

Exhibit 2

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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN JOSE DIVISION
20

21 IN RE: PERSONAL WEB TECHNOLOGIES,
22 LLC ET AL., PATENT LITIGATION

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

**STIPULATION RE: (i)
PERSONALWEB'S NOTICE OF
ERRATA FILED AS DKT. NO. 364;
AND (ii) AMAZON'S WITHDRAWAL
OF NOTICE OF DEPOSITION OF
COUNSEL FOR LEVEL 3**

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

4 WHEREAS, on January 31, 2019, PersonalWeb and Level 3 filed an administrative motion
5 for leave to file a sur-reply to Amazon’s motion for summary judgment, attaching a proposed sur-
6 reply (Dkt. 354);

7 WHEREAS, by Order dated February 6, 2019, the proposed sur-reply was deemed filed
8 (Dkt. 360);

9 WHEREAS, on February 19, 2019, PersonalWeb and Level 3 filed a Notice of Errata (the
10 “Errata”) clarifying that the signature block of David D. Wier, co- counsel for Level 3 Communi-
11 cations LLC, was erroneously included within the Sur-Reply deemed filed by the Court at Dkt. No.
12 354-1 (Dkt. 364);

13 WHEREAS, Level 3 is a participant in this litigation with respect to the issues of standing
14 only due to Level 3’s contractual obligation, and all allegations in the complaints and counterclaims
15 against Amazon and other defendants are made by PersonalWeb alone and not by Level 3;

16 WHEREAS, Level 3 takes no position with respect to the legal arguments submitted to the
17 Court in the sur-reply, and any legal arguments in the Sur-Reply are attributable to PersonalWeb
18 only;

19 WHEREAS, in view of the representations herein, Amazon agrees to withdraw its notice of
20 deposition of Mr. Wier, served on February 15, 2019;

21 WHEREAS, Amazon reserves its right to seek a deposition of Mr. Wier as a percipient
22 witness for other topics relevant to the case and PersonalWeb and Level 3 reserve all their rights
23 and objections with respect thereto;

24 WHEREAS, Amazon agrees this stipulation resolves to its satisfaction the issues raised in
25 the second supplemental case management statement (Dkt. 366);

26 **BASED ON THE FOREGOING THE PARTIES HEREBY STIPULATE as follows:**

27 1. Level 3 takes no position with respect to the legal arguments now submitted to the
28 Court in the sur-reply (Dkt. 354-1), and any legal arguments in the sur-reply shall be attributable to

1 PersonalWeb only, and not to Level 3 or Mr. Wier;

2 2. Amazon withdraws its February 15, 2019 notice of deposition of counsel for Level
3 3 but reserves its right to seek a deposition of Mr. Wier as a percipient witness for other topics
4 relevant to the case. PersonalWeb and Level 3 reserve all objections to any noticed deposition,
5 subpoena or request for Mr. Wier’s deposition; and

6 3. This stipulation resolves the issues raised in Amazon’s second supplemental case
7 management statement (Dkt. 366).

8 Dated: February 26, 2019

FENWICK & WEST LLP

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20 Dated: February 26, 2019

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17 **ATTESTATION**

18 The undersigned attests that all signatories to this document have concurred in the filing of
19 the foregoing document, bearing their respective signatures.

20 Dated: February 26, 2019

STUBBS, ALDERTON & MARKILES, LLP

22 By: /s/ Michael A. Sherman

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Attorney for PersonalWeb Technologies, LLC

and Level 3 Communications, LLC

28

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