American Indian/Native Canadian	3	\$243	ISD	\$265	ISD
	Blended	15	\$337	\$230	\$285	\$470
	Other	16	\$319	\$246	\$294	\$389
Full-time Intellectual Property lawyers and agents in the firm or corporation	1-2	22	\$250	\$195	\$208	\$300
	3-5	61	\$242	\$200	\$235	\$280
	6-10	69	\$258	\$218	\$250	\$300
	11-25	113	\$269	\$213	\$250	\$300
	26-50	146	\$303	\$240	\$280	\$350
	51-100	163	\$332	\$250	\$305	\$400
	101-150	51	\$379	\$295	\$375	\$475
More than 150	93	\$387	\$300	\$385	\$473	

EXHIBIT 6

AO 133 (Rev. 9/89) Bill of Costs

UNITED STATES DISTRICT COURT
SOUTHERN District of OHIO

CLARK

BILL OF COSTS

V.

THE WALT DISNEY COMPANY, ET AL.

Case Number: 08-cv-0982

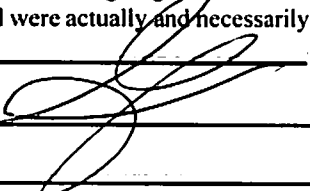
Judgment having been entered in the above entitled action on October 9, 2009 against Plaintiffs,
the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ <u>910</u>
Fees for service of summons and subpoena	_____
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 (itemize on reverse side)	_____
Fees for exemplification and copies of papers necessarily obtained for use in the case	_____
Docket fees under 28 U.S.C. 1923	_____
Costs as shown on Mandate of Court of Appeals	_____
Compensation of court-appointed experts	_____
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	_____
Other costs (please itemize)	_____
TOTAL	\$ <u>910</u>

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

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 of this bill was mailed today with postage prepaid to: Brian Dickerson

Signature of Attorney: 
Name of Attorney: Grant Kinsel

For: Defendants Date: November 10, 2009
Name of Claiming Party

Costs are taxed in the amount of _____ and included in the judgment.

By: _____ Date: _____
Clerk of Court Deputy Clerk

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total 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 provision therefor 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.”

Rule 6(e)

“Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period.”

Rule 58 (In Part)

“Entry of the judgment shall not be delayed for the taxing of costs.”

EXHIBIT 1

ITEMIZATION OF COSTS FOR BILL OF COSTS

COST DESCRIPTION	AMOUNT
Filing fees	\$265.00
Pro Hac Vice Fees	\$200.00
Filing Fees	\$445.00
TOTAL	\$910.00



FOLEY & LARDNER LLP
555 SOUTH FLOWER STREET
SUITE 3500
LOS ANGELES, CALIFORNIA 90071-2411
TELEPHONE (213) 972-4500
FACSIMILE (213) 486-0065
WWW.FOLEY.COM

JAKKS Pacific, Inc.
22619 Pacific Coast Highway
Suite 250
Malibu, CA 90265

Date: March 9, 2009
Invoice No.: 31010273

REDACTED

Please note that as of February 1, 2009, there may be certain matters on which legal fees have been adjusted. This may or may not affect you. Please contact your principal attorney at the Firm if you have questions.

Please reference your account number 094622-0101 and your invoice number 31010273 with your remittance payable to Foley & Lardner LLP.

Foley & Lardner LLP
Federal Employer Number:
39-0473800

JAKKS PACIFIC, INC.
Our Ref. No.: 094622-0101
Invoice No.: 31010273
CLARK V. JAKKS

Page 4
Foley & Lardner LLP
March 9, 2009

REDACTED

REDACTED

Expenses Incurred

Description	Amount
Photocopying Charges	\$21.75
Electronic Legal Research Services	\$336.39
Recording / Filing Fees - - Vendor: U.S. Legal Management Services, Inc. -- United States District Court	\$265.00
Recording / Filing Fees - - Vendor: Clerk Of The Court Motion For Admission Pro Hac Vice	\$200.00
Expenses Total:	\$823.14

Certain services and expenses, which involve payments made to third parties, include an additional charge based upon our internal costs with respect to those services and expenses.

REDACTED



FOLEY & LARDNER LLP
555 SOUTH FLOWER STREET
SUITE 3500
LOS ANGELES, CALIFORNIA 90071-2411
TELEPHONE (213) 972-4500
FACSIMILE (213) 486-0065
WWW.FOLEY.COM

JAKKS Pacific, Inc.
22619 Pacific Coast Highway
Suite 250
Malibu, CA 90265

Date: May 7, 2009
Invoice No.: 31034104

REDACTED

Please reference your account number 094622-0101 and your invoice number 31034104 with your remittance payable to Foley & Lardner LLP.

Foley & Lardner LLP
Federal Employer Number:
39-0473800

JAKKS PACIFIC, INC.
Our Ref. No.: 094622-0101
Invoice No.: 31034104
CLARK V. JAKKS

Page 4
Foley & Lardner LLP
May 7, 2009

REDACTED

REDACTED

Expenses Incurred

Description	Amount
Photocopying Charges	\$1.05

JAKKS PACIFIC, INC.
Our Ref. No.: 094622-0101
Invoice No.: 31034104
CLARK V. JAKKS

Page 5
Foley & Lardner LLP
May 7, 2009

Description	Amount
Shipping/courier/messenger Services	\$29.90
Electronic Legal Research Services	\$61.95
Photocopying Charges - - Vendor: Marcus Uppe, Inc. -- Document Imaging, OCR and Cd Creation Charges	\$379.80
Recording / Filing Fees - - Vendor: U.S. Legal Management Services, Inc. -- Usdc Southern District Of Ohio	\$445.00
Expenses Total:	\$917.70

Certain services and expenses, which involve payments made to third parties, include an additional charge based upon our internal costs with respect to those services and expenses.

REDACTED

CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2009, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system upon counsels of record, and I hereby certify that I have mailed by United States Postal Service the document to the following:.

Brian Edward Dickerson
The Dickerson Law Group
5003 Horizons Drive
Suite 200
Upper Arlington, OH 43220

/s/ Grant E. Kinsel
Grant E. Kinsel (172407)
Attorney for Defendants
Perkins Coie LLP
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Los Angeles, CA 90067
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