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

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 IN RE: PERSONALWEB TECHNOLOGIES,
13 LLC ET AL., PATENT LITIGATION,

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

16 Plaintiffs,

17 v.

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

20 Defendants.

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

23 Plaintiffs,

24 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

**DECLARATION OF TODD R.
GREGORIAN IN SUPPORT OF THE
FURTHER SUPPLEMENTAL FEES
REQUEST OF AMAZON.COM, INC.,
AMAZON WEB SERVICES, INC., AND
TWITCH INTERACTIVE, INC.**

FENWICK & WEST LLP
ATTORNEYS AT LAW

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1 I, Todd R. Gregorian, declare as follows:

2 1. I am a partner at the law firm Fenwick & West, LLP, attorneys of record for
3 Amazon.com, Inc., Amazon Web Services, Inc., and Twitch Interactive, Inc. (collectively
4 “Amazon”). I make this declaration in support of Amazon’s further request for supplemental fees
5 under 35 U.S.C. § 285. The supplemental fees include the appeal fees that the Court denied without
6 prejudice in its April 19, 2021 Order (Dkt. 656); as well as fees that Amazon has incurred since the
7 date of its last submission. (Dkt. 853.) I have personal knowledge of the facts set forth herein.

8 **Amazon’s and Twitch’s Legal Team and Hourly Rates**

9 2. Fenwick & West LLP is a firm of approximately 500 attorneys which specializes in
10 providing legal services for leading technology companies, start-ups, and others on the edge of
11 innovation. Fenwick enjoys a reputation as one of the preeminent technology and intellectual
12 property firms in the United States. I am a partner at Fenwick & West and have been a practicing
13 attorney for over 18 years, specializing in intellectual property litigation.

14 3. A number of attorneys and paralegal staff performed significant work on this matter
15 over the two years since Amazon’s last fee request. As detailed below, the hourly rates charged by
16 the attorneys who worked on this matter are consistent with the prevailing market rates for attorneys
17 with comparable skill, qualifications, experience, and reputations. The hourly rates charged by the
18 paralegals are also consistent with the prevailing market rates for paralegals with comparable skill,
19 qualifications, and experience. The labor of these individuals contributed to the final attorney work
20 product billed to the client.

21 4. Fenwick regularly adjusts its rates to keep pace with the markets in which it works.
22 The 2021 and 2022 billing rates reported below reflect pre-invoice discounts from Fenwick’s then-
23 current market rates, as well as a percentage discount that Amazon receives on its monthly invoices
24 for this matter. (See Dkt. 649, ¶8.)

25 5. To ensure the reasonableness of the lodestar figure, Amazon has taken the following
26 approach. For timekeepers whose rates the Court reviewed as part of a previous fee request,
27 Amazon is requesting reimbursement for time at the rates that the Court *has already approved* for
28 the 2018-2020 time period. For timekeepers who joined the matter during 2021-2023, Amazon is

1 requesting reimbursement for time at their *2021 discounted rates*. The result is that Amazon's
2 supplemental fee request is substantially lower than the full amount it reasonably incurred.

3 6. The Fenwick attorneys and paralegals who worked more than a nominal amount on
4 this matter were previously identified in the Declaration of Todd R. Gregorian in Support of Motion
5 of Amazon.com, Inc., Amazon Web Services, Inc., and Twitch Interactive, Inc., for Attorney Fees
6 and Costs (Dkt. 592-1 at 1-5) or, for new timekeepers, are identified below along with a summary
7 of their experience and qualifications. Additionally, copies of the attorneys' biographies as they
8 appear on the Fenwick website and in Fenwick's marketing materials, including lists of
9 representative engagements, are attached as **Exhibit 1**.

10 a. **Matthew Becker:** Mr. Becker, a litigation associate at Fenwick, is a member
11 in good standing with the California State Bar and has practiced intellectual property litigation in
12 the State of California since 2013. Mr. Becker's rate on this matter was \$743 per hour for all work
13 performed in 2021, \$818 per hour for all work performed in 2022, and \$1,075 per hour for all work
14 performed in 2023. Mr. Becker's responsibilities on this case included legal research, appellate
15 work, and motion practice.

16 b. **Christopher Lavin:** Mr. Lavin, a litigation associate at Fenwick, is a
17 member in good standing with the California State Bar and has practiced intellectual property
18 litigation in the State of California since 2014. Mr. Lavin's rate on this matter was \$743 per hour
19 for all work performed in 2021, \$818 per hour for all work performed in 2022, and \$1,075 for all
20 work performed in 2023. Mr. Lavin's responsibilities on this case included case management, legal
21 research, motion practice, appellate work, and fact discovery.

22 c. **Deena Feit:** Ms. Feit, a litigation associate at Fenwick, is a member in good
23 standing with the bars of the Commonwealth of Massachusetts and Washington State and has
24 practiced intellectual property litigation in the State of Washington since 2022. Ms. Feit's rate on
25 this matter was \$714 per hour for all work performed in 2021, \$805 per hour for all work performed
26 in 2022, and \$1,075 per hour for all work performed in 2023. Ms. Feit's responsibilities on this
27 case included legal research, appellate work, and case management.

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1 d. **Wenbo Zhang:** Ms. Zhang, a litigation associate at Fenwick, is a member
2 in good standing with the New York and Washington State Bars and has practiced intellectual
3 property litigation in the State of New York since 2018, and in the State of Washington since 2022.
4 Ms. Zhang's rate on this matter was \$623 per hour for all work performed in 2021, \$743 per hour
5 for all work performed in 2022, and \$1,030 per hour for all work performed in 2023. Ms. Zhang's
6 responsibilities on this case included case management, legal research, motion practice, and fact
7 discovery.

8 e. **Su Li:** Ms. Li, a litigation associate at Fenwick, is a member in good
9 standing with the California State Bar and has practiced intellectual property litigation in the State
10 of California since 2020. Ms. Li's rate on this matter was \$419 per hour for all work performed in
11 2021, \$461 per hour for all work performed in 2022, and \$735 per hour for all work performed in
12 2023. Ms. Li's responsibilities on this case included legal research and motion practice.

13 f. **Alyssa Crooke:** Alyssa Crooke, a litigation associate at Fenwick, is a
14 member in good standing with the California State Bar and has practiced intellectual property
15 litigation in the State of California since 2021. Ms. Crooke's rate on this matter was \$419 per hour
16 for all work performed in 2021, \$461 per hour for all work performed in 2022, and \$735 per hour
17 for all work performed in 2023. Ms. Crooke's responsibilities on this case included legal research,
18 motion practice, and fact discovery.

19 g. **Adrian Rios:** Mr. Rios, a litigation associate at Fenwick, is a member in
20 good standing with the California State Bar and has practiced intellectual property litigation in the
21 State of California since 2021. Mr. Rios' rate on this matter was \$419 per hour for all work
22 performed in 2021, \$461 per hour for all work performed in 2022, and \$735 per hour for all work
23 performed in 2023. Mr. Rios' responsibilities on this case included legal research and motion
24 practice.

25 h. **Michelle Waziri:** Ms. Waziri, a staff attorney at Fenwick, is a member in
26 good standing with the California State Bar and has practiced commercial complex litigation in the
27 State of California since 2006. Ms. Waziri's rate on this matter was \$361 per hour for all work
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1 performed in 2021, \$324 per hour for all work performed in 2022, and \$560 per hour for all work
2 performed in 2023. Ms. Waziri's responsibilities on this case included fact discovery.

3 7. As PersonalWeb was frustrating execution on the Court's judgment and then entered
4 receivership, Amazon retained the services of counsel specializing in judgment enforcement,
5 namely Steptoe & Johnson LLP. When PersonalWeb appealed the Court's order on the *Kessler*
6 doctrine to the Supreme Court, Amazon retained the services of counsel specializing in Supreme
7 Court practice, namely Paul Hastings LLP. Details about these firms and the timekeepers who
8 worked on the matter are provided in additional declarations submitted herewith.

9 **Billing Rates and Timekeepers for the Further Supplemental Fee Request**

10 8. Amazon below submits a chart listing the timekeepers for this matter, comprising
11 (i) original timekeepers, who billed in this matter between 2018-2021 and whose billing rates were
12 previously submitted to—and approved by—the Court, and (b) new timekeepers, who have not
13 previously billed to this matter between 2018-2021 and whose billing rates have not been
14 previously submitted to the Court.

15 9. As discussed above, for any original timekeepers, Amazon has used the same billing
16 rate that the Court has previously approved for them in the prior fees submission, even though the
17 billing rates for each original timekeeper has in fact increased year-over-year through the current
18 year 2023. For any new timekeepers, Amazon has used their 2021 discounted billing rate for any
19 hours billed in 2022 or 2023, even though the billing rates for each new timekeeper has increased
20 year-over-year through the current year 2023.

21 10. The result of this adjustment to the billing rates for both original timekeepers and
22 new timekeepers is that the total amount of fees that Amazon requests is less than what Amazon
23 actually paid or was billed for the work and, thus, the calculations of fees are conservative.

24 11. In addition to adjusting the billing rates, Amazon has adjusted the timekeepers for
25 which it is seeking fees. Amazon is not seeking fees for any timekeepers that billed less than 30
26 hours during the 2021-2023 period, further making the calculations of its requested fees
27 conservative. This adjustment eliminated 30 timekeepers billing 175.9 hours for a total of
28 **\$117,039.78.**

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