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10 Counsel for AMAZON.COM, INC.,  
11 AMAZON WEB SERVICES INC., and  
12 TWITCH INTERACTIVE, INC.

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

16 IN RE: PERSONALWEB TECHNOLOGIES,  
17 LLC ET AL., PATENT LITIGATION,

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

20 Plaintiffs,

21 v.

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

24 Defendants.

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

27 Plaintiffs,

28 v.

TWITCH INTERACTIVE, INC.,

Defendant.

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

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

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

**DECLARATION OF TODD R.  
GREGORIAN IN SUPPORT OF *EX  
PARTE* APPLICATION OF  
AMAZON.COM, INC., AMAZON WEB  
SERVICES, INC., AND TWITCH  
INTERACTIVE, INC. FOR AN ORDER  
THAT JUDGMENT DEBTOR  
PERSONALWEB TECHNOLOGIES,  
LLC APPEAR FOR EXAMINATION**

Dept: Courtroom 3, 5th Floor  
Judge: Hon. Beth L. Freeman

1           1.       I am counsel to Amazon.com, Inc., Amazon Web Services, Inc. and Twitch Inter-  
2 active, Inc. (collectively, “Amazon”) in this matter. I submit this declaration in support of Ama-  
3 zon’s *Ex Parte* Application for an order that judgment-debtor PersonalWeb Technologies, LLC  
4 (“PersonalWeb”) appear for an examination.

5           2.       On March 31, 2021, after PersonalWeb noticed its appeal of this Court’s March 2,  
6 2021 award for attorneys’ fees and non-taxable costs, I emailed Michael Sherman and Jeffrey  
7 Gersh, counsel of record for PersonalWeb, to inquire whether PersonalWeb intends to post bond to  
8 extend the automatic stay of enforcement. Having received no response, I followed up again on  
9 April 5, indicating that Amazon wished to avoid any unnecessary enforcement expenses. That  
10 same day, Mr. Gersh stated that “[PersonalWeb] is considering its options,” and invited me to fol-  
11 low up with him in the subsequent weeks. I did so on April 17, and requested a meet and confer to  
12 discuss whether PersonalWeb would be able to satisfy the judgment. I followed up again on April  
13 19. I received no response to these requests.

14           3.       Amazon served interrogatories and requests for production of documents under Fed.  
15 R. Civ. P. 69 and Cal. Civ. Code §§ 708.020 and 708.030 on April 19. On April 21, I again followed  
16 up with counsel for PersonalWeb, requesting that they identify bank or financial accounts for en-  
17 forcement purposes, separate from their obligations under Amazon’s written discovery, and pro-  
18 vided notice that Amazon intends to apply *ex parte* for a debtor’s examination. I also provided my  
19 availability for a meet and confer on these issues. On April 22, Mr. Gersh responded by stating he  
20 and his colleagues “do not represent [PersonalWeb] in the post judgment proceedings,” and that  
21 Amazon has “no authority” to serve discovery requests on his law firm.

22           4.       To date, PersonalWeb has not satisfied any portion of the Court’s March 2, 2021  
23 judgment, has not posted a supersedeas bond, has not provided any information about its accounts  
24 and assets in response to Amazon’s discovery requests or informal request, and has not conferred  
25 with Amazon on these issues. Given PersonalWeb’s silence, and based on the August 22, 2019  
26 deposition testimony of PersonalWeb’s principal Kevin Bermeister (Dkt. 659-2) indicating a real  
27 possibility of undercapitalization or insolvency, Amazon has serious concerns about its ability to  
28

1 collect on the judgment. Amazon has not yet had any opportunity to examine PersonalWeb on the  
2 issue of judgment.

3 I declare under penalty of perjury under the laws of the United States that the foregoing is  
4 true and correct. Executed in Truckee, California on this 26th day of April, 2021.

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Todd R. Gregorian

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