

# EXHIBIT 6

1 Michael Gerard Fletcher (State Bar No. 070849)  
 mfletcher@frandzel.com  
 2 Craig A. Welin (State Bar No. 138418)  
 cwelin@frandzel.com  
 3 Bruce D. Poltrock (State Bar No. 162448)  
 bpoltrock@frandzel.com  
 4 FRANDZEL ROBINS BLOOM & CSATO, L.C.  
 1000 Wilshire Boulevard, Nineteenth Floor  
 5 Los Angeles, California 90017-2427  
 Telephone: (323) 852-1000  
 6 Facsimile: (323) 651-2577

7 Attorneys for Third Parties BRILLIANT  
 DIGITAL ENTERTAINMENT, INC.;  
 8 EUROPLAY CAPITAL ADVISORS, LLC;  
 CLARIA INNOVATIONS, LLC  
 9

10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

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

14 AMAZON.COM, INC., and AMAZON WEB  
 15 SERVICES, INC.,

16 Plaintiffs

17 v.

18 PERSONALWEB TECHNOLOGIES, LLC and  
 LEVEL 3 COMMUNICATIONS, LLC,

19 Defendants,

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

22 Plaintiffs,

23 v.

24 TWITCH INTERACTIVE, INC.,

25 Defendant.  
 26  
 27  
 28

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

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

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

**OBJECTIONS OF THIRD PARTY  
 CLARIA INNOVATIONS, LLC TO  
 SUBPOENA TO PRODUCE  
 DOCUMENTS ISSUED BY  
 AMAZON.COM, INC., AMAZON WEB  
 SERVICES, INC., AND TWITCH  
 INTERACTIVE, INC.**

1 Third party Claria Innovations, LLC ("Claria") objects to the Subpoena to Produce  
 2 Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action  
 3 ("Subpoena") issued by Amazon.com, Inc., Amazon Web Services, Inc., and Twitch Interactive,  
 4 Inc. (collectively, "Amazon") in the above-captioned action (the "Action") as follows:

5 **GENERAL OBJECTIONS**

6 1. On May 10, 2021, the Superior Court of California, County of Los Angeles,  
 7 Northwest District (Van Nuys) ("Receivership Court"), in currently pending Case No.  
 8 21VECV00575, entitled *Brilliant Digital Entertainment, Inc., etc., et al., v. PersonalWeb*  
 9 *Technologies, LLC, etc., et al.* ("Receivership Action") appointed Robb Evans and Associates  
 10 LLC ("Receiver") as Receiver over Personal Web Technologies, LLC ("PersonalWeb"), pursuant  
 11 to the Receivership Court's Order for Ex Parte Immediate Appointment of Receiver  
 12 ("Receivership Order") (copy attached as Exh. 1). The Receivership Court is the first and only  
 13 court to date to have taken jurisdiction over the secured creditors of PersonalWeb, PersonalWeb  
 14 itself, and all of the assets of PersonalWeb, and the subject of the interrelationships between and  
 15 among those parties and those assets.

16 2. On June 1, 2021, the Receivership Court entered its Order for Entry of Preliminary  
 17 Injunction in Aid of the Receiver ("Injunction Order") (copy attached as Exh. 2), which confirmed  
 18 the Receiver's appointment and enjoined certain actions by PersonalWeb, its creditors, judgment  
 19 holders, and others. Amazon has had notice of and received service of the Injunction Order.

20 3. Claria objects to the Subpoena, and each request contained therein, on the grounds  
 21 that its issuance and service violates the Injunction Order, which Order provides, in part:

22 ... IT IS FURTHER ORDERED that except by leave of this Court,  
 23 during the pendency of the receivership ordered herein, Defendant  
 24 PersonalWeb, and all of its customers, principals, investors,  
 25 collectors, stockholders, lessors, other creditors, judgment holders,  
 26 and other persons seeking to establish or enforce any claim, debt,  
 27 right, lien, or interest against Defendant PersonalWeb, or any of its  
 subsidiaries or affiliates, and all others acting for or on behalf of  
 such persons, attorneys, trustees, agents, sheriffs, constables,  
 marshals, and any other officers and their deputies, and their  
 respective attorneys, servants, agents, and employees, be and are  
 hereby stayed from:

28 (a) Commencing, prosecuting, continuing, or enforcing

1 any suit, judgment, lien, levy, or proceeding against Defendant  
2 PersonalWeb, or any of its subsidiaries or affiliates, except such  
actions may be filed to toll any applicable statute of limitations;

3 ....

4 (d) Using self-help or executing or issuing, or causing  
the execution or issuance of any court attachment, subpoena,  
5 replevin, execution, levy, writ, or other process for the purpose of  
impounding or taking possession of or interfering with, or creating  
6 or enforcing a lien upon, any property, wheresoever located, owned  
by, claimed by, or in the possession of Defendant PersonalWeb, or  
7 any of its subsidiaries or affiliates, or the Receiver appointed  
pursuant to this Order or any agent appointed by said Receiver; and

8 (e) Doing any act or thing whatsoever to interfere with  
9 the Receiver taking control or possession of, or managing the  
property subject to this receivership; or in any way to interfere with  
10 the Receiver; or to harass or interfere with the duties of the  
Receiver; or to interfere in any manner with the exclusive  
11 jurisdiction of this Court over the property and assets of Defendant  
PersonalWeb, or its subsidiaries or affiliates. Provided, however,  
12 nothing in this paragraph shall prohibit any federal or state law  
enforcement or regulatory authority from commencing or  
13 prosecuting an action against Defendant PersonalWeb, or its  
subsidiaries or affiliates.

14 4. A court appointing a receiver has exclusive jurisdiction over receivership property.

15 (*O'Flaherty v. Belgum* (2004) 115 Cal.App.4th 1044, 1062, citing 2 Clark on Receivers (3d  
16 ed.1959), § 548(a), p. 889.) Further, "it must be held, in conformity with the general rule of  
17 comity established by a long line of authority, that the court which first takes the subject matter of  
18 a litigation into its control for the purpose of administering the rights and remedies with relation to  
19 specific property obtains thereby jurisdiction so to do, to the exclusion of the exercise of a like  
20 jurisdiction by other tribunals ..." (*Cutting v. Bryan* (1929) 206 Cal. 254, 257 [state court quiet  
21 title action dismissed where federal receivership action filed first].) This principle applies to both  
22 federal and state courts. (*Princess Lida of Thurn and Taxis v. Thompson* (1939) 305 U.S. 456,  
23 466, 59 S.Ct. 275, 280 ["[T]he principle applicable to both federal and state courts [is] that the  
24 court first assuming jurisdiction over property may maintain and exercise that jurisdiction to the  
25 exclusion of the other ...".])

26 5. On August 10, 2021, Amazon moved to intervene in the Receivership Action (copy  
27 attached as Exh. 3, without exhibits, except Exh. T, a proposed Complaint in Intervention), and as  
28

FRANZEL ROBINS BLOOM & CSATO, L.C.  
1000 WILSHIRE BOULEVARD, NINETEENTH FLOOR  
LOS ANGELES, CALIFORNIA 90017-2427  
(323) 852-1000

1 set forth in the proposed Complaint in Intervention specifically sought to involve Claria and the  
2 other secured creditors in the Amazon disputes with PersonalWeb. By Minute Order dated  
3 November 17, 2021, the Receivership Court denied Amazon's intervention motion (copy attached  
4 as Exh. 4) because, in part, Amazon has alternative ways to assert its positions as to PersonalWeb,  
5 and the secured creditors, in the Receivership Action. Then, on January 14, 2022, Amazon filed a  
6 Petition for Writ of Supersedeas with the California state Second District Court of Appeal  
7 ("2DCA"), seeking to stay the Receivership Action pending Amazon's appeal of the intervention  
8 denial order (copy of pp. 1-13 attached as Exh. 5). Amazon again lost, the Court of Appeal having  
9 denied the writ petition by Order filed February 17, 2022 (copy attached as Exh. 6.) But,  
10 Amazon's appeal of the intervention denial order remains pending with the 2DCA. Amazon also  
11 has pending in the Receivership Court its motion to stay the action (copy attached as Exh. 7).  
12 Amazon has invoked the jurisdiction of both the Receivership Court and the 2DCA with respect to  
13 these disputes.

14 6. Claria further objects to the Subpoena, and each request contained therein, on the  
15 grounds that it is improper discovery under the doctrines of federalism and comity to be shown by  
16 a federal court to a state court, and under Fed. R. Civ. P. 69(a)(2), which not only is a  
17 contemptuous violation of the Injunction Order by Amazon and its legal counsel, but also seeks to  
18 circumvent Amazon's two Receivership Action losses regarding its attempt to intervene in the  
19 Receivership Action to become an active litigant in the state court at this time ----- because doing  
20 so would interfere with the Receivership. The Subpoena is also an improper "end run" to the  
21 discovery Amazon wants in the Receivership Action, but to which it is not entitled --- at this time -  
22 -- because it is not a party to the Receivership action as a result of the Receivership Court's denial  
23 of leave to intervene, and it is premature in the Receivership Action for any such litigation  
24 activities, under the rulings of the Receivership Court and the 2DCA.

25 7. Claria further objects to the Subpoena, and each request contained therein, on the  
26 grounds that it further appears to be an attempt by Amazon to disrupt and interfere with the  
27 funding of the Receivership by plaintiffs in the Receivership Action, Brilliant Digital  
28 Entertainment, Inc., Claria Innovations, LLC, Europlay Capital Advisors, LLC, and Monto

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.