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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  
SERVICES, INC.,

15 Plaintiffs,

16 v.

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

18 Defendants.

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

21 Plaintiffs,

22 v.

23 TWITCH INTERACTIVE, INC.,

24 Defendant.

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

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

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

**DECLARATION OF STEPHEN B.  
KINNAIRD 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, Stephen B. Kinnaird, declare as follows:

2 1. I am a partner at the law firm Paul Hastings LLP, attorneys of record for  
3 Amazon.com, Inc., Amazon Web Services, Inc., and Twitch Interactive, Inc. (collectively  
4 “Amazon”) before the Supreme Court in *PersonalWeb Tech., LLC v. Patreon, Inc.*, No. 20-1394.  
5 I make this declaration in support of Amazon’s further request for supplemental fees under 35  
6 U.S.C. § 285 for fees that Amazon has incurred since the date of its last submission. (Dkt. 853.) I  
7 have personal knowledge of the facts set forth herein.

8 2. Paul Hastings, LLP is a firm of approximately 1,000 attorneys with more than 70  
9 years of practice. The firm has established practice groups dedicated to white collar and  
10 government disputes, energy, infrastructure, and intellectual property matters, among many others.

11 3. Paul Hastings, a law firm with an esteemed federal appellate practice in Washington  
12 D.C., and specifically the below attorneys based in Washington, D.C., were appropriate counsel for  
13 this action. I am highly experienced in practicing before the Supreme Court. Paul Hastings’  
14 contributed substantially to the Supreme Court action, in which Amazon successfully defeated  
15 PersonalWeb’s petition for writ of *certiorari* on the *Kessler* doctrine issue with the Supreme Court  
16 denying the petition.

17 4. The Paul Hastings attorneys who worked more than a nominal amount on this matter  
18 are identified below, along with a summary of their experience and qualifications. Additionally,  
19 copies of the attorneys’ biographies as they appear on the Paul Hastings website are attached as  
20 **Exhibit A.**

21 a. **Stephen Kinnaird:** Mr. Kinnaird, a partner at Paul Hastings LLP, is a  
22 member in good standing with the New York State Bar and District of Columbia Bar and has  
23 practiced appellate law in the District of Columbia since 1996, including numerous cases in the  
24 U.S. Supreme Court. Mr. Kinnaird’s rate on this matter was \$1,500 per hour for all work performed  
25 in 2021. Mr. Kinnaird’s responsibilities on this case included devising appellate strategy,  
26 developing legal arguments, coordinating and reviewing associate work, and drafting pleadings.

27 b. **Tor O. Tarantola:** Mr. Tarantola, an associate at Paul Hastings LLP, is a  
28 member in good standing with the District of Columbia Bar and has practiced appellate law in the

1 District of Columbia since 2020. Mr. Tarantola's rate on this matter was \$725 per hour for all work  
2 performed in 2021. Mr. Tarantola's responsibilities on this case included drafting pleadings.

3 5. Retention of experienced Supreme Court counsel was prudent in this  
4 matter. Supreme Court counsel provides expertise in Supreme Court procedure and also strategy  
5 for opposing petitions for certiorari in the Supreme Court based on knowledge of the Court's  
6 practices. PersonalWeb had retained one of the nation's leading Supreme Court practitioners,  
7 Jeffrey Lamken of MoloLamken, as lead counsel on its Supreme Court petition. Mr. Lamken, a  
8 former Assistant to the Solicitor General of the United States, has argued 27 cases before the  
9 Supreme Court. (**Exhibit B.**) MoloLamken's petition for certiorari on behalf of PersonalWeb  
10 argued that the Federal Circuit's decision in this case misunderstood *Kessler v. Eldred*, 206 U.S.  
11 285 (1907), as a special patent-specific preclusion rule in conflict with Supreme Court  
12 precedent. (**Exhibit C.**) I assisted Amazon in developing the counternarrative, based on Supreme  
13 Court precedent and research into equity jurisprudence, that *Kessler* represented an application of  
14 core equitable principles regarding the vindication of judgments. (**Exhibit D.**) The Supreme Court  
15 called for the views of the Solicitor General. (**Exhibit E.**) Drawing on experience in representing  
16 clients in meetings with the Solicitor General, I assisted Amazon in developing and executing a  
17 strategy for soliciting the Solicitor's recommendation to deny PersonalWeb's petition. The  
18 Solicitor General ultimately recommended denial, and the Supreme Court denied certiorari on May  
19 16, 2022. (*Id.*)

20 6. **Exhibit F** is a copy of all monthly Paul Hastings invoices to Amazon for work  
21 performed on this matter from June 2021 through June 2022, reflecting the work of each timekeeper  
22 at Paul Hastings who billed to this matter during that time period.

23 7. In my role, I am familiar with Paul Hastings' business and billing practices. Paul  
24 Hastings attorneys routinely practice in appellate matters, including high-stakes patent litigation  
25 raising novel legal issues like this action. In my opinion, the billable rates charged by the specific  
26 attorneys on this case are reasonable for their respective levels of expertise and as compared to  
27 other law firms with similar experience in the District of Columbia.

1           8. Paul Hastings is highly regarded in its handling of, among other things, intellectual  
2 property and complex litigation. For example, over the past year Paul Hastings was:

- 3                   a. Selected as a top firm for Intellectual Property: Patent by Chambers Global  
4                   (2023);  
5                   b. Ranked in Intellectual Property: Patent Litigation by Chambers USA (2022);  
6                   and  
7                   c. Recognized as one of the top Intellectual Property practices by IAM Patent  
8                   1000 (2022).

9           9. Federal courts nationwide have found Paul Hastings' rates to be reasonable for  
10 bankruptcy or litigation of similar or lesser complexity than the Supreme Court proceeding. *See*  
11 *Allcapcorp Ltd. v. CHC Consulting LLC*, No. SACV 19-00206 JVS(JDEX), 2020 WL 4760183, at  
12 \*4 (C.D. Cal. June 18, 2020) (slip op.) (“Based on the evidence submitted, the nature of this dispute,  
13 and the Court’s knowledge and experience, the Court finds that the hourly rates billed by [Paul  
14 Hastings] were reasonable and commensurate with the respective attorneys’ experience and skill.”),  
15 *aff’d*, 2021 WL 3667230 (9th Cir. Aug. 18, 2021); *East West Bank v. Shanker*, No. 20-cv-07364-  
16 WHO, 2021 WL 6049912, at \*6 (N.D. Cal. Dec. 20, 2021) (slip op.) (stating “the higher-than-  
17 average billing rates of [Paul Hastings] counsel are reasonable given the super-charged rates of  
18 large firms in the Bay Area that clients pay”); *In re EHT USI, Inc.*, No. 21-10036 (CSS), Dkt. 280  
19 at 2 (Bankr. Del. Feb. 24, 2021) (approving retention of Paul Hastings whereby “Paul Hastings will  
20 charge its regular hourly rates in effect from time to time, as such rates may be increased  
21 periodically, annually or otherwise”); *In re FTX Trading Ltd.*, No. 22-11068 (JTD), Dkt. 635 at 3  
22 (Bankr. Del. Feb. 7, 2023) (approving retention of Paul Hastings whereby “Paul Hastings shall be  
23 compensated for its services...at its regular hourly rates in effect from time to time, as such rates  
24 may be increased periodically”). Attached as **Exhibit G** are copies of these orders.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is  
2 true and correct. Executed in Washington, District of Columbia on this 4th day of May, 2023.

3  
4 /s/ Stephen B. Kinnaird  
5 Stephen B. Kinnaird  
6

7  
8 **CERTIFICATION OF CONCURRENCE IN FILING**

9 I, Todd R. Gregorian, am the ECF user whose identification and password are being used  
10 to file this Declaration. In compliance with Civil L.R. 5-1(h)(3), I hereby attest that Stephen B.  
11 Kinnaird has concurred in this filing.

12  
13 Dated: May 5, 2023

14 By: /s/ Todd R. Gregorian  
15 Todd R. Gregorian  
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ATTORNEYS AT LAW