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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**

16  
 17 AMAZON.COM, INC., et al.,

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

18 Plaintiffs,

**DECLARATION OF WESLEY W.  
 MONROE 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.

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

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

24 Counterclaimants,

25 v.

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

Trial Date: March 16, 2020

27 Counterdefendants.  
 28

1 I, Wesley W. Monroe, declare as follows:

2 1. I am over the age of 18 and competent to make this declaration. I am Of Counsel with  
3 Stubbs, Alderton & Markiles, LLP, counsel for PersonalWeb Technologies, LLC (“PersonalWeb”)  
4 and Level 3 Communications, LLC. I have personal knowledge of the matters set forth below and if  
5 called as a witness I would and could competently testify thereto.

6 2. Attached as Exhibit 1 hereto is a true and correct copy of the Stipulation of Dismissal  
7 with Prejudice (Dkt. 163) in *PersonalWeb Technologies LLC and Level 3 Communications v.*  
8 *Amazon.com, Inc, et al.*, Case No. 6:11-cv-00658 in the Eastern District of Texas (“Texas Action”).

9 3. Attached as Exhibit 2A hereto is a true and correct copy of the Claim Chart for  
10 Amazon Simple Storage Service (S3) U.S. Patent No. 7,802,310 served with PersonalWeb’s  
11 Disclosure of Asserted Claims and Infringement Contentions EDTX Patent Rule 3-1 served in the  
12 Texas Action (AMZ\_PWT\_00005848-5925).

13 4. Attached as Exhibit 2B hereto is a true and correct copy of the Claim Chart for  
14 Amazon Simple Storage Service (S3) re U.S. Patent No. 6,415,280 served with PersonalWeb’s  
15 Disclosure of Asserted Claims and Infringement Contentions EDTX Patent Rule 3-1 served in the  
16 Texas Action (AMZ\_PWT\_00005796-5838).

17 5. Attached as Exhibit 2C hereto is a true and correct copy of the Claim Chart for  
18 Amazon Simple Storage Service (S3) for U.S. Patent No. 6,928,442 served with PersonalWeb’s  
19 Disclosure of Asserted Claims and Infringement Contentions EDTX Patent Rule 3-1 served in the  
20 Texas Action (AMZ\_PWT\_00005941-5986).

21 6. Attached as Exhibit 2D hereto is a true and correct copy of the Claim Chart for  
22 Amazon S3 for U.S. Patent No. 7,945,539 served with PersonalWeb’s Disclosure of Asserted Claims  
23 and Infringement Contentions EDTX Patent Rule 3-1 served in the Texas Action  
24 (AMZ\_PWT\_00005994-6147).

25 7. Attached as Exhibit 2E hereto is a true and correct copy of the Claim Chart for  
26 Amazon S3 for U.S. Patent No. 7,945,544 served with PersonalWeb’s Disclosure of Asserted Claims  
27 and Infringement Contentions EDTX Patent Rule 3-1 served in the Texas Action  
28 (AMZ\_PWT\_00006159-6254).

1 8. Attached as Exhibit 2F hereto is a true and correct copy of the Claim Chart for  
2 Amazon Simple Storage Service (S3) for U.S. Patent No. 5,978,791 served with PersonalWeb's  
3 Disclosure of Asserted Claims and Infringement Contentions EDTX Patent Rule 3-1 served in the  
4 Texas Action (AMZ\_PWT\_00006264-6374).

5 9. Attached as Exhibit 3 hereto is a true and correct copy of Appendix A (Dkt. 295) to  
6 the Joint Case Management Statement, *In re PersonalWeb Technologies, LLC, et al., Patent*  
7 *Litigation*, No. 5:18-md-02834.

8 10. Attached as Exhibit 4 hereto is a true and correct copy of excerpts from the 30(b)(6)  
9 Deposition of Seth William Markle (Dec. 5, 2018).

10 11. Attached as Exhibit 5 hereto is a true and correct copy of the First Amended  
11 Complaint (Dkt. 30) in the Texas Action.

12 12. Attached as Exhibit 6 hereto is a true and correct copy of the First Amended  
13 Complaint against Twitch Interactive (Dkt. 198), *In re PersonalWeb Technologies, LLC, et al.,*  
14 *Patent Litigation*, No. 5:18-md-02834.

15 13. Attached as Exhibit 7A hereto is a true and correct copy of Exhibit A to  
16 PersonalWeb's Disclosures Pursuant to Patent Local Rules 3-1 and 3-2 to Twitch Interactive, *In re*  
17 *PersonalWeb Technologies, LLC, et al., Patent Litigation*, No. 5:18-md-02834.

18 14. Attached as Exhibit 7D hereto is a true and correct copy of Exhibit D to  
19 PersonalWeb's Disclosures Pursuant to Patent Local Rules 3-1 and 3-2 to Twitch Interactive, *In re*  
20 *PersonalWeb Technologies, LLC, et al., Patent Litigation*, No. 5:18-md-02834.

21 15. Attached as Exhibit 8 hereto is a true and correct copy of the AWS Customer  
22 Agreement in effect on 1/2/2012 accessed at [https://web.archive.org/web/](https://web.archive.org/web/20120102060616/http://aws.amazon.com:80/agreement/)  
23 [20120102060616/http://aws.amazon.com:80/agreement/](https://web.archive.org/web/20120102060616/http://aws.amazon.com:80/agreement/) on December 19, 2018.

24 16. Attached as Exhibit 9 hereto is a true and correct copy of the AWS Customer  
25 Agreement in effect on 2/16/2017 accessed at [https://web.archive.org/web/20170216115144/](https://web.archive.org/web/20170216115144/https://aws.amazon.com/agreement)  
26 [https://aws.amazon.com/agreement](https://web.archive.org/web/20170216115144/https://aws.amazon.com/agreement) on December 4, 2018.

27 17. Attached as Exhibit 10 hereto is a true and correct copy of "AWS Customer  
28 Agreement-What's Changed" accessed at <https://aws.amazon.com/agreement/recent-changes/> on

1 December 5, 2018.

2 18. Attached as Exhibit 11 hereto is a true and correct copy of the AWS Customer  
3 Agreement in effect on 7/18/2017 accessed at [https://web.archive.org/web/20170718053223/  
4 https://aws.amazon.com/agreement/](https://web.archive.org/web/20170718053223/https://aws.amazon.com/agreement/) on December 5, 2018.

5 19. Attached as Exhibit 12 hereto is a true and correct copy of excerpts from the 30(b)(6)  
6 Deposition of Jeffrey H. Dean (Dec. 21, 2018).

7 20. Attached as Exhibit 13A hereto is a true and correct copy of the Supplemental  
8 Infringement Contentions for U.S. Patent No. 6,415,280 served in the Texas Action  
9 (AMZ\_PWT\_00000710-64).

10 21. Attached as Exhibit 13B hereto is a true and correct copy of the Supplemental  
11 Infringement Contentions for U.S. Patent No. 7,802,310 served in the Texas Action  
12 (AMZ\_PWT\_00000776-887).

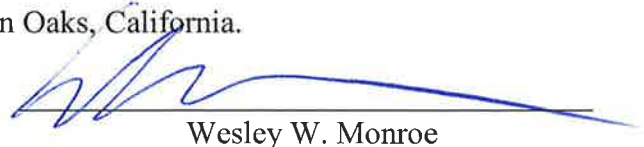
13 22. Attached as Exhibit 13C hereto is a true and correct copy of the Supplemental  
14 Infringement Contentions for U.S. Patent No. 6,928,442 served in the Texas Action  
15 (AMZ\_PWT\_00000914-74).

16 23. Attached as Exhibit 13D hereto is a true and correct copy of the Supplemental  
17 Infringement Contentions for U.S. Patent No. 7,945,544 served in the Texas Action  
18 (AMZ\_PWT\_00000989-1100).

19 24. Attached as Exhibit 13E hereto is a true and correct copy of the Supplemental  
20 Infringement Contentions for U.S. Patent No. 5,978,791 served in the Texas Action  
21 (AMZ\_PWT\_00001120-1201).

22 I declare under penalty of perjury under the laws of the United States of America that the  
23 foregoing is true and correct.

24 Executed on January 9, 2019 in Sherman Oaks, California.

25   
26 Wesley W. Monroe