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TECHNOLOGY PROPERTIES LIMITED and  
8 ALLIACENSE LIMITED

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION  
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14 HTC CORPORATION, HTC AMERICA,  
INC.,

15 Plaintiffs,

16 v.

17 TECHNOLOGY PROPERTIES  
18 LIMITED, PATRIOT SCIENTIFIC  
CORPORATION, and ALLIACENSE  
19 LIMITED,

20 Defendants.

Case No. 5:08-cv-00882 PSG

**MOTION SEEKING REVIEW OF  
CLERK'S TAXATION OF COSTS**

Complaint Filed: February 8, 2008  
Trial Date: September 23, 2013

Hearing Date: March 18, 2014  
Time: 10:00 a.m.  
Place: Courtroom 5, 4th Fl.  
Judge: Hon. Paul S. Grewal

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**NOTICE OF MOTION**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on March 18, 2014 at 10:00 a.m. or as soon thereafter as the matter may be heard by the Honorable Paul S. Grewal in Courtroom 5, United States District Court for the Northern District of California, Robert F. Peckham Federal Building, 280 South First Street, San Jose, CA 95113, Defendants Technology Properties Ltd. and Alliacense Ltd. (collectively "TPL") shall and hereby do move this Court, pursuant to Federal Rule of Civil Procedure 54(d)(1) and Civil Local Rule 54-3, to review the Clerk's January 13, 2014 taxation of costs against Plaintiffs HTC Corporation and HTC America, Inc. (collectively, "HTC") (Dkt. No. 704). Pursuant to Civ. L.R. 7-1, TPL requests that this motion be decided on the papers and without oral argument.

This Motion is based on the Memorandum of Points and Authorities set forth below, TPL's previously submitted papers relating to this issue (including Dkt. Nos. 699, 700), and on such other matters as may be allowed by the Court.

**MEMORANDUM OF POINTS AND AUTHORITIES**

After obtaining a jury verdict in its favor, TPL filed its Bill of Costs (Dkt. No. 664) on October 17, 2013 in accordance with Civ. L.R. 54-1. The parties met and conferred and, as a result, TPL agreed to significantly reduce its claimed costs, dropping the total sought by \$37,640.57. TPL filed its Amended Bills of Costs (Dkt. No. 670) on October 31, 2013. HTC filed its Objections (Dkt. No. 679) on November 4, 2013, and TPL filed a response (Dkt. No. 699) and Second Amended Bill of Costs (Dkt. No. 700) on December 18, 2013, dropping the claimed costs by an additional \$54,141.95. HTC filed a Reply in support of its Objections (Dkt. No. 702) on December 30, 2013.

Although the Court has not yet ruled on the parties' dispute regarding TPL's claimed costs, on January 13, 2014 the Clerk taxed costs against HTC (Dkt. No. 704) in the amount of \$113,255.63. In so doing, the Clerk's disallowed certain costs sought by TPL. For the reasons stated in TPL's prior filings (specifically, Dkt. Nos. 699 and 700, which TPL hereby incorporates by reference), the Clerk's reduction of taxable costs was improper, as the costs sought were

1 allowable under the applicable federal and local rules. Accordingly, pursuant to Federal Rule of  
2 Civil Procedure 54(d)(1), TPL seeks the Court's review of the Clerk's action and requests that the  
3 costs claimed in TPL's Second Amended Bill of Costs be taxed in their entirety, with the  
4 exception of the charge of \$1,950.50 for videographer services relating to the deposition of David  
5 May, which TPL hereby withdraws.

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7 Dated: January 21, 2014

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9 By: /s/ David L. Lansky  
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**[PROPOSED] ORDER GRANTING  
MOTION SEEKING REVIEW OF  
CLERK'S TAXATION OF COSTS**

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1           Having considered Defendants Technology Properties Ltd. and Alliacense Ltd.  
2 (collectively the “TPL”)’s Motion Seeking Review of Clerk’s Taxation of Costs, Federal Rule  
3 of Civil Procedure 54(d)(1), the record in this case and all related facts and circumstances, and  
4 good cause appearing therefor,

5           IT IS HEREBY ORDERED THAT:

6           TPL’s Motion is GRANTED. This Court has reviewed the Clerk’s action with respect to  
7 TPL’s Second Amended Bill of Costs and hereby directs the Clerk to tax \$225,616.29 in costs  
8 against Plaintiffs HTC Corporation and HTC America, Inc..

9           IT IS SO ORDERED.

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Dated: \_\_\_\_\_, 2014

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Hon. Paul S. Grewal  
United States Magistrate Judge