

1 Michael A. Sherman (SBN 94783)
masherma@stubbsalderton.com
2 Jeffrey F. Gersh (SBN 87124)
jgersh@stubbsalderton.com
3 Sandeep Seth (SBN 195914)
sseth@stubbsalderton.com
4 Wesley W. Monroe (SBN 149211)
wmonroe@stubbsalderton.com
5 Stanley H. Thompson, Jr. (SBN 198825)
sthompson@stubbsalderton.com
6 Viviana Boero Hedrick (SBN 239359)
vhedrick@stubbsalderton.com
7 STUBBS ALDERTON & MARKILES, LLP
15260 Ventura Blvd., 20th Floor
8 Sherman Oaks, CA 91403
Telephone: (818) 444-4500
9 Facsimile: (818) 444-4520

10 Attorneys for Plaintiffs

11 [ADDITIONAL ATTORNEYS LISTED ON
SIGNATURE PAGE]

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE. PERSONALWEB
TECHNOLOGIES, LLC ET AL.

CASE NO.: 5:18-md-02834-BLF

NOTICE OF RELATED CASES
PURSUANT TO CIVIL L.R. 3-12 TO
BE FILED IN CASE NO. 5:18-md-
02834; ADMINISTRATIVE
MOTION TO CONSIDER
WHETHER CASES SHOULD BE
RELATED PURSUANT TO CIVIL
L.R. 7-11

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on or about September 12 and 13, 2018, in the
3 United States District Court for the Northern District of California, PersonalWeb
4 Technologies, LLC and Level 3 Communications, LLC (“Plaintiffs”) filed certain
5 cases related to the within coordinated or consolidated pretrial patent proceedings
6 under 28 U.S.C. §1407. action. Pursuant to Civil Local Rules 3-12(b) and 7-11 of the
7 United States District Court for the Northern District of California, and Paragraph 4 of
8 the June 18, 2018 Order re Preliminary Case Management Conference issued by the
9 Honorable Beth Labson Freeman, presiding judge over this MDL matter [18-md-
10 02834, Dkt. 19], Plaintiff *PersonalWeb Technologies LLC and Level 3*
11 *Communications* submit this Administrative Motion to Consider Whether Cases
12 Should Be Related.

13 **I. APPLICABLE STANDARD UNDER CIVIL L.R. 3-12**

14 Under Civil Local Rule 3-12(a), an “action is related to another when: (1) The
15 actions concern substantially the same parties, property, transaction or event; and (2)
16 It appears likely that there will be an unduly burdensome duplication of labor and
17 expense or conflicting results if the case is conducted by different judges.” Civil L.R.
18 7-11.”¹

19 **II. RELATED CASES**

20 The actions below should be related to the within action, *In re. PersonalWeb*
21 *Technologies, LLC et al.* because the related cases involve substantially the same
22 issues, similar wrongful act or acts and occurrences, and infringement of the same
23 Patents by Defendants, namely: U.S. Patent No. 6,928,442 (the “’442 patent”), U.S.
24

25
26 ¹ “In addition to complying with Civil L.R. 7-11, a copy of the motion, together
27 with proof of service pursuant to Civil L.R. 5-5, must be served on all known parties
28 to each apparently related action. A Chambers copy of the motion lodged with the
assigned Judge in each apparently related case under Civil L.R. 5-1(e).” Civil L.R. 3-
12(b).

1 Patent No. 7,802,310 (the “310 patent”), U.S. Patent No. 7,945,544 (the “544
2 patent”), and U.S. Patent No.8,099,420 (the “420 patent”), all owned by Plaintiffs:
3

4 CASE NAME:	CASE NO:	JUDGE
5 <i>PersonalWeb Technologies LLC, et al. v.</i> 6 <i>Dictionary.com, LLC</i>	4:18-cv-05606	Hon. Magistrate Judge Kandis A. Westmore
7 <i>PersonalWeb Technologies LLC, et al. v.</i> 8 <i>Goodreads, LLC</i>	3:18-cv-05595	Hon. Magistrate Judge Laurel Beeler
9 <i>PersonalWeb Technologies LLC, et al. v.</i> 10 <i>Imgur, Inc.</i>	3:18-cv-05596	Hon. Magistrate Judge Jacqueline Scott Corley
11 <i>PersonalWeb Technologies LLC, et al. v.</i> 12 <i>Intuit, Inc.</i>	3:18-cv-5611	Hon. Magistrate Judge Laurel Beeler
13 <i>PersonalWeb Technologies LLC, et al. v.</i> 14 <i>Patreon, Inc.</i>	3:18-cv-05599	Hon. Magistrate Judge Sallie Kim
15 <i>PersonalWeb Technologies LLC, et al. v.</i> 16 <i>Slack Technologies, Inc.</i>	3:18-cv-05600	Hon. Magistrate Judge Elizabeth D. LaPorte
17 <i>PersonalWeb Technologies LLC, et al. v.</i> 18 <i>Twitch Interactive, Inc.</i>	3:18-cv-5619	Hon. Magistrate Judge Elizabeth D. LaPorte
19 <i>PersonalWeb Technologies LLC, et al. v.</i> 20 <i>Upwork Global, Inc.</i>	5:18-cv-5624	Hon. Magistrate Judge Jacqueline Scott Corley
21 <i>PersonalWeb Technologies LLC, et al. v.</i> 22 <i>Zoom Video Communications, Inc.</i>	5:18-cv-05625	Hon. Magistrate Judge Donna M. Ryu

23
24 As a result, the cases require determination of substantially the same questions of
25 fact and law. Specifically, each case involves Defendants who operate or operated a
26 website and have done so since before the expiration of the last to expire of the
27 Patents-In-Suit, which provides webpage content to its users.

28 As such, the following similar questions of law and facts exist in one or more of

1 the apparently related cases.

- 2 • Defendants have infringed at least claims 10 and 11 of the '442 patent by their
3 manufacture, use, sale, importation, and/or offer for sale of products or
4 services, and/or controlling the distribution of its webpage content.
5 Defendants are liable for their infringement of the '442 patent pursuant to
6 35 U.S.C. § 271.
- 7 • Defendants have infringed at least claims 20 and/or 69 of the '310 patent by
8 their manufacture, use, sale, importation, and/or offer for sale of products or
9 services, and/or controlling the distribution of its webpage content.
10 Defendants are liable for their infringement of the '310 patent pursuant to
11 35 U.S.C. § 271.
- 12 • Defendants have infringed at least claims 46, 48, 52, and 55 of the '544
13 patent by their manufacture, use, sale, importation, and/or offer for sale of
14 products or services, and/or controlling the distribution of its webpage
15 content. Defendants are liable for its infringement of the '544 patent
16 pursuant to 35 U.S.C. § 271.
- 17 • Defendants have infringed claims 25, 26, 27, 29, 30, 32, 34-36 and 166 of
18 the '420 patent by their manufacture, use, sale, importation, and/or offer
19 for sale of products or services, and/or controlling the distribution of its
20 webpage content. Defendants are liable for their infringement of the '420
21 patent pursuant to 35 U.S.C. § 271.

22 Accordingly, there will be an unduly burdensome duplication of labor and
23 expense, and there will be a risk of conflicting results if the case set forth above is not
24 related to the within action, *In re. PersonalWeb Technologies, LLC et al.*, and the
25 cases proceed before different judges.

26 **III. STATUS OF SERVICE**

27 For each of the aforementioned defendants, the summons and complaint, and all
28 related documents are currently out for service pursuant FRCP Rule 4(c).

1 This Notice of Related Case will be served on Defendants.

2 Dated: September 14, 2018

Respectfully submitted,

3

4

**STUBBS ALDERTON
& MARKILES, LLP**

5

6

By: /s/ Michael A. Sherman

7

Michael A. Sherman

8

Jeffrey F. Gersh

9

Sandeep Seth

10

Wesley W. Monroe

11

Stanley H. Thompson, Jr.

12

Viviana Boero Hedrick

13

Dated: September 14, 2018

MACEIKO IP

14

By: /s/ Theodore S. Maceiko

15

Theodore S. Maceiko (SBN 150211)

16

ted@maceikoip.com

17

MACEIKO IP

18

420 2nd Street

19

Manhattan Beach, CA 90266

20

Telephone: (310) 545-3311

21

Facsimile: (310) 545-3344

22

Attorneys for Plaintiff

23

PERSONALWEB

24

TECHNOLOGIES, LLC, a Texas

25

limited liability company

26

27

28

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.