

ARNOLD & PORTER LLP
Michael A. Berta (SBN 194650)
Three Embarcadero Center, 7th Floor
San Francisco, CA 94111
Phone: (415) 471-3100
Fax: (415) 471-3400
michael.bera@arnoldporter.com

Nicholas H. Lee (SBN 259588)
777 S. Figueroa Street, 44th Floor
Los Angeles, CA 90017
Phone: (213) 243-4000
Fax: (213) 243-4199
nicholas.lee@arnoldporter.com

Attorneys for Defendant Heroku, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

PERSONALWEB TECHNOLOGIES, LLC,
and LEVEL 3 COMMUNICATIONS, LLC,

Plaintiffs,

v.

HEROKU, INC.,

Defendant.

Case No. 5:18-cv-00162-BLF

**JOINT STIPULATION TO EXTEND
TIME TO RESPOND TO FIRST
AMENDED COMPLAINT**

IN RE: PERSONALWEB TECHNOLOGIES,
LLC AND LEVEL 3 COMMUNICATIONS,
LLC PATENT LITIGATION

MDL Docket No. 2834

1 Pursuant to Civil Local Rules 6-1(a) and 6-2, Defendant Heroku, Inc. (“Heroku”) and
2 Plaintiffs PersonalWeb Technologies, LLC and Level 3 Communications, LLC (collectively
3 “Plaintiffs”), by and through their respective counsel of record, hereby stipulate as follows:

4 WHEREAS, Plaintiffs served their Complaint for Patent Infringement (“Complaint”; Dkt.
5 No. 1) on February 2, 2018;

6 WHEREAS, on February 20, 2018, Amazon.com, Inc. and Amazon Web Services, Inc.
7 (collectively, “Amazon”) filed a motion for preliminary injunction to enjoin this case and other
8 similar patent infringement lawsuits that PersonalWeb filed against other website operators (Dkt.
9 No. 15; *Amazon.com, Inc. et al. v. PersonalWeb Techs., LLC et al.*, Case No. 5:18-cv-00767-BLF
10 (N.D. Cal.) (“Amazon DJ Action”));

11 WHEREAS, on March 22, 2018, PersonalWeb and Heroku filed a stipulation to extend time
12 for Heroku to answer or otherwise respond to the Complaint to June 15, 2018 (Dkt. No. 21), which
13 the Court granted on March 23, 2018 (Dkt. No. 22);

14 WHEREAS, on April 13, 2018, PersonalWeb filed a motion to dismiss Amazon’s First
15 Amended Complaint in the Amazon DJ Action (Dkt. No. 43; *Amazon.com, Inc. et al. v.*
16 *PersonalWeb Tech., LLC et al.*, Case No. 5:18-cv-00767-BLF (N.D. Cal.));

17 WHEREAS, on April 25, 2018, Heroku filed a motion to stay this case (Dkt. No. 27)
18 pending resolution of the Amazon DJ Action and that motion is fully briefed;

19 WHEREAS, on April 27, 2018, this Court held a hearing on Amazon’s preliminary
20 injunction motion as well as motions to stay in fourteen suits PersonalWeb filed against certain
21 website operators;

22 WHEREAS, at the April 27, 2018 hearing, the parties agreed to a stay of fourteen actions
23 against other website operators until the June 7, 2018 hearing on PersonalWeb’s motion to dismiss
24 Amazon’s First Amended Complaint (*Amazon.com, Inc. et al. v. PersonalWeb Tech., LLC et al.*,
25 Case No. 5:18-cv-00767-BLF (N.D. Cal.));

26 WHEREAS, on May 11, 2018, PersonalWeb withdrew its motion to dismiss Amazon’s First
27 Amended Complaint (Dkt. No. 59; *Amazon.com, Inc. et al. v. PersonalWeb Tech., LLC et al.*, Case
28 No. 5:18-cv-00767-BLF (N.D. Cal.)), and the June 7, 2018 hearing was taken off calendar;

1 WHEREAS, on May 29, 2018, PersonalWeb filed a First Amended Complaint against
2 Heroku (“First Amended Complaint”; Dkt. No. 34);

3 WHEREAS, Heroku’s deadline to answer or otherwise respond to that First Amended
4 Complaint is June 15, 2018;

5 WHEREAS Heroku’s motion to stay this case remains pending and is set to be heard on July
6 19, 2018 at 9:00 AM in San Jose, Courtroom 3, 5th Floor (Dkt. No. 31);

7 WHEREAS, Heroku has requested, and PersonalWeb has agreed to, an extension of time, up
8 to and including August 16, 2018, for Heroku to file an answer or otherwise respond to the First
9 Amended Complaint;

10 WHEREAS, the parties may consider an additional extension of the deadline for Heroku to
11 file an answer or otherwise respond to the First Amended Complaint if the Court has not yet issued
12 an order on Heroku’s motion to stay (Dkt. No. 27) as of August 2, 2018;

13 WHEREAS, the parties do not expect that the requested extension will impact any other
14 dates already fixed by Court Order;

15 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, through
16 their respective counsel, that Heroku shall have up to and including August 16, 2018 to submit an
17 answer or otherwise respond to PersonalWeb’s First Amended Complaint (Dkt. No. 34).

18
19 Dated: June 14, 2018

/s/ Nicholas H. Lee

Michael A. Berta (SBN 194650)
ARNOLD & PORTER LLP
Three Embarcadero Center, 7th Floor
San Francisco, CA 94111
Phone: (415) 471-3100
Fax: (415) 471-3400
michael.bera@arnoldporter.com

Nicholas H. Lee (SBN 259588)
ARNOLD & PORTER LLP
777 S. Figueroa Street, 44th Floor
Los Angeles, CA 90017
Phone: (213) 243-4000
Fax: (213) 243-4199
nicholas.lee@arnoldporter.com

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Dated: June 14, 2018

Attorneys for Defendant
HEROKU, INC.

/s/ Viviana B. Hedrick

MICHAEL A. SHERMAN (SBN
94783)
masherman@stubbsalderton.com
JEFFREY F. GERSH (SBN
87124)
jgersh@stubbsalderton.com
WESLEY W. MONROE (SBN
149211)
wmonroe@stubbsalderton.com
SANDEEP SETH (SBN 195914)
ss@sethlaw.com
VIVIANA B. HEDRICK (SBN
239359)
vhedrick@stubbsalderton.com
STUBBS ALDERTON
MARKILES, LLP
15260 Ventura Boulevard, 20TH
Floor
Sherman Oaks, CA 91403
Telephone: (818) 444-4500
Facsimile: (818) 444-4520

THEODORE S. MACEIKO (SBN
150211)
ted@maceikoip.com
MACEIKO IP
420 2nd Street
Manhattan Beach, CA 90266
Telephone: (310) 545-3311
Facsimile: (310) 545-3344

ATTORNEYS FOR PERSONALWEB
TECHNOLOGIES, LLC

Dated: June 14, 2018

/s/ David D. Wier

David D. Wier
david.wier@level3.com
Vice President and Assistant General
Counsel
LEVEL 3 COMMUNICATIONS, LLC
1025 Eldorado Boulevard
Broomfield, CO 80021
Phone: (720) 888-3539

Attorney for Plaintiff
LEVEL 3 COMMUNICATIONS, LLC

SIGNATURE ATTESTATION

The undersigned counsel hereby attests by his signature below that concurrence in the filing of this document was obtained from counsel for Plaintiffs.

Dated: June 14, 2018

/s/ Nicholas H. Lee

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