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 11 COMMUNICATIONS, LLC

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 AMAZON WEB SERVICES, INC., and
 TWITCH INTERACTIVE, INC.

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

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

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

**STIPULATION TO EXTEND THE
 FACT DISCOVERY DEADLINE FOR
 THE DEPOSITIONS OF KEVIN
 BERMEISTER, DAVID FARBER,
 EZRA GOLDMAN, RONALD
 LACHMAN, BRAD MARSHALL,
 SANJAY VAKHARIA, MICHAEL
 COMPERDA AND JAY BERLIN**

AS MODIFIED

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 22
 23 Amazon.com, Inc. and Amazon Web Services, Inc. (collectively, “Amazon”), Twitch In-
 24 teractive, Inc. (“Twitch”), and PersonalWeb Technologies, LLC (“PersonalWeb”) stipulate as fol-
 25 lows:

26 WHEREAS, on June 24, 2019, Amazon served notices of subpoenas to David Farber and
 27 Ronald Lachman for depositions and to produce documents;

28

1 WHEREAS, on August 7, 2019, the parties agreed to schedule David Farber's deposition
2 for September 10, 2019;

3 WHEREAS, the deposition of Ronald Lachman has been offered for September 18, 2019;

4 WHEREAS, on July 1, 2019, Twitch and Amazon each served a notice of Rule 30(b)(6)
5 deposition on PersonalWeb, for a deposition dated July 31, 2019, and July 25, 2019, respectively;

6 WHEREAS, on July 11, 2019, PersonalWeb designated Kevin Bermeister as a Rule
7 30(b)(6) witness in response to Amazon's and Twitch's Rule 30 notices of deposition;

8 WHEREAS, PersonalWeb also informed Amazon that Mr. Bermeister, who lives in Aus-
9 tralia, is only available to travel to California for a deposition on August 22 and August 23, 2019;

10 WHEREAS, Amazon and Twitch agree to take Mr. Bermeister's deposition on August 22
11 and August 23, 2019, respectively, in order to accommodate his schedule and international travel;

12 WHEREAS, on August 8, 2019, PersonalWeb served notices of deposition on Amazon and
13 Twitch for Michael Comperda, Peter DeSantis, and Sanjay Vakharia for depositions dated August
14 14, 2019 for Mr. Comperda, and August 16, 2019 for Messrs. DeSantis and Vakharia;

15 WHEREAS, Amazon offered the deposition of Brad Marshall in lieu of the deposition of
16 Peter DeSantis, and offered the deposition date of August 20, 2019 for Mr. Marshall;

17 WHEREAS, Amazon offered the date of August 22, 2019 for the deposition of Sanjay
18 Vakharia instead of August 16, 2019;

19 WHEREAS, Amazon offered the date of August 28, 2019 for the deposition of Michael
20 Comperda instead of August 14, 2019;

21 WHEREAS, PersonalWeb agreed to the new deposition dates offered by Amazon and
22 Twitch of August 20, 2019, August 22, 2019 and August 28, 2019 for Messrs. Marshall, Vakharia,
23 and Comperda, respectively;

24 WHEREAS, PersonalWeb has offered the date of September 17, 2019 for the deposition of
25 Ezra Goldman;

26 WHEREAS, PersonalWeb subpoenaed the deposition of Jay Berlin on August 14, 2019;

27 WHEREAS, the Parties have agreed to hold the deposition of Jay Berlin in or around early
28 September, and are currently meeting and conferring as to the date for this deposition;

1 WHEREAS, on August 12, 2019, counsel for Level 3 informed the parties that it was no
2 longer able to continue representation of Level 3 because of a client conflict so Level 3 was required
3 to search for substitute counsel;

4 WHEREAS, on August 13, 2019, Level 3 informed PersonalWeb, Amazon and Twitch that
5 it was in the process of obtaining new counsel;

6 WHEREAS, on August 13, 2019, Level 3 requested that the Rule 30(b)(1) deposition of
7 David Wier scheduled for August 15, 2019 and the Rule 30(b)(6) deposition of Level 3 noticed on
8 August 10, 2019 be postponed until Level 3 could obtain new counsel;

9 WHEREAS, on August 14, 2019, Amazon agreed to postpone the Rule 30(b)(1) deposition
10 of David Wier and the Rule 30(b)(6) deposition of Level 3 until Level 3 could obtain new counsel;

11 WHEREAS, Level 3 has agreed that deposition fact discovery should remain open until the
12 date on which the parties complete the deposition of Mr. Wier to allow that deposition to occur and
13 to resolve any discovery disputes with Level 3 that relate to the deposition.

14 WHEREAS, the fact discovery deadline in this action is August 16, 2019;

15 WHEREAS, PersonalWeb has agreed that fact discovery should remain open to Twitch and
16 Amazon until the last date on which Amazon and Twitch complete the respective depositions of
17 Messrs. Bermeister, Farber, Goldman, and Lachman to allow Amazon and Twitch to depose these
18 witnesses;

19 WHEREAS, Amazon and Twitch have agreed that fact discovery should remain open to
20 PersonalWeb until the last date on which PersonalWeb completes the respective depositions of
21 Messrs. Marshall, Vakharia, Comperda and Berlin to allow PersonalWeb to depose these witnesses;

22 WHEREAS, the parties agree that Amazon and Twitch will have until seven (7) days after
23 the last date on which Amazon and Twitch complete the respective depositions of Messrs. Bermeis-
24 ter, Farber, Goldman, and Lachman to file any motion to compel that is necessary after these dep-
25 ositions;

26 WHEREAS, the parties agree that PersonalWeb will have until seven (7) days after the last
27 date on which PersonalWeb completes the respective depositions of Messrs. Marshall, Vakharia,
28 Comperda and Berlin to file any motion to compel that is necessary after these depositions;

1 WHEREAS, counsel for Level 3 has informed the parties that it is no longer able to continue
2 representation of Level 3 because of a client conflict so Level 3 is currently searching for substitute
3 counsel, but Level 3 does not oppose any of the relief requested in this stipulation;

4 BASED ON THE FOREGOING, THE PARTIES HEREBY STIPULATE as follows:

- 5 1. Fact discovery shall be extended only until the earlier of the last respective date on
6 which Amazon and Twitch complete the depositions of Kevin Bermeister, David
7 Farber, Ezra Goldman, and Ronald Lachman or September 30, 2019, solely for
8 Twitch and Amazon to depose these witnesses and to obtain any discovery relating to
9 the testimony of these witnesses;
- 10 2. Fact discovery shall be extended only until the earlier of the last respective date on
11 which PersonalWeb completes the depositions of Brad Marshall, Sanjay Vakharia,
12 Michael Comperda and Jay Berlin or September 30, 2019, solely for PersonalWeb to
13 depose these witnesses and to obtain any discovery relating to the testimony of these
14 witnesses;
- 15 3. Fact discovery shall be extended only until the earlier of the last respective date on
16 which the Parties complete the deposition of David Wier or September 30, 2019,
17 solely for the Parties to depose this witness and to obtain any discovery relating to the
18 testimony of this witness;
- 19 4. Twitch and Amazon shall have until seven (7) days after the last date on which Amazon
20 and Twitch complete the respective depositions of Messrs. Bermeister, Farber, Gold-
21 man, and Lachman to file any motion to compel that is necessary after these depositions;
- 22 5. PersonalWeb shall have until seven (7) days after the last date on which PersonalWeb
23 completes the respective depositions of Messrs. Marshall, Vakharia and Comperda to
24 file any motion to compel that is necessary after these depositions.
- 25 6. The Parties shall have until seven (7) days after the last date on which the Parties com-
26 plete the deposition of David Wier to file any motion to compel that is necessary after
27 this deposition.

28 Dated: August 16, 2019

FENWICK & WEST LLP

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Saina S. Shamilov

Melanie Mayer
Ravi R. Ranganath
Chieh Tung

Attorneys for AMAZON.COM, INC. and
AMAZON WEB SERVICES, INC.

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5
6 Dated: August 16, 2019

By: /s/Todd R. Gregorian
Todd R. Gregorian
Attorneys for TWITCH INTERACTIVE,
INC.

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9
10 Dated: August 16, 2019

STUBBS, ALDERTON & MARKILES, LLC

11 By: /s/ Viviana Boero Hedrick
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Jeffrey F. Gersh
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Stanley H. Thompson, Jr.
Viviana Boero Hedrick
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TECHNOLOGIES, LLC

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18 **ATTESTATION**

19 The undersigned attests that concurrence in the filing of the foregoing document was ob-
20 tained from all of its signatories.

21
22 Dated: August 15, 2019

FENWICK & WEST LLP

23
24 /s/ Todd R. Gregorian
Todd R. Gregorian
Attorney for AMAZON.COM, INC. AND
25 AMAZON WEB SERVICES, INC.

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