UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

Cardiovascular Biotherapeutics, Inc., Plaintiff, vs. Phage Biotechnology Corporation et al., Defendants.	CASE NO. 11cv01215-CAB (RBB) ORDER GRANTING DEFENDANTS' MOTION FOR ATTORNEYS' FEES [Doc. No. 47]

Having reviewed and considered the case record and the unopposed motion papers of defendants Phage Pharmaceuticals, Inc. and New Technologies Holding PTE, Ltd. in which defendants seek an order awarding them attorneys' fees in the total amount of $67,775.00 [Doc. Nos. 47, 54], the Court finds that there is clear and convincing evidence that this case is "exceptional" pursuant to 35 U.S.C. § 285 and that an award of attorney fees is justified. Plaintiff's first cause of action for patent infringement was objectively baseless and brought and maintained in bad faith, and Plaintiff engaged in litigation misconduct with respect to the purported patent infringement claim. Accordingly, defendants' motion for attorneys' fees pursuant to 35 U.S.C. § 285 [Doc. No. 47] is GRANTED. The moving defendants' requested fee award of $67,775.00 is granted, of which $47,830.00 is owed to Phage Pharma and $19,945.00 is owed to New Tech.

DATED: January 18, 2013

CATHY ANN BENCIVENGO
United States District Judge