Exhibit 1

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

IN RE: PERSONALWEB TECHNOLOGIES, LLC ET AL., PATENT LITIGATION	Case No. 5:18-md-02834-BLF
AMAZON.COM, INC., and AMAZON WEB SERVICES, INC., Plaintiffs, v. PERSONALWEB TECHNOLOGIES, LLC and LEVEL 3 COMMUNICATIONS, LLC, Defendants.	Case No.: 5:18-cv-00767-BLF **RESPONSES AND OBJECTIONS OF AMAZON.COM, INC. AND AMAZON WEB SERVICES, INC. TO NOTICE OF TAKING DEPOSITION OF AMAZON.COM, INC. AND AMAZON WEB SERVICES, INC. PURSUANT TO FED.R.CIV.P. 30(b)(6)**
PERSONALWEB TECHNOLOGIES, LLC and LEVEL 3 COMMUNICATIONS, LLC, Counterclaimants, v. AMAZON.COM, INC., and AMAZON WEB SERVICES, INC., Counterdefendants.	

AMAZON'S RESPONSES TO NOTICE OF   CASE NO.: 5:18-cv-02834-BLF

1   Pursuant to the Court's practice and with the aim of efficient resolution of Fed. R. Civ. P.

2   deposition discovery, Amazon.com, Inc. and Amazon Web Services, Inc. (collectively, "Amazon")

3   hereby object and respond to the Notice of Taking Deposition of Amazon Pursuant to Fed. R. Civ.

4   P. 30(b)(6) of Personal Web Technologies, LLC ("PersonalWeb"). Amazon's responses to this

5   deposition notice and its Topics are made subject to and without waiving, limiting, or intending to

6   waive any objections stated herein or hereafter raised.

7   **GENERAL OBJECTIONS**

8   The following general objections are stated with respect to each and every Topic whether

9   or not specifically identified in response thereto. To the extent any of these general objections are

10   not raised in any particular response, Amazon does not waive those objections.

11   1.   Amazon objects to the deposition notice to the extent that it demands that the

12   deposition take place on November 30, 2018 at 9:00 a.m. Pursuant to Local Rule 30-1, before

13   noticing a deposition of a party or witness affiliated with a party, the noticing party must confer

14   about the scheduling of the deposition with opposing counsel. PersonalWeb did not attempt to

15   meet and confer with Amazon to schedule the deposition prior to noticing it for that date. Amazon

16   will thus meet and confer with PersonalWeb regarding an agreed-upon, mutually convenient time

17   and place for the deposition.

18   2.   Amazon objects to each and every definition that purports to define a term by

19   referring to out of context and irrelevant statements made by counsel during case management

20   conferences. Such definitions are vague, ambiguous, irrelevant, not proportional to the needs of

21   the case and improper.

22   3.   Amazon objects to each and every definition and Topic as overly broad, unduly

23   burdensome, and not proportional to the needs of the case because they are not limited to a specific

24   geographic area. Amazon will only provide discovery with respect to the United States.

25   4.   Amazon objects to each and every definition and Topic to the extent they are so

26   overbroad and ambiguous that no witness or reasonably-sized group of witnesses would be capable

27   of testifying to the subjects therein. Amazon objects to the Notice to the extent that the burden and

28

1   expense of providing the sought-after discovery outweighs any likely benefit and thus is not

2   proportional to the needs of the case.

3   5.   Amazon objects to the Topics to the extent they require a legal conclusion of

4   Amazon.

5   6.   Amazon objects to each and every definition, instruction, and Topic to the extent

6   that they seek to impose upon Amazon an obligation to investigate or discover information or things

7   that are more or equally accessible to PersonalWeb. Amazon does not intend to designate

8   deponents for information that is not in the possession, custody or control of Amazon.

9   7.   Amazon objects to the definitions of "You," "Your," or "Amazon" because they

10   seek to broaden the scope of allowable discovery and seek information that is not within the

11   possession, custody, or control of Amazon, but is in the possession of third-parties and non-parties

12   to this lawsuit. Amazon further objects to the definition of these terms to the extent they include

13   Amazon's attorneys and patent agents and seek privileged and attorney-work product information.

14   Amazon will interpret these terms as referring to Amazon.com, Inc. and Amazon Web Services,

15   Inc. only.

16   8.   Amazon objects to the definition of "Website Operator Sued by PersonalWeb" as

17   overly broad, unduly burdensome, and not proportional to the needs of this case. The cases

18   PersonalWeb has filed against Amazon's customers are currently stayed (*In re: PersonalWeb*

19   *Technologies, LLC et al., Patent Litigation*, No. 18-md-02834-BLF, Dkt. No. 157) and discovery

20   from or relating specifically to those customers, or PersonalWeb's claims in those cases, is outside

21   the scope of this declaratory judgment action.

22   9.   Amazon objects to the definition of "Amazon Customer" as vague and ambiguous,

23   overly broad, unduly burdensome, and not proportional to the needs of the case, as it does not

24   identify the relevant entities with specificity. In addition, the cases PersonalWeb has filed against

25   Amazon's customers are currently stayed (*In re: PersonalWeb Technologies, LLC et al., Patent*

26   *Litigation*, No. 18-md-02834-BLF, Dkt. No. 157) and discovery from or relating specifically to

27   those customers, or PersonalWeb's claims in those cases, is outside the scope of this declaratory

28   judgment action. Amazon will interpret this term to refer to those customers who used S3 from

1 January 8, 2012 through December 26, 2016.

2   10.   Amazon objects to the definition of "Website Operator Customer" as vague and

3 ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case.

4 PersonalWeb's definition does not identify the relevant entities or persons with specificity. Instead,

5 PersonalWeb states that this term includes entities that have "Webpage Files served for it by S3 or

6 CloudFront" without clarifying a time frame or whether this refers to just S3 customers or all

7 customers for any of Amazon's products. Amazon will interpret this term to refer to those

8 customers who used S3 from January 8, 2012 through December 26, 2016.

9   11.   Amazon objects to the definition of "Webpage File" as vague and ambiguous, overly

10 broad, unduly burdensome, and not proportional to the needs of the case, as it does not identify the

11 item or feature with specificity. Amazon incorporates by reference its objections to the definitions

12 of the terms "Webpage Base File" and "Webpage Asset File." Amazon will interpret this term as

13 a file served via HTTP.

14   12.   Amazon objects to the definition of "Webpage Base File" as vague and ambiguous,

15 overly broad, unduly burdensome, and not proportional to the needs of the case, as it does not

16 identify the item or feature with specificity. Amazon incorporates by reference its objection to the

17 definition of the term "Webpage File." Amazon will interpret this term as an HTML file that

18 includes a reference to other content accessible via HTTP that will be used to display the document.

19   13.   Amazon objects to the definition of "Webpage Asset File" as vague and ambiguous,

20 overly broad, unduly burdensome, and not proportional to the needs of the case, as it does not

21 identify the item or feature with specificity. Amazon incorporates by reference its objection to the

22 definition of the term "Webpage File." Amazon will interpret this term as a file served via HTTP.

23   14.   Amazon objects to the definition of "Content-Based ETag" as vague and

24 ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case, as it

25 does not identify the item or feature with specificity. Amazon will interpret this term as an ETag

26 calculated based on contents of a corresponding file.

27   15.   Amazon objects to the definition of "Fingerprint" as vague and ambiguous, overly

28 broad, unduly burdensome, and not proportional to the needs of the case, as it does not identify the

AMAZON'S RESPONSES TO NOTICE OF   3   CASE NO.: 5:18-cv-02834-BLF

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