

FENWICK & WEST LLP
ATTORNEYS AT LAW
BOISE

1 J. DAVID HADDEN (CSB No. 176148)
dhadden@fenwick.com
2 RAVI R. RANGANATH (CSB No. 272981)
rranganath@fenwick.com
3 CHIEH TUNG (CSB No. 318963)
ctung@fenwick.com
4 FENWICK & WEST LLP
SILICON VALLEY CENTER
5 801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041
6 TELEPHONE: 650.988.8500
FACSIMILE: 650.938.5200
7 Attorneys for LIVECHAT, INC.

MICHAEL A. SHERMAN (SBN 94783)
masherma@stubbalderton.com
JEFFREY F. GERSH (SBN 87124)
jgersh@stubbalderton.com
SANDEEP SETH (SBN 195914)
sseth@stubbalderton.com
WESLEY W. MONROE (SBN 149211)
wmonroe@stubbalderton.com
VIVIANA B. HEDRICK (SBN 239359)
vhedrick@stubbalderton.com
STUBBS ALDERTON MARKILES, LLP
15260 Ventura Boulevard, 20TH Floor
Sherman Oaks, CA 91403
Telephone: (818) 444-4500
Facsimile: (818) 444-4520

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9 ATTORNEYS FOR PERSONALWEB
TECHNOLOGIES, LLC

10 DAVID D. WIER
david.wier@level3.com
Assistant General Counsel
1025 Eldorado Boulevard
Broomfield, CO 80021
Telephone: (720) 888-3539

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13 ATTORNEY FOR LEVEL 3
14 COMMUNICATIONS, LLC

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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

19 IN RE: PERSONAL WEB TECHNOLOGIES,
20 LLC ET AL.

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

21
22 PERSONALWEB TECHNOLOGIES LLC and
LEVEL 3 COMMUNICATIONS LLC,

Case No.: 5:18-cv-03461-BLF

23 Plaintiffs,

**JOINT STIPULATION AND
[PROPOSED] ORDER EXTENDING
TIME FOR DEFENDANT TO
RESPOND TO COMPLAINT**

24 v.

25 LIVECHAT SOFTWARE SA and LIVECHAT,
26 INC.,

27 Defendants.
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1 Pursuant to Civil L.R. 6-1 and 6-2, plaintiffs PersonalWeb Technologies, LLC and Level
2 3 Communications, LLC (collectively “PersonalWeb”) and defendants LiveChat Software SA and
3 LiveChat, Inc. hereby stipulate and recite as follows:

4 WHEREAS, on January 24, 2018, PersonalWeb filed a Complaint (Dkt. No. 1) for patent
5 infringement naming LiveChat, Inc. and LiveChat Software SA as defendants;

6 WHEREAS, on February 20, 2018, Amazon.com, Inc. and Amazon Web Services, Inc.
7 (collectively “Amazon”) filed a motion for preliminary injunction to enjoin this case and other
8 similar patent infringement lawsuits that PersonalWeb filed against other website operators (Dkt.
9 No. 15; *Amazon.com, Inc. et al. v. PersonalWeb Tech., LLC et al.*, Case No. 5:18-cv-00767-BLF
10 (N.D. Cal.));

11 WHEREAS, on March 6, 2018, LiveChat, Inc. executed a waiver of service (Dkt. No. 6),
12 setting LiveChat, Inc.’s deadline to answer or otherwise respond to the Complaint to April 9, 2018;

13 WHEREAS, on March 22, 2018, PersonalWeb and LiveChat, Inc. filed a stipulation (Dkt.
14 No. 10) to extend the time for LiveChat, Inc. to answer or otherwise respond to the Complaint to
15 June 15, 2018 and the Court granted that stipulation on March 23, 2018;

16 WHEREAS, on April 3, 2018, LiveChat, Inc. filed a motion to stay this case (Dkt. No. 11)
17 pending resolution of Amazon’s DJ action and that motion is fully briefed;

18 WHEREAS, on April 13, 2018, PersonalWeb filed a motion to dismiss Amazon’s First
19 Amended Complaint in the Amazon DJ action (Dkt. No. 43; *Amazon.com, Inc. et al. v.*
20 *PersonalWeb Tech., LLC et al.*, Case No. 5:18-cv-00767-BLF (N.D. Cal.));

21 WHEREAS, on April 27, 2018, this Court held a hearing on Amazon’s preliminary
22 injunction motion and motions to stay in fourteen suits PersonalWeb filed against website
23 operators;

24 WHEREAS, at the April 27, 2018 hearing, the parties agreed to a stay of fourteen actions
25 against other website operators until the June 7, 2018 hearing on PersonalWeb’s motion to dismiss
26 Amazon’s First Amended Complaint (*Amazon.com, Inc. et al. v. PersonalWeb Tech., LLC et al.*,
27 Case No. 5:18-cv-00767-BLF (N.D. Cal.));

28 WHEREAS, on May 11, 2018, PersonalWeb withdrew its motions to dismiss Amazon’s

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1 First Amended Complaint (Dkt. No. 59; *Amazon.com, Inc. et al. v. PersonalWeb Tech., LLC et al.*,
2 Case No. 5:18-cv-00767-BLF (N.D. Cal.)), and the June 7, 2018 hearing was taken off calendar;

3 WHEREAS, on June 6, 2018, the Chair of the Panel on Multidistrict Litigation granted
4 PersonalWeb’s motion to centralize pretrial proceedings and ordered the transfer of this case from
5 the District of Delaware to the Northern District of California (Dkt. No. 38, *In re PersonalWeb*
6 *Technologies, LLC et al.* (MDL No. 2834); Dkt. No. 19, *Personal Web Technologies v. LiveChat*
7 *Software SA et al*, Case No. 1:18-cv-00135-GMS (D. Del)).

8 WHEREAS, LiveChat, Inc.’s motion to stay this case remains pending;

9 WHEREAS, LiveChat, Inc. has requested, and PersonalWeb has agreed to, an extension of
10 time up to and including August 16, 2018, for LiveChat, Inc. to file an answer or otherwise respond
11 to PersonalWeb’s Complaint (Dkt. No. 1);

12 WHEREAS, the parties may consider an additional extension of the deadline for LiveChat,
13 Inc. to file an answer or otherwise respond to the Complaint if the Court has not yet issued an order
14 on LiveChat, Inc.’s motion to stay (Dkt. No. 11) as of August 2, 2018;

15 WHEREAS, the parties do not expect that this change will impact any other dates already
16 fixed by Court Order;

17 THE PARTIES HEREBY STIPULATE and jointly request that LiveChat, Inc. shall have
18 up to and including August 16, 2018 to submit an answer or otherwise respond to PersonalWeb’s
19 Complaint (Dkt. No. 1).

20
21 Respectfully submitted,

22 Dated: June 14, 2018

FENWICK & WEST LLP

23
24 By: /s/ J. David Hadden

J. David Hadden
Attorneys for Defendant
LIVECHAT, INC.

FENWICK & WEST LLP
ATTORNEYS AT LAW
BOISE

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1 Dated: June 14, 2018

STUBBS ALDERTON MARKILES, LLP

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By: /s/ Michael A. Sherman
Michael A. Sherman
Attorneys for Plaintiff
PERSONALWEB TECHNOLOGIES, LLC

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6 Dated: June 14, 2018

DAVID D. WIER

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By: /s/ David D. Wier
David D. Wier
Attorneys for Plaintiff
LEVEL 3 COMMUNICATIONS, LLC

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11 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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14 Dated: _____
Honorable Beth Labson Freeman
United States District Judge

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17 **ATTESTATION**

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18 Counsel for LiveChat, Inc. hereby attests by his signature below that concurrence in the
19 filing of this document was obtained from counsel for PersonalWeb and Level 3.

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21 Dated: June 14, 2018

FENWICK & WEST LLP

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22 /s/ J. David Hadden
23 J. David Hadden
24 Attorney for Defendant
LIVECHAT, INC.

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