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10 **Attorneys for PersonalWeb Technologies, LLC**
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 11 [Additional Attorneys listed below]

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

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

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

17 AMAZON.COM, INC., et., al.,

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

18 Plaintiffs,

**DECLARATION OF SANDEEP SETH IN
 SUPPORT OF PERSONALWEB
 TECHNOLOGIES, LLC AND LEVEL 3
 COMMUNICATIONS, LLC'S
 OPPOSITION TO AMAZON.COM, INC.
 AND AMAZON WEB SERVICES, INC.'S
 MOTION FOR SUMMARY JUDGMENT
 ON DECLARATORY JUDGMENT
 CLAIMS AND DEFENSES UNDER THE
 CLAIM PRECLUSION AND KESSLER
 DOCTRINE**

19 v.

20 PERSONALWEB TECHNOLOGIES, LLC,
 et., al.,

21 Defendants.

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

24 Counterclaimants,

Date: February 7, 2019
 Time: 2:00PM
 Dept.: Courtroom 3, 5th Floor
 Judge: Hon. Beth L. Freeman

25 v.

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

27 Counterdefendants.
 28

Trial Date: March 16, 2020

DECLARATION OF SANDEEP SETH

I, Sandeep Seth, declare as follows:

1. I am over the age of 18 and competent to make this declaration.

2. I am Of Counsel at Stubbs Alderton & Markiles, LLP in connection with the firm’s representation of Plaintiffs PersonalWeb Technologies, LLC (“PersonalWeb”) and Level 3 Communications, LLC (“Level 3”) (collectively, “Plaintiffs” or “PersonalWeb”). The facts herein are, unless otherwise stated, based upon personal knowledge, and if called upon to do so, I could, and would testify to their truth under oath. I submit this declaration in support of PersonalWeb’s Opposition to Amazon.com Inc. and Amazon Web Service, Inc.’s Declaratory Judgement Claims and Defenses Under the Claim Preclusion and Kessler Doctrine.

3. On December 19, 2018, at my direction, James Ponce, a paralegal at Stubbs Alderton & Markiles LLP on the PersonalWeb matter, downloaded from PACER all publicly-accessible documents in *PersonalWeb Technologies v. Amazon.com, et al.* Case No. 6:11-cv-00658-LED (the “Prior Action”). Under my direction, Mr. Ponce then combined the downloaded documents into one PDF document using Adobe Acrobat Pro DC, eliminated any docketed pleading that was a U.S. Patent, (e.g., the exhibits to the Complaint and First Amended Complaint) and undertook a search in these docketed pleadings for the following terms:

- a.) “cache control”;
- b.) “cache bust”;
- c.) “browser”;
- d.) “if-none-match”;
- e.) “CloudFront”;
- and
- f.) “conditional get”.

4. Mr. Ponce reported to me that the term “cache control” appeared zero times in the search of the Prior Action’s docketed pleadings.

5. Mr. Ponce reported to me that the term “cache bust” appeared zero times in the search of the Prior Action’s docketed pleadings.

6. Mr. Ponce reported to me that the term “browser” appeared one time in the search of

1 the Prior Action’s docketed pleadings, in Dkt. 36-1, Amazon.com Inc.’s 2008 Annual Report,
2 referencing an action by Quito Enterprises LLC, over a “Personal Feedback Browser for Obtaining
3 Media Files”.

4 7. Mr. Ponce reported to me that the term “if-none-match” appeared zero times in the
5 search of the Prior Action’s docketed pleadings.

6 8. Mr. Ponce reported to me that the term “CloudFront” appeared zero times in the search
7 of the Prior Action’s docketed pleadings.

8 9. Mr. Ponce reported to me that the term “conditional get” appeared zero times in the
9 search of the Prior Action’s docketed pleadings.

10 I declare under penalty of perjury under the laws of the United States that the foregoing is
11 true and correct.

12 Executed this 8th day of January, 2019 in Los Angeles, California.

13
14 /s/Sandeep Seth
Sandeep Seth