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

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

18 Plaintiffs,

19 v.

20 TWITCH INTERACTIVE, INC., a Delaware
corporation

**[PROPOSED] ORDER GRANTING
PERSONALWEB TECHNOLOGIES,
LLC CROSS-MOTION FOR ORDER
AND ENTRY OF JUDGMENT OF NON-
INFRINGEMENT ON BEHALF OF
TWITCH INTERACTIVE, INC.**

21 Date: November 15, 2019
22 Time: 9:00 A.M.
23 Dept: Courtroom 3, 5th Floor
24 Judge: Hon. Beth L. Freeman

25 Trial Date: March 16, 2020
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1 Having considered the motion by PersonalWeb Technologies, LLC (“PersonalWeb”), the
2 further briefing by the parties, and oral arguments of counsel, and good cause appearing, **IT IS**
3 **HEREBY ORDERED THAT** PersonalWeb’s cross-motion for judgment of non-infringement is
4 hereby GRANTED, and the Court hereby ORDERS as follows:

5 1. Pursuant to Federal Rule of Civil Procedure 41(a)(2), all claims by PersonalWeb
6 against Twitch Interactive, Inc. (“Twitch”) are DISMISSED WITH PREJUDICE. Twitch may
7 reassert its defenses in this action if the Court of Appeals or the Supreme Court reverses, modifies,
8 or vacates the Final Judgment.

9 2. Final Judgment of NON-INFRINGEMENT is GRANTED in favor of Twitch, on
10 PersonalWeb’s claims for infringement of U.S. Patent Nos. 6,928,442 (the “442 patent”),
11 7,802,310 (the “310 patent”), 7,945,544 (the “544 patent”), and 8,099,420 (the “420 patent”)
12 based on the Court’s construction of the terms “unauthorized or unlicensed” and “authorization” in
13 the Claim Construction Order (Dkt. 485 in Case No. 5:18-md-02834-BLF).

14 3. Final Judgment is GRANTED in favor of Twitch regarding PersonalWeb’s claims of
15 infringement the ‘442, ‘310, ‘544, and ‘420 patents based solely on Twitch’s use of Amazon S3 as
16 barred by claim preclusion and the *Kessler* doctrine, subject to Appeal No. 19-1918, now pending
17 before the United States Court of Appeals for the Federal Circuit.

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.**

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23 DATED: _____

Honorable Beth Labson Freeman
United States Magistrate Judge