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11 [ADDITIONAL ATTORNEYS LISTED ON
SIGNATURE PAGE]

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 IN RE. PERSONAL WEB
16 TECHNOLOGIES, LLC ET AL.

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

17 NOTICE OF RELATED CASES
PURSUANT TO CIVIL L.R. 3-12 TO
18 BE FILED IN CASE NO. 5:18-md-
02834; ADMINISTRATIVE
19 MOTION TO CONSIDER
20 WHETHER CASES SHOULD BE
RELATED PURSUANT TO CIVIL
21 L.R. 7-11
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1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on or about July 31, 2018, in the United States
3 District Court for the Northern District of California, PersonalWeb Technologies,
4 LLC and Level 3 Communications, LLC (“Plaintiffs”) filed certain cases related to the
5 within coordinated or consolidated pretrial patent proceedings under 28 U.S.C. §1407.
6 action. Pursuant to Civil Local Rules 3-12(b) and 7-11 of the United States District
7 Court for the Northern District of California, and Paragraph 4 of the June 18, 2018
8 Order re Preliminary Case Management Conference issued by the Honorable Beth
9 Labson Freeman, presiding judge over this MDL matter [18-md-02834, Dkt. 19],
10 Plaintiff *PersonalWeb Technologies LLC and Level 3 Communications* submit this
11 Administrative Motion to Consider Whether Cases Should Be Related.

12 **I. APPLICABLE STANDARD UNDER CIVIL L.R. 3-12**

13 Under Civil Local Rule 3-12(a), an “action is related to another when: (1) The
14 actions concern substantially the same parties, property, transaction or event; and (2)
15 It appears likely that there will be an unduly burdensome duplication of labor and
16 expense or conflicting results if the case is conducted by different judges.” Civil L.R.
17 7-11.”¹

18 **II. RELATED CASES**

19 The actions below should be related to the within action, *In re. PersonalWeb*
20 *Technologies, LLC et al.* because the related cases involve substantially the same
21 issues, similar wrongful act or acts and occurrences, and infringement of the same
22 Patents by Defendants, namely: U.S. Patent No. 6,928,442 (the “442 patent”), U.S.
23 Patent No. 7,802,310 (the “310 patent”), U.S. Patent No. 7,945,544 (the “544
24

25
26 ¹ “In addition to complying with Civil L.R. 7-11, a copy of the motion, together
27 with proof of service pursuant to Civil L.R. 5-5, must be served on all known parties
28 to each apparently related action. A Chambers copy of the motion lodged with the
assigned Judge in each apparently related case under Civil L.R. 5-1(e).” Civil L.R. 3-
12(b).

1 patent”), and U.S. Patent No.8,099,420 (the “’420 patent”), all owned by Plaintiffs:

CASE NAME:	CASE NO:	JUDGE
<i>PersonalWeb Technologies LLC, et al. v. Braze, Inc.</i>	5:18-cv-04624	Hon. Magistrate Judge Nathanael M. Cousins
<i>PersonalWeb Technologies LLC, et al. v. Kongregate, Inc.</i>	5:18-cv-04625	Hon. Magistrate Judge Joseph C. Spero
<i>PersonalWeb Technologies LLC, et al. v. Peek Travel, Inc.</i>	5:18-cv-04628	Hon. Magistrate Judge Maria-Elena James
<i>PersonalWeb Technologies LLC, et al. v. Shopify (USA), Inc. and Shopify, Inc.</i>	5:18-cv-4626	Hon. Magistrate Judge Elizabeth D. Laporte
<i>PersonalWeb Technologies LLC, et al. v. Strava, Inc.</i>	5:18-cv-04627	Hon. Magistrate Judge Sallie Kim

14
15 As a result, the cases require determination of substantially the same questions of
16 fact and law. Specifically, each case involves Defendants who operate or operated a
17 website and have done so since before the expiration of the last to expire of the
18 Patents-In-Suit, which provides webpage content to its users.

19 As such, the following similar questions of law and facts exist in one or more of
20 the apparently related cases.

- Defendants have infringed at least claims 10 and 11 of the '442 patent by their manufacture, use, sale, importation, and/or offer for sale of products or services, and/or controlling the distribution of its webpage content. Defendants are liable for their infringement of the '442 patent pursuant to 35 U.S.C. § 271.
- Defendants have infringed at least claims 20 and 69 of the '310 patent by their manufacture, use, sale, importation, and/or offer for sale of products or services, and/or controlling the distribution of its webpage content.

1 Defendants are liable for their infringement of the '310 patent pursuant to
2 35 U.S.C. § 271.

- 3 • Defendants have infringed at least claims 46, 48, 52, and 55 of the '544
4 patent by their manufacture, use, sale, importation, and/or offer for sale of
5 products or services, and/or controlling the distribution of its webpage
6 content. Defendants are liable for its infringement of the '544 patent
7 pursuant to 35 U.S.C. § 271.
- 8 • Defendants have infringed claims 25, 26, 27, 29, 30, 32, 34-36 and 166 of
9 the '420 patent by their manufacture, use, sale, importation, and/or offer for
10 sale of products or services, and/or controlling the distribution of its
11 webpage content. Defendants are liable for their infringement of the '420
12 patent pursuant to 35 U.S.C. § 271.

13 Accordingly, there will be an unduly burdensome duplication of labor and
14 expense, and there will be a risk of conflicting results if the case set forth above is not
15 related to the within action, *In re. PersonalWeb Technologies, LLC et al.*, and the
16 cases proceed before different judges.

17 **III. STATUS OF SERVICE**

18 Each of the aforementioned defendants have been personally served pursuant
19 FRCP Rule 4(c), and subject to pending extension requests, have corresponding
20 responsive pleading deadlines as listed below:

21 Defendant	Date of Service	Responsive Pleading Deadline
22 Braze, Inc.	August 1, 2018	August 22, 2018
23 Kongregate, Inc.	August 6, 2018	August 27, 2018
24 Peek Travel, Inc.	August 7, 2018	August 28, 2018
25 Shopify, Inc. et al.	August 3, 2018	August 24, 2018
26 Strava, Inc.	August 3, 2018	August 24, 2018

27
28 [See Dkt Nos. 10, 10, 10, 12 and 10, respectively]. This Notice of Related Case

1 will be served on Defendants.

2 Dated: August 17, 2018

Respectfully submitted,

3
4 **STUBBS ALDERTON**
5 **& MARKILES, LLP**

6 By: /s/ Michael A. Sherman
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14
15 Dated: August 17, 2018

MACEIKO IP

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