

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

ROBOCAST, INC.,

**Plaintiff and
Counterclaim
Defendant,**

v.

NETFLIX, INC.,

**Defendant and
Counterclaim
Plaintiff.**

**Civil Action No. 1:22-cv-00305-
RGA-JLH**

JURY TRIAL DEMANDED

JOINT MOTION FOR TELECONFERENCE TO RESOLVE DISCOVERY DISPUTES

WHEREAS, pursuant to the District Court's April 13, 2023 Oral Order referring all discovery disputes to Magistrate Judge Jennifer L. Hall (D.I. 66), Plaintiff Robocast, Inc. ("Robocast") and Defendant Netflix, Inc. ("Netflix") respectfully jointly move this Court to schedule a teleconference to address the following discovery disputes:

1. Robocast's request to compel Netflix to produce of documents relevant to the hypothetical negotiation between the parties in response to Robocast's First Requests for Production of Documents Nos. 1-2, 4-8, 10-11, 16, 18-19, 21-22, 24, 27, 29-30, 33-34, 37-38, 44, and 46-47;
2. Robocast's request to compel a deposition date and identification of a witness or witnesses to testify on Netflix's behalf on the topic identified in Robocast's First Rule 30(b)(6) Deposition Notice to Netflix;
3. Robocast's request to compel substantive responses to Robocast's First Set of Interrogatories Nos. 1, 2, and 4-11;
4. Netflix's request to compel Robocast to comply with the Court's August 29, 2023 Oral

Order to produce documents that post-date 2014 in response to Netflix's Requests for Production; and

5. Netflix's request to compel Robocast to respond to Netflix's Interrogatory No. 15, seeking Robocast's sources of revenue and expenses from the date of conception of the Asserted Patents through patent expiration.

The parties are scheduling a meet and confer on additional issues next week. Netflix's position is that it would be most efficient for the Court to hear all disputes at once. Robocast's position is that the Court should hear disputes for which the parties are already at an impasse rather than wait to include issues for which impasse is, at best, speculative. Should additional issues become ripe for either party, the parties agree to file joint motions regarding such additional issues.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in verbal meet-and-confers by telephone on September 18, 2023, October 27, 2023, and November 2, 2023 regarding the items above:

Delaware Counsel: Stephen Brauerman, Ronald P. Golden (for Robocast); Kelly E. Farnan, Sarah Metzler (for Netflix)

Lead Counsel: Steven Rizzi, Ramy Hanna, William Ellerman, Ari Rafilson, Casey Shomaker, Sam Moore (for Robocast); Diane Ghrist; Tara Elliott, Kimberly Li (for Netflix)

The parties are available for a teleconference on the following dates, or at the Court's convenience:¹

- Monday, November 20, 2023
- Tuesday, November 28, 2023 (before 4:00 pm EST)

¹ Robocast is also available for a teleconference on November 14, 15 (after 12pm EST), 17, or 21, but Netflix has represented it is not available on those dates.

- Wednesday, November 29, 2023 (after 12:00 pm EST)
- The parties request that the Court schedule a teleconference on one of the dates listed above, or on an alternative date that is convenient to the Court.

Dated: November 8, 2023

/s/ Stephen B. Brauerman

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IT IS SO ORDERED this ____ day of _____, 2023.

THE HONORABLE JENNIFER L. HALL
UNITED STATES MAGISTRATE JUDGE