

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
WATSON INDUSTRIES, INC.,  
Plaintiff,

ORDER

02-C-0524-C

v.

MURATA ELECTRONICS NORTH  
AMERICA, INC.,

and

MURATA MANUFACTURING CO.,  
LTD.,

Defendants.

-----  
This civil action for patent infringement is before the court on plaintiff Watson Industries, Inc.'s request for a review of the clerk's taxation of costs. Defendants Muratec Electronic North America, Inc. and Murata Manufacturing Co., Ltd. oppose the request.

Having reviewed the submissions of both sides, I will grant the request for review but will deny two of the three changes sought by plaintiff. Defendants prevailed in this litigation to the extent that defendants won a finding of non-infringement. As prevailing parties, they are entitled to an award of costs as a matter of course. Fed. R. Civ. P. 54(d)(1).

Plaintiff objects to the costs paid by defendants for transcripts and court reporter costs, travel related expenses for witnesses and an animation exhibit. I am not persuaded that defendants should not recover the costs they incurred for the taking of depositions and preparation of transcripts; the transcribed information was necessary for the defense of the case and the extra expenses such as expedited preparation were critical in view of the short time frame for discovery. The condensed copies and ASCII diskettes are routine in cases of this complexity. As for witness fees, plaintiff objects only to two extra nights of housing for witnesses who traveled from Japan for their depositions. As defendants point out, the two extra nights were warranted by the distances the deponents had to travel and their need for adjustment to a new time zone.

As for the animation exhibit, however, I am not convinced that it was necessary to the defense of this case or even particularly helpful. Therefore, I will deduct its cost from the costs taxed by the clerk of court. In all respects, the taxation of costs will stand.

#### ORDER

IT IS ORDERED that plaintiff Watson Industries, Inc.'s request for review of the clerk's taxation of costs is GRANTED; the costs taxed by the clerk of court are reduced by \$25,000

for the cost of the animation exhibit; in all respects the costs remain as taxed by the clerk.

Entered this 15th day of June, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge