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 GMBH and Yotpo, Ltd.**

10 **Attorneys for PersonalWeb Technologies, LLC
 and Level 3 Communications LLC**
 11 [Additional Attorneys listed below]

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

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

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

17 PERSONALWEB TECHNOLOGIES, LLC,
 18 ET AL.,

Case No.: 5:18-cv-03453-BLF

19 Plaintiffs,

**JOINT STIPULATION AND [PROPOSED]
 ORDER TO EXTEND TIME TO SERVE
 FOREIGN DEFENDANTS LESSON NINE
 GMBH AND YOTPO LTD**

20 v.

21 LESSON NINE GMBH, a Germany limited
 liability company,

22 Defendant.

Case No.: 5:18-cv-03453-BLF

23 PERSONALWEB TECHNOLOGIES, LLC,
 24 ET AL.,

25 Plaintiffs,

26 v.

27 YOTPO LTD., an Israel corporation,

28 Defendant.

1 Plaintiffs PersonalWeb Technologies, LLC and Level 3 Communications, LLC’s (collectively,
2 “PersonalWeb”) and specially appearing defendants Lesson Nine GmbH (“Lesson Nine”), a German
3 corporation, and Yotpo, Ltd. (“Yotpo”), an Israeli corporation, (collectively, the “Unserved
4 Defendants”)¹ by and through their attorneys of record, hereby submit this joint stipulation requesting
5 that this Court extend the date to complete service on the Unserved Defendants under the Hague
6 Convention from January 2, 2019 to April 2, 2019.

7 **RECITALS**

8 1. On November 9, 2018, this Court issued an Order Granting Motion for Leave to Extend
9 Deadline to Effect Service of Process dated November 9, 2018 (Docket (“Dkt.”) 305; the “November
10 9, 2018 Order”), whereby PersonalWeb was to complete service by January 2, 2019, and that
11 PersonalWeb shall request any necessary extension of time to serve the foreign defendants in
12 accordance with the Hague Convention before January 2, 2019. (Dkt. 305, p. 3:5-7.)

13 2. On November 14, 2018, the Court issued a Summons for the Second Amended
14 Complaint (“SAC”) on Lesson Nine. (Dkt. 30.)

15 3. On November 26, 2018, PersonalWeb sent via FedEx a Request for Service Abroad of
16 Judicial or Extrajudicial Documents for service via the Hague Convention, with all SAC service
17 documents translated into German. This was sent to the Central Authority in Germany for service of
18 process under the Hague Convention. Confirmation has been made that said agent received these
19 documents on November 28, 2018.

20 4. As of the date of this Stipulation PersonalWeb has received no further response
21 regarding the service of Lesson Nine.

22 5. On November 11, 2018, the Court issued a Summons on the SAC against Yotpo. (Dkt.
23 25.)

24 6. On November 16, 2018, PersonalWeb sent a Request for Service Abroad of Judicial or
25 Extrajudicial Documents for service of Summons and Second Amended Complaint via the Hague
26

27 _____
28 ¹ Lesson Nine and Yotpo specially appear for PersonalWeb’s administrative convenience in seeking the requested extension, and expressly reserve their defenses, including their right to challenge personal jurisdiction.

1 Convention. This was sent to the Central Authority in Israel for service of process under the Hague
2 Convention. Confirmation has been made that said agent received these documents on November 28,
3 2018.

4 7. As of the date of this motion PersonalWeb has received no further response regarding
5 the service of Yotpo.

6 8. PersonalWeb is awaiting service to be made by the Central Authorities in Germany and
7 Israel to serve the Unserved Defendants under the Hague Convention.

8 NOW THEREFORE, PersonalWeb and the Unserved Defendants hereby stipulate and agree
9 that PersonalWeb shall have until April 2, 2019 to serve the Unserved Defendants under the Hague
10 Convention.

11 Respectfully submitted,

12 Dated: December 28, 2018

STUBBS, ALDERTON & MARKILES, LLP

14 By: /s/ Jeffrey F. Gersh

15 Jeffrey F. Gersh
16 Michael A. Sherman
17 Sandeep Seth
18 Wesley W. Monroe
Stanley H. Thompson, Jr.
Viviana Boero Hedrick
Attorneys for PersonalWeb Technologies, LLC
and Level 3 Communications, LLC

19 Dated: December 28, 2018

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1 Dated: December 28, 2018

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LEVEL 3 COMMUNICATIONS, LLC

Dated: December 28, 2018

FENWICK & WEST, LLP

By: /s/ Todd R. Gregorian
Todd R. Gregorian
Attorney for Defendants LESSON NINE
GMBH and YOPTO, LTD

ATTESTATION

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

Dated: December 28, 2018

STUBBS, ALDERTON & MARKILES, LLP

By: /s/ Jeffrey F. Gersh
Jeffrey F. Gersh

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: January 2, 2019



Honorable Beth Labson Freeman
United States District Judge

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 **December 28, 2018**, I served the documents described as: **JOINT STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO SERVE FOREIGN DEFENDANTS LESSON NINE GMBH AND YOTPO LTD** on the interested parties in this action as follows:

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 on Case Docket 5:18-md-02834-BLF).

BY U.S. MAIL: (SEE ATTACHED SERVICE LIST) 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.

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 **December 28, 2018**, at Sherman Oaks, California.

/s/ Elizabeth Saal de Casas
ELIZABETH SAAL DE CASAS

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