

# EXHIBIT 1

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11 Counsel for Defendant  
12 TWITCH INTERACTIVE, INC.

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

15 IN RE PERSONALWEB TECHNOLOGIES, LLC,  
ET AL., PATENT LITIGATION

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

17 PERSONALWEB TECHNOLOGIES, LLC and  
LEVEL 3 COMMUNICATIONS, LLC,

Case No. 5:18-cv-05619-BLF

18 Plaintiffs,

**DEFENDANT TWITCH  
INTERACTIVE, INC.'S  
RESPONSES AND OBJECTIONS TO  
PERSONALWEB TECHNOLOGIES,  
INC.'S FIRST SET OF REQUESTS  
FOR PRODUCTION**

19 v.

20 TWITCH INTERACTIVE, INC.,

21 Defendant.  
22

23 PROPOUNDING PARTY: PERSONALWEB TECHNOLOGIES, INC.

24 RESPONDING PARTY: TWITCH INTERACTIVE, INC.

25 SET NUMBER: ONE (1-34)  
26  
27  
28

1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Twitch Interactive,  
2 Inc. (hereafter, “Twitch”), by and through their counsel, hereby responds to Plaintiffs, of Personal  
3 Web Technologies, LLC (“PersonalWeb”), First Set of Requests for Production (Nos. 1-34) as  
4 follows:

5 **GENERAL OBJECTIONS**

6 The following general objections are stated with respect to each and every document request  
7 whether or not specifically identified in response thereto. To the extent any of these general  
8 objections are not raised in any particular response, Twitch does not waive those objections.

9 1. Twitch objects to each and every definition and request as overly broad, unduly  
10 burdensome, and not proportional to the needs of the case because they are not limited to a specific  
11 geographic area. Twitch will only provide discovery with respect to the United States.

12 2. Twitch objects to the definitions of “You,” “Your,” or “Twitch” because it seeks to  
13 broaden the scope of allowable discovery and seeks information that is not within the possession,  
14 custody, or control of Twitch, but is in the possession of third-parties and non-parties to this lawsuit.  
15 Twitch further objects to the definition of these terms to the extent it includes Twitch’s attorneys  
16 and patent agents and seeks privileged and attorney-work product information. Twitch will interpret  
17 these terms as referring to Twitch Interactive, Inc. only.

18 3. Twitch objects to the definition of “Fingerprint” as vague and ambiguous, overly  
19 broad, unduly burdensome, and not proportional to the needs of the case, as it does not identify the  
20 item or feature with specificity. Twitch will interpret this term as a Ruby on Rails fingerprint or a  
21 similar value that is calculated via a hash algorithm and that renders the name of a file dependent  
22 on the contents of the file.

23 5. Twitch objects to the definition of “Meeting” as overly broad and unduly  
24 burdensome, vague and ambiguous, not proportional to the needs of this case, and failing to  
25 describe the information sought with reasonable particularity.

26 6. Twitch objects to the definition of “Identify” and “Identity” as overly broad and  
27 unduly burdensome, vague and ambiguous, not proportional to the needs of this case, and failing  
28 to describe the information sought with reasonable particularity. Twitch will interpret these terms

1 as “List the person, entity, or document” and “the name, term, or number referring to the person,  
2 entity, or document,” respectively.

3 7. Twitch objects to the definition of “Document” as overly broad and unduly  
4 burdensome, vague and ambiguous, not proportional to the needs of this case, and failing to  
5 describe the information sought with reasonable particularity. Twitch will not search for documents  
6 that are not within its possession, custody, or control.

7 8. Twitch objects to the definition of “Thing” as overly broad and unduly burdensome,  
8 vague and ambiguous, not proportional to the needs of this case, and failing to describe the  
9 information sought with reasonable particularity.

10 9. Twitch objects to the definition of “Cache-Busting” as vague, ambiguous, overly  
11 broad, unduly burdensome, and not proportional to the needs of the case as it does not identify the  
12 item or feature with specificity, and PersonalWeb does not explain what is meant by “valid”  
13 content.

14 10. Twitch objects to these requests and definitions to the extent that they seek to impose  
15 duties beyond those required by the Federal Rules of Civil Procedure and the Local Rules of this  
16 district. Twitch’s responses shall be made only in accordance with the applicable rule(s).

17 11. Twitch objects to these requests to the extent that they seek information equally  
18 available to PersonalWeb in the public domain or that is already in the possession, custody, or  
19 control of PersonalWeb.

20 12. Twitch objects to these requests to the extent that they seek information that is in  
21 the possession, custody, or control of parties over whom Twitch has no control.

22 13. Twitch objects to each and every instruction, definition, and request to the extent  
23 that it seeks the disclosure of information protected by the attorney-client privilege, the attorney  
24 work-product doctrine, or any other applicable privilege, immunity, or protection, as provided by  
25 any applicable law. Twitch does not intend to disclose such privileged or protected information.  
26 Twitch’s inadvertent disclosure of any such information should not be deemed a waiver of any  
27 privilege, immunity, or protection, and Twitch expressly reserves the right to object to the  
28 introduction at trial or to any other use of such information that may be inadvertently disclosed.

1 Twitch objects to discovery of attorney-client privileged communications after the filing of this  
2 lawsuit and to discovery of work-product materials generated after the filing of this lawsuit.

3 14. Twitch objects to these requests to the extent they seek information concerning  
4 Amazon CloudFront. CloudFront is not accused in PersonalWeb's counterclaim against  
5 Amazon.com, Inc. or Amazon Web Services, Inc. (collectively "Amazon") or in any of the  
6 complaints against Amazon's customers, including Twitch; it is accordingly outside the scope of  
7 discovery in this case. Moreover, PersonalWeb does not have standing to bring claims against  
8 CloudFront. (*See* Reply in Support of Motion of Amazon.com, Inc.'s and Amazon Web Services,  
9 Inc. for Summary Judgment Claims and Defenses Under the Claim Preclusion and Kessler Doctrine  
10 (Dkt. No. 350) ("Reply") at 8-10.) To the extent Twitch provides discovery on CloudFront, it does  
11 so explicitly without waiver of this objection.

12 15. Twitch objects to these requests to the extent they seek information concerning  
13 Amazon Simple Storage System (S3). PersonalWeb's infringement claims against Amazon and its  
14 customers, including Twitch, are barred by the doctrine of claim preclusion and the Supreme  
15 Court's decision in *Kessler v. Eldred*, 206 U.S. 285 (1907). (*See* Order Granting in Part and  
16 Denying in Part Amazon's Motion for Summary Judgment dated March 13, 2019 ("Summary  
17 Judgment Order").) As such, any discovery concerning S3 is outside the scope of discovery in this  
18 case. To the extent Twitch provides discovery on S3, it does so explicitly without waiver of this  
19 objection.

20 16. Twitch objects to these requests to the extent they purport to include email. Email  
21 production is not required in patent cases, and any request for email is unduly burdensome and not  
22 proportional to the needs of the case. *See, e.g.*, Court's [Model] Stipulation & Order Re: Discovery  
23 of Electronically Stored Information for Patent Litigation ("General ESI production requests . . .  
24 shall not include email or other forms of electronic correspondence.").

25 17. The responses given herein shall not be deemed to waive any claim of privilege or  
26 immunity Twitch may have as to any response, document, or thing, or any question or right of  
27 objection as to authenticity, competency, relevancy, materiality, admissibility, or any other  
28 objection Twitch may have as to a demand for further response to these or other requests, or to any

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