

Exhibit J

From: [Thomas Robins](#)
To: [Christopher Lavin](#); [Bruce D. Poltrock](#); [Todd Gregorian](#)
Cc: [Michael Fletcher](#); [Bryan Patzwald](#)
Subject: RE: Amazon subpoena documents
Date: Monday, July 25, 2022 6:24:49 PM

**** EXTERNAL EMAIL ****

Chris, further responses to your points. See below in italics. Let me know if you still would like a telephonic meet and confer. I'm generally open this week.

Also, can I get an ETA on the Joint Charts. Todd estimated last Thurs or Fri. Further, on Saturday I sent an email inquiring about the assertion in the latest version of your joint statement that Amazon has already voluntarily narrowed the scope and time period of the requests. I would greatly appreciate the courtesy of a response. Thanks Tom

Thomas Robins
FRANDZEL ROBINS BLOOM & CSATO, L.C.
1000 Wilshire Boulevard, 19th Floor
Los Angeles, CA 90017-2427
Direct: (323) 658-9703
Facsimile: (323) 651-2577
E-mail: trobins@frandzel.com
Web: www.frandzel.com

FRANDZEL

 **GO GREEN: Please consider the environment before you print.**

This electronic message contains information which may be confidential and privileged and is intended only for the named addressee. Unless you are the addressee of this message you may not use, copy or disclose the contents of this message to anyone. If you have received this message in error, please delete the message and advise the sender by reply e-mail or by calling (323) 852-1000. Thank you.

To ensure compliance with Internal Revenue Service Circular 230, we inform you that any U.S. Federal Tax advice contained in this communication is not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any tax-related matter(s) addressed herein.

From: Christopher Lavin <CLavin@fenwick.com>
Sent: Tuesday, July 19, 2022 3:54 PM
To: Bruce D. Poltrock <bpoltrock@frandzel.com>; Todd Gregorian <TGregorian@fenwick.com>
Cc: Thomas Robins <trobins@frandzel.com>; Michael Fletcher <mletcher@frandzel.com>; Bryan Patzwald <bpatzwald@frandzel.com>
Subject: [EXTERNAL] RE: Amazon subpoena documents

Bruce,

We write to follow-up on Insiders' privilege log. It contains nearly 50,000 entries and our review

thus far shows that many entries appear to improperly claim privilege or are missing a substantial amount of information to substantiate the claims of privilege. These deficiencies raise serious doubt that Insiders provided a sufficient privilege log by the June 27th deadline—even after receiving months of extensions to do so. It also seriously begs the questions of whether Insiders have even reviewed their privilege log or the logged documents. *As I have previously mentioned, we are conducting a review of the logged documents themselves.* Indeed, given the extent of the issues it appears that Insiders are attempting to hide-the-ball in forcing Amazon to review an oversized and insufficient privilege log; identify clearly non-privileged and improperly withheld documents; and demand they be produced, before Insiders may ultimately produce them. This burden should not fall on Amazon; such documents should have been produced already. The overzealousness and carelessness with which Insiders appear to have chosen to assert privilege and the insufficiency of the privilege log is seriously interfering with Amazon’s right to lawful discovery relevant to seeking to enforce the judgment and Insiders must rectify these issues without delay. *There are a number of reasons for why our clients’ productions are what they are. I assume you want results, not explanations, so I won’t go into a debate with you over these assumptions.*

The following is a non-exhaustive list of issues with Insiders’ privilege log:

1. Improper Claims of Financial Privacy Privileges: Insiders improperly withhold hundreds likely even thousands of documents on the claim of “financial privacy privileges.” *See, e.g.,* BDE047414, BDE047613, BDE047615, BDE047992, BDE048012, BDE049733, BDE049736, BDE049751, BDE049754, BDE049759, MM005357, MM005430, RD005651, RD006015. Indeed, many of these documents appear to be at the heart of Amazon’s attempts at post-judgment enforcement. Financial privacy privilege is not a valid basis to withhold documents. *See Bentkowsky v. Benchmark Recovery, Inc.*, Civ. A. No. 13-cv-01252-VC (JCS), Dkt. No. 63 (N.D. Cal. July 10, 2014) (slip op.) (rejecting a party’s claim of a financial privacy privilege and redaction of material, and ordering production subject to a protective order). There is a protective order entered in this action that will provide sufficient protections to these documents. Please confirm you will withdraw your assertion of financial privacy privileges and promptly produce all affected documents that are not withheld on the basis of any other privilege—each labelled in the file name by your privilege log column “BegControl” (for tracking purposes). *As I have indicated, we disagree with your assertion that there is no recognized financial privacy objection to discovery requests. When you get our revised portion of the Joint Statement (I can’t get it to you until you get me Amazon’s responses to the Joint Chart) you will see our legal position. That said, we are reviewing our financial privacy objections and removing the objection to a large no. of documents which we will start producing.*
2. No Entries Involving Insiders (Frاندzel Counsel) Have A Sufficient Description Substantiating Privilege: None of the hundreds and likely thousands of entries involving your firm (Frاندzel) have any “Privilege Description” or “Email Subject” rendering the privilege log insufficient and we are unable to verify whether privilege is properly asserted. Please produce an amended privilege log correcting this issue for all such entries. *We believe our privilege log complies with Ninth Circuit minimum requirements as stated in In re Grand Jury Investigation, 974 F. 2d 1068, 1071 (9th Cir. 1992). Counsel’s communications with the client and work product*

developed once the litigation commences are presumptively privileged and need not be included on any privilege log. Ryan Inv. Corp v. Pedregal de Cabo San Lucas, 2009 WL 5114077 (N.D> Cal. 12/18/2009). Here, the FRBC communications Amazon is seeking came during the Secured Creditors' receivership action as to which Amazon has sought (and is still seeking) leave to intervene to sue the secured creditors. We had the subject lines omitted from the privilege log because under these authorities we are not required to include that field. However, as a compromise we will redo the FRBC doc privilege log (and the corresponding log for our other client custodians) to include the subject line—but will redact those subject lines that reveal the advice itself or the strategic plans we are discussing, and replace it with a benign subject line. As for the "Privilege Description" field, that is superfluous in the context of the FRBC docs (and other A-C docs relating to communications between PW's patent lawyers and representatives of PW) relating to the PW claims against Amazon and other non Amazon targets. The Privilege Description is, obviously, the attorney client and work product privileges asserted where indicated.

3. Many Entries Lack Any/Key Information to Identify Document or Substantiate Privilege: Many entries are lacking key information to sufficiently identify the document and substantiate the claims of privilege, such as but not limited to, the fields: "Email From," "Email To," "Email CC," "Privilege Description," "Email Subject," and/or "Date Sent." *See, e.g.,* BDE047611, BDE047616, BDE166527, BDE166547, BDE166749, BDE166754, BDE166775,1 BDE166776, BDE166781, BDE166962-BDE166982, BDE167230. Please provide an amended privilege log adding all available identifying information for all such entries. *I think this has resulted from a lack of clarity in our log. The documents you list above are attachments to host emails. Thus BDE 47611 is an attachment to 47610, 47616 is an attachment to 47615, and for the rest you mentioned except 166775 is a law firm logo of the Mirman Bubman firm going to 166774 as is 166776 (an FRBC logo) (why logo gets put onto a second page is beyond me), 166962-82 are associated with 166961. I am asking our vendor if we can clear this up so that the log will show whether a document is associated with a host email and will report back.*
4. Improperly Claiming Privilege Over Documents Involving Non-Insiders: Many entries improperly claim privilege over documents sent to/received from individuals clearly outside the scope of the privilege, *e.g.,* Mr. Richards, Mr. Weiss, and opposing counsel, including Fenwick attorneys/personnel. *See, e.g.,* BDE161885, BDE161901, BDE161916, BDE161963, BDE162412, BDE162427, BDE162428, BDE163500, BDE163557, BDE163582, BDE163627, BDE163728, BDE163792, BDE168096, KB104413, KB105485, KB106368, KB108909, CTRL00003408, CTRL00003768, CTRL00003789, CTRL00003796, CTRL00003801. Please confirm that you will withdraw the claims of privilege for all such documents and produce them—each labelled in the file name by your privilege log column "BegControl" (for tracking purposes). *There are a number of issues here. Obviously the ones with Fenwick, Mirman Bubman in the last email of a chain or standalone are errors and we are withdrawing the privilege claim. As for Richards, if there is an FRBC email to/from him the privilege claim was erroneous and will be withdrawn (I thought we had caught all those in the FRBC production but it didn't get caught in the client custodian copies of the same emails.) If it is a Richards email between he and PW reps who are also reps of the secured creditors or entities having a membership interest in PW regarding his representation of that entity the privileges would apply and it would also apply if Weiss, as manager of PW, was on the email. The same would*

be true for emails that are from Stubbs or any of the other patent lawyer firms and PW regarding litigation still ongoing or being wound up.

5. Improperly Claiming Privilege Where There Is No Attorney: Many entries claim attorney-client and/or attorney work product privileges where it appears no attorney is involved, but rather only various Insiders' non-legal personnel or non-legal outside contacts. *See, e.g.,* MM004500, MM004504, MM004598, MM005409, MM005420, KB060712, KB104968, KB105014, KB105019, KB105022, KB109229. These documents are clearly outside the scope of the privilege. Please confirm that you will withdraw these claims of privilege for all such documents and produce them—each labelled in the file name by your privilege log column “BegControl” (for tracking purposes). *These will be withdrawn from privilege log, as are others of the same type.*

6. Improperly Claiming Privilege Where There Are No Legal Discussions: Many entries improperly claim attorney-client and/or attorney work product over documents that while, involving an attorney, appear to discuss purely corporate business matters and not legal matters. *See, e.g.,* BDE065399, BDE065400, BDE065414, BDE065419, BDE065423, BDE065461, BDE065986, MM004755, MM004758, MM005401, MM005421, MM005568. These documents are outside the scope of the privilege. *See Staley v. Gilead Sciences, Inc.*, Civ. A. No. 19-cv-02573-EMC(LB), Dkt. No. 617 (N.D. Cal. June 14, 2021) (slip op.) (“The attorney-client privilege does not apply to an attorney’s communications about business matters (as opposed to legal advice.”); *Callwave Commc'ns, LLC v. Wavemarket, Inc.*, Civ. A. No. 14-cv-80112 JSW (LB), 2015 WL 831539, at *3 (N.D. Cal. Feb. 23, 2015) (“[d]ocuments prepared in the ordinary course of business or that would have been created in essentially similar form irrespective of the litigation are not protectable as work product.”); *U.S. v. ChevronTexaco Corp.*, 241 F. Supp.2d 1065, 1076 (N.D. Cal. 2002) (“The [attorney-client] privilege does not protect an attorney’s business advice. Corporations may not conduct their business affairs in private simply by staffing a transaction with attorneys.”). Please confirm that you will withdraw these claims of privilege for all such documents and produce them—each labelled in the file name by your privilege log column “BegControl” (for tracking purposes). *All of these and similar ones had been pulled for production and priv waiver last week as part of the review we began shortly after the production was made. We will be producing, for example, all of the “cash on hand” emails.*

7. Improperly Claiming Privilege Over Correspondence Between Insiders and Receiver: Insiders have improperly claimed privilege and withheld correspondence between them and the receiver. *See, e.g.,* BDE167045, BDE167105, BDE167279, BDE167305, BDE167901, BDE167907, BDE167934, BDE167962, BDE167964, BDE167968, BDE167969, BDE169538, CTRL00003470, CTRL00003474, CTRL00003483. Correspondence between Insiders and the receiver does not meet the claimed attorney-client privilege and, moreover, Insiders already agreed to produce all communications between them and the receiver. *See* Dkt. No. 750 (“By May 26, 2022, [Brilliant Digital Entertainment, Inc., Claria Innovations, LLC, Europlay Capital Advisors, LLC, and Monto Holdings Pty Ltd (“Third-Parties”)] will produce the reports by Robb Evans & Associates concerning the receivership over PersonalWeb Technologies, LLC (“PersonalWeb”) and any other communications between any of the Third-Parties, on the one

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.