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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 DR. BRIAN  
 SIRITZKY 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

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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.

1 I, Dr. Brian Siritzky, declare as follows:

2 1. I am over the age of 18 and competent to make this declaration. I reside in Potomac,  
3 Maryland, U.S.A. I have personal knowledge of the matters set forth below and if called as a  
4 witness I would and could competently testify thereto.

5 2. I am a registered patent attorney in private practice, and I am the principal of Siritzky  
6 Law, PLLC, located in McLean Virginia. In addition to my law license and specialization in the  
7 field of patent law, I have wide experience and deep expertise in computer science generally,  
8 including in distributive computing, holding a PhD in computer science from the Courant Institute  
9 of Mathematical Sciences at New York University (NYU), and MPhil and MS degrees in computer  
10 science, also from NYU. I have taught computer science at the college level and have worked in  
11 the business world in many different areas of computing and computer technology. I have  
12 prosecuted hundreds of patent applications, many in the area of computer networks, content  
13 delivery, and the Internet. A true and correct copy of my curriculum vitae is attached as Exhibit 1,  
14 and that curriculum vitae lays out in greater detail my qualifications and experience in patent law  
15 and computers.

16 3. In about September 1994, while at the law firm Cushman Darby & Cushman in  
17 Washington DC (that firm ultimately merged into what is today known as Pillsbury), I began work  
18 for Kinetech, Inc. on what would become the True Name patent family, by which I mean any and  
19 all patents and patent applications that claim priority to U.S. application no. 08/425,160, filed April  
20 11, 1995. I worked closely with the inventors (Ronald Lachman and David Farber) in drafting the  
21 first True Name patent application (filed as U.S. patent application no. 08/425,160) and during the  
22 prosecution of that patent application and the other True Name patents.

23 4. Following that time, I regularly provided legal services to Kinetech, Inc. and then  
24 ultimately to PersonalWeb Technologies, LLC (beginning in 2011) on all aspects of the ongoing  
25 prosecution of the True Name patent family as well as providing support to patent litigation  
26 attorneys involved, over the years, with claim construction, infringement contentions, and validity  
27 issues of patent litigation that were then-pending involving the True Name patent family, as well as  
28 consultation on post-grant proceedings (reexaminations and inter partes reviews – IPRs) before the

1 U.S. Patent & Trademark Office (the PTO). In providing legal services to PersonalWeb, I worked  
2 closely with Mr. Kevin Bermeister.

3 5. Beginning in early 2017 I had many discussions with Mr. Bermeister about possible  
4 infringement of the True Name patents by various products/systems that we believed were using the  
5 patented/claimed True Name inventions for cache control, especially in network environments like  
6 the Internet. The products and systems we were discussing included the Amazon S3 suite of  
7 products, and systems that use ETags for cache control, including the Ruby-on-Rails development  
8 platform.

9 6. Throughout 2017 I worked with Mr. Bermeister to confirm that his infringement  
10 theory was based on a reasonable, accurate, and proper reading of the patent claims, based on the  
11 then-existing claim construction orders from prior patent litigation involving the True Name  
12 patents, the prior art (including “art” cited in the various post-grant proceedings at the PTO), the  
13 prosecution histories of the True Name patents, and the post-grant PTO proceedings.  
14 Simultaneously, I worked with Mr. Bermeister to confirm, through inspection of various websites  
15 and/or archived websites, that the infringement had occurred and/or was actually occurring.

16 7. In spring 2017 Mr. Bermeister included me on calls and communications with Mr.  
17 Sandeep Seth in connection with this project. As well as providing legal and technical input on the  
18 infringement theories, Mr. Seth, through an outside group of technical experts at PatBak, evaluated  
19 the activities of numerous websites and website operators to confirm their infringement. I generally  
20 kept abreast of Mr. Seth’s and PatBak’s work throughout the balance of 2017.

21 8. During this evaluation process, based on our understanding of the claims and on our  
22 infringement read, numerous parties were removed from the list of potential infringers if it was  
23 determined that they did not infringe any True Name patents.

24 9. In late 2017, I worked with Mr. Seth and Dr. Samuel Russ to review the True Name  
25 patents in light of certain prior art references. We focused on prior art that had been raised in the  
26 post-grant proceedings (IPRs and re-exams) in the PTO. Dr. Russ provided a number of opinions  
27 on the validity of certain claims of the True Name patents with respect to that prior art. I reviewed  
28 and agreed with each of those opinions. I believed that those validity opinions were reasonable and

1 consistent with the law, the prosecution history of the various True Name patents, including in the  
2 IPRs and re-exams, and the then-existing claim constructions resulting from court proceedings and  
3 IPRs.

4 10. In late 2017 and early January 2018 I reviewed infringement opinions and related  
5 infringement charts from Dr. Russ and concurred with the infringement positions he set forth. I  
6 believed that those infringement opinions were reasonable and consistent with the operations of the  
7 subject website operators, the law, the prosecution history of the various True Name patents,  
8 including in the IPRs and reexams, and the then-existing body of claim constructions with which I  
9 was familiar.

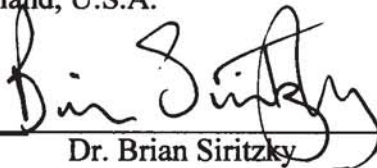
10 11. In late 2017 and early January 2018 I also reviewed numerous claim charts for  
11 various potential infringers and then reviewed their actual web sites (if still existing) and/or old web  
12 sites (using the Wayback Machine Internet Archive). For each of those sites, I confirmed that the  
13 claim chart matched the actual web site and that the infringement had taken place and/or was still  
14 occurring.

15 12. I confirmed this information and my opinions on validity and infringement with Mr.  
16 Bermeister, Mr. Michael Sherman, and Mr. Wesley W. Monroe prior to the initial filings of  
17 complaints on January 8, 2018.

18 13. I have reviewed the declarations of Dr. Russ (dated June 18, 2020) and Mr. Seth  
19 (dated June 18, 2020), and I was generally aware of the work and conclusions that they were  
20 reaching along the way, as set forth in those declarations, and my conclusions and opinions  
21 essentially mirrored theirs.

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

24 Executed on June 18, 2020 in Potomac, Maryland, U.S.A.

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27 Dr. Brian Siritzky  
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