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5 *Attorney for NRT LLC*
6 *and NRT NEW YORK LLC*

7 UNITED STATES DISTRICT COURT
8 NOTHERN DISTRICT OF CALIFORINIA
9 SAN JOSE DIVISION

10 IN RE: PERSONAL WEB TECHNOLOGIES,
11 LLC ET AL., PATENT LITIGATION,

MULTI DISTRICT LITIGATION
Case No.: 5:18-MD-02834 -BLF

12 This document relates to the matter captioned
13 *Personal Web Technologies, LLC and Level 3*
14 *Communications, LLC*, C.A. No. 18-cv-1144-
15 GMS, transferred from the United States
16 District Court for the District of Delaware.

17 **JOINT STIPULATION EXTENDING**
18 **TIME FOR DEFENDANTS NRT LLC**
19 **AND NRT NEW YORK LLC, D/B/A CITI**
20 **HABITATS, TO RESPOND TO**
21 **COMPLAINT**

22 Pursuant to Civil L.R. 6-1(a), the undersigned parties to this multidistrict litigation (the
23 “Parties”) hereby stipulate and recite as follows:

24 WHEREAS, on or about August 1, 2018, Plaintiffs Personal Web Technologies, LLC
25 and Level 3 Communications, LLC (“Plaintiffs”) commenced an action against NRT LLC and
26 NRT New York LLC (d/b/a Citi Habitats) (“NRT Defendants”), by filing a complaint in the
27 United States District Court for the District of Delaware, Docket No. 18-cv-1144-GMS
28 (“Delaware Action”), which was served on the NRT Defendants on or about August 2, 2018;

WHEREAS, on or about August 10, 2018, Plaintiffs filed a Notice of Filing Notice of
Potential “Tag-Along Actions” with the Judicial Panel on Multidistrict Litigation, naming the
Delaware Action as one of several recently-filed actions that were related to the above-
captioned Multidistrict Litigation proceeding in the Northern District of California, referred to

1 as In re PersonalWeb Technologies, LLC et al., Patent Litigation, Case No. 18-md-02834-BLF
2 (the “Multidistrict Litigation”);

3 WHEREAS, the parties agree that this lawsuit is a tag-along action to the Multidistrict
4 Litigation;

5 WHEREAS, on or about August 15, 2018, the Judicial Panel on Multidistrict Litigation
6 issued a Conditional Transfer Order;

7 WHEREAS, on or about August 20, 2018, the United States District Court for the
8 District of Delaware (Sleet, J.) entered an order electronically transferring the Delaware Action
9 to this Court for further coordinated or consolidated proceedings in the Multidistrict Litigation;

10 WHEREAS, previously on July 13, 2018, the court in the Multidistrict Litigation issued
11 an Order granting a joint stipulation continuing the Preliminary Case Management Conference
12 in the Multidistrict Litigation (Dkt. No. 26, the “Continued CMC Order”);

13 WHEREAS, as part of the Continued CMC Order, the Multidistrict Litigation court
14 permitted the parties to file a stipulation extending any defendant’s deadline to respond to the
15 complaint up to a date that is two weeks after the Preliminary Case Management Conference
16 without obtaining a court order (*Id.*);

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

20 WHEREAS, the Preliminary Case Management Conference in this action is currently
21 scheduled for September 20, 2018, and two weeks thereafter is October 4, 2018;

22 WHEREAS, pursuant to a stipulation that was then made part of the Continued CMC
23 Order, this Court also agreed to stay all cases that were part of this Multidistrict Litigation until
24 September 20, 2018;

25 WHEREAS, the NRT Defendants agree to join in the preparation of the Preliminary
26 Case Management Conference Statement in the MDL, currently due one week before the
27 MDL’s Preliminary Case Management Conference on September 13, 2018;

1 WHEREAS, the NRT Defendants further agree to attend and participate in the MDL's
2 Preliminary Case Management Conference currently scheduled for September 20, 2018;

3 WHEREAS, this Court previously accepted a Joint Stipulation, dated August 17, 2018
4 (ECF # 39) between Plaintiffs and numerous other named defendants in this Multidistrict
5 Litigation, extending the deadline for each such defendant to respond to the operative
6 Complaint until two weeks after the date of the Preliminary Case Management Conference;

7 WHEREAS, the NRT Defendants' current response deadline is August 23, 2018;

8 WHEREAS, the NRT Defendants have requested, and the Plaintiffs have agreed to, an
9 extension of time up to and including October 4, 2018 to file an answer or otherwise respond to
10 the operative Complaint in this action;

11 THE PARTIES HEREBY STIPULATE and jointly request that the NRT Defendants
12 shall have up to and including October 4, 2018 to submit an answer or otherwise response to
13 the operative Complaint in this action.

14 Dated this 23rd of August, 2018.

15
16 Respectfully submitted,

17 MURTHA CULLINA LLP

18 /s/ Richard J. Basile

19 Richard J. Basile

20 (*Appearance Pro Hac Vice Pending*)

21 Attorney for Defendants

22 NRT LLC and NRT NEW YORK LLC
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1 Dated this 23rd of August, 2018.

2 STUBBS, ALDERTON & MARKILES, LLP

3
4 /s/ Michael A. Sherman

5 Michael A. Sherman

6 Jeffrey F. Gersch

7 Sandeep Seth

8 Wesley W. Monroe

9 Viviana Boero Hedrick

10 Attorneys for Plaintiff

11 Attorneys for Defendants

12 PERSONAL WEB TECHNOLOGIES

13 **ATTESTATION**

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

16 Dated this 23rd of August, 2018.

17 Respectfully submitted,

18 /s/ Richard J. Basile

19 Richard J. Basile

20 (*Appearance Pro Hac Vice Pending*)

21 Attorney for Defendants

22 NRT LLC and NRT NEW YORK LLC