

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ADVANCED MEDIA NETWORKS, LLC, §

Plaintiff, §

v. §

AT&T MOBILITY LLC, §

Defendant. §

Civil Action No. 3:15-CV-3496-N

**ORDER**

This Order addresses AT&T Mobility LLC’s (“AT&T”) Supplemental Motion for Attorneys’ Fees [197]. The Court previously determined by Order dated June 6, 2018 that AT&T is entitled to recover reasonable attorneys’ fees and costs accruing after the Court issued its *Markman* Order. For the reasons stated below, the Court grants AT&T’s supplemental motion for attorneys’ fees.

To determine a reasonable fee award, courts calculate a “lodestar” amount by multiplying a reasonable billing rate by the number of hours reasonably spent litigating the successful claim. *McClain v. Lufkin Indus., Inc.*, 519 F.3d 264, 284 (5th Cir. 2008); *see also Perdue v. Kenny A. ex rel Winn*, 559 U.S. 542, 551–52 (2010). This calculation, however, excludes hours spent on “excessive, redundant, or otherwise unnecessary work” and on nonprevailing claims unrelated to successful claims. *Hensley v. Eckerhart*, 461 U.S. 424, 434–35 (1983). The Court may then increase or decrease the lodestar amount based on the factors enumerated in *Johnson v. Ga. Highway Express, Inc.*, 488 F.2d 714,

717–19 (5th Cir. 1974).<sup>1</sup> And while the Court is required to explain its reasons for any adjustments to the number of hours spent or to the lodestar, it is not required to do a line-by-line analysis. *Maxwell v. Angel-Etts of Ca., Inc.*, 53 F. App’x 561, 569 (Fed. Cir. 2002). The Court may make across-the-board cuts, so long as it sets forth a concise reason for doing so. *Id.*

The Court independently reviewed AT&T’s evidence, including detailed invoices and billing records, as well as AMN’s objections. AT&T’s evidence shows that six attorneys and one paralegal from the law firm of Kilpatrick Townsend & Stockton LLP (“Kilpatrick Townsend”) spent 1,142.80 hours defending AT&T in this case from March 2017 to October 2017, and that their hourly standard rates range from \$315.00 to \$795.00. Kilpatrick Townsend negotiated a confidential rate with AT&T for their work on this case. Accordingly, Kilpatrick Townsend seeks to recover \$430,436.24 in attorney’s fees.

The submitted evidence demonstrates that the hourly rates Kilpatrick Townsend charged AT&T are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience, and reputation. *See Blum v. Stenson*, 465 U.S. 886, 895 n.11 (1984). Moreover, AMN does not challenge the rates charged by

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<sup>1</sup> The *Johnson* factors are: (1) the time and labor required to litigate the case; (2) the novelty and difficulty of the questions involved; (3) the skill required to perform the legal services properly; (4) whether taking the case precluded the attorney from other employment; (5) the customary fee for similar work in the community; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and ability of the attorneys; (10) the “undesirability” of the case; (11) the nature and length of the attorney-client relationship; and (12) awards made in similar cases.

AT&T's attorneys. The Court therefore concludes that the standard hourly rates charged are reasonable, as well as the confidential, negotiated rates AT&T actually paid.

AMN, however, does challenge the number of hours AT&T's counsel spent on this litigation. AMN argues that Kilpatrick Townsend is not entitled to fees because AT&T's invoices are vague, heavily redacted, and "block-billed." Pl.'s Mot. at 4–10. AMN additionally argues that AT&T time entries show that its time spent is excessive and duplicative. *Id.* at 10–17. The Court concludes that the time entries are not so block billed or vague as to prevent meaningful review. *Thermotek, Inc. v. Orthoflex, Inc.*, 2016 WL 6330429, at \*10 (N.D. Tex. Oct. 27, 2016). The time entries are sufficient for the Court to determine that each attorney billed a reasonable amount of time, on an individual basis, for the tasks recorded, resulting in a lodestar amount of \$430,436.24.

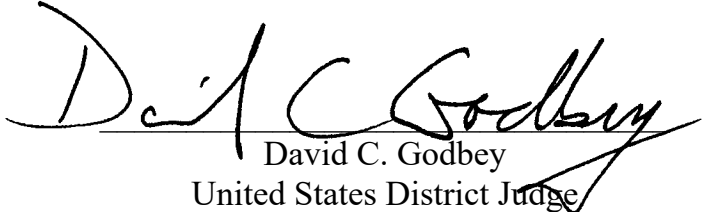
However, considering the *Johnson* factors, specifically (1) the time and labor required and (2) the novelty and difficulty of the legal issues, the Court finds that the lodestar should be adjusted downward because of significant duplication of effort among the attorneys representing AT&T. *Johnson*, 488 F.2d at 717 ("If more than one attorney is involved, the possibility of duplication of effort along with the proper utilization of time should be scrutinized.").

As mentioned above, Kilpatrick Townsend had six attorneys working on this case, and the time entries show that for motions, response briefs, reply briefs, and other miscellaneous tasks at least four or five attorneys were involved when a smaller number would have been sufficient. For example, five attorneys were involved in drafting, reviewing, and editing a

three-page joint status report. APPX0173–175 [207-4]. And four attorneys worked on a simple five-page motion to stay and a Rule 11 letter agreement. APPX0180-185 [207-5]; APPX0170–73 [207-4]. Similarly, four attorneys were involved in preparing for mediation and in drafting and revising a mediation statement. APPX0193–97 [207-6]. Thus, to adjust for such duplicative time, the Court reduces the lodestar by 40%, or \$172,174.50.

Accordingly, the Court orders Plaintiff to pay AT&T \$258,261.74 on or before April 22, 2019.

Signed March 22, 2019.

  
David C. Godbey  
United States District Judge