

1 KARINEH KHACHATOURIAN (SBN 202634)  
JEFFREY M. RATINOFF (SBN 197241)  
2 OLGA RODSTEIN (SBN 209244)  
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3 Embarcadero Center West  
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4 San Francisco, CA 94111  
Telephone: (415) 986-5900  
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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

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DECLARATION OF KARINEH KHACHATOURIAN IN SUPPORT OF OPPOSITION TO DEFENDANT DOE 5'S  
MOTION FOR REASONABLE ATTORNEYS' FEES (C.C.P. § 425.16(c))

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 \$365 per hour for partners, \$250 per  
7 hour for associates, and \$125 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 \$77,198.12 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 \$60, 831.17 for  
27 work performed on the case involving all DOE Defendants.

28 7. REDACTED

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

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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.

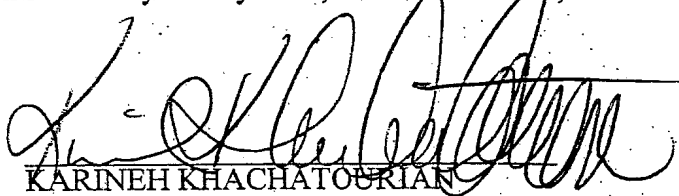
25 20. Attached hereto as Exhibit K, is a true and correct copy of the Order re: Special  
26 Motion to Strike Complaint, Special Motion to Strike Complaint, and Motion to Permit  
27 Discovery filed March 7, 2006.

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.

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9 KARINEH KHACHATOURIAN

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