

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 Boero Hedrick (SBN 239359)
 vhedrick@stubbsalderton.com
 7 STUBBS, ALDERTON & MARKILES, LLP
 15260 Ventura Blvd., 20th Floor
 8 Sherman Oaks, CA 91403
 Telephone: (818) 444-4500
 9 Facsimile: (818) 444-4520

10 **Attorneys for PersonalWeb Technologies, LLC**

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

14 IN RE PERSONAL WEB TECHNOLOGIES,
 15 LLC, ET., AL., PATENT LITIGATION

CASE NO.: 5:18-md-02834-BLF

16 AMAZON.COM, INC., et., al.,

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

17 Plaintiffs,

**DECLARATION OF MICHAEL A.
 SHERMAN IN SUPPORT OF
 PERSONALWEB TECHNOLOGIES,
 LLC'S MOTION FOR ORDER AND
 ENTRY OF JUDGMENT OF NON-
 INFRINGEMENT**

18 v.

19 PERSONALWEB TECHNOLOGIES, LLC,
 20 et., al.,

21 Defendants.

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

24 Counterclaimants,

25 v.

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

28 Counterdefendants.

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PERSONALWEB TECHNOLOGIES, LLC
and LEVEL 3 COMMUNICATIONS, LLC,

Plaintiffs

v.

TWITCH INTERACTIVE, INC., a Delaware
corporation,

Defendant.

1 I, Michael A. Sherman, declare as follows:

2 1. I am a member of the bar of the State of California and am admitted to practice before the
3 United States District Court for the Northern District of California. I am a partner at Stubbs
4 Alderton & Markiles, LLP, counsel for Plaintiffs PersonalWeb Technologies, LLC
5 (“PersonalWeb”). The facts herein are, unless otherwise stated, based upon personal knowledge, and
6 if called upon to do so, I could, and would testify to their truth under oath. I submit this declaration
7 in support of PersonalWeb’s Motion for Judgment of Non-Infringement.

8 2. On August 19, 2019, I sent a letter sent to Mr. Hadden, counsel for Amazon.com Inc. and
9 Amazon Web Services Inc. (collectively “Amazon”), that proposed that PersonalWeb and Amazon
10 enter into a stipulation with respect to judgment of non-infringement in favor of Amazon against
11 PersonalWeb. Attached hereto as Exhibit 1 is a true and correct copy of my letter. In a conversation
12 later that same week with Mr. Hadden, he did indicate to me that he would get back to me on his
13 clients’ willingness to enter a form of stipulation.

14 3. Having received no follow-up from Mr. Hadden about stipulation, on September 23, 2019 I
15 sent an email to Mr. Hadden regarding the proposed stipulation of non-infringement with a draft
16 stipulation for his review. Attached hereto as Exhibit 2 is a true and correct copy of that email and
17 proposed stipulation.

18 4. On September 26, 2019 Mr. Hadden replied, stating only that Amazon was not interested in
19 entering into such a stipulation, and would wait for summary judgment. I replied, seeking a further
20 explanation, and Mr. Hadden responded that same day, stating that summary judgment would result
21 in “saving attorney’s fees” over a stipulation. Attached hereto as Exhibit 3 is a true and correct copy
22 of that email thread, as well as my response back to Mr. Hadden dated September 27, 2019 where I
23 again suggested that a stipulation appeared more cost effective than incurring attorneys’ fees on

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1 summary judgment motion practice.

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3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct.

5 Executed on October 2, 2019 in Sherman Oaks, California.

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/s/ Michael A. Sherman
Michael A. Sherman

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