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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

Case No. 18-md-02834-BLF (SVK)

**ORDER RE: SEPTEMBER 3, 2019
DISCOVERY HEARING**

Re: Dkt. Nos. 489, 503, 504

United States District Court
Northern District of California

Before the Court are the following joint statements: (1) a motion by Amazon.com, Inc. and Amazon Web Services, Inc. (collectively “Amazon”) to compel PersonalWeb Technologies, LLC and Level 3 Communications, LLC (collectively “PersonalWeb”) to produce documents and further interrogatory responses (Dkt. 489); (2) a motion by PersonalWeb to compel Twitch Interactive, Inc. (“Twitch”) to produce documents (Dkt. 503); and (3) a motion by PersonalWeb to compel Twitch to provide witnesses for deposition under Fed. R. Civ. Procedure 30(b)(6) (Dkt. 504). The Court reviewed the Parties’ submissions and held a hearing on September 3, 2019. The Court addressed these issues from the bench and determined the following:

By Thursday, September 5, 2019, the Parties are ordered to exchange the items as directed by the Court at the hearing and as set forth below. The parties are to promptly meet and confer regarding the resolution of all outstanding disputes. The meet and confer session(s) must be either in-person or by telephone, and each side must have the participation of at least one person with full authority to negotiate and compromise to constructively address the disputes. If the Parties are unable to come to an agreement after meeting and conferring, the Parties must submit the remaining issues in dispute to the Court in a single joint statement comprised of a chart identifying the disputed issue and each Parties’ position by 12:00 p.m. on September 9, 2019. This

1 submission should be a word document and should be emailed to the Court at
2 SVKCRD@cand.uscourts.gov. A hearing will be held on September 10, 2019, at 10:00 a.m.;
3 counsel must appear in person and with authority to engage in further meet and confer.

4 The Court ORDERS as follows:

5 **Dkt. 489: Amazon's motion to compel interrogatory responses and production of**
6 **documents from PersonalWeb**

7 This Court denies Amazon's motion to compel further interrogatory responses as
8 overbroad and improperly seeking expert opinion testimony. As for the requests for production,
9 by September 5, 2019, Amazon is to identify for PersonalWeb the documents Amazon believes
10 PersonalWeb has agreed to produce but has not yet provided. The parties are to meet and confer
11 and agree upon a date for production. As for requests Nos. 94 and 95 and the common interest
12 privilege asserted by PersonalWeb, by September 5, 2019, Amazon is to provide revised requests
13 as discussed at the hearing. PersonalWeb will be required to create a privilege log reflecting any
14 documents responsive to the revised requests Nos. 94 and 95 for which it is claiming a common
15 interest privilege. The parties are to meet and confer regarding the applicability and scope of the
16 privilege as it may apply to the revised requests. The parties are to address, *inter alia*, the volume
17 of allegedly privileged documents and the timing of completion of a privilege log by
18 PersonalWeb.

19 **Dkt. 503: PersonalWeb's motion to compel production of documents from Twitch**

20 Regarding Bullets 1-4 and 6, by September 5, 2019, PersonalWeb is to create a chart
21 identifying (1) the specific information it claims is it has requested but has not yet been produced;
22 and (2) at least one but not more than two specific requests for production that purportedly cover
23 the subject matter.

24 Regarding Bullet 5, by September 5, 2019, Twitch is ordered to confirm the existence of
25 additional documents as discussed in Court.

26 Bullet 7 is denied without prejudice only to the extent that PersonalWeb gains a factual
27 basis for the request through the remaining depositions.

28 Regarding Bullet 8, the parties agree that all relevant material has been produced.

1 As discussed in Court, the parties are to meet and confer regarding the remaining
2 production issues and submit any remaining disputes to the Court in the format discussed above.

3 **Dkt. 504: PersonalWeb's motion to compel further 30(b)6 testimony from Twitch**

4 Regarding topic 1(c), if Twitch has made such projections, it is to designate an appropriate
5 individual for deposition.

6 Regarding topic 5(e), Twitch is ordered to designate an appropriate individual who can
7 speak to the revenue forecasts during the relevant time period as limited by the September 3, 2019
8 hearing. The Court understands the relevant time period to be 2011-2015.

9 As to topics 7(a) and 7(b), Twitch is ordered to produce Mr. Richards for deposition on
10 these topics.

11 **SO ORDERED.**

12 Dated: September 4, 2019

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SUSAN VAN KEULEN
United States Magistrate Judge

United States District Court
Northern District of California