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10 **Attorneys for PersonalWeb Technologies,**
 11 **LLC**

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

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

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

17 AMAZON.COM, INC., et al.,
 18 Plaintiffs,
 19 v.
 20 PERSONALWEB TECHNOLOGIES, LLC, et
 21 al.,
 22 Defendants.

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

**[PROPOSED] ORDER OF FINAL
 JUDGMENT OF NON-INFRINGEMENT**

23 PERSONALWEB TECHNOLOGIES, LLC
 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.

[PROPOSED] ORDER

1
2 Having considered the motion by PersonalWeb Technologies, LLC (“PersonalWeb”), the
3 further briefing by the parties, and oral arguments of counsel, **IT IS HEREBY ORDERED THAT**
4 PersonalWeb’s motion for final judgment of non-infringement is hereby **GRANTED**, and the Court
5 hereby **ORDERS** as follows:

6 1. Final Judgment of non-infringement is GRANTED in favor of Amazon.com Inc. and
7 Amazon Web Services Inc. (collectively “Amazon”) on Amazon’s claims for declaratory judgment
8 of non-infringement of the ‘442 patent, ‘310 patent, ‘544 patent, and ‘420 patent and PersonalWeb’s
9 counterclaims of patent infringement of the ‘442 patent, ‘310 patent, and ‘420 patent.

10 2. Final Judgment is GRANTED in favor of Amazon regarding PersonalWeb’s claims
11 against Amazon’s customers for infringement of the ‘442, ‘310, ‘544, and ‘420 patents based solely
12 on their use of Amazon S3 as barred by claim preclusion and the *Kessler* doctrine.

13 3. The Court DISMISSES WITHOUT PREJUDICE all of Amazon’s remaining claims
14 for declaratory judgment and all of its remaining defenses to PersonalWeb’s counterclaims for
15 infringement, noting, however, that Amazon may reassert its defenses and counterclaims in this
16 action if the Court of Appeals or the Supreme Court reverses, modifies, or vacates the Final
17 Judgment.

18 4. PersonalWeb retains all of its rights of appeal of this Order and any judgment entered
19 in accordance herewith.

20 **IT IS SO ORDERED.**

21
22 DATED: _____

Honorable Beth Labson Freeman
United States District Judge