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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 STEVEN K.  
DAVIDSON 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

28

1 I, Steven K. Davidson, declare as follows:

2 1. I am a partner at the law firm Steptoe & Johnson LLP, attorneys for Amazon.com,  
3 Inc., Amazon Web Services, Inc., and Twitch Interactive, Inc. (collectively “Amazon”). I make  
4 this declaration in support of Amazon’s further request for supplemental fees under 35 U.S.C. § 285  
5 for fees that Amazon has incurred since the date of its last submission. (Dkt. 853.) I have personal  
6 knowledge of the facts set forth herein.

7 2. I have practiced law at Steptoe since 1985 upon my graduation from law school, and  
8 have been a partner of the firm since 1993. Throughout my career, I have represented top Fortune  
9 500 corporations, including American Airlines, ConocoPhillips, Credit Suisse, ExxonMobil,  
10 BNSF, and US Airways, in litigation throughout the United States and abroad, as well as in  
11 domestic and international arbitrations. I focus on trial and arbitration work, and have substantial  
12 experience with complex disputes, particularly the enforcement of judgments. In my thirty-eight  
13 years of practice, I have appeared in federal courts, state courts and before various arbitral bodies,  
14 in matters covering a wide variety of subjects.

15 3. I received a Bachelor of Arts degree in 1982 (summa cum laude and Phi Beta Kappa)  
16 and a Master of Arts in 1983, both from Boston University. I received my J.D. degree from  
17 Northwestern Law School in 1985. I am a member of the Bars of the District of Columbia (since  
18 1987) and Virginia (since 1985), the United States Supreme Court and numerous federal district  
19 courts and circuit courts of appeal.

20 4. Currently, I serve as the co-leader of Steptoe’s Commercial Litigation practice  
21 group. I have led or co-led that group for more than 15 years (2001-2012; 2017-present). I have  
22 also been, since 2021, the co-leader of Steptoe’s International Arbitration Group. Today, these  
23 groups include more than 120 lawyers across all of Steptoe’s offices. During my years at Steptoe,  
24 I have had a wide variety of firm management responsibilities. Presently, I am serving as a member  
25 of our Executive Committee—an elected group that essentially manages the firm’s affairs and sets  
26 policy; the Professional Advancement Committee—an elected group that makes recommendations  
27 to the firm’s partnership on the professional advancement of the firm’s attorneys, including on  
28 advancement to partner; and the Compensation Committee. My sustained involvement in the

1 management of a large law firm has given me a great deal of experience with the issues facing a  
2 provider of legal services—issues both internal to the firm itself and inherent in the lawyer-client  
3 relationship, especially with respect to the setting of hourly billing rates for firm professionals.

4 5. I have particularly been involved in supervising, as the lead attorney, a number of  
5 what are commonly referred to as “complex cases.” In my practice, this means that in addition to  
6 being analytically complex, the cases are also large in size in terms of the amount of documents  
7 and other information that has to be handled in the course of the litigation.

8 6. In most of the large matters I have handled over the years, I have been not only the  
9 lead partner in providing services to the client, I have also been the partner responsible for billing.  
10 I have reviewed many hundreds of invoices and submitted them to clients, and I have dealt with  
11 any client questions that arose about those billings. In addition, I have consulted with a number of  
12 my partners over the years about billing questions involving clients for whom they were  
13 responsible. I have also been responsible for negotiating rates with clients on matters based here  
14 in D.C. and throughout the world. As a result, I have become quite familiar with the applicable  
15 rates lawyers charge for a variety of civil cases.

16 7. Additionally, I have been retained as fee counsel or consulted on a number of cases  
17 involving attorneys’ fees disputes. Most often, I have represented prevailing plaintiffs and their  
18 counsel seeking attorneys’ fees and expenses under contractual fee-shifting provisions, civil rights  
19 laws, and fee-shifting statutes. I have also represented parties opposing an award of fees, and I have  
20 served as an expert witness on attorneys’ fee issues numerous times. Through these representations,  
21 I have developed a familiarity with statutory and contractual fee awards and fee petitions.

22 8. I have also represented numerous clients in attorney malpractice, legal ethics, and  
23 professional liability matters. These disputes generally require detailed analysis of billing records,  
24 time sheets, and expense reports. As a result, I have extensive knowledge of the billing practices  
25 and procedures at a number of law firms in the Washington metropolitan area.

26 9. As a result of the activities described in paragraphs 4 through 8 above, I have  
27 reviewed hourly rates and billing practices of a variety of law firms in many different types of  
28 cases. In particular, I have significant knowledge of the hourly rates typically charged by firms

1 involved in all types of litigation, including the rates of firms which practice before state and federal  
2 courts in the District of Columbia, Maryland, Virginia, and New York. I regularly review national  
3 surveys, publications and non-public reports on law firm rates. It is also part of my practice to keep  
4 current on reported attorneys' fees decisions, so that I can be aware of legal developments in the  
5 field and the type, nature, and amount of fees and expenses courts approve as reasonable, including  
6 the hourly rates that firms charge and courts approve.

7 10. I have been the lead lawyer and billing attorney for our firm's representation of  
8 Amazon. In connection with this representation, I have been admitted *pro hac vice* in California  
9 Superior Court proceedings between these parties and other related entities. Both in real time and  
10 for purposes of this Declaration, I have reviewed the invoices and back-up documentation  
11 submitted by our firm for this matter. The applicable ethics rules and opinions require that rates be  
12 reasonable. They do not impose any limits on either rates or rate increases, so long as the resulting  
13 rate is reasonable. My years of experience in reviewing rates and in the setting of rates puts me in  
14 a position to be aware of rates generally in the Washington, D.C. market.

15 11. Steptoe & Johnson LLP is a firm of over 450 attorneys with more than 100 years of  
16 practice which has earned an international reputation for vigorous representation of clients before  
17 governmental agencies, successful advocacy in litigation and arbitration, and creative and practical  
18 advice in structuring business transactions.

19 12. The Steptoe lawyers on the Amazon case are based in our Washington, D.C. office.  
20 In my judgment, the rates sought by Steptoe here are within the bounds of what is customary in the  
21 marketplace in the Washington, D.C. metropolitan area for large, highly- regarded law firms that  
22 have the capacity to handle major complex litigation such as this case.

23 13. While information on rates charged by other Washington, D.C. law firms for  
24 complex commercial litigation, such as this, is not readily available to the public, as described  
25 above, I have consulted sources of information available to me on rates generally for large law  
26 firms in Washington, D.C. I have used this general information and my extensive experience  
27 setting, negotiating and reviewing rates in reaching my conclusion that the rates sought by Amazon  
28 are reasonable and consistent with the customary market rates for the District of Columbia.

1           14.     The billing rates for attorneys at large law firms are similar in the largest U.S. legal  
2 markets. I am familiar with commercial litigator rates in Washington, New York, Chicago, Los  
3 Angeles and San Francisco because in each of those offices I have been involved in setting  
4 Steptoe's rates for our commercial litigators. Consequently, I believe that data reflecting the rates  
5 of commercial litigators at large law firms in the largest U.S. legal markets generally are  
6 informative of market rates for commercial litigators in Washington, D.C. Indeed, I agree with the  
7 Court of Appeals for the D.C. Circuit's observation in *DL v. District of Columbia* that Washington,  
8 D.C. is one of the most expensive legal markets in the country. 924 F.3d 585, 592 (D.C. Cir. 2019).

9           15.     In addition, I have reviewed the Steptoe bills to Amazon—both before we sent them  
10 and again recently—and believe that the number of hours charged is reasonable for the tasks  
11 performed. Amazon is current on all outstanding invoices.

12           16.     Steptoe, a large international law firm, and specifically the below attorneys, were  
13 appropriate counsel for Amazon in this action because they are highly experienced in judgment  
14 enforcement. Steptoe has enforced arbitral awards and judgments in the eight, nine, and even 10-  
15 figure range that have been enforced both in the United States and abroad. In his book *Private*  
16 *Empire: ExxonMobil and American Power*, Pulitzer Prize-winning journalist Steve Coll wrote  
17 about Steptoe's judgment enforcement efforts in another matter, "For the Steptoe attorneys the late-  
18 December Friday afternoon seizure of \$300 million belonging to Hugo Chávez's government was  
19 like hitting a walk-off home run in the bottom of the ninth before a full house at Yankee Stadium."

20           17.     This matter involved judgment enforcement proceedings in federal and state courts  
21 involving domestic and international entities and individuals spanning at least California,  
22 Delaware, and Texas as well as individual South Africans permanently residing in Australia. In  
23 particular, Steptoe has devised litigation strategy, drafted pleadings, and presented oral argument  
24 relating to judgment enforcement in this matter drawing upon their considerable experience in this  
25 highly specialized area of the law. As a result of Steptoe's substantial contributions, thus far,  
26 Amazon has, among other victories, successfully obtained an appellate reversal—and subsequently  
27 intervened—in the Superior Court receivership action, fended off entry of judgment between  
28 PersonalWeb and the PersonalWeb investors that would have terminated the receivership and

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