

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Robocast, Inc.,

Plaintiff and Counterclaim
Defendant

v.

Netflix, Inc.

Defendant and Counterclaim
Plaintiff.

C.A. No. 1:22-cv-00305-RGA

JURY TRIAL DEMANDED

**PLAINTIFF'S FIRST RULE 30(b)(6)
DEPOSITION NOTICE TO DEFENDANT**

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 30(b)(6), Plaintiff Robocast, Inc. ("Robocast") will take the deposition upon oral examination of Defendant Netflix, Inc. ("Netflix" or "Defendant") at the law office of McKool Smith in Washington D.C., 1999 K Street, NW Suite 600 Washing, D.C. 20006 on October 3, 2023. The deposition will be recorded by stenographic means and may also be recorded by videotape. The deposition will be conducted before an officer authorized to administer oaths and will continue from day-to-day, weekends and legal holidays excluded, until completed, or according to a schedule mutually agreed upon by the parties in advance of the appearance date. You are invited to attend and cross examine.

Pursuant to Federal Rule of Civil Procedure Rule 30(b)(6), Netflix shall designate one or more officers, directors, managing agents, or other persons to testify on its behalf concerning the matters set forth in Exhibit "A." Netflix is requested to set forth, for each person designated, the

topics on which the person will testify no less than five days before the commencement of the deposition.

Dated: September 19, 2023

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EXHIBIT A

Notwithstanding any definition set forth below, each word, term, or phrase used in this Notice of Deposition is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure.

DEFINITIONS

1. The term “Netflix” or “Defendant” as used herein shall mean, individually and collectively, Netflix, Inc., its parent companies, subsidiaries, predecessors, successors, affiliates, other related business entities, assigns, joint venturers, partners, principals, directors, officers, employees, attorneys, accountants, representatives, consultants, and all other persons or entities acting on behalf of Netflix, Inc. including, but not limited to, any of the “Netflix Properties” as that phrase is used in the public Form 10-K financial filings made with the US Securities and Exchange Commission by Alphabet Inc.

2. The term “’451 Patent” as used herein shall mean U.S. Patent No. 7,155,451.

3. The term “’819 Patent” as used herein shall mean U.S. Patent No. 8,606,819.

4. The term “’932 Patent” as used herein shall mean U.S. Patent No. 8,965,932.

5. The term “Patents-In-Suit” as used herein shall mean, collectively, the ’451 Patent, the ’819 Patent, and the ’932 Patent.

6. The term “Infringement Period” as used herein shall mean the time period beginning on March 7, 2016 and ending on August 9, 2020.

7. The term “Netflix Internet Platform” as used herein shall mean any system, service, method or process, including any associated software, hardware, and data structures, that either controls, manages, administers, monitors, sequences, schedules, identifies information for, accesses information for, collects information for, transmits information for, displays or presents

information for automated video playlists (such as Autoplay and Flixtape playlists) made, used, sold, offered for sale, imported, put into service, or otherwise deployed by Netflix from March 7, 2016 until the expiration of each Patent-in-Suit, including, without limitation, the Netflix.com Internet platform and any Netflix apps.

8. The term “User(s)” as used herein shall mean the end-user(s) of computers such as desktop or laptop PCs, smartphone or tablet mobile device, or smart TVs that include web browsers or Netflix apps for interacting online with the Netflix Internet Platform so as to enable said end-user(s) to consume Netflix’s digital content, including by watching its videos.

9. The term “Video Playlists” as used herein shall mean the sets or collections of different videos hosted by the Netflix Internet Platform that playback their videos automatically in sequential order one after the other without requiring ongoing directive input from a User beyond (at most) a single initial click that serves to commence the playlist. As such, these Video Playlists are intended to include Netflix’s so-called Autoplay and Flixtape playlists, and any other static or dynamic video playlists hosted by the Netflix Internet Platform that operate in this described manner.

10. The terms "documents," “ESI,” and "tangible things" as used herein shall mean each non-identical copy of any of the types of documents, ESI, or tangible things encompassed by Fed. R. Civ. P. 34(a), and shall specifically include writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained either directly or, if necessary, after translation by the Defendant into a reasonably usable form.

11. The term "non-identical copy" as used herein shall mean any document, ESI, or tangible thing that, but-for markings, additions, deletions, signatures, modifications of any kind

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