

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
**CIVIL MINUTES – GENERAL**

Case No. **2:20-cv-10409-MCS-JEM** Date January 25, 2023

Title ***Seal4Safti, Inc. v. California Expanded Metal Products Co.***

Present: The Honorable **Mark C. Scarsi, United States District Judge**

Stephen Montes Kerr

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

**Proceedings: (IN CHAMBERS) ORDER RE: DEFENDANT’S MOTION FOR ATTORNEY FEES (ECF No. 294)**

The Court granted Defendant California Expanded Metal Products Co.’s request for an exceptional case finding under 35 U.S.C § 285. (Post-Trial Order 8–10, ECF No. 286.) Defendant filed a motion for attorneys’ fees and costs. (Mot., ECF No. 294.) Plaintiff Seal4Safti, Inc. filed an opposition, (Opp’n, ECF No. 307), and Defendant replied, (Reply, ECF No. 310). The Court granted Defendant attorneys’ fees and costs accrued after entry of the summary judgment order on January 19, 2022. (Order 6, ECF No. 312.) The Court denied Defendant’s motion for expert witness fees. (*Id.*) The Court ordered Defendant to submit, no later than January 6, 2023, a new statement of fees and costs accrued after the Court’s order denying Plaintiff’s motion for summary judgment. (*Id.*) Defendant timely complied. (Trojan Decl., ECF No. 315.)

According to the Trojan Declaration, Defendant’s counsel billed a total of \$640,754.75 following Plaintiff’s summary judgment motion. (*Id.* Ex. 1, ECF No. 315-1.) Factoring in \$78,513.31 in discounts, Defendant’s counsel collected \$562,241.44 in fees. (*Id.*) Defendants also state they incurred \$31,475.67 in disbursements following the summary judgment order. (*Id.* Ex. 2, ECF No. 315-2;

*id.* Ex. 3, ECF No. 315-3.) Defense counsel submits that \$14,078.01 in disbursements were not already claimed in a pending application to tax costs. (Trojan Decl. ¶¶ 3–4 & Ex. 2.) Consequently, Defendant seeks to recover a total of \$593,717.11.

The Court previously concluded Defendant’s counsel’s lodestar calculation is appropriate. (Order 3–4.) The Court reaffirms that the number of hours billed after entry of the summary judgment order is reasonable. *See Slimfold Mfg. Co. v. Kinkead Indus., Inc.*, 932 F.2d 1453, 1459 (Fed. Cir. 1991) (concluding a court may rely on its prior experience and knowledge in determining what constitutes reasonable hours). The Court therefore awards \$562,241.44 in attorney’s fees to Defendant. The Court also awards \$14,078.01 in costs that are not included in Defendant’s pending application to tax costs.<sup>1</sup> (*See Appl.*, ECF No. 289.)

**IT IS SO ORDERED.**

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<sup>1</sup> Defendant’s application to tax costs is currently pending before the Clerk of the Court. To avoid potential confusion or the possibility of a double award, the Court takes no position on the application, or the propriety of an award under § 285 of the \$17,397.66 in overlapping claimed costs, at this time. *See C.D. Cal. R. 54-2.5* (reserving review of Clerk’s determination of applications to tax costs).