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BY ELECTRONIC FILING

The Honorable Susan van Keulen, Magistrate Judge
United State District Court for the Northern District of California
San Jose Courthouse, Courtroom 6 – 4th Floor
280 South 1st Street
San Jose, CA 95113

Re: In Re Personal Web Technologies, LLC et al., Patent Litigation
Case No.: 5:18-md-02834-BLF, Case No.: 5:18-cv-00767-BLF,
Case No.: 5:18-cv-05619-BLF

Dear Judge van Keulen:

Pursuant to the direction of this Court at the hearing on January 5, 2023, and your subsequent court order dated January 9, 2023, (“Order”) following the hearing (Dkt. 836), Stubbs Alderton & Markiles, LLP (“SAM”) respectfully submits this letter brief per the Court’s direction to respond to those issues set forth in the Order.

Our team, including Mr. Sherman, has spent hundreds of hours reviewing documents and data on various computer drives. In fact, Mr. Sherman worked almost every day while he was on a preplanned vacation over the holidays, out of the county, to provide information and documents to counsel for PersonalWeb and to meet the deadlines imposed by this Court. While SAM is working very hard to comply with the January 20th date imposed by the Court, it is possible it may take SAM additional time to complete the review, which we anticipate will be completed on or before January 25.

Summary of Action Items Order by the Court

Action Item No. 3.

The initial search parameters searched 29 SAM mailboxes for keywords “personalweb”, “personal web”, “pw ” or “ pw.” In addition, the search also had to include one of the following participants: anything@brilliantdigital.com, anything@pweb.com, anything@ronaldrichards.com, mmarkiles@ecamail.com, kbermeister@altnet.com, kbermeister@bde3d.com, kevin.bermeister@adfreeway.com, kevberm@gmail.com, and kevin@thejdfund.com. However, the original search parameters did not capture the 4 emails in

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question. After we became aware that the search conducted by Mr. Markiles separately resulted in emails that were not captured by SAM, the search parameters were modified to include participants “@shrwood.com” and “@sharmannetworks.com” which located one of the emails. SAM then further modified the original search parameters to include only key words (i.e. “personalweb”, “personal web”, “pw” or “pw.”) without requiring a participant which resulted in locating the 3 additional emails.

Action Item No. 4: the Court required SAM to identify the problem parameters and propose a timeline for resolution related to the McKool Smith hard drive and the Stubbs’s Alderton Santa Server.

McKool Smith Hard Drive: The McKool Smith hard drive contains several different folders comprised of information and data from prior litigation matters involving PersonalWeb which SAM was not involved. Part of this hard drive, the S-Drive, contains 270 GBs or 85,000 files which are comprised of, discovery, deposition transcripts, patent and file histories, trial exhibits, much of which appears to be unsharred work product, as well as pleadings which Lewis Roca did not ask to be furnished to it. Other folders on this hard dive include (i) Net Documents - which consists of 4.2 GBs containing approximately 5,500 files; (ii) Outlook .pst files (emails) which consists of approximately 1GB and contains approximately 3000 emails and documents; (iii) two separate load files XERA which is approximately 22GB and contains approximately 250,00 files and (iv) Introspect which is approximately 28GB and contains approximately 415,000 files. The hard drive also contains certain program files and other unsearchable files. After ingesting the documents that SAM could into the eDiscovery database SAM is utilizing, the Outlook .pst files were reviewed the results of which will be provided by January 20 to Lewis Roca. SAM is in the process of reviewing for ownership the remainder of the documents under the established parameters, which are the property of PersonalWeb, and anticipates furnishing those documents to Lewis Roca, on or before Monday January 25. Upon completion of the review of the additional files mentioned above, SAM anticipates that any documents that should be provided to Lewis Roca will be provided on or before January 25 as well. SAM’s team has been working every day on ingesting, reviewing and identifying documents and the sheer volume of documents necessitate the additional time to provide same to Lewis Roca.

SAM Santa Server: Among other repositories at SAM containing PersonalWeb documents, many of SAM’s client files with respect to the litigation it was involved in, reside on a server located in SAM’s Santa Monica office, which is commonly referred to as the “Santa Server”. SAM has ingested into its eDiscovery database over 700,000 documents to review for ownership by entities other than PersonalWeb, attorney-client privilege and unshared work-product. Approximately 420,000 documents relate to the production of documents previously exchanged between parties during the PersonalWeb Technologies, LLC et al, patent litigation. SAM anticipates this review will be completed shortly and the documents provided to Lewis Roca on or before January 25, although Lewis Roca indicated it did not need the documents that were produced in the PersonalWeb litigation. Once again, the reason for this additional time is necessitated by the sheer volume of the documents being reviewed and the amount of time it is taking to review the documents.

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Net Docs: Additionally, SAM also stores documents in a program entitled NetDocs, which is a document management system used by SAM in connection with its firm clients. There are approximately 1300 documents within a correspondence folder yet to be reviewed, although they have been ingested in SAM's eDiscovery data base and are in the review process. NetDocuments was not mentioned at the hearing on January 5, but are being included in SAM's review for documents that may be provided to Lewis Roca. Such documents should be provided to Lewis Roca on or before January 25. Additionally, SAM is reviewing the Net Docs management system for any other documents that are not unshared SAM work-product other than Court pleadings, ECF notices, transcripts of proceedings and documents already produced in the underlying litigation, and will furnish any other responsive documents to Lewis Roca on or before January 25. Once again, the reason for this additional time is necessitated by the sheer volume of the documents being reviewed and the amount of time it is taking to review the documents.

Action Item No. 5: the Court asked that SAM identify the parameters of the problem, including the number of documents at issue, and propose a timeline for resolution regarding the documents that SAM has a good faith belief either do not belong to Personal Web or implicate privileges held by third parties. This is answered above. SAM will cooperate with counsel for PersonalWeb and counsel for the secured creditors to provide data that may be required by either, to comply with orders of this Court.

Respectfully submitted.

STUBBS ALDERTON & MARKILES, LLP



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