

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

GILBERT P. HYATT,

*Plaintiff,*

v.

ANDREI IANCU,

*Defendant.*

Case No. 1:05-cv-2310-RCL

Case No. 1:09-cv-1864-RCL

Case No. 1:09-cv-1869-RCL

Case No. 1:09-cv-1872-RCL

**ORDER**

Before the Court are two motions for litigation expenses — plaintiff Gilbert P. Hyatt’s motion for attorneys’ fees under 28 U.S.C. § 2412(b) (ECF No. 262)<sup>1</sup> and defendant Patent and Trademark Office’s<sup>2</sup> (PTO) motion for expenses under 35 U.S.C. § 145 (ECF No. 261) — as well as Mr. Hyatt’s motions to de-designate certain evidence as protected under a protective order (ECF Nos. 207 and 240).

Upon consideration of the motion for attorneys’ fees and briefing thereon, the motion is **GRANTED** in part and it is hereby **ORDERED** that Mr. Hyatt is entitled to an award of \$10,459.85 in attorneys’ fees. It is further **ORDERED** that the PTO shall pay that sum to Mr. Hyatt within sixty days. With respect to all other fees sought, the motion is **DENIED**.

Upon consideration of the motion for expenses and briefing thereon, the motion is **GRANTED** in part and it is hereby **ORDERED** that the PTO is entitled to an award of \$60,797.44

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<sup>1</sup> All docket citations refer to the docket in Case No. 1:05-cv-2310-RCL.

<sup>2</sup> The named defendant is Andrei Iancu, sued in his official capacity as Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office. For convenience, the Court refers to the defendant as the PTO.

in expenses. It is further **ORDERED** that the Mr. Hyatt shall pay that sum to the PTO within sixty days. With respect to all other reimbursements sought, the motion is **DENIED**.

Upon consideration of the motions to de-designate certain evidence and briefing thereon, the motion is **GRANTED** in part and it is hereby **ORDERED** that the PTO has improperly designated the following documents as protected: PTX-615, PTX-272, PTX-115, PTX-119, PTX-124, PTX-141, PTX-133, and PTX-140. It is further **ORDERED** that the PTO shall re-produced these documents to Mr. Hyatt without any protected designation. With respect to all other relief sought, the motion is **DENIED**.

Date: 7/23/20

  
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Royce C. Lamberth  
United States District Judge