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12 AMAZON WEB SERVICES, INC., and  
13 TWITCH INTERACTIVE, INC.

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 IN RE: PERSONAL WEB TECHNOLOGIES,  
LLC ET AL., PATENT LITIGATION

18 AMAZON.COM, INC., and AMAZON WEB  
19 SERVICES, INC.,

20 Plaintiffs and Counterdefendants;  
v.

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

23 Defendants and Counterclaimants,

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

26 Plaintiffs,

27 v.

28 TWITCH INTERACTIVE, INC.,

Defendant.

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Case No.: 5:18-md-02834-BLF

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

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

**JOINT STATEMENT REGARDING  
FINAL JUDGMENT OF NON-  
INFRINGEMENT AS TO REMAINING  
CUSTOMER CASES**

**JOINT STATEMENT REGARDING FINAL JUDGMENT OF NON-INFRINGEMENT**

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2 On September 27, 2018, the Court stayed all customer cases in this consolidated action  
3 pending resolution of Amazon.com, Inc. and Amazon Web Services, Inc.’s (collectively “Amazon”)  
4 declaratory judgment action, *Amazon.com, Inc. et al v. PersonalWeb Technologies, LLC et al.*,  
5 No.5:18-cv-00767-BLF. See *In re PersonalWeb Technologies, LLC et al., Patent Litigation*, No.  
6 5:18-md-02834-BLF (“MDL”) Dkt. 157. On November 27, 2018, the Court designated  
7 *PersonalWeb Technologies, LLC et al. v. Twitch Interactive, Inc.*, No. 5:18-cv-05619-BLF as the  
8 representative customer case for all of PersonalWeb’s patent infringement theories, the resolution of  
9 which would apply to all remaining cases in this multidistrict litigation. MDL Dkt. 313; *see also*  
10 MDL Dkt. 295.

11 On March 13, 2019, the Court granted Amazon’s motion for summary judgment on the basis  
12 that all infringement claims made against Amazon’s Simple Storage Service (“S3”) were barred by  
13 claim preclusion and the *Kessler* doctrine. MDL Dkt. 381. The Court entered final judgment in eight  
14 customer cases where the alleged infringement was based solely on the defendant’s use of S3. *Id.*  
15 Dkt. 411.

16 On February 3, 2020, the Court granted in part and denied in part Amazon’s motion for  
17 summary judgment of non-infringement as to all asserted patents, and granted Twitch’s motion for  
18 summary judgment of non-infringement as to all asserted patents, and entered judgment based  
19 thereon for Amazon and Twitch. MDL Dkt. 578; No.5:18-cv-00767-BLF, Dkt. 176; No. 5:18-cv-  
20 05619-BLF, Dkt. 83. On October 6, 2020, the Court *sua sponte* lifted the stay in the remaining cases  
21 to allow the Court to enter judgment consistent with the judgements entered in favor of Amazon and  
22 Twitch. Dkt. 636. The Court subsequently directed the parties to provide a joint statement advising  
23 the Court as to how it should enter its summary judgment order and final judgment in all remaining  
24 customer cases in this MDL and to provide a proposed judgment for the remaining cases. Dkt. 637.

25 The parties hereby submit a Proposed Judgment (attached as Exhibit A), which the Court  
26 may enter in each of the remaining cases. The parties agree that upon entry of judgment, the Court  
27 may close each remaining case.

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Dated: October 27, 2020

Respectfully submitted,

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