

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 PERSONALWEB TECHNOLOGIES,
 15 LLC, ET., AL., PATENT LITIGATION

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

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

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

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

18 Plaintiffs,

19 v.

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

22 Defendants.

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

Counterclaimants,

25 v.

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

28 Counterdefendants.

**DECLARATION OF VIVIANA BOERO
 HEDRICK IN SUPPORT OF
 PERSONALWEB TECHNOLOGIES,
 LLC'S NON-OPPOSITION TO
 AMAZON.COM, INC. AND AMAZON
 WEB SERVICES, INC.'S MOTION FOR
 SUMMARY JUDGMENT OF NON-
 INFRINGEMENT AND OPPOSITION TO
 MOTION REGARDING STANDING,
 AND NON-OPPOSITION TO TWITCH
 INTERACTIVE, INC.'S MOTION FOR
 SUMMARY JUDGMENT OF
 NONINFRINGEMENT AND PARTIAL
 OPPOSITION TO MOTION TO
 EXCLUDE TESTIMONY OF ERIK DE
 LA IGLESIA**

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

PERSONALWEB TECHNOLOGIES, LLC, a
Texas limited liability company, and LEVEL 3
COMMUNICATIONS, LLC, a Delaware
limited liability company

Plaintiffs,

v.
TWITCH INTERACTIVE, INC. a Delaware
corporation,

Defendant.

Date: November 15, 2019
Time: 9:00 am
Dept.: Courtroom 3, 5th Floor
Judge.: Hon. Beth Labson Freeman

Trial Date: March 16, 2020

DECLARATION OF VIVIANA BOERO HEDRICK

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

I, Viviana Boero Hedrick, declare as follows:

1. I am over the age of 18 and competent to make this declaration. I am an attorney duly licensed to practice law in the state of California and Of Counsel with Stubbs Alderton & Markiles, LLP, counsel for Plaintiffs PersonalWeb Technologies, LLC (“PersonalWeb”) in the above-captioned actions. The facts herein are, unless otherwise stated, based upon personal knowledge, and if called upon to do so, I could, and would testify to their truth under oath. I submit this declaration in support of PersonalWeb’s Non-Opposition to Amazon.com Inc. and Amazon Web Service, Inc.’s Motion for Summary Judgment of Non-Infringement and Opposition to Motion Regarding Standing.

2. On October 15, 2019, at my direction, James Ponce, a paralegal at Stubbs Alderton & Markiles LLP working on the PersonalWeb matter, downloaded from PACER all publicly-accessible substantive documents in *PersonalWeb Technologies LLC et al. v. Microsoft Corporation*, Case No. 6:12-cv-00663-LED (the “Microsoft Action”). Under my direction, Mr. Ponce then combined the downloaded documents into one PDF document using Adobe Acrobat Pro 2017 and undertook a search in these docketed pleadings for the following terms:

- a.) “Content delivery network”;
- b.) “CDN”;
- c.) “field of use”;
- d.) “FOU”;
- e.) “Level 3”;
- f.) “ISP sites”; and
- g.) “ISP”.

3. Mr. Ponce reported to me that the term “Content delivery network” appeared zero times in the search of the Microsoft Action’s docketed pleadings.

4. Mr. Ponce reported to me that the term “CDN” appeared zero times in the search of the Microsoft Action’s docketed pleadings.

5. Mr. Ponce reported to me that the term “field of use” appeared one time in the search of the Microsoft Action’s docketed pleadings, in Dkt. 1, PersonalWeb’s Complaint for Patent

1 Infringement, which lists Level 3 and PersonalWeb’s co-plaintiff.

2 6. Mr. Ponce reported to me that the term “FOU” appeared zero times in the search of the
3 Microsoft Action’s docketed pleadings.

4 7. Mr. Ponce reported to me that the term “Level 3” appeared multiple times in the search
5 of the Microsoft Action’s docketed pleadings as PersonalWeb Technologies, LLC’s co-plaintiff and
6 in the case cite *Level 3 Commc’ns, LLC v. Limelight Networks, Inc* 589 F. Supp.2d 664 (E.D. Va.
7 2008) which appeared in PersonalWeb’s Opening Claim Construction Brief (Dkt. 73).

8 8. Mr. Ponce reported to me that the term “ISP sites” appeared zero times in the search of
9 the Microsoft Action’s docketed pleadings.

10 9. Mr. Ponce reported to me that the term “ISP” appeared zero times in the search of the
11 Microsoft Action’s docketed pleadings.

12 10. Attached hereto as Exhibit 1 is a true and correct copy of the docket sheet for
13 *PersonalWeb Technologies, LLC, et al., v. Microsoft Corp.*, Case No. 6:12-cv-00633-LED.

14 11. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the January 17,
15 2014 deposition transcript of Ronald Lachman from *PersonalWeb Technologies, LLC v. Microsoft*
16 *Corp.*, No. 6:12-cv-00663-LED.

17 12. Attached hereto as Exhibit 3 is a true and correct copy of the May 21, 2019 Declaration
18 of Ronald D. Lachman.

19 13. Attached hereto as Exhibit 4 is a true and correct copy of the May 21, 2019 Declaration
20 of Ezra Goldman.

21 14. Attached hereto as Exhibit 5 is a true and correct copy of the September 1, 2000 License
22 Agreement between Kinetech, Inc. and Digital Island, Inc.

23 15. Attached hereto as Exhibit 6 is a true and correct copy of the December 14, 2000
24 Agreement between Kinetech, Inc. and Digital Island, Inc.

25 16. Attached hereto as Exhibit 7 is a true and correct of excerpts from the October 1, 2019
26 deposition transcript of James Richard in the present case.

27 17. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from the July 24,
28 2019 30(b)(6) deposition transcript of Matthew Baldwin in the present case.

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

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

Executed this 25th day of October, 2019 in Los Angeles, California.

/s/Viviana Boero Hedrick
Viviana Boero Hedrick