

FENWICK & WEST LLP
ATTORNEYS AT LAW

1 MICHAEL G. FLETCHER (SBN 70849)
mfletcher@frandzel.com
2 CRAIG A. WELIN (SBN 138418)
cwelin@frandzel.com
3 BRUCE D. POLTROCK (SBN 162448)
bpoltrock@frandzel.com
4 FRANDZEL ROBINS BLOOM
& CSATO, L.C.
5 1000 Wilshire Boulevard, Nineteenth Floor
6 Los Angeles, California 90017-2427
Telephone: (323) 852-1000
7 Facsimile: (323) 651-2577

8 Attorneys for Third Parties BRILLIANT
DIGITAL ENTERTAINMENT, INC.;
9 EUROPLAY CAPITAL ADVISORS, LLC;
CLARIA INNOVATIONS, LLC; and
10 MONTO HOLDINGS PTY LTD

J. DAVID HADDEN (CSB No. 176148)
dhadden@fenwick.com
SAINA S. SHAMILOV (CSB No. 215636)
sshamilov@fenwick.com
MELANIE L. MAYER (admitted pro hac
vice)
mmayer@fenwick.com
TODD R. GREGORIAN (CSB No. 236096)
tgregorian@fenwick.com
RAVI R. RANGANATH (CSB No. 272981)
rranganath@fenwick.com
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Telephone: 650.988.8500
Facsimile: 650.938.5200

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

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

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

16 AMAZON.COM, INC., and AMAZON WEB
17 SERVICES, INC.,

18 Plaintiffs

v.

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

21 Defendants.

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

24 Plaintiffs,

v.

25 TWITCH INTERACTIVE, INC.,

26 Defendant.

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

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

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

**JOINT STIPULATION (SECOND) RE
COMPLIANCE WITH COURT ORDER
BY THIRD-PARTIES BRILLIANT
DIGITAL ENTERTAINMENT, INC.,
EUROPLAY CAPITAL ADVISORS,
LLC, CLARIA INNOVATIONS, LLC,
AND MONTO HOLDINGS PTY LTD**

27
28

1 WHEREAS, on April 26, 2022, the Court ordered third-parties Brilliant Digital
2 Entertainment, Inc., Claria Innovations, LLC, Europlay Capital Advisors, LLC, and Monto
3 Holdings Pty Ltd (collectively, “Third-Parties”) to provide Amazon.com, Inc., Amazon Web
4 Services, Inc., and Twitch Interactive, Inc. (collectively, “Amazon”) by May 26, 2022 with
5 “complete responses to the requests for production and produce the responsive documents within
6 any of their possession, custody, or control including electronic communications such as email, as
7 well as a privilege log reflecting any documents or communications withheld under a claim of
8 privilege or protection,” in response to Amazon’s subpoenas seeking post-judgment discovery
9 (Dkts. 746, 733-1, 733-2, 733-3);

10 WHEREAS, the Third-Parties desire additional time to comply with the Court’s Order, and
11 Amazon is amenable to giving the Third-Parties such additional time subject to certain conditions
12 to ensure their full compliance with the Order;

13 WHEREAS, the Third-Parties agree that they will:

- 14 (1) By May 26, 2022, will provide complete responses to the requests for production
15 consistent with the Court’s previous orders (Dkts. 738, 746), including by
16 responding to each request that they will “produce the responsive documents within
17 any of their possession, custody, or control including electronic communications
18 such as email, as well as a privilege log reflecting any documents or communications
19 withheld under a claim of privilege or protection”;
- 20 (2) By May 26, 2022, will produce the reports by Robb Evans & Associates concerning
21 the receivership over PersonalWeb Technologies, LLC (“PersonalWeb”) and any
22 other communications between any of the Third-Parties, on the one hand, and the
23 receiver Robb Evans, on the other (including any communications from or through
24 counsel or prospective counsel), including but not limited to communications
25 concerning the California Superior Court receivership over PersonalWeb,
26 PersonalWeb or the PersonalWeb collateral or estate, or the California Superior
27 Court receivership action (Superior Court, County of Los Angeles, Civ. A. No.
28 21VECV00575), and without asserting any such documents are privileged;

- 1 (3) Produce on a rolling basis all other responsive documents within any of their
2 possession, custody, or control including electronic communications such as email,
3 as well as a privilege log reflecting any documents or communications withheld
4 under a claim of privilege or protection, by June 27, 2022; and
- 5 (4) Produce all documents in single-page TIFFs format with load files for e-discovery
6 software that includes metadata fields (*i.e.*, document type; custodian and duplicate
7 custodians (or storage location if no custodian); author/from; recipient/to, cc and
8 bcc; title/subject; email subject; file name; file size; file extension; original file path;
9 date and time created, sent, modified and/or received; and hash value) identifying
10 natural document breaks and also includes companion OCR and/or extracted text
11 files;

12 WHEREAS, the Third-Parties have represented that they possess a substantial volume of
13 documents to produce in connection with (2) above, and that representation was
14 material to Amazon's agreement to enter this stipulation to extend the Court's
15 deadline for compliance as to the remainder of the production;

16 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED amongst Amazon
17 and Third-Parties, subject to the approval of the Court:

- 18 (1) By May 26, 2022, Third-Parties agree to provide complete responses to the requests
19 for production consistent with the Court's previous orders and as set forth above
20 (Dkts. 738, 746);
- 21 (2) By May 26, 2022, will produce the reports by Robb Evans & Associates concerning
22 the receivership over PersonalWeb and any other communications between any of
23 the Third-Parties, on the one hand, and the receiver Robb Evans, on the other
24 (including any communications from or through counsel or prospective counsel),
25 including but not limited to communications concerning the California Superior
26 Court receivership over PersonalWeb, PersonalWeb or the PersonalWeb collateral
27 or estate, or the California Superior Court receivership action, and without asserting
28 any such documents are privileged;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- (3) Will produce on a rolling basis all other responsive documents within any of their possession, custody, or control including electronic communications such as email, as well as a privilege log reflecting any documents or communications withheld under a claim of privilege or protection, by June 27, 2022; and
- (4) All documents that Third-Parties produce will be produced pursuant to the above document production specifications.

IT IS SO AGREED AND STIPULATED.

Respectfully submitted,

Dated: May 18, 2022

FENWICK & WEST LLP

By: /s/ J. David Hadden
J. DAVID HADDEN

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

Dated: May 18, 2022

FRANZEL ROBINS BLOOM & CSATO, L.C.

By: /s/ Bruce D. Poltrock
BRUCE D. POLTROCK

Attorney for Third Parties BRILLIANT DIGITAL ENTERTAINMENT, INC.; EUROPLAY CAPITAL ADVISORS, LLC; CLARIA INNOVATIONS, LLC; and MONTA HOLDINGS PTY LTD

CERTIFICATION OF CONCURRENCE IN FILING

I, J. David Hadden, am the ECF user whose identification and password are being used to file this Joint Stipulation. In compliance with N.D. Cal. Civil L.R. 5-1(h)(3), I hereby attest that Bruce D. Poltrock has concurred in this filing.

Dated: May 18, 2022

/s/ J. David Hadden
J. DAVID HADDEN

FENWICK & WEST LLP
ATTORNEYS AT LAW

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

2

3

SUSAN VAN KEULEN
United States Magistrate Judge

4

5

Dated: May ___, 2022

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

FENWICK & WEST LLP
ATTORNEYS AT LAW