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15 Attorney for LEVEL 3
16 COMMUNICATIONS, LLC

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA

19 IN RE PERSONALWEB TECHNOLOGIES,
20 LLC, ET AL., PATENT LITIGATION

Case No.: 5:18-md-02834-BLF

21 AMAZON.COM, INC. and AMAZON WEB
SERVICES, INC.,

Case No.: 5:18-cv-00767-BLF

22 Plaintiffs,

**JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
BRIEFING ON AMAZON'S CLAIM
PRECLUSION/KESSLER MOTION**

23 v.

24 PERSONAL WEB TECHNOLOGIES, LLC, and
25 LEVEL 3 COMMUNICATIONS, LLC,

26 Defendants.

1 Amazon.com, Inc. and Amazon Web Services, Inc. (collectively, “Amazon”) and
2 PersonalWeb Technologies, LLC and Level 3 Communications, LLC (collectively,
3 “PersonalWeb”) hereby stipulate and recite as follows:

4 WHEREAS, by Order dated November 6, 2018, the Court set a hearing on Amazon’s
5 anticipated motion under the claim preclusion and/or *Kessler* doctrines on February 7, 2019 at 2:00
6 P.M., and directed that the “closing brief shall be filed at least 14 days before the hearing” (Dkt.
7 No. 304);

8 WHEREAS, the Court directed the parties to “meet and confer regarding the briefing
9 schedule and . . . submit their proposed schedule to the Court by November 9, 2019”; (*Id.*)

10 WHEREAS, the parties have conferred and agreed that Amazon shall file its motion on
11 November 28, 2018, PersonalWeb shall file its opposition by January 9, 2019, and Amazon shall
12 file its reply brief by January 24, 2019;

13 THE PARTIES HEREBY STIPULATE and jointly request that:

- 14 (1) Amazon shall have up to and including November 28, 2018 to file its motion under the
15 claim preclusion and *Kessler* doctrines;
- 16 (2) PersonalWeb shall have up to and including January 9, 2019 to file its opposition to
17 Amazon’s motion; and
- 18 (3) Amazon shall have up to and including January 24, 2019 to file its reply in support of
19 its motion.

20 Dated: November 9, 2018

Respectfully submitted,

FENWICK & WEST LLP

22 By: /s/ Saina S. Shamilov

23 Saina S. Shamilov

24 *Counsel for* AMAZON.COM, INC. and
25 AMAZON WEB SERVICES, INC.
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Dated: November 9, 2018

STUBBS ALDERTON & MARKILES, LLP

By: /s/ Viviana Boero Hedrick

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Wesley W. Monroe
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Attorneys for Patent Plaintiffs

Dated: November 9, 2018

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Texas limited liability company

Dated: November 9, 2018

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ATTESTATION

The undersigned attests that concurrence in the filing of the foregoing document was obtained from all of its signatories.

Dated: November 9, 2018

FENWICK & WEST LLP

/s/ Saina S. Shamilov

Saina S. Shamilov

Counsel for
AMAZON.COM, INC. AND
AMAZON WEB SERVICES, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

Honorable Beth Labson Freeman
United States District Judge