

**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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**SECOND DECLARATION OF JASON WHITE IN SUPPORT OF  
YAHOO! INC.'S BILL OF COSTS**

1. I am a partner with the law firm Howrey LLP, and counsel of record for Defendant Yahoo! Inc. in Civil Action No. 2-07-CV-480, PA Advisors LLC v. Google Inc., et al. in the United States District Court for the Eastern District of Texas, Marshall Division. The law firm of Howrey LLP represented Yahoo! Inc. in the referenced civil action.

2. I have knowledge of the facts in this matter and the items reflected in this Bill of Costs are allowed by law, correctly stated, and have been necessarily incurred in the defense of this case. The services for which fees have been charged were actually and necessarily performed.

3. The total costs incurred by Defendant Yahoo! Inc. are reflected in the Bill of Costs, and the redacted Exhibits to the Bill of Costs.

4. The following costs, objected to by Plaintiff, were necessarily incurred in the defense of this case:

- a. Yahoo! Inc. necessarily incurred the costs associated with twenty-six depositions, receiving a certified stenographic transcript of the original, and a videotaped copy of the deposition.
  - i. Yahoo! Inc. necessarily incurred the costs of receiving a stenographic original of each deposition because it needed the stenographic version to support its motion for summary judgment. The stenographic transcript allowed Yahoo! Inc. to cite to the Court testimony in support of its defense.
  - ii. Likewise, Yahoo! Inc. used the videotaped depositions to support its defenses at the pre-trial conference, and fully expected to introduce the video depositions as testimony at trial, as Yahoo! Inc. would not be able to guarantee the appearance of every witness.
- b. Pursuant to the agreement with Google, Yahoo! Inc. split evenly with co-defendant Google all agreed upon deposition costs.
- c. For all costs split with co-defendant Google, Yahoo! Inc. seeks only one-half of the taxable costs.
- d. The translation costs associated with foreign documents were necessarily incurred by Yahoo! Inc., as they were relevant documents that needed to be translated to English so that Yahoo! Inc. could use those documents in its defense of non-infringement.
- e. Yahoo! Inc. necessarily incurred costs in the amount of \$3,153.34 for Trial Support services. Such services were crucial to Yahoo! Inc.'s presentation at the pretrial conference.

- f. Yahoo! Inc. has in good faith reduced the total itemized copy costs by 50% in accordance with the precedent set forth in the Federal Circuit Court of Appeals for document intensive, complex patent cases. Although Yahoo! Inc. necessarily incurred well above 50% of the total costs associated with copying, Yahoo! Inc. submits that a 50% reduction in the total costs is both a reasonable and suitable calculation in this case.
- g. Yahoo! Inc. necessarily incurred expert witness fees for Mary Woodford and James Allen. The expenses documented were limited to mileage reimbursement for travel and reasonable meal expenses.
- h. Howrey LLP's accounting department tracked the expense of each invoiced copy in this case by using client and matter specific billing codes. Howrey LLP's accounting department assigned a specific five digit number to identify Yahoo! as our client and a four digit number to distinguish this matter from others in which Yahoo! is, or was, a party, including a separate number for the matter against Bright Response, LLC.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on May 17, 2010 in Chicago, Illinois.

/s/ Jason White  
Jason White