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

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

18 Plaintiffs,

**DECLARATION OF SANDEEP SETH IN  
 SUPPORT OF PERSONALWEB'S  
 ADMINISTRATIVE MOTION FOR  
 RELIEF TO FILE A SUR-REPLY 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  
 DOCTRINES**

19 v.

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

22 Defendants.

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

24 Counterclaimants,

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

25 v.

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

28 Counterdefendants.

Trial Date: March 16, 2020

**DECLARATION OF SANDEEP SETH**

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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, “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 Administrative Motion for Relief to File a Sur-Reply to Amazon.Com, Inc., and Amazon Web Services, Inc.’s (collectively, “Amazon”) Motion for Summary Judgment on Declaratory Judgment Claims and Defenses Under The Claim Preclusion And Kessler Doctrines.

3. On November 21 and 26, 2018, I and my co-counsel Ted Maceiko met and conferred with Phil Haack and Melanie Mayer, counsel for Amazon, regarding PersonalWeb’s discovery requests, including production requests that specifically focused on and sought information relating to CloudFront. Both before and after those meet and confers, Amazon produced CloudFront discovery. While it objected on other grounds, Amazon never raised a lack of standing issue regarding CloudFront as a basis to refuse to provide CloudFront discovery in either its responses to PersonalWeb’s discovery requests or in any of the parties’ interactions and exchanges.

4. Attached as Exhibit 1 is a true and correct copy of the Sur-Reply that PersonalWeb respectfully requests to file in response to Amazon’s Reply because Amazon asserts for the first time in its Reply (Dkt. 350 at pp. 8-10, Section H) that PersonalWeb does not having standing to assert infringement regarding CloudFront.

5. On January 31, 2019, my office emailed Amazon’s counsel asking Amazon to stipulate to PersonalWeb’s filing of a sur-reply on the ground that Amazon raised, for the first time, an issue of standing in its Reply, or to agree to withdraw Section H from its Reply. On January 31, 2019 Amazon responded that it refused to stipulate or withdraw its new argument, suggested PersonalWeb to file this administrative motion for relief to file a sur-reply and indicated in its email response that intends to oppose this administrative motion.

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

Executed this 31<sup>st</sup> day of January, 2019 in Los Angeles, California.

/s/Sandeep Seth  
Sandeep Seth

# EXHIBIT 1

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18 Plaintiffs,

19 v.

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 21 al.,

22 Defendants.

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

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