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 11

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., and AMAZON WEB  
 18 SERVICES, INC.,

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

19 Plaintiffs,

v.

**DECLARATION OF  
 RAVI R. RANGANATH IN SUPPORT  
 OF PERSONALWEB TECHNOLOGIES,  
 LLC'S ADMINISTRATIVE MOTION  
 TO FILE UNDER SEAL**

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

22 Defendants.

Date: November 15, 2019  
 Time: 9:00 a.m.  
 Dept: Courtroom 3, 5th floor  
 Judge: Hon. Beth L. Freeman  
 Trial Date: March 16, 2020

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

25 Counterclaimants,

v.

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

28 Counterdefendants.

FENWICK & WEST LLP  
 ATTORNEYS AT LAW

1 I, Ravi R. Ranganath, hereby declare as follows:

2 1. I am an attorney licensed to practice law in the state of California and am an associate  
3 with the law firm of Fenwick & West LLP, counsel for Amazon.com, Inc. and Amazon Web Ser-  
4 vices, Inc. (“Amazon”) in the above-captioned action. I have personal knowledge of the facts set  
5 forth in this declaration.

6 2. I submit this declaration in support of the Administrative Motion to File Under Seal  
7 (Case No. 18-md-02834, Dkt. 549, Case No. 18-cv-00767, Dkt. 160) (“Administrative Motion”)  
8 filed by PersonalWeb Technologies, LLC (“PersonalWeb”). The Administrative Motion was filed  
9 in support of PersonalWeb’s Non-Opposition to Amazon’s Motion for Summary Judgment of Non-  
10 infringement and Opposition to Motion Regarding Standing, and PersonalWeb’s Non-Opposition  
11 to Twitch Interactive, Inc.’s Motion for Summary Judgment of Noninfringement and Partial Oppo-  
12 sition to Motion to Exclude Testimony of Erik de la Iglesia (“Response to Amazon”) (Case No. 18-  
13 md-02834, Dkt. 550, Case No. 18-cv-00767, Dkt. 159).

14 3. The Administrative Motion seeks an order sealing the following documents (“Re-  
15 quested Sealed Material”):

- 16 i. The unsigned Declaration of PersonalWeb’s expert Erik de la Iglesia attached as  
17 Exhibit 2 to the Declaration of Michael A. Sherman in Support of Personal-  
18 Web’s Response to Amazon (“De la Iglesia Declaration”); and  
19 ii. Excerpts of the transcript of the July 24, 2019 deposition of Amazon corporate  
20 representative Matthew Baldwin attached as Exhibit 8 to the Declaration of Viv-  
21 iana Boero Hedrick in Support of Personalweb’s Response to Amazon (the  
22 “Baldwin Deposition”) (“Hedrick Declaration”).

23 4. The unsigned declaration of PersonalWeb’s expert Erik de la Iglesia attached as Ex-  
24 hibit 2 to the Sherman Declaration reflects Amazon’s confidential and sensitive business infor-  
25 mation. It contains references to and characterizations of the source code used by Amazon’s Cloud-  
26 Front service, and a description of the operation of CloudFront based, purportedly, on Mr. de la  
27 Iglesia’s review of Amazon’s confidential technical documents and the testimony of Amazon wit-  
28 nesses.

1           5. The excerpts of the Baldwin Deposition attached as Exhibit 8 to the Hedrick Declara-  
2 tion are designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” pursuant to the  
3 Stipulated Protective Order, (Case No. 18-md-02834, Dkt. 290). This exhibit contains excerpts of  
4 the deposition transcript of Amazon Principal Engineer and corporate designee Matthew Baldwin.  
5 In this testimony, Mr. Baldwin provides non-public and proprietary information regarding the op-  
6 eration of Amazon Web Services’ CloudFront service.

7           6. A party seeking to file documents under seal in connection with a dispositive motion  
8 must establish compelling reasons for doing so to rebut the presumption against public access. *See*  
9 *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136 (9th Cir. 2003). The sensitive business  
10 information which PersonalWeb seeks to file under seal meets this standard, as it represents Ama-  
11 zon’s trade secrets regarding the design and operation of the CloudFront service and its cloud serv-  
12 ers. *See Phoenix Technologies Ltd. v. VMware, Inc.*, No. 15-cv-01414-HSG, 2018 WL 1169188,  
13 at \*2 (N.D. Cal. Feb. 14, 2018) (good cause exists to protect business information that might harm  
14 a litigant’s competitive standing if disclosed, and where the redaction is “sufficiently narrowly tai-  
15 lored” to only seal portions of the exhibit that might put sensitive business information at risk).

16           7. The information in both Exhibit 2 to the Sherman Declaration and Exhibit 8 to the  
17 Hedrick Declaration meets the *Foltz* standard. Both exhibits include competitively sensitive infor-  
18 mation regarding the technical design and operation of the accused CloudFront service, the disclo-  
19 sure of which would put Amazon at a competitive disadvantage with respect to competitors and  
20 competing services. *See Phoenix Technologies*, 2018 WL 1169188, at \*2. I am informed and be-  
21 lieve that the way that CloudFront internally operates and handles requests is competitively sensi-  
22 tive because, for example, a competitor content delivery network could seek to improve their serv-  
23 ers’ efficiency and performance by mimicking CloudFront’s internal caching techniques.

24           8. In light of the foregoing, there is a compelling interest in maintaining the confidenti-  
25 ality of the Requested Sealed Material. Public disclosure of this highly confidential information  
26 would put Amazon at undue risk of serious harm by revealing trade secrets and confidential oper-  
27 ational information that may put them at a competitive disadvantage relative to competitors and  
28 competing services.

