

1 Michael A. Sherman (SBN 94783)
masherman@stubbsalderton.com
2 Jeffrey F. Gersh (SBN 87124)
jgersh@stubbsalderton.com
3 Sandeep Seth (SBN 195914)
sseth@stubbsalderton.com
4 Wesley W. Monroe (SBN 149211)
wmonroe@stubbsalderton.com
5 Stanley H. Thompson, Jr. (SBN 198825)
sthompson@stubbsalderton.com
6 Viviana Boero Hedrick (SBN 239359)
vhedrick@stubbsalderton.com
7 STUBBS ALDERTON & MARKILES, LLP
15260 Ventura Blvd., 20th Floor
8 Sherman Oaks, CA 91403
Telephone: (818) 444-4500
9 Facsimile: (818) 444-4520

10 Attorneys for Plaintiffs

11 [ADDITIONAL ATTORNEYS LISTED ON
SIGNATURE PAGE]

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION
15

16 IN RE PERSONALWEB TECHNOLOGIES,
17 LLC, ET AL., PATENT LITIGATION

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

**JOINT STIPULATION EXTENDING
TIME FOR DEFENDANT TO RESPOND
TO COMPLAINT**

18
19
20
21 PERSONALWEB TECHNOLOGIES, LLC,
ET AL.,

Case No.: 3:18-cv-04625-JCS

22 Plaintiffs,

23 v.

24 KONGREGATE, INC., a Delaware corporation,

25 Defendant.
26
27
28

1 The undersigned parties (the “parties”) hereby stipulate and recite as follows:

2 WHEREAS, pursuant to the United States Judicial Panel on Multidistrict Litigation (“JPML”)
3 Rules 6.2(d), 7.1(a), and 7.2(a), the parties agree that this lawsuit is a tag-along action to a larger
4 multidistrict litigation proceeding in the Northern District of California, referred to as *In re*
5 *PersonalWeb Technologies, LLC et al., Patent Litigation*, Case No. 18-md-02834-BLF (the “MDL”)¹;

6 WHEREAS, on July 13, 2018, the MDL court issued an Order granting a joint stipulation
7 continuing the Preliminary Case Management Conference in the MDL (MDL, Dkt. No. 26, the
8 “Continued CMC Order”);

9 WHEREAS, as part of the Continued CMC Order, the MDL court permitted the parties in the
10 MDL to file a stipulation extending any defendant’s deadline to respond to the complaint up to a date
11 that is two weeks after the Preliminary Case Management Conference without obtaining a court order
12 (*Id.*);

13 WHEREAS, on July 18, 2018, the MDL court issued an Order setting the Preliminary Case
14 Management Conference for September 20, 2018 (MDL, Dkt. No. 28, the “Reset CMC Order”);

15 WHEREAS, two weeks after the MDL’s September 20, 2018 Preliminary Case Management
16 Conference is October 4, 2018;

17 WHEREAS, pursuant to a stipulation that was then made part of the Continued CMC Order
18 (Dkt. No. 26) and the Reset CMC Order (Dkt. No. 28), all cases that are part of the MDL are stayed
19 until September 20, 2018;

20 WHEREAS, the parties agree to join in the preparation of the Preliminary Case Management
21 Conference Statement in the MDL, currently due one week before the MDL’s Preliminary Case
22 Management Conference on September 13, 2018;

23 WHEREAS, the parties further agree to attend and participate in the MDL’s Preliminary Case
24 Management Conference currently scheduled for September 20, 2018;

25

26

27

28 ¹ Despite agreeing that this is a tag-along action, Kongregate, Inc. expressly reserves its right to seek a stay.

1 WHEREAS, Kongregate, Inc.'s ("Kongregate") current response deadline is August 27, 2018,
2 and Kongregate has requested, and PersonalWeb Technologies, LLC and Level 3 Communications,
3 LLC (collectively, "PersonalWeb") have agreed, to an extension of time up to and including October
4 4, 2018 for Kongregate to file an answer or otherwise respond to PersonalWeb's Complaint;

5 THE PARTIES HEREBY STIPULATE and jointly request that Kongregate shall have up to
6 and including October 4, 2018 to submit an answer or otherwise respond to the Complaint.

7
8
9 Dated: August 23, 2018

Respectfully submitted,

10
11 **STUBBS ALDERTON**
12 **& MARKILES, LLP**

13 By: /s/ Michael A. Sherman

14 Michael A. Sherman
15 Jeffrey F. Gersh
16 Sandeep Seth
17 Wesley W. Monroe
18 Viviana Boero Hedrick
19 Attorneys for Plaintiffs

20 Dated: August 23, 2018

21 **MACEIKO IP**

22 By: /s/ Theodore S. Maceiko

23 Theodore S. Maceiko (SBN 150211)
24 ted@maceikoip.com
25 MACEIKO IP
26 420 2nd Street
27 Manhattan Beach, CA 90266
28 Telephone: (310) 545-3311
Facsimile: (310) 545-3344
Attorneys for Plaintiff
PERSONALWEB
TECHNOLOGIES, LLC, a Texas
limited liability company

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: August 23, 2018

DAVID D. WIER

By: /s/ David D. Wier
David D. Wier
David.wier@level3.com
Vice President and Assistant General Counsel
1025 Eldorado Boulevard
Broomfield, CO 80021
Telephone: (720) 888-3539
Attorney for Plaintiff
LEVEL 3 COMMUNICATIONS, LLC

Dated: August 23, 2018

Attorneys for Kongregate, Inc.

WOMBLE BOND DICKINSON (US) LLP

By: /s/ Joshua Anderson
Joshua Anderson (CA Bar No. 279170)
WOMBLE BOND DICKINSON (US) LLP
3200 Park Center Drive, Ste. 700, Costa Mesa, CA
92626
Telephone: (657) 266-1046
Fax: (714) 371-2656

John F. Morrow – SBN-NC 23382
(to seek pro hac vice admission)
Womble Bond Dickinson (US) LLP
One West Fourth Street
Winston-Salem, NC 27101
336-721-3584
336-733-8429

David R. Boaz – SBN-NC 44229
(to seek pro hac vice admission)
Womble Bond Dickinson (US) LLP
555 Fayetteville, Suite 1100
Raleigh, NC 27601
919-755-8124
919-755-6042

ATTESTATION

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

Dated: August 23, 2018

Respectfully submitted,

**STUBBS ALDERTON
& MARKILES, LLP**

By: /s/ Michael A. Sherman
Michael A. Sherman

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28