

Embarcadero Center West
275 Battery Street, Suite 2000
San Francisco, CA 94111

1 KARINEH KHACHATOURIAN (SBN 202634)
JEFFREY M. RATINOFF (SBN 197241)
2 OLGA RODSTEIN (SBN 209244)
GORDON & REES LLP
3 Embarcadero Center West
275 Battery Street, Suite 2000
4 San Francisco, CA 94111
Telephone: (415) 986-5900
5 Facsimile: (415) 986-8054

6 Attorneys for Plaintiff
EAGLE BROADBAND, INC.

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SANTA CLARA

11 EAGLE BROADBAND, INC.,
12 Plaintiff,
13 vs.
14 DOES 1 through 25, inclusive,
15 Defendants.

CASE NO. 1-05-CV-050179
**DECLARATION OF KARINEH
KHACHATOURIAN IN SUPPORT OF
OPPOSITION TO DEFENDANT DOE 5'S
MOTION FOR ATTORNEYS' FEES
(C.C.P. § 425.16(c)) (PUBLIC REDACTED
VERSION)**

Date: August 8, 2006
Time: 9:00 a.m.
Dept.: 2
Judge: Hon. William J. Elfving
Complaint filed: October 5, 2005
Trial Date: None Set
Special Motion to Strike
Granted: March 7, 2006

21 I, KARINEH KHACHATOURIAN, declare as follows:

22 1. I am an attorney at law duly licensed to practice before all courts of the State of
23 California. I am an attorney with the firm of Gordon & Rees LLP, attorneys for Plaintiff Eagle
24 Broadband, Inc. ("Plaintiff" or "Eagle Broadband").

25 2. If called upon to testify as to the matters set forth herein, I could and would
26 competently testify thereto as the matters set forth in this declaration that are personally known
27 to me to be true. As to those matters stated on information and belief, I would competently
28 testify thereto as I believe those matters to be true. By making this declaration, neither myself

Gordon & Rees LLP
Embarcadero Center West
275 Battery Street, Suite 2000
San Francisco, CA 94111

1 nor Eagle Broadband intends to waive the protections of the attorney client privilege or attorney
2 work product doctrine.

3 3. I am a partner in the San Francisco office of Gordon & Rees and I am the chair of
4 the intellectual property litigation department in that office. Gordon & Rees employs
5 approximately 290 attorneys in eleven different offices nationwide. For legal services rendered
6 in this lawsuit, Gordon & Rees charges Eagle Broadband \$^{REDACTED} per hour for partners, \$^{REDACTED} per
7 hour for associates, and \$^{REDACTED} per hour for paralegals. These are our standard rates for
8 intellectual property type matters. The attorneys involved with the Anti-SLAPP proceedings in
9 this case have been myself and Jeffrey Ratinoff.

10 4. As the partner in charge in this matter, I review all the Eagle Broadband invoices
11 prior to sending them to the client for processing and payment. As a general rule, I do not bill
12 Eagle Broadband for intra-office conferences or revising work performed by associates because I
13 view such time as training costs that should not be passed onto the client. It is also not my
14 practice to bill Eagle Broadband, or other clients, for local travel time to court hearings and
15 meetings. I also do not bill clients for the time required to review and generate invoices, as that
16 is usually considered overhead.

17 5. In connection with preparing Eagle Broadband's opposition to the Anti-SLAPP
18 motions brought by DOES 2-3 and DOES 4-5, Eagle Broadband was billed a total of 62.5 hours
19 by the professional staff. Eagle Broadband was billed 3.6 hours for hearing preparation and
20 attendance; 12 hours to prepare evidentiary objections and a reply in support of motion for
21 discovery; and 46.90 hours to prepare consolidated oppositions, which included working with
22 Eagle Broadband's expert, preparation of factual declarations, legal research, and actual drafting
23 of papers.

24 6. As of May 22, 2006, Eagle Broadband has spent \$^{REDACTED} in costs and fees for
25 the prosecution of its claims against all the DOE Defendants. Through February 28, 2006, when
26 most of the tasks for the Anti-SLAPP motions occurred, Eagle Broadband spent \$^{REDACTED} for
27 work performed on the case involving all DOE Defendants.

28 7.

Gordon & Rees LLP
Embarcadero Center West
275 Battery Street, Suite 2000
San Francisco, CA 94111

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

REDACTED

8.

REDACTED

9.

10. Attached hereto as Exhibit A, is a true and correct copy of Defendant Doe 4's
Notice of Motion and Memorandum of Points and Authorities in Support of Special Motion to

1 Strike the Complaint dated November 16, 2005.

2 11. Attached hereto as Exhibit B, is a true and correct copy of Defendant John Doe
3 A/K/A knowfcfs's Notice of Motion and Special Motion to Strike, Pursuant to CCP § 425.16;
4 Memorandum of Points and Authorities in Support Thereof; Declaration of Mark Goldowitz.

5 12. Attached hereto as Exhibit C, is a true and correct copy Defendant Doe 4's Reply
6 Memorandum of Points and Authorities in Support of Special Motion to Strike the Complaint
7 dated February 15, 2006.

8 13. Attached hereto as Exhibit D, is a true and correct copy of the March 22, 2006
9 Letter from California Anti-SLAPP Project from Mark Goldowitz.

10 14. Attached hereto as Exhibit E, is a true and correct copy of Ms. Khachatourian's
11 March 30, 2006 letter to Mark Goldowitz.

12 15. Attached hereto as Exhibit F, is a true and correct copy of the Stipulation to
13 Extend Time for Filing of Motion for Attorneys' Fees and Costs by DOE 5 A/K/A
14 Benderanddumat dated April 20, 2006.

15 16. Attached hereto as Exhibit G, is a true and correct copy of a Settlement
16 Negotiation Agreement signed by counsel.

17 17. Attached hereto as Exhibit H, is a true and correct copy of the May 22, 2006 letter
18 from Ms. Khachatourian to Mr. Goldowitz regarding settlement attempts.

19 18. Attached hereto as Exhibit I, is a true and correct copy of the Second Stipulation
20 to Extend Time for Filing of Motion for Attorney's Fees and Costs by DOE A/K/A
21 Benderanddumat.

22 19. Attached hereto as Exhibit J, is a true and correct copy of the Stipulation to
23 Extend Time for Filing of Motion for Attorneys' Fees and Costs by Doe 5 A/K/A
24 Benderanddumat.

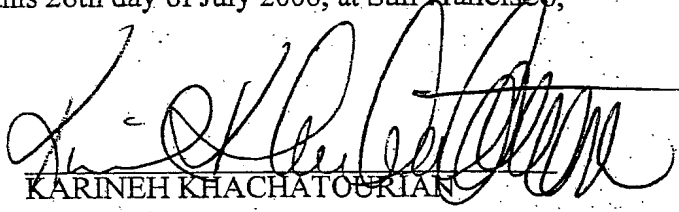
25 20. Attached hereto as Exhibit K, is a true and correct copy of the Order re: Special
26 Motion to Strike Complaint, Special Motion to Strike Complaint, and Motion to Permit
27 Discovery filed March 7, 2006.

28 21. Attached hereto as Exhibit L, is a true and correct copy of printouts of the relevant

1 portions of the California Anti-SLAPP Project website located at www.casp.net.

2 22. Attached hereto as Exhibit M, is a true and correct copy of Eagle Broadband,
3 Inc.'s Notice of Appeal; Notice of Election to Proceed Under Rule of Court 5.1; Notice
4 Designating Reporter's Transcript filed May 4, 2006.

5 I declare under penalty of perjury under the laws of California that the foregoing
6 statements are true and correct. Executed this 26th day of July 2006, at San Francisco,
7 California.

8 
9 KARINEH KHACHATOURIAN

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Embarcadero Center West
275 Battery Street, Suite 2000
San Francisco, CA 94111