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17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA

19 IN RE PERSONALWEB TECHNOLOGIES,
 20 LLC, ET AL., PATENT LITIGATION

Case No.: 5:18-md-02834-BLF

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

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

22 Plaintiffs,

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER VACATING
 HEARING ON *KESSLER* MOTION
 AND CASE MANAGEMENT
 CONFERENCE SCHEDULED FOR
 FEBRUARY 7, 2019**

23 v.

24 PERSONAL WEB TECHNOLOGIES, LLC, and
 25 LEVEL 3 COMMUNICATIONS, LLC,

26 Defendants.

1 PersonalWeb Technologies, LLC and Level 3 Communications, LLC (collectively,
2 “PersonalWeb”) and Amazon.com, Inc. and Amazon Web Services, Inc. (collectively, “Amazon”)
3 hereby stipulate and recite as follows:

4 WHEREAS, a continued Case Management Conference (“CMC”) and hearing on
5 Amazon’s Motion for Summary Judgment on Declaratory Judgment Claims and Defenses Under
6 the Claim Preclusion and *Kessler* Doctrine (“*Kessler* Motion Hearing”) is scheduled for February
7 7, 2019;

8 WHEREAS, due to an unforeseen medical emergency, PersonalWeb’s lead counsel,
9 Michael A. Sherman, cannot attend the *Kessler* Motion Hearing and CMC on February 7, 2019;

10 WHEREAS, PersonalWeb has requested and Amazon has agreed to vacate the February 7,
11 2019 hearing and CMC;

12 WHEREAS, the parties agree that the *Kessler* Motion Hearing should take place as soon as
13 possible, subject to the availability of PersonalWeb’s lead counsel and the Court, and agree to
14 jointly contact chambers by February 7, 2019 (or as soon thereafter as the parties and the Court’s
15 Calendar Clerk are available) to discuss the earliest available dates for a hearing;

16 **IT IS HEREBY STIPULATED AND AGREED** by the parties as follows:

17 The CMC and *Kessler* Motion Hearing originally scheduled for February 7, 2019 is vacated,
18 and the parties shall contact the Court’s Calendar Clerk by February 7, 2019 (or as soon thereafter
19 as the parties and the Court’s Calendar Clerk are available) to discuss available dates for the *Kessler*
20 Motion Hearing.

21 Respectfully submitted,

22
23 Dated: February 4, 2019

STUBBS ALDERTON & MARKILES, LLP

24 By: /s/Viviana Boero Hedrick

25 Viviana Boero Hedrick

26 Counsel for PERSONALWEB
27 TECHNOLOGIES, LLC, and LEVEL 3
28 COMMUNICATIONS, LLC

1 Dated: February 4, 2019

FENWICK & WEST LLP

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By: /s/ Ravi R. Ranganath

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Ravi R. Ranganath

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Counsel for AMAZON.COM, INC. and
AMAZON WEB SERVICES, INC.

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Dated: February 4, 2019

MACEIKO IP

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By: /s/ Theodore S. Maceiko

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Theodore S. Maceiko (SBN 150211)

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Counsel for PERSONALWEB
TECHNOLOGIES, LLC

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Dated: February 4, 2019

DAVID D. WIER

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By: /s/ David D. Wier

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David D. Wier

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Counsel for

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LEVEL 3 COMMUNICATIONS, LLC

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ATTESTATION

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

Dated: February 4, 2019

STUBBS ALDERTON & MARKILES, LLP

By: /s/Viviana Boero Hedrick

Viviana Boero Hedrick

Counsel for PERSONALWEB
TECHNOLOGIES, LLC, and LEVEL 3
COMMUNICATIONS, LLC

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 4, 2019



Honorable Beth Labson Freeman
United States District Judge