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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: PERSONALWEB TECHNOLOGIES,
LLC ET AL.

PERSONALWEB TECHNOLOGIES, LLC, a
Texas limited liability company, and
LEVEL 3 COMMUNICATIONS, LLC, a
Delaware limited liability company,

Plaintiffs,

v.

CAPTERRA, INC., a Delaware corporation,

Defendant

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

Case No. 5:18-cv-03458

**JOINT STIPULATION AND
PROPOSED ORDER EXTENDING
TIME FOR DEFENDANT TO
RESPOND TO FIRST AMENDED
COMPLAINT**

1 Pursuant to Civil L.R. 6-1 and 6-2, plaintiffs PersonalWeb Technologies, LLC and Level 3
2 Communications, LLC (collectively “PersonalWeb”) and defendant Capterra, Inc. (“Capterra”)
3 hereby stipulate and recite as follows:

4 WHEREAS, on January 24, 2018, PersonalWeb filed a Complaint in the District of Delaware
5 (Dkt. No. 1) for patent infringement naming Capterra as the defendant;

6 WHEREAS, on February 20, 2018, Amazon.com, Inc. and Amazon Web Services, Inc.
7 (collectively “Amazon”) filed a motion for preliminary injunction to enjoin this case and other
8 similar patent infringement lawsuits that PersonalWeb filed against other website operators (Dkt.
9 No. 15; *Amazon.com, Inc. et al. v. PersonalWeb Tech., LLC et al.*, Case No. 5:18-cv-00767-BLF
10 (N.D. Cal.));

11 WHEREAS, on March 26, 2018, PersonalWeb and Capterra filed a stipulation (Dkt. No. 9)
12 to extend the time for Capterra to answer or otherwise respond to the Complaint to June 15, 2018,
13 and the Court granted that stipulation on March 27, 2018;

14 WHEREAS, on April 6, 2018, Capterra filed a joinder in motion to stay for this case (Dkt.
15 No. 10) pending resolution of Amazon’s DJ action and that motion is fully briefed;

16 WHEREAS, on April 13, 2018, PersonalWeb filed a motion to dismiss Amazon’s First
17 Amended Complaint in the Amazon DJ action (Dkt. No. 43; *Amazon.com, Inc. et al. v. PersonalWeb
18 Tech., LLC et al.*, Case No. 5:18-cv-00767-BLF (N.D. Cal.));

19 WHEREAS, on April 27, 2018, this Court held a hearing on Amazon’s preliminary
20 injunction motion and motions to stay in fourteen suits PersonalWeb filed against website operators
21 pending in the Northern District of California;

22 WHEREAS, at the April 27, 2018 hearing, the parties agreed to a stay of those fourteen
23 actions against other website operators until the June 7, 2018 hearing on PersonalWeb’s motion to
24 dismiss Amazon’s First Amended Complaint (*Amazon.com, Inc. et al. v. PersonalWeb Tech., LLC
25 et al.*, Case No. 5:18-cv-00767-BLF (N.D. Cal.));

26 WHEREAS, on May 11, 2018, PersonalWeb withdrew its motion to dismiss Amazon’s First
27 Amended Complaint (Dkt. No. 59; *Amazon.com, Inc. et al. v. PersonalWeb Tech., LLC et al.*, Case
28 No. 5:18-cv-00767-BLF (N.D. Cal.)) and the June 7, 2018 hearing was taken off calendar.

1 WHEREAS, on May 29, 2018, PersonalWeb filed a First Amended Complaint (Dkt. No. 17)
2 and Capterra's deadline to answer or otherwise respond to that First Amended Complaint is June 15,
3 2018;

4 WHEREAS, on June 6, 2018, the Chair of the Panel on Multidistrict Litigation ordered the
5 transfer of this case from the District of Delaware to this District (Dkt. No. 18);

6 WHEREAS, Capterra's motion to stay this case remains pending;

7 WHEREAS, Capterra has requested, and PersonalWeb has agreed to, an extension of time,
8 up to and including August 16, 2018, for Capterra to file an answer or otherwise respond to
9 PersonalWeb's First Amended Complaint (Dkt. No. 17);

10 WHEREAS, the parties may consider an additional extension of the deadline for Capterra to
11 file an answer or otherwise respond to the First Amended Complaint if the Court has not yet issued
12 an order on Capterra's joinder motion to stay (Dkt. No. 10) as of August 2, 2018;

13 WHEREAS, the parties do not expect that this change will impact any other dates already
14 fixed by Court Order;

15 THE PARTIES HEREBY STIPULATE and jointly request that Capterra shall have up to and
16 including August 16, 2018 to submit an answer or otherwise respond to PersonalWeb's First
17 Amended Complaint (Dkt. No. 17).

18 Respectfully submitted,
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1 Dated: June 14, 2018

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

2
3 By: /s/ Robert F. McCauley

Robert F. McCauley
Attorneys for Defendant
CAPTERRA, INC

4
5 Dated: June 14, 2018

STUBBS ALDERTON MARKILES, LLP

6
7 By: /s/ Michael Sherman

Michael Sherman
Attorneys for Plaintiff
PERSONALWEB TECHNOLOGIES, LLC

8
9 Dated: June 14, 2018

DAVID D. WIER

10
11 By: /s/ David D. Wier

David D. Wier
Attorneys for Plaintiff
LEVEL 3 COMMUNICATIONS, LLC

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14 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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16 Dated: _____

Honorable Beth Labson Freeman
United States District Judge

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19 **ATTESTATION**

20 Counsel for Capterra hereby attests by his signature below that concurrence in the filing of
21 this document was obtained from counsel for PersonalWeb and Level 3.

22
23 Dated: June 14, 2018

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

24
25 By: /s/ Robert F. McCauley

Robert F. McCauley
Attorneys for Defendant
CAPTERRA, INC.