

1 J. DAVID HADDEN (CSB No. 176148)
dhadden@fenwick.com
2 SAINA S. SHAMILOV (CSB No. 215636)
sshamilov@fenwick.com
3 TODD R. GREGORIAN (CSB No. 236096)
tgregorian@fenwick.com
4 PHILLIP J. HAACK (CSB No. 262060)
phaack@fenwick.com
5 RAVI R. RANGANATH (CSB No. 272981)
rranganath@fenwick.com
6 FENWICK & WEST LLP
7 Silicon Valley Center
801 California Street
8 Mountain View, CA 94041
Telephone: 650.988.8500
9 Facsimile: 650.938.5200

10 Attorneys for BROOKLYN BREWERY
CORPORATION

MICHAEL A. SHERMAN (SBN 94783)
masherman@stubbsalderton.com
JEFFREY F. GERSH (SBN 87124)
jgersh@stubbsalderton.com
SANDEEP SETH (SBN 195914)
sseth@ stubbsalderton.com
WESLEY W. MONROE (SBN 149211)
wmonroe@stubbsalderton.com
STANLEY H. THOMPSON, JR. (SBN
198825)
sthompson@stubbsalderton.com
VIVIANA B. HEDRICK (SBN 239359)
vhedrick@stubbsalderton.com
STUBBS ALDERTON MARKILES, LLP
15260 Ventura Boulevard, 20TH Floor
Sherman Oaks, CA 91403
Telephone: (818) 444-4500
Facsimile: (818) 444-4520

Attorneys for PERSONALWEB
TECHNOLOGIES, LLC

DAVID D. WIER
david.wier@level3.com
Assistant General Counsel
1025 Eldorado Boulevard
Broomfield, CO 80021
Telephone: (720) 888-3539

Attorney for LEVEL 3
COMMUNICATIONS, LLC

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN JOSE DIVISION

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

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

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

Case No.: 5:18-cv-05436-BLF

24 Plaintiffs,

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER EXTENDING
TIME FOR DEFENDANT TO
RESPOND TO COMPLAINT**

25 v.

26 BROOKLYN BREWERY CORPORATION., a
27 New York corporation,

28 Defendant.

1 The undersigned parties (the “parties”) hereby stipulate and recite as follows:

2 WHEREAS, pursuant to the United States Judicial Panel on Multidistrict Litigation
3 (“JPML”) Rules 6.2(d), 7.1(a), and 7.2(a), the parties agree that this lawsuit is a tag-along action
4 to a larger multidistrict litigation proceeding in the Northern District of California, referred to as
5 *In re PersonalWeb Technologies, LLC et al., Patent Litigation*, Case No. 18-md-02834-BLF (the
6 “MDL”);

7 WHEREAS, on July 13, 2018, the MDL court issued an Order granting a joint
8 stipulation continuing the Preliminary Case Management Conference in the MDL (Dkt. No. 26,
9 the “Continued CMC Order”);

10 WHEREAS, as part of the Continued CMC Order, the MDL court permitted the parties
11 in the MDL to file a stipulation extending any defendant’s deadline to respond to the complaint
12 up to a date that is two weeks after the Preliminary Case Management Conference without
13 obtaining a court order (*Id.*);

14 WHEREAS, on July 18, 2018, the MDL court issued an Order setting the Preliminary
15 Case Management Conference for September 20, 2018 (MDL, Dkt. No. 28, the “Reset CMC
16 Order”);

17 WHEREAS, two weeks after the MDL’s September 20, 2018 Preliminary Case
18 Management Conference is October 4, 2018;

19 WHEREAS, pursuant to a stipulation that was then made part of the Continued CMC
20 Order (Dkt. No. 26) and the Reset CMC Order (Dkt. No. 28), all cases that are part of the MDL
21 are stayed until September 20, 2018;

22 WHEREAS, on August 15, 2018, the JPML issued a conditional transfer order to
23 transfer this lawsuit to the MDL court (*In re PersonalWeb Technologies, LLC et al., Patent
24 Litigation*, MDL No. 2834, Dkt. 140);

25 WHEREAS, on August 23, 2018, the MDL Court entered the conditional transfer order
26 to transfer this lawsuit to the Northern District of California (MDL Dkt. No. 44);

27 WHEREAS, this lawsuit was transferred to the MDL Court on September 5, 2018
28 (Dkt. 12);

1 WHEREAS, the parties agree to join in the preparation of the Preliminary Case
2 Management Conference Statement in the MDL, currently due one week before the MDL's
3 Preliminary Case Management Conference on September 13, 2018;

4 WHEREAS, the parties further agree to attend and participate in the MDL's Preliminary
5 Case Management Conference currently scheduled for September 20, 2018;

6 WHEREAS, Brooklyn Brewery Corporation's ("Brooklyn Brewery") deadline to
7 respond to PersonalWeb's Complaint was August 23, 2018;

8 WHEREAS, Brooklyn Brewery has requested, and PersonalWeb Technologies, LLC and
9 Level 3 Communications, LLC (collectively, "PersonalWeb") have agreed, to an extension of
10 time up to and including October 4, 2018 for Brooklyn Brewery to file an answer or otherwise
11 respond to PersonalWeb's Complaint;

12 WHEREAS, the parties preserve all rights and defenses;

13 THE PARTIES HEREBY STIPULATE and jointly request that Brooklyn Brewery shall
14 have up to and including October 4, 2018 to submit an answer or otherwise respond to the
15 Complaint.

16 Respectfully submitted,

17 Dated: September 7, 2018

FENWICK & WEST LLP

18 By: /s/ Todd R. Gregorian

19 Todd R. Gregorian

20 Attorneys for Defendant

BROOKLYN BREWERY CORPORATION

21 Dated: September 7, 2018

STUBBS ALDERTON MARKILES, LLP

22 By: /s/ Michael A. Sherman

23 Michael A. Sherman

24 Attorneys for Plaintiff

25 PERSONALWEB TECHNOLOGIES, LLC

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1 Dated: September 7, 2018

DAVID D. WIER

2
3 By: /s/ David D. Wier

David D. Wier

Attorneys for Plaintiff

LEVEL 3 COMMUNICATIONS, LLC

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

7
8 Dated: September 11, 2018



Honorable Beth Labson Freeman
United States District Judge

9
10
11 **ATTESTATION**

12 Counsel for Brooklyn Brewery Corporation hereby attests by his signature below that
13 concurrence in the filing of this document was obtained from counsel for PersonalWeb and
14 Level 3.

15
16 Dated: September 7, 2018

FENWICK & WEST LLP

17
18 /s/ Todd R. Gregorian

Todd R. Gregorian

Attorney for Defendant

BROOKLYN BREWERY CORPORATION