

UNITED STATES DISTRICT COURT

for the

Northern District of California

IN RE ONLINE DVD RENTAL ANTITRUST LITIGATION

Case No.: 4:09-MD-2029-PJH(JCS) MDL No. 2029

BILL OF COSTS

Judgment having been entered in the above entitled action on 01/10/2012 against Plaintiff's, the Clerk is requested to tax the following as costs:

Table with 2 columns: Description of costs and Amount. Includes categories like Fees of the Clerk, Fees for service of summons, etc. Total amount is \$737,838.79.

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.

- Electronic service
First class mail, postage prepaid
Other:
s/ Attorney:
Name of Attorney:

For: Name of Claiming Party Date:

Taxation of Costs

Costs are taxed in the amount of \$737,838.79 and included in the judgment.

RICHARD W. WIEKING Clerk of Court By: [Signature] Deputy Clerk 01/10/2012 Date

**IN RE ONLINE DVD RENTAL ANTITRUST LITIGATION  
Master File No. 4:09-md-2029-PJH (JCS)**

**Costs disallowed as follows in Netflix Inc. Bill of Costs, document no.549:**

page 32 - \$260.00 MPEG-1 encoding on DVD

page 41 - \$94.00 Attendance fee at deposition

page 46 - \$1543.50 Daily Copy -Overnight fee

page 47 - \$1417.50 Daily Copy - Overnight fee

pages 13-49 - \$3410.15 Reduced Bill of Costs Deposition Fees per Netflix's response to Plaintiff's objections

page 51 - \$176.17 OCR costs

1 JONATHAN M. JACOBSON (*pro hac vice*)  
 2 DAVID H. REICHENBERG (*pro hac vice*)  
 3 WILSON SONSINI GOODRICH & ROSATI  
 Professional Corporation  
 4 1301 Avenue of the Americas, 40th Floor  
 New York, NY 10019  
 5 Tel.: (212) 999-5800  
 Fax: (212) 999-5899  
 Email: jjacobson@wsgr.com

6 KEITH E. EGGLETON, State Bar No. 159842  
 MAURA L. REES, State Bar No. 191698  
 7 DYLAN J. LIDDIARD, State Bar No. 203055  
 ANTHONY J WEIBELL, State Bar No. 238850  
 8 WILSON SONSINI GOODRICH & ROSATI  
 Professional Corporation  
 9 650 Page Mill Road  
 Palo Alto, CA 94304  
 10 Telephone: (650) 493-9300  
 Fax: (650) 565-5100  
 11 Email: dliddiard@wsgr.com

12 *Attorneys for Defendant Netflix, Inc.*

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 OAKLAND DIVISION  
 16

17 IN RE ONLINE DVD RENTAL  
 18 ANTITRUST LITIGATION

) Master File No.: 4:09-md-2029 PJH (JCS)  
 ) MDL No. 2029

) Hon. Phyllis J. Hamilton

) **NETFLIX'S BILL OF COSTS RE**  
 20 **NETFLIX SUBSCRIBER ACTIONS**

21 THIS DOCUMENT RELATES TO ALL  
 22 ACTIONS EXCEPT THE FOLLOWING:

23 *Pierson v. Walmart.com USA LLC, Wal-Mart*  
 24 *Stores, Inc. and Netflix, Inc.*, No. 09-cv-2163  
 (N.D. Cal.);

25 *Levy, et al. v. Walmart.com USA LLC, Wal-Mart*  
 26 *Stores, Inc. and Netflix, Inc.*, No. 09-cv-2296  
 (N.D. Cal.)

1 Final judgment having been entered on November 29, 2011 in favor of Defendant  
2 Netflix, Inc., the Clerk is requested to tax the following as costs pursuant to 28 U.S.C. § 1920  
3 and Civil L.R. 54-3:

4 Fees for printed or electronically recorded transcripts necessarily obtained for use in the case	\$41,750.02
5 6 Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case	\$702,990.09
7 8 9 <b>Total</b>	<b>\$744,740.11</b>

10  
11 This bill of costs is supported by the Declaration of Anthony Weibell (Exhibit A hereto),  
12 an Itemized Bill of Costs (Exhibit B hereto), and corresponding documentation (Exhibit C  
13 hereto). The bill of costs is also supported by the Declaration of Vivian Liu-Somers and the  
14 Declaration of William T. Kellermann, Jr., submitted on July 19, 2011 (ECF Nos. 457, 458).

15 The Court previously awarded costs of \$700,084.79 on September 28, 2011 (*see* ECF No.  
16 515) against the Blockbuster Subscriber Plaintiffs in the two actions that are not included in this  
17 bill: *Pierson v. Walmart.com USA LLC, Wal-Mart Stores, Inc. and Netflix, Inc.*, No. 09-cv-2163  
18 (N.D. Cal.), and *Levy, et al. v. Walmart.com USA LLC, Wal-Mart Stores, Inc. and Netflix, Inc.*,  
19 No. 09-cv-2296 (N.D. Cal.)). This bill of costs, which pertains to the Netflix Subscriber  
20 Plaintiffs, includes the Netflix Subscriber Plaintiff's 50% share of the costs apportioned between  
21 them and the Blockbuster Subscriber Plaintiffs. *See* ECF No. 515 ¶ 3 (Order by J. Hamilton  
22 approving 50% apportionment between Blockbuster Subscriber Plaintiffs and Netflix Subscriber  
23 Plaintiffs). This bill of costs also includes some additional costs not included in the prior bill.

24  
25 Dated: December 5, 2011

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

26  
27 By: /s/ Jonathan M. Jacobson  
Jonathan M. Jacobson

28 *Attorneys for Defendant Netflix, Inc.*