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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 PERSONAL WEB 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.

**DECLARATION OF SANDEEP SETH IN  
 SUPPORT OF PERSONALWEB  
 TECHNOLOGIES, LLC'S OPPOSITION  
 TO MOTION OF AMAZON.COM, INC.,  
 AMAZON WEB SERVICES, INC., AND  
 TWITCH INTERACTIVE, INC. FOR  
 ATTORNEY FEES AND COSTS**

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

25 Counterclaimants,

26 v.

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

Counterdefendants.

Date: August 6, 2020  
 Time: 9:00 a.m.  
 Dept.: Courtroom 3, 5<sup>th</sup> Floor  
 Judge: Hon. Beth Labson Freeman

1 PERSONALWEB TECHNOLOGIES, LLC, a  
2 Texas limited liability company, and  
3 LEVEL 3 COMMUNICATIONS, LLC, a  
4 Delaware limited liability company  
5 Plaintiffs,  
6 v.  
7 TWITCH INTERACTIVE, INC. a Delaware  
8 corporation,  
9 Defendant.  
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1 I, Sandeep Seth, declare as follows:

2 1. I am over the age of 18 and competent to make this declaration. I am Of Counsel at  
3 Stubbs Alderton & Markiles, LLP in connection with the firm's representation of Plaintiff  
4 PersonalWeb Technologies, LLC ("PersonalWeb"). The facts herein are, unless otherwise stated,  
5 based upon personal knowledge, and if called upon to do so, I could, and would testify to their truth  
6 under oath. I submit this declaration in support of PersonalWeb's Opposition to Amazon Web  
7 Services, Inc., Amazon.com, Inc. and Twitch Interactive, Inc.'s Motion for Attorney Fees and Costs.

8 2. I have a degree in Aerospace Engineering from University of Texas, Austin, and a Juris  
9 Doctorate from University of Houston. I am a registered patent attorney with the USPTO and have  
10 been practicing patent litigation for nearly 25 years. In addition to passing the patent bar exam, I have  
11 passed the bar exams of the states of Texas, Colorado and California, and am registered to practice  
12 before the Supreme Courts of those states, as well several federal district courts, the Court of Appeals  
13 for the Federal Circuit, and the United States Supreme Court. After starting my practice as a patent  
14 prosecution and litigation associate for a patent litigation boutique in Denver, Colorado, most of my  
15 career has been spent in my own practice either as a solo or partner in my own firm. I have also been  
16 an in-house patent litigation and licensing counsel for nearly seven years for an injection molding  
17 company based in San Diego. I am currently working on several patent litigation matters in California  
18 and Delaware. My cases have spanned mechanical patents, computer networks, electronic signaling,  
19 chip technology, television transmission, satellite systems, video games and devices, electronic  
20 payments, and word processing improvements, among others.

21 3. From late 2008 to early 2015, I practiced at Susman Godfrey, LLP as Of Counsel to  
22 exclusively work on some of their patent infringement cases assigned to me for my assistance in  
23 working particularly on infringement and validity issues. During that time, I worked on a plethora of  
24 internet and cloud related cases, including cases against Yahoo!, Google, two different cases against  
25 Microsoft, and others. During my tenure there, I estimate having helped secure nearly \$100 million in  
26 settlements or offers of settlement in cases on which I worked on the infringement and validity side.

27 4. The focus of my work at Susman Godfrey involved investigating potential infringement  
28 and developing infringement contentions. During that time, I began working with vendors to help

1 centralize this process, and I continued doing so after I left Susman, starting a company called PatBak  
2 comprised of a team of engineers whom I hired and trained to work under my direction to help obtain  
3 infringement information and to assist in infringement charting.

4         5.         While at Susman Godfrey, I represented PersonalWeb between 2012-2014 in a case  
5 against Microsoft, Case No. 6-12-cv-00663 (E.D. Tex), which involved some of the True Name  
6 patents asserted by PersonalWeb in this case. The accused technology in the Microsoft case involved  
7 cloud storage and focused on improvements in bandwidth reduction on uploads as well as controlling  
8 the storage of duplicate content. I worked up the infringement read in the Microsoft case on  
9 PersonalWeb's behalf and became knowledgeable about the True Name patent portfolio. That lawsuit  
10 was successfully concluded with Microsoft taking a substantial license under the True Name portfolio.  
11 After I left Susman Godfrey in 2015, I continued working on other PersonalWeb matters.

12         6.         In the spring of 2017, I was retained by PersonalWeb to commence the pre-litigation  
13 investigation that ultimately resulted in the filing of the lawsuits in this MDL action. I was  
14 substantially involved in the months-long pre-filing investigation of this suit, and in that capacity, I  
15 undertook to first understand what method of practice the website operators believed to be infringing  
16 were using. I came to understand that there were two related techniques of cache control that were  
17 believed to be infringing. The primary method used "max-age" directives in "cache-control" headers  
18 to specify the amount of time a browser was permitted to cache content, and MD5 ETags to decide  
19 whether or not the permitted time would be extended. The secondary cache control technique used  
20 content-based fingerprints appended to the filenames of asset files whose filenames were included in  
21 the content of the index files.

22         7.         In the summer of 2017, I spent considerable time working with PatBak to investigate  
23 and chart the believed infringement of certain True Name patents. With the assistance of PatBak, I  
24 investigated and obtained an understanding of webservers, intermediate cache servers, and browser  
25 caches as well as certain required and optional aspects the HTTP 1.1 protocol. I also investigated and  
26 obtained an understanding of the operation of Ruby On Rails ("RoR") with regard to the generation  
27 of fingerprints and ETags. Along with PatBak, I also studied how ETag headers and max-age values  
28 could be added to basic HTTP messages to implement advanced methods of cache control.

1           8.       In approximately mid-2017 I began working with another patent attorney, Dr. Brian  
2 Siritzky (a Ph.D. expert in distributive computing and the internet) who wrote the True Name patents  
3 specification and claims, in pursuing PersonalWeb’s pre-filing investigation efforts. I also began  
4 working with others on the team assembled by Stubbs, Alderton and Markiles, LLP, including Michael  
5 Sherman and Ted Macieko. We also enlisted the assistance of a technical expert, Dr. Samuel Russ, a  
6 computer and electrical engineering professor at the University of South Alabama with significant  
7 education and experience in the field of computer networking and content delivery over the internet  
8 and other networks. And in late 2017, Wesley W. Monroe joined the team as well.

9           9.       I personally obtained the following factual understanding based upon my review:

10       I.       In the baseline infringement (for example via S3):

- 11       (a) Certain website operators were using two optional cache control features of the HTTP 1.1  
12       protocol in connection with their service of certain webpage files;
- 13       (b) These two features, which were added to an HTTP 200 response to a GET request for a  
14       webpage file were: (1) an ETag header with a content based-ETag value; and (2) a cache-  
15       control header with a “max-age” directive;
- 16       (c) By adding these two headers (neither of which were included in HTTP version 1.0 or  
17       required by HTTP version 1.1) to the HTTP 200 message, these website operators were: (1)  
18       setting an original time period the file’s content was permitted to be cached/used; and (2)  
19       after that original time period had expired, requiring the recipient to check whether it was  
20       still permitted to use that cached content by sending a conditional HTTP GET request with  
21       the ETag in an “If-None-Match” header;
- 22       (d) The website operators extended the permitted time for the content to be used after the  
23       original time period had expired (but the file’s content had not changed) by comparing the  
24       received ETag with its current ETag for that file and, if they matched, sending an HTTP 304  
25       response;
- 26       (e) The website operators declined to extend the permitted time for the cached content to be used  
27       after its original permitted time period had expired and the file’s content had changed by  
28       comparing the received ETag with its current ETag for that file and, if they did not match,

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