EXHIBIT 12

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA SECOND APPELLATE DISTRICT, DIVISION FOUR

AMAZON.COM, INC., AMAZON WEB SERVICES, INC., and TWITCH INTERACTIVE, INC.,

Appellants,

v.

LOS ANGELES COUNTY SUPERIOR COURT,

Respondent,

BRILLIANT DIGITAL
ENTERTAINMENT, INC.,
EUROPLAY CAPITAL ADVISORS,
LLC, CLARIA INNOVATIONS, LLC,
MONTO HOLDINGS PTY LTD, and
PERSONALWEB TECHNOLOGIES,
LLC,

Real Parties in Interest.

Court of Appeal No. B317580

Superior Court No. 21VECV00575

Appeal from an Order Denying Appellants' Motion to Intervene Decided Nov. 17, 2021; Entered Nov. 17, 2021 Hon. Bernie LaForteza, Dept. U, L.A. Cty. Sup. Ct. Hon. Valerie Salkin as of January 10, 2022

APPELLANTS' OPENING BRIEF



J. David Hadden
State Bar No. 176148
Todd R. Gregorian
State Bar No. 236096
Christopher S. Lavin
State Bar No. 301702
FENWICK & WEST LLP
555 California Street, 12th Flr.
San Francisco, CA 94104
Telephone: 415.875.2300
Email: dhadden@fenwick.com
Email: tregorian@fenwick.com
Email: clavin@fenwick.com

Michael J. Baratz
(Pro Hac Vice pending)
Steven K. Davidson
(Pro Hac Vice forthcoming)
Emma S. Marshak
(Pro Hac Vice pending)
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, D.C. 20036
Telephone: 202.429.6468
Email: mbaratz@steptoe.com
Email: sdavidson@steptoe.com
Email: emarshak@steptoe.com

Counsel for Appellants AMAZON.COM, INC., AMAZON WEB SERVICES, INC., AND TWITCH INTERACTIVE, INC.



CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

Counsel for appellants certifies that interested entities or persons required to be listed under rule 8.208 of the California Rules of Court are as follows:

Full name of interested	Nature of interest
entity or person	
Amazon.com, Inc.	Ownership interest in:
	Amazon Web Services, Inc.
Amazon.com, Inc.	Ownership interest in:
	Twitch Interactive, Inc.

The undersigned certifies that the above-listed persons or entities (corporations, partnerships, firms, or any other association, but not including government entities or their agencies) have either (1) an ownership interest of 10 percent or more in the party if it is an entity; or (2) a financial or other interest in the outcome of the proceeding that the justices should consider in determining whether to disqualify themselves, as defined in rule 8.208(e)(2).

Dated: March 25, 2022 By: <u>/s/ Todd R. Gregorian</u>
Todd R. Gregorian



TABLE OF CONTENTS

TAB]	LE OF AUTHORITIES	6
INTE	RODUCTION	6
STA	TEMENT OF THE CASE	13
STA	TEMENT OF APPEALABILITY	15
STA	TEMENT OF FACTS	16
A.	AMAZON'S JUDGMENT AGAINST PERSONALWEB	16
В.	INSIDERS' COMPETING CLAIMS AGAINST PERSONALWEB	17
C.	INSIDERS DEMANDED EARLY REPAYMENT OF THEIR INVESTMENT IN PERSONALWEB AND BROUGHT THE RECEIVERSHIP ACTION TO EVADE THE FEDERAL DISTRICT COURT JUDGMENT, TO THE PREJUDICE OF AMAZON	18
D.	AMAZON MOVED UNOPPOSED TO INTERVENE, WHICH MOTION THE SUPERIOR COURT DENIED	21
E.	AUTHENTICITY OF EXHIBITS	23
ARG	UMENT	24
A.	STANDARD OF REVIEW	24
В.	AMAZON HAS A RIGHT TO MANDATORY INTERVENTION	24
	1. Amazon has a direct interest in the PersonalWeb assets.	25



DOCKET

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.

