

EXHIBIT 2

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11 AMAZON WEB SERVICES, INC.

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

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

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

17 AMAZON.COM, INC., and AMAZON WEB
18 SERVICES, INC.,

Case No.: 5:18-cv-00767-BLF

Plaintiffs,

19 v.

**SECOND SET OF REQUESTS FOR
PRODUCTION OF AMAZON.COM,
INC. AND AMAZON WEB SERVICES,
INC. TO PERSONALWEB
TECHNOLOGIES, LLC**

20 PERSONALWEB TECHNOLOGIES, LLC and
21 LEVEL 3 COMMUNICATIONS, LLC,

Defendants.

22 PERSONALWEB TECHNOLOGIES, LLC and
23 LEVEL 3 COMMUNICATIONS, LLC,

Counterclaimants,

24 v.
25

26 AMAZON.COM, INC., and AMAZON WEB
SERVICES, INC.,

27 Counterdefendants.
28

1 Pursuant to Federal Rules of Civil Procedure 26 and 34, Amazon.com, Inc. and Amazon
2 Web Services, Inc. (collectively “Amazon”) request that PersonalWeb Technologies, LLC (“Per-
3 sonalWeb”) provide a written response to the following requests and produce the documents and
4 things described below for inspection and copying, in accordance with the following instructions
5 and definitions, at the offices of Fenwick & West LLP, Silicon Valley Center, 801 California Street,
6 Mountain View, CA, 94041, within thirty (30) days of service hereof.

7 **DEFINITIONS**

8 1. The terms “you” or “PersonalWeb” means PersonalWeb Technologies LLC, and its
9 predecessors, parents, subsidiaries, divisions, officers, employees, agents, and attorneys, and each
10 person acting or purporting to act on their behalf or under their control.

11 2. The term “Amazon” means Amazon.com, Inc. and Amazon Web Services, Inc., in-
12 cluding, without limitation, all predecessors, parents, subsidiaries, divisions, officers, employees,
13 agents, and attorneys of Amazon.com, Inc. and Amazon Web Services, Inc., and each person acting
14 or purporting to act on their behalf or under their control.

15 3. The term “Level 3” means Level 3 Communications, LLC, and its predecessors,
16 parents, subsidiaries, divisions, officers, employees, agents, and attorneys, and each person acting
17 or purporting to act on their behalf or under their control.

18 4. The term “Kinotech License” means, collectively, the September 1, 2000 and De-
19 cember 14, 2000 license agreements entered into by and between Kinotech Inc. and Digital Island,
20 Inc.

21 5. The term “document” has the broadest meaning accorded that term by Fed. R. Civ.
22 P. 34(a) and includes, but is not limited to, all of the items defined in Fed. R. Evid. 1001, and all
23 preliminary and final drafts of any such item.

24 6. The term “all documents” means any and all documents that you can locate through
25 a diligent search of all locations likely to contain documents requested herein and through reason-
26 able inquiry of all persons likely to know of the existence of documents requested herein. A draft
27 or non-identical copy is a separate document within the meaning of this term. Any comment or
28

1 notation appearing on any document, and not a part of the original text, is to be considered a separate
2 document.”

3 7. The term “communication” shall refer to all written, oral, telephonic or other inquiries,
4 dialogues, discussions, conversations, interviews, correspondence, consultations, negotiations,
5 agreements, understandings, meetings, letters, notes, telegrams, advertisements, press releases,
6 computer mail, e-mail and all other documents evidencing any verbal or nonverbal interaction between
7 persons and/or entities.

8 8. The terms “relate to,” “relates to,” “related to,” “relating to,” “referring to,” “pertaining to,”
9 “pertain to,” and “regarding” mean constitute, include, comprise, consist of, refer, reflect,
10 discuss, show, state, explain, contradict, provide context to, evidence, concern or be in any
11 way logically or factually connected with the matter discussed or identified.

12 9. The terms “or” and “and” shall be read in the conjunctive and in the disjunctive
13 wherever they appear, and neither of these words shall be interpreted to limit the scope of these
14 requests.

15 10. The term “any” and “each” should be understood to include and encompass “all.”

16 11. All pronouns shall be construed to refer to the masculine, feminine, or neutral gender,
17 in singular or plural, as in each case makes the request more inclusive.

18 12. The use of a verb in any tense shall be construed as including the use of the verb in
19 all other tenses.

20 13. The singular form of any word shall be deemed to include the plural. The plural
21 form of any word shall be deemed to include the singular.

22 INSTRUCTIONS

23 1. In answering the following document requests, furnish all available information, including
24 information in the possession, custody, or control of any of PersonalWeb’s attorneys, directors,
25 officers, agents, employees, representatives, associates, investigators or division affiliates,
26 partnerships, parents or subsidiaries, and persons under PersonalWeb’s control.

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1 2. As required by Federal Rule of Civil Procedure Rule 34(b), documents must be pro-
2 duced (a) in the manner in which they are kept in the ordinary course of business, or (b) organized
3 and labeled to correspond with the requests set forth below.

4 3. Electronic records and computerized information must be produced in an intelligible
5 format or together with a description of the system from which they were derived sufficient to
6 permit rendering the records and information intelligible.

7 4. Selection of documents from files and other sources and numbering of such docu-
8 ments shall be performed in such a manner as to ensure that the source and order of each document
9 may be determined, if necessary.

10 5. File folders with tabs or labels or directories of files identifying documents must be
11 produced intact with such documents.

12 6. Documents attached to each other shall not be separated.

13 7. In responding to these requests, PersonalWeb should produce hard-copy documents
14 as they are kept in their original condition (e.g., documents that were stapled, clipped, or otherwise
15 fastened together should be produced in that form).

16 8. If any information requested is claimed to be privileged, immune from discovery or
17 otherwise not discoverable, please provide all information falling within the scope of the request
18 which is discoverable, and for each item of information contained in a document to which a claim
19 of privilege is made, identify such document with sufficient particularity for purposes of a motion
20 to compel, such identification to include at least the following:

- 21 a. the basis on which the privilege is claimed;
- 22 b. the names and positions of the author of the document and all other
23 persons participating in the preparation of the document;
- 24 c. the name and position of each individual or other person to whom
25 the document, or a copy thereof, was sent or otherwise disclosed;
- 26 d. the date of the document;
- 27 e. the source of the document;
- 28 f. the general subject matter of the document;

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