

1 Michael A. Sherman (SBN 94783)
masherman@stubbsalderton.com
2 Jeffrey F. Gersh (SBN 87124)
jgersh@stubbsalderton.com
3 Sandeep Seth (SBN 195914)
sseth@stubbsalderton.com
4 Wesley W. Monroe (SBN 149211)
wmonroe@stubbsalderton.com
5 Stanley H. Thompson, Jr. (SBN 198825)
sthompson@stubbsalderton.com
6 Viviana Boero Hedrick (SBN 239359)
vhedrick@stubbsalderton.com
7 STUBBS ALDERTON & MARKILES, LLP
15260 Ventura Blvd., 20th Floor
8 Sherman Oaks, CA 91403
Telephone: (818) 444-4500
9 Facsimile: (818) 444-4520

10 Attorneys for Plaintiffs

11 [ADDITIONAL ATTORNEYS LISTED ON
SIGNATURE PAGE]

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15
16 IN RE PERSONALWEB TECHNOLOGIES,
LLC, ET AL., PATENT LITIGATION

CASE NO.: 5:18-md-02834-BLF

**NOTICE OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE
41(A)**

17
18
19
20
21

PERSONALWEB TECHNOLOGIES, LLC,
ET AL.,

Case No.: 5:18-cv-03461-BLF

22 Plaintiffs,

23 v.

24 LIVECHAT SOFTWARE SA, a Poland joint-
25 stock company, and LIVECHAT, INC., a
26 Delaware corporation,

27 Defendants.
28

1 **TO THE COURT, AND DEFENDANTS AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** pursuant to Federal Rule of Civil Procedure 41(a),
3 Plaintiffs PersonalWeb Technologies, LLC and Level 3 Communications, LLC hereby voluntarily
4 dismiss the above-captioned action against Defendants LiveChat Software SA and LiveChat, Inc.
5 without prejudice.

6 Dated: September 18, 2018

Respectfully submitted,

7 **STUBBS ALDERTON**
8 **& MARKILES, LLP**

9 By: /s/ Michael A. Sherman
Michael A. Sherman
10 Jeffrey F. Gersh
Sandeep Seth
11 Wesley W. Monroe
Stanley H. Thompson, Jr.
12 Viviana Boero Hedrick

13 Attorneys for Plaintiffs

14 Dated: September 18, 2018

MACEIKO IP

15 By: /s/ Theodore S. Maceiko
Theodore S. Maceiko (SBN 150211)
16 ted@maceikoip.com
MACEIKO IP
17 420 2nd Street
Manhattan Beach, CA 90266
18 Telephone: (310) 545-3311
Facsimile: (310) 545-3344
19 Attorneys for Plaintiff
PERSONALWEB
20 TECHNOLOGIES, LLC, a Texas
limited liability company
21
22
23
24
25
26
27
28

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

Dated: September 18, 2018

DAVID D. WIER

By: /s/ David D. Wier

David D. Wier

David.wier@level3.com

Vice President and

Assistant General Counsel

1025 Eldorado Boulevard

Broomfield, CO 80021

Telephone: (720) 888-3539

Attorney for Plaintiff

LEVEL 3 COMMUNICATIONS, LLC

PROOF OF SERVICE

I declare as follows:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 15260 Ventura Blvd., 20th Floor, Sherman Oaks, California 91403. On **September 18, 2018**, I served the documents described as: **NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(A)** on the interested parties in this action as follows:

*****SEE ATTACHED SERVICE LIST*****

BY U.S. MAIL: By depositing for collection and mailing in the ordinary course of business. I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on the same day with postage thereon fully prepaid at Sherman Oaks, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing on affidavit.

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”) pursuant to FRCP, Rule 5(b)(2)(E) and JPML Rule 4.1 (Pursuant to controlling General Order(s) and Local Rule(s) (“LR”), the foregoing document will be served by the court via NEF and hyperlink to the document to counsel at the email address(s) listed below).

(BY OVERNIGHT DELIVERY) I am personally and readily familiar with the business practice of Stubbs Alderton & Markiles, LLP for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by Federal Express for overnight delivery.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct. Executed on **September 18, 2018**, at Sherman Oaks, California.

/s/ Elizabeth Saal de Casas
ELIZABETH SAAL DE CASAS

SERVICE LIST*In Re PersonalWeb Technologies, LLC, et., al.***Case No: 5:18-MD-02834***PersonalWeb Technologies, LLC, et., al. v. Livechat Software SA, et., al.***Case No: 5:18-CV-03461-BLF**

<p>AIRBNB, INC. c/o J. David Hadden Fenwick & West, LLP dhadden@fenwick.com NDCA Case No. 5:18-cv-00149-BLF <i>Attorney for Airbnb, Inc.</i> Via ECF</p>	<p>AMAZON.COM, INC. AND AMAZON WEB SERVICIES, INC. c/o J. David Hadden Fenwick & West, LLP dhadden@fenwick.com NDCA Case No. 5:18-cv-00767-BLF <i>Attorney for Amazon.com, Inc. and Amazon Web Services, Inc.</i> Via ECF</p>
<p>AMICUS FTW, INC. c/o Seth Ban 21 Buena Vista Ave. #E San Francisco, CA 94117 NDCA Case No. 5:18-cv-00150-BLF <i>Agent for Service of Process for Amicus FTW, Inc.</i> By U.S. Mail</p>	<p>ATLAS OBSCURA INC. c/o J. David Hadden Fenwick & West, LLP dhadden@fenwick.com NDCA Case No. 1:18-00164 <i>Attorney for Atlas Obscura, Inc.</i> Via ECF</p>
<p>ATLASSIAN, INC. c/o Brent P. Ray Kirkland & Ellis, LLP Brent.ray@kirkland.com c/o J. David Hadden, Esq, Fenwick & West, LLP dhadden@fenwick.com NDCA Case No. 5:18-cv-00154-BLF <i>Attorneys for Atlassian, Inc.</i> Via ECF</p>	<p>BDG MEDIA, INC. c/o Shannon Turner Fenwick & West LLP sturner@fenwick.com c/o Todd R. Gregorian Fenwick & West LLP tgregorian@fenwick.com NDCA Case No. 5:18-cv-03571-BLF <i>Attorney for BDG Media, Inc.</i> Via ECF</p>

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.