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11 AMAZON WEB SERVICES INC., and
12 TWITCH INTERACTIVE, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 IN RE: PERSONALWEB TECHNOLOGIES,
17 LLC ET AL., PATENT LITIGATION,

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

Plaintiffs,

v.

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

Defendants.

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

Plaintiffs,

v.

26 TWITCH INTERACTIVE, INC.,

27 Defendant.

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

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

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

**STATEMENT OF RECENT DECISION
OF AMAZON.COM, INC., AMAZON
WEB SERVICES, INC., AND TWITCH
INTERACTIVE, INC.**

Date: November 16, 2023

Time: 9:00 a.m.

Place: Courtroom 3, 5th Floor

Judge: Hon. Beth L. Freeman

FENWICK & WEST LLP
ATTORNEYS AT LAW

1 **TO THE COURT, THE PARTIES, AND ALL COUNSEL OF RECORD:**

2 Defendants Amazon.com, Inc., Amazon Web Services, Inc., and Twitch Interactive, Inc.
3 (collectively, “Amazon”) respectfully submit this Statement of Recent Decision pursuant to Civil
4 L.R. 7-3(d)(2) in connection with their motion for further supplemental fees (Dkt. No. 880).
5 Attached as **Exhibits 1 & 2** are a true and correct copy of the Federal Circuit opinion and judgment
6 issued in *In re: PersonalWeb Techs., LLC*, No. 21-1858 (Fed. Cir. Nov. 3, 2023), affirming this
7 Court’s finding that this case was exceptional under 35 U.S.C. § 285 and its award of attorney fees
8 (Dkt. Nos. 636, 648 & 656). The Federal Circuit affirmed the exceptional case determination on
9 all five grounds relied upon by this Court (*see* Ex. 1 at 7-22), including that PersonalWeb had
10 brought objectively baseless claims against scores of Amazon customers that were barred by an
11 earlier judgment against Amazon. It ruled that the Court was “thorough and well-reasoned,” in
12 setting the amount of the award, which included fees incurred for work on the claim and *Kessler*
13 preclusion issues. *Id.* at 23-24. This ruling is relevant to PersonalWeb’s argument that the Court
14 should deny recovery of supplemental fees on these issues because its position was purportedly
15 “not as objectively baseless” as the Court concluded. (*See* Dkt. No. 889-1 at 8.)
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18 Dated: November 6, 2023

FENWICK & WEST LLP

19 By: /s/ Todd R. Gregorian
20 Todd R. Gregorian

21 Attorney for AMAZON.COM, INC.,
22 AMAZON WEB SERVICES, INC., and
23 TWITCH INTERACTIVE, INC.
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