

1 *[counsel listed in signature block]*

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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

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

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

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

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

Plaintiffs

v.

PERSONALWEB TECHNOLOGIES, LLC and
LEVEL 3 COMMUNICATIONS, LLC,

**JOINT STIPULATION RE ORDER ON
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER
PARTY’S MATERIAL SHOULD BE
SEALED (DKT. NO. 867)**

Defendants.

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

Plaintiffs,

v.

TWITCH INTERACTIVE, INC.,

Defendant.

FENWICK & WEST LLP
ATTORNEYS AT LAW

1 WHEREAS, Plaintiff PersonalWeb Technologies, LLC (“PersonalWeb”) has accused
2 Defendants Amazon.com, Inc., Amazon Web Services, Inc., and Twitch Interactive, Inc.
3 (collectively, “Amazon”) of infringing, inter alia, U.S. Patent Nos. 7,802,310 and 6,928,442;

4 WHEREAS, on March 28, 2023, the Court ordered Amazon and third-parties Brilliant
5 Digital Entertainment, Inc. and Monto Holdings Pty Ltd. to provide supplemental briefing on an
6 alleged waiver of privilege by the third-parties (Dkt. No. 862);

7 WHEREAS, on April 7, 2023, Amazon filed an Administrative Motion to Consider Whether
8 Another Party’s Material Should be Sealed as to the Supplemental Submission Regarding
9 Amazon’s Motion to Compel Production of Documents That the PersonalWeb Investors Have
10 Improperly Withheld as Privileged (“Motion”) (Dkt. No. 863) provisionally under seal, pending
11 the Court’s ruling on the motion to seal, because the filed documents contained information
12 produced by the third-parties which they have designated as “Attorneys’ Eyes Only” or
13 “Confidential,” pursuant to the Stipulated Amended Protective Order (Dkt. Nos. 427, 786);

14 WHEREAS, on April 13, 2023, the Court issued an order providing the third-parties an
15 opportunity to file the required statement/declaration in response to the Motion (Dkt. No. 867);

16 WHEREAS, the Parties have conferred and agree that the provisionally sealed materials
17 need not be sealed and may be available on the public docket, without prejudice to any claim by
18 the third-parties that other documents produced in this action are subject to sealing;

19 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED between Amazon
20 and the third-parties that (i) the portions of Amazon’s Supplemental Submission Regarding
21 Amazon’s Motion to Compel Production of Documents That the PersonalWeb Investors Improperly
22 Withheld as Privileged (Dkt. No. 863-2); (ii) Exhibits 1-19 to the Declaration of Todd R. Gregorian
23 in Support of Amazon’s Supplemental Submission Regarding Amazon’s Motion to Compel
24 Production of Documents That the PersonalWeb Investors Improperly Withheld as Privileged (Dkt.
25 Nos. 863-4 through 863-22), and (iii) Exhibits B-D and H-I to the Declaration of Todd R. Gregorian
26 in Support of Amazon’s Portion of the Joint Submission Regarding Amazon’s Motion to Compel
27 Production of Documents That the PersonalWeb Investors Improperly Withheld as Privileged
28 (Dkt. Nos. 859-1 through 859-5), need not be sealed and may be available on the public docket,

FENWICK & WEST LLP
ATTORNEYS AT LAW

1 without prejudice to any claim by the third-parties that other documents produced in this action are
2 subject to sealing.

3 **IT IS SO AGREED AND STIPULATED.**

4
5 Dated: April 19, 2023

Respectfully submitted,

FENWICK & WEST LLP

6 By: /s/ Todd R. Gregorian
TODD R. GREGORIAN

7
8 J. DAVID HADDEN (CSB No. 176148)
dhadden@fenwick.com
9 SAINA S. SHAMILOV (CSB No. 215636)
sshamilov@fenwick.com
10 MELANIE L. MAYER (*admitted pro hac vice*)
mmayer@fenwick.com
11 TODD R. GREGORIAN (CSB No. 236096)
tgregorian@fenwick.com
12 RAVI R. RANGANATH (CSB No. 272981)
rranganath@fenwick.com
13 FENWICK & WEST LLP
801 California Street
14 Mountain View, CA 94041
Telephone: 650.988.8500
Facsimile: 650.938.5200
15 Attorneys for AMAZON.COM, INC., AMAZON
16 WEB SERVICES, INC., and TWITCH
INTERACTIVE, INC.

17 Dated: April 19, 2023

FRANDZEL ROBINS BLOOM & CSATO, L.C.

18 By: /s/ Thomas M. Robins III
THOMAS M. ROBINS III

19
20 Thomas M. Robins III (State Bar No. 054423)
trobins@frandzel.com
21 Michael G. Fletcher (State Bar No. 070849)
mfletcher@frandzel.com
22 Bruce D. Poltrock (State Bar No. 162448)
bpoltrock@frandzel.com
23 FRANDZEL ROBINS BLOOM & CSATO, L.C.
1000 Wilshire Boulevard, Nineteenth Floor
24 Los Angeles, California 90017-2427
25 Telephone: (323) 852-1000
Facsimile: (323) 651-2577
26 Attorneys for Third-Parties BRILLIANT
27 DIGITAL ENTERTAINMENT, INC. and
28 MONTO HOLDINGS PTY. LTD.

FENWICK & WEST LLP
ATTORNEYS AT LAW

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

Dated: April 19, 2023

KIRKLAND & ELLIS LLP

By: /s/ Michael Shipley

MICHAEL SHIPLEY

Mark Holscher (SBN 139582)
mark.holscher@kirkland.com
Michael Shipley (SBN 233674)
michael.shipley@kirkland.com
Matthew Gamsin (SBN 307830)
matthew.gamsin@kirkland.com
KIRKLAND & ELLIS LLP
555 South Flower Street
Los Angeles, CA 90071
Telephone: (213) 680-8400
Facsimile: (213) 680-8500

Attorneys for Third-Parties CLARIA
INNOVATIONS, LLC AND EUROPLAY
CAPITAL ADVISORS, LLC

CERTIFICATION OF CONCURRENCE IN FILING

I, Todd R. Gregorian, 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 Thomas M. Robins III and Michael Shipley have concurred in this filing.

Dated: April 19, 2023

By: /s/ Todd R. Gregorian

TODD R. GREGORIAN

FENWICK & WEST LLP
ATTORNEYS AT LAW

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

2

3 Date: _____

SUSAN VAN KEULEN
United States Magistrate Judge

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

FENWICK & WEST LLP
ATTORNEYS AT LAW