

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

PA ADVISORS, LLC,

Plaintiff,

v.

GOOGLE INC., et al.

Defendants.

Civil Action No. 2:07-cv-480 RRR

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**MEMORANDUM IN SUPPORT OF YAHOO! INC.'S BILL OF COSTS**

Yahoo! Inc. defendant and prevailing party in the above-captioned cause of action, moves the Clerk for the taxation of costs as set forth in the Bill of Costs. The Court entered judgment in favor of Yahoo! Inc. and ordered costs awarded in an amount taxed by the Clerk. Pursuant to 28 U.S.C. § 1920, the detailed costs and supporting documentation are set forth below.

**Table 1: Fees of the Clerk<sup>1</sup>**

| Description                       | Date       | Fee             |
|-----------------------------------|------------|-----------------|
| Pro Hac Vice (Jason C. White)     | 11/26/2007 | \$25.00         |
| Pro Hac Vice (Richard D. Watkins) | 11/26/2007 | \$50.00         |
| Pro Hac Vice (Miyoung Shin)       | 11/26/2007 | \$50.00         |
| <b>Subtotal:</b>                  |            | <b>\$125.00</b> |

**Table 2: Fees for service of summons and subpoena<sup>2</sup>**

| Description              | Date       | Fee             |
|--------------------------|------------|-----------------|
| Subpoena (Prakash Puram) | 12/14/2009 | \$120.00        |
| <b>Subtotal:</b>         |            | <b>\$120.00</b> |

**Table 3: Fees for printed or electronically recorded transcripts necessarily obtained for use in the case<sup>3</sup>**

| Deposition Witnesses | Date       | Transcript Fees | Video Fees | Split w/Co-Defendant Google | Total Fees |
|----------------------|------------|-----------------|------------|-----------------------------|------------|
| Edward Etkin         | 4/23/2009  | \$1,474.25      |            |                             | \$1,474.25 |
| Ilya Geller          | 8/19/2009  | \$1,161.75      | \$458.25   | \$229.12                    | \$1,390.88 |
| Devesh Patel         | 10/27/2009 | \$883.90        | \$850.00   |                             | \$1,733.90 |
| Ken I. Kronquist     | 10/28/2009 | \$596.20        | \$687.50   |                             | \$1,283.70 |
| Ben Shahshahani      | 10/29/2009 | \$911.00        | \$1,087.50 |                             | \$1,998.50 |
| Timothy P. Mayer     | 11/20/2009 | \$596.00        | \$757.50   |                             | \$1,353.50 |
| Matthew Hall         | 11/24/2009 | \$586.30        | \$765.00   |                             | \$1,351.30 |
| Ivan Enrique Markman | 12/3/2009  | \$891.05        | \$1,027.50 |                             | \$1,918.55 |
| Lee Bradlee Sheafe   | 12/4/2009  | \$2,207.78*     | \$678.25   | \$1,443.01                  | \$1,443.02 |

<sup>1</sup> The court documentation described in the table are attached as Exhibit 1.

<sup>2</sup> Proof of subpoena service described in the table is attached as Exhibit 2.

<sup>3</sup> Invoices from court reports described in this table are attached as Exhibit 3.

| <b>Deposition Witnesses</b>   | <b>Date</b> | <b>Transcript Fees</b> | <b>Video Fees</b>       | <b>Split w/Co-Defendant Google</b> | <b>Total Fees</b>  |
|-------------------------------|-------------|------------------------|-------------------------|------------------------------------|--------------------|
| Carlton Robinson              | 12/10/2009  | \$911.56               | \$990.00                |                                    | \$1,901.56         |
| Ilya Geller                   | 12/16/2009  | \$1,821.80*            | \$458.25                |                                    | \$2,280.05         |
| Luke Yeh                      | 12/16/2009  | \$557.98               | \$652.50                |                                    | \$1,210.48         |
| Zengyan Zhang and Soren Riise | 12/16/2009  | \$967.76               | \$940.00                |                                    | \$1,907.76         |
| Ashvin Kannan and David Kolm  | 12/18/2009  | \$1,053.24             | \$1,027.50              |                                    | \$2,080.74         |
| Sean Suchter                  | 12/22/2009  | \$463.20               | \$450.00                |                                    | \$913.20           |
| Lee Bradlee Sheafe            | 1/7/2010    | \$811.47*              | \$348.25                | \$579.85                           | \$579.87           |
| Erich Spangenberg             | 1/8/2010    | \$668.82               | \$458.25                | \$563.53                           | \$563.54           |
| Paul Stanley Peters, Jr.      | 2/9/2010    | \$938.70               | \$1,375.00              |                                    | \$2313.70          |
| Hon. Gerald J. Mossinghoff    | 2/12/2010   | \$1,105.56             | \$715.00                |                                    | \$1820.56          |
| V. Thomas Rhyne, Ph.D.        | 2/18/2010   | \$2,337.40*            | \$1,567.50              |                                    | \$3,904.90         |
| V. Thomas Rhyne, Ph.D.        | 2/19/2010   | \$774.40*              | \$1,017.50              |                                    | \$1,791.90         |
| James Allan                   | 2/19/2010   | \$852.75*              | \$450.00;<br>\$1,238.75 |                                    | \$2,541.50         |
| Stephen Becker                | 2/23/2010   | \$1,635.20*            | \$1,460.00              |                                    | \$3,095.20         |
| Allan Gordon                  | 2/24/2010   | \$1,060.25*            | \$852.50                | \$956.37                           | \$956.38           |
| Mary Woodford                 | 2/25/2010   | \$697.24               | \$1,415.00              |                                    | \$2,112.24         |
| <b>HEARING TRANSCRIPTS</b>    |             |                        |                         |                                    |                    |
| Hearing                       | 11/5/2009   |                        |                         |                                    | \$60.00            |
| Pretrial Conference           | 12/28/2009  |                        |                         |                                    | \$282.50*          |
| Pretrial Conference           | 1/29/2010   |                        |                         |                                    | \$434.50*          |
| Pretrial Conference           | 3/1/2010    |                        |                         |                                    | \$1,254.00*        |
| <b>Subtotal:</b>              |             |                        |                         |                                    | <b>\$45,952.18</b> |

\* These transcripts were expedited. We have subtracted the expediting fee from the cost of each expedited transcript. The totals listed in the table are the costs for standard transcripts.

**Table 4: Fees for witnesses<sup>4</sup>**

| <b>Expert Witness</b>       | <b>Date</b> | <b>Expenses (airline, car, lodging, meals and incidentals)</b> | <b>Total Costs</b> |
|-----------------------------|-------------|--|--------------------|
| Mary Woodford               | 2/25/2010   | Meals  | \$45.00            |
|                             |             | Travel & Lodging   | \$3,402.24         |
|                             |             | <b>Subtotal:</b>   | <b>\$3,447.24</b>  |
|                             |             | Expert was deposed on 2/25/2010                                | \$40.00            |
|                             |             | <b>Subtotal:</b>   | <b>\$40.00</b>     |
| <b>Mary Woodford Total:</b> |             |  | <b>\$3,487.24</b>  |
| James Allan                 | 2/19/2010   | Travel & Lodging   | \$2,042.43         |
|                             |             | Meals  | \$18.73            |
|                             |             | <b>Subtotal:</b>   | <b>\$2,061.16</b>  |
|                             |             | Expert was deposed on 2/19/2010                                | \$40.00            |
|                             |             | <b>Subtotal:</b>   | <b>\$40.00</b>     |
| <b>James Allan Total:</b>   |             |  | <b>\$2,101.16</b>  |
| <b>Subtotal:</b>            |             |  | <b>\$5,588.40</b>  |

**Table 5: Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for the case<sup>5</sup>**

The Federal Circuit has acknowledged “that in complex patent litigation involving hundreds of thousands of documents and copies, parties cannot be expected to track the identity of each photocopied page along with a record of its relevance to the litigation.” As a result, the court recognized a fifty percent reduction from total copy costs as a “somewhat crude,” but acceptable, method for calculating taxable costs of photocopying in complex patent litigation. *Summit Tech., Inc. v. Nidek, Co.*, 435 F.3d 1371, 1378-79 (Fed. Cir. 2006).

| <b>Description</b>                     | <b>Fee</b> | <b>Fee (x 50%)</b> |
|--|------------|--------------------|
| <b>Copies</b>                          |            |                    |
| <b>Brinks Hofer Gibson &amp; Lione</b> |            |                    |
| Invoice 332165                         | \$64.90    | \$32.45            |
| Invoice 334738                         | \$201.90   | \$100.95           |
|  | \$30.00    | \$15.00            |
| Invoice 336397                         | \$77.50    | \$38.75            |
|  | \$25.58    | \$12.79            |
|  | \$536.00   | \$268.00           |
| Invoice 338963                         | \$7.70     | \$3.85             |
|  | \$104.00   | \$52.00            |

<sup>4</sup> The witness invoices described in this table are attached as Exhibit 4.

<sup>5</sup> The invoices for photocopy and e-discovery described in this table are attached as Exhibit 5.

| <b>Description<br/>Copies</b>            | <b>Fee</b>        | <b>Fee (x 50%)</b> |
|--|-------------------|--------------------|
| Invoice 341264                           | \$24.70           | \$12.35            |
|  | \$16.00           | \$8.00             |
| Invoice 344044                           | \$0.60            | \$0.30             |
|  | \$235.03          | \$117.52           |
| Invoice 346566                           | \$1.20            | \$0.60             |
| <b>Subtotal:</b>                         | \$1,325.11        | \$ 662.56          |
| <b>Howrey LLP</b>                        |                   |                    |
| Invoice 992775                           | \$1.12            | \$0.56             |
| Invoice 1004837                          | \$1.44            | \$0.72             |
| Invoice 1035846                          | \$1.40            | \$0.70             |
| Invoice 9010005065                       | \$0.60            | \$0.30             |
| Invoice 9010023589                       | \$172.25          | \$86.13            |
| Invoice 9010023590                       | \$159.05          | \$79.53            |
| Invoice 9010026133                       | \$330.80          | \$165.40           |
| Invoice 9010028496                       | \$232.50          | \$116.25           |
| Invoice 9010031357                       | \$235.20          | \$117.60           |
| <b>Subtotal:</b>                         | \$1,134.36        | \$ 567.19          |
| <b>Potter Minton (local counsel)</b>     |                   |                    |
| Invoice 1001383                          | \$212.40          | \$106.20           |
| Invoice 1001052                          | \$75.00           | \$37.50            |
| Invoice 1002099                          | \$15.20           | \$7.60             |
| Invoice 1002643                          | \$8.00            | \$4.00             |
| Invoice 1002794                          | \$14.80           | \$7.40             |
| Invoice 1003176                          | \$7.80            | \$3.90             |
| Invoice 1005452                          | \$22.20           | \$11.10            |
| Invoice 1005745                          | \$5.80            | \$2.90             |
| Invoice 1006511                          | \$7.20            | \$3.60             |
| Invoice 1006949                          | \$4.60            | \$2.30             |
| <b>Subtotal:</b>                         | \$ 373.00         | \$ 186.50          |
| <b>Haltom &amp; Doan (local counsel)</b> |                   |                    |
| Invoice - 11/09                          | \$62.79           | \$31.40            |
| Invoice - 12/09                          | \$67.05           | \$33.53            |
| Invoice - 1/10                           | \$399.25          | \$199.63           |
| Invoice - 2/10                           | \$558.30          | \$279.15           |
| Invoice - 3/10                           | \$647.90          | \$323.95           |
| <b>Subtotal:</b>                         | \$1,735.29        | \$ 867.66          |
| <b>Cornerstone Research</b>              |                   |                    |
| Invoice 1838340025                       | \$240.60          | \$120.30           |
| Invoice 1838341034                       | \$243.50          | \$121.75           |
| Invoice 1838340339                       | \$263.50          | \$131.75           |
| <b>Subtotal:</b>                         | \$ 747.60         | \$ 373.80          |
| <b>Copies Total:</b>                     | <b>\$5,315.36</b> | <b>\$2,657.71</b>  |

| <b>Description</b>   | <b>Fee</b>            |
|--|-----------------------|
| <b>E-discovery</b>   |                       |
| <b>Howrey LLP</b>  |                       |
| Invoice 1004837  | \$18.00               |
| Invoice 1035846  | \$12.25               |
| Invoice 9010005065   | \$81.20               |
| Invoice 9010008555   | \$76.30               |
| Invoice 9010012371   | \$76.30               |
| Invoice 9010014252   | \$76.30               |
| Invoice 9010017788   | \$123.20              |
| Invoice 9010023589   | \$123.20              |
| Invoice 9010023590   | \$123.20              |
| Invoice 9010023590 – Research Solutions Invoice 56048          | \$180.00              |
| Invoice 9010023590 – Research Solutions Invoice 56071          | \$100.00              |
| Invoice 9010023590 – Research Solutions Invoice 56063          | \$119.00              |
| Invoice 9010026133   | \$123.20              |
| Invoice 9010026133 - University of Texas library photocopy fee | \$21.65               |
| Invoice 9010028496   | \$178.15              |
| Invoice 9010028496 – eLitigation Solutions, Inc. (15245)       | \$753.37              |
| Invoice 9010031357   | \$178.15              |
| Document Technologies – Invoice 432310                         | \$517.50 <sup>6</sup> |
| <b>Subtotal:</b>   | \$2,880.97            |
| <b>Fulbright &amp; Jaworski</b>                                |                       |
| Invoice 11066069   | \$2,216.25            |
| Invoice 11046113   | \$1,147.50            |
| <b>Subtotal:</b>   | \$3,363.75            |
| <b>Teris</b>   |                       |
| Invoice 29971  | \$6,511.55            |
| Invoice 30286  | \$11,100.00           |
| Invoice 30647  | \$11,250.00           |
| <b>Subtotal</b>  | \$28,861.55           |
| <b>Cornerstone Research</b>                                    |                       |
| Invoice 1838340025   | \$390.00              |
| Invoice 1838340339   | \$1,120.00            |
| Invoice 1838340619   | \$1,925.00            |
| Invoice 1838341034   | \$55.00               |
| <b>Subtotal:</b>   | \$3,490.00            |
| <b>E-discovery Total:</b>                                      | <b>\$38,596.27</b>    |
| <b>E-discovery and Copies Subtotal:</b>                        | <b>\$41,253.98</b>    |

<sup>6</sup> Total cost of \$1,035.00 divided by two because this cost was related to two cases.

**Table 6: Docket fees under 28 U.S.C. 1923<sup>7</sup>**

| <b>Description</b>                     | <b>Fee</b>      |
|--|-----------------|
| <b>PACER fees</b>                      |                 |
| <b>Brinks Hofer Gibson &amp; Lione</b> |                 |
| Invoice 336397                         | \$9.76          |
| <b>Howrey LLP</b>                      |                 |
| Invoice 1004837                        | \$46.00         |
| Invoice 1030203                        | \$23.84         |
| <b>Potter Minton</b>                   |                 |
| Invoice 1002099                        | \$4.60          |
| <b>Haltom &amp; Doan</b>               |                 |
| Invoice 22612                          | \$71.76         |
| Invoice 22630                          | \$15.12         |
| <b>Subtotal:</b>                       | <b>\$171.08</b> |

**Table 7: Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828<sup>8</sup>**

| <b>Date</b> | <b>Fee</b> | <b>Witness</b> | <b>Split with Google</b> | <b>Total Fee</b>  |
|-------------|------------|----------------|--------------------------|-------------------|
| 8/19/2009   | \$805.00   | Ilya Geller    | \$402.50                 | \$402.50          |
| 12/16/2009  | \$1,245.00 | Ilya Geller    | \$622.50                 | \$622.50          |
|             |            |                | <b>Subtotal:</b>         | <b>\$1,025.00</b> |

**Table 8: Other Costs<sup>9</sup>**

| <b>Audio Visual / Trial Support</b>  | <b>Date</b>      | <b>Total</b>      |
|--------------------------------------|------------------|-------------------|
| Allen T. Eaton<br>(Trial Technician) | 2/28/2010        | \$341.34          |
|                                      | 3/1/2010         | \$2,812.00        |
|                                      | <b>Subtotal:</b> | <b>\$3,153.34</b> |

<sup>7</sup> The invoices for PACER fees described in this table are attached as Exhibit 6.

<sup>8</sup> The enumerated interpreter fees described in this table are attached as Exhibit 7.

<sup>9</sup> The audio/visual technical fees described in this table are attached as Exhibit 8.

**Total Costs under 28 U.S.C. § 1920**

| <b>Category</b>  | <b>Subtotal</b>    |
|--|--------------------|
| Table 1: Fees of the Clerk   | \$125.00           |
| Table 2: Fees for service of summons and subpoena  | \$120.00           |
| Table 3: Fees for printed or electronically recorded transcripts necessarily obtained for use in the case                                | \$45,952.18        |
| Table 4: Fees for witnesses  | \$5,588.40         |
| Table 5: Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for the case | \$41,253.98        |
| Table 6: Docket fees under 28 U.S.C. 1923  | \$171.08           |
| Table 7: Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828                                  | \$1,025.00         |
| Table 8: Other Costs   | \$3,153.34         |
| <b>Subtotal:</b>   | <b>\$97,388.98</b> |

Dated: April 2, 2010

/s/ Jennifer H. Doan \_\_\_\_\_  
Jennifer H. Doan  
Joshua Reed Thane  
John Scott Andrews  
HALTOM & DOAN  
Crown Executive Center, Suite 100  
6500 Summerhill Road  
Texarkana, TX 75503  
Tel: (903) 255-1002  
Fax: (903) 255-0800  
jdoan@haltomdoan.com  
sandrews@haltomdoan.com  
jthane@haltomdoan.com

Jason C. White  
HOWREY LLP  
321 N. Clark Street, Suite 3400  
Chicago, IL 60654  
Tel: (312) 595-1239  
Fax: (312) 595-2250  
whitej@howrey.com

*Attorneys for Defendant Yahoo! Inc.*

**CERTIFICATE OF SERVICE**

I certify that a copy of **MEMORANDUM IN SUPPORT OF YAHOO! INC.'S BILL OF COSTS** was served upon counsel of record via CM/EFC on April 2, 2010.

/s/ Jennifer H. Doan  
\_\_\_\_\_  
Jennifer H. Doan

**CERTIFICATE OF CONFERENCE**

I hereby certify that I participated in a meet and confer, as required by Local Rule CV-7(h), CV-54 regarding Yahoo!'s Bill of Costs. The meet-and-confer occurred by telephone on April 2, 2010, and involved me, Margaret Kammerud, Harry Gillam Jr., Jason White, J. Scott Andrews, David Pridham, and Andrew Spangler. At the conference, Plaintiff's counsel indicated that they had no specific comments as to any cost request and presently oppose all costs. They indicated that they may contact counsel for additional discussion in the future.

/s/ Jason White  
\_\_\_\_\_  
Jason C. White