

1 MICHAEL A. SHERMAN (SBN 94783)
 masherman@stubbsalderton.com
 2 JEFFREY F. GERSH (SBN 87124)
 jgersh@stubbsalderton.com
 3 SANDEEP SETH (SBN 195914)
 sseth@ stubbsalderton.com
 4 WESLEY W. MONROE (SBN 149211)
 wmonroe@stubbsalderton.com
 5 STANLEY H. THOMPSON, JR. (SBN 198825)
 sthompson@stubbsalderton.com
 6 VIVIANA B. HEDRICK (SBN 239359)
 vhedrick@stubbsalderton.com
 7 STUBBS ALDERTON MARKILES, LLP
 15260 Ventura Boulevard, 20TH Floor
 8 Sherman Oaks, CA 91403
 Telephone: (818) 444-4500
 9 Facsimile: (818) 444-4520

J. DAVID HADDEN (CSB No. 176148)
 dhadden@fenwick.com
 SAINA S. SHAMILOV (CSB No. 215636)
 sshamilov@fenwick.com
 TODD R. GREGORIAN (CSB No. 236096)
 tgregorian@fenwick.com
 RAVI R. RANGANATH (CSB No. 272981)
 rranganath@fenwick.com
 SHANNON E. TURNER (CSB No. 310121)
 sturner@fenwick.com
 CHIEH TUNG (CSB No. 318963)
 ctung@fenwick.com
 FENWICK & WEST LLP
 Silicon Valley Center
 801 California Street
 Mountain View, CA 94041
 Telephone: 650.988.8500
 Facsimile: 650.938.5200

10 Attorneys for PERSONALWEB
 TECHNOLOGIES, LLC
 11 [Additional Attorneys listed below]

Counsel for AMAZON.COM, INC.,
 AMAZON WEB SERVICES, INC., and
 TWITCH INTERACTIVE, INC.

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

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

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

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

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

19 Plaintiffs,

**STIPULATION REGARDING TRIAL
 WITNESSES**

20 v.

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

22 Defendants.

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

24 Counterclaimants,

25 v.

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

27 Counterdefendants.
 28

1 PERSONALWEB TECHNOLOGIES, LLC and
2 LEVEL 3 COMMUNICATIONS, LLC,

3 Counterclaimants,

4 v.

5 TWITCH INTERACTIVE, INC., a Delaware
6 corporation,

7 Counterdefendants.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Amazon.com, Inc. and Amazon Web Services, Inc. (collectively, “Amazon”), Twitch
2 Interactive, Inc. (“Twitch”), and PersonalWeb Technologies, LLC (“PersonalWeb”) stipulate as
3 follows:

4 WHEREAS, on August 20, 2019, pursuant to stipulation, the Court Ordered that fact discovery
5 shall be extended only until the earlier of the last respective date on which Amazon and Twitch
6 complete the depositions of Kevin Bermeister, David Farber, Ezra Goldman, and Ronald Lachman or
7 September 30, 2019, solely for Twitch and Amazon to depose these witnesses and to obtain any
8 discovery relating to the testimony of these witnesses;

9 WHEREAS, on August 20, 2019, pursuant to stipulation, the Court Ordered that fact discovery
10 shall be extended only until the earlier of the last respective date on which PersonalWeb completes the
11 depositions of Brad Marshall, Sanjay Vakharia, Michael Comperda and Jay Berlin or September 30,
12 2019, solely for PersonalWeb to depose these witnesses and to obtain any discovery relating to the
13 testimony of these witnesses;

14 WHEREAS, on September 12, 2019, Amazon and Twitch agreed to forego the depositions of
15 Ezra Goldman and Ronald Lachman based on PersonalWeb’s representation that, should PersonalWeb
16 decide to call these witnesses at trial, PersonalWeb will make these witnesses available for deposition
17 sufficiently before trial;

18 WHEREAS, on September 13, 2019, PersonalWeb agreed to forego the deposition of Jay
19 Berlin based on Amazon and Twitch’s representation that, should either one of them decide to call the
20 witness at trial, or should Amazon or Twitch intend to produce or rely upon any other declaration from
21 Mr. Berlin other than the one produced in this case as Bates Number AMZ_PWT_PA_00007292-7293,
22 they will make the witness available for deposition sufficiently before trial;

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

- 24 1. To the extent PersonalWeb decides to call Ezra Goldman and/or Ronald Lachman as
25 witnesses at trial, PersonalWeb will make Mr. Goldman and/or Mr. Lachman available for
26 a deposition on a mutually agreeable date prior to trial;
- 27 2. To the extent Twitch and Amazon decide to call Jay Berlin as a witness at trial or intend to
28 produce or rely upon any other declaration from Mr. Berlin other than the one produced as

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Bates Number AMZ_PWT_PA_00007292-7293, Twitch and Amazon will make Mr. Berlin available for a deposition on a mutually agreeable date before trial.

Respectfully submitted,

Dated: September 27, 2019

STUBBS, ALDERTON & MARKILES, LLP

By: /s/ Viviana Boero Hedrick
MICHAEL A. SHERMAN
JEFFREY F. GERSH
SANDEEP SETH
WESLEY W. MONROE
STANLEY H. THOMPSON, JR.
VIVIANA BOERO HEDRICK
ATTORNEYS FOR DEFENDANTS

MACEIKO IP

Theodore S. Maceiko (SBN 150211)
ted@maceikoip.com
MACEIKO IP
420 2nd Street
Manhattan Beach, California 90266
Telephone: (310) 545-3311
Facsimile: (310) 545-3344

Attorneys for
PERSONALWEB TECHNOLOGIES, LLC,

Dated: September 27, 2019

FENWICK & WEST LLP

By: /s/ Saina Shamilov
J. DAVID HADDEN (CSB No. 176148)
dhadden@fenwick.com
SAINA S. SHAMILOV (CSB No. 215636)
sshamilov@fenwick.com
TODD R. GREGORIAN (CSB No. 236096)
tgregorian@fenwick.com
RAVI R. RANGANATH (CSB No. 272981)
rranganath@fenwick.com
SHANNON E. TURNER (CSB No. 310121)
sturner@fenwick.com
CHIEH TUNG (CSB No. 318963)
ctung@fenwick.com

Counsel for AMAZON.COM, INC., AMAZON
WEB SERVICES, INC., and TWITCH
INTERACTIVE, INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION

The undersigned attests that concurrence in the filing of the foregoing document was obtained from all of its signatories.

Dated: September 27, 2019

FENWICK & WEST LLP

/s/ Melanie Mayer
Melanie Mayer (admitted *pro hac vice*)

Counsel for AMAZON.COM, INC., AMAZON WEB SERVICES, INC., and TWITCH INTERACTIVE, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 30, 2019



Honorable Beth Labson Freeman
United States District Court Judge