

EXHIBIT 2

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

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

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

18 PERSONALWEB TECHNOLOGIES, LLC and
19 LEVEL 3 COMMUNICATIONS, LLC,

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

20 Plaintiffs,

**PATENT L.R. 4-2 DISCLOSURE
OF TWITCH INTERACTIVE,
INC.**

21 v.

22 TWITCH INTERACTIVE, INC. a Delaware
corporation,

Defendants.

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FENWICK & WEST LLP
ATTORNEYS AT LAW

1 Pursuant to Patent Local Rule 4-2 Twitch Interactive, Inc. (“Twitch”) makes the following
2 the following disclosure of proposed constructions for each claim term, phrase, or clause that was
3 previously identified for construction by any party. Twitch also identifies references from the
4 specifications or prosecution histories of the patents-in-suit that support its proposed
5 constructions, and any other intrinsic evidence, as well as extrinsic evidence in support of its
6 claim construction positions. Twitch reserves the right to identify additional intrinsic and
7 extrinsic evidence in response to constructions proposed and any evidenced advanced by
8 PersonalWeb Technologies, LLC (“PersonalWeb”) and Level 3 Communications, LLC (“Level
9 3”) (collectively “Plaintiffs”) and/or as the result of the upcoming conferences of counsel relating
10 to claim construction. Accordingly, the identification of supporting evidence in the attached is
11 not exhaustive. Twitch further reserves its right to modify or refine the identifications of intrinsic
12 and extrinsic evidence based on information learned through the course of discovery.

13 Further, because of upcoming conferences concerning the proposed claim constructions,
14 Twitch reserves the right individually to withdraw or modify any of the proposed constructions.
15 Twitch also reserves the right to modify claim terms it proposed for construction. For example,
16 Twitch reserves the right to seek construction of constituent portions of identified terms, phrases,
17 and clauses if unable to reach agreement regarding the entire identified terms, phrases, and
18 clauses. Pursuant to Patent Local Rule 4-2(c), Twitch is prepared to meet and confer with
19 PersonalWeb and Level 3 at a mutually agreeable time and place for the purposes of finalizing a
20 combined list, narrowing or resolving differences, facilitating the ultimate preparation of a Joint
21 Claim Construction and Prehearing Statement, and establishing the procedures for exchanging
22 expert disclosures, if any, relating to claim construction.

23 Twitch’s proposed constructions are preliminary, and Twitch expressly reserves the right
24 to amend, supplement, and/or remove terms, phrases, and clauses and constructions from this list
25 to the full extent permitted under the Federal Rules, Local Rules, and the Patent Local Rules.
26 Accordingly, Twitch reserves the right to amend, modify, or supplement this disclosure as it
27 deems appropriate.

28 To support its preliminary constructions identified in Exhibit A, and any modifications to

1 them that may be made during the meet and confer process mandated by Patent Local Rule 4-2(c)
2 or otherwise, Twitch may rely on expert testimony to address the parties' respective claim
3 construction positions, the substance of that testimony to include 1) an identification of the level
4 of one of ordinary skill in the art relevant to the Patents-in-Suit; 2) how one of ordinary skill in
5 the art would understand the claim terms, phrases and clauses identified in Exhibit A in light of
6 the specification and statements made by the applicants to the Patent Office during prosecution
7 and reexamination of the Patents-in-Suit; 3) ordinary meaning of the terms, phrases and clauses
8 identified in Exhibit A as understood by such a person skilled in the art at the time of filing of the
9 Patents-in-Suit; 4) structures, if any, described in the specification as performing the functions
10 recited in claim terms governed by 35 U.S.C. § 112 ¶ 6; and 5) rebuttal to claim constructions and
11 positions of Counterclaimants. Any such expert witnesses may also offer declaration testimony
12 if necessary to respond to Counterclaimants' contentions or for the Court's benefit.

13
14 Dated: January 28, 2019

FENWICK & WEST LLP

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16 By: /s/ Phillip J. Haack

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PROOF OF SERVICE

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I hereby certify that on this 28th day of January, 2019, a true and correct copy of the foregoing document was served on each party through their counsel of record via email.

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