

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-JLH

JURY TRIAL DEMANDED

**~~PROPOSED~~ AMENDED SCHEDULING ORDER**

This 26th day of April, 2024, the Court having conducted a discovery dispute conference on April 5, 2024 and having instructed the parties to submit a revised proposed scheduling order consistent with the Court's guidance (D.I. 242);

**IT IS HEREBY ORDERED** that:

1. Discovery

a. Miscellaneous Discovery Matters.

- i. Reducing Asserted Claims and Prior Art. By **September 3, 2024** (i.e., after the close of expert discovery), Plaintiff shall further narrow the number of asserted claims to no more than ten (10). By **September 10, 2024**, Defendant shall narrow the number of prior-art-based invalidity arguments to no more than two (2) arguments per asserted claim.

2. Disclosure of Expert Testimony.

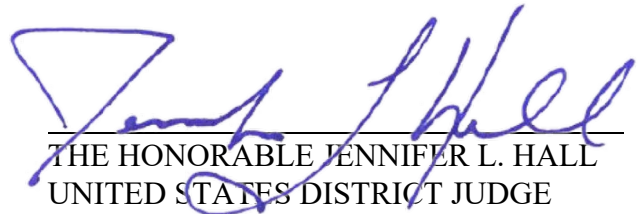
- a. Expert Reports. For the party who has the initial burden of proof on the subject matter, the initial Federal Rule 26(a)(2) disclosure of expert testimony is due on or before **June 14, 2024**. The supplemental disclosure to contradict or rebut evidence on the same matter identified by another party is due on or before **July 11, 2024**. Reply expert reports from the party with the initial burden of proof are due on or before **August 6, 2024**. No other expert reports will be permitted without either the consent of all parties or leave of the Court. If any party believes that an expert report does not comply with the rules relating to timely disclosure or exceeds the scope of what is permitted in that expert report, the complaining party must notify the offending party within one (1) week of the submission of the expert report. The parties are expected to promptly try to resolve any such disputes, and, when they cannot reasonably be resolved, use the Court's Discovery Dispute Procedure or the complaint will be waived.

Along with the submission of the expert reports, the parties shall advise of the dates and times of their experts' availability for deposition. Depositions of experts shall be completed on or before **August 29, 2024**.

3. Case Dispositive Motions. All case dispositive motions shall be served and filed on or before **September 26, 2024**. No case dispositive motions under Rule 56 may be filed more than ten (10) days before the above date without leave of the Court. Absent an order of the Court upon a showing of good cause, each side is limited to one forty (40) page opening brief, one forty (40) page answering brief, and one twenty (20) page reply

brief for all of its *Daubert* and case dispositive motions. Answering briefs for case dispositive motions shall be served and filed on or before **October 17, 2024**. Reply briefs for case dispositive motions shall be served and filed on or before **October 30, 2024**.

4. The deadlines in this Amended Scheduling Order supersede the deadlines in paragraphs 3(g)(v), 9(a), and 10 of the Joint Scheduling Order in this case (D.I. 47). All other remaining deadlines set forth in the Joint Scheduling Order (D.I. 47) in this case remain the same.



THE HONORABLE JENNIFER L. HALL  
UNITED STATES DISTRICT JUDGE

Dated: April 12, 2024

/s/ Stephen B. Brauerman

Stephen B. Brauerman

Ronald P. Golden, III

**Bayard, P.A.**

600 N. King Street, Suite 400

Wilmington, DE 19801

(302) 655-5000

Fax: (302) 658-6395

sbrauerman@bayardlaw.com

rgolden@bayardlaw.com

Marc N. Henschke (*pro hac vice*)

Steven M. Coyle (*pro hac vice*)

Andrew C. Ryan (*pro hac vice*)

Nicholas A. Geiger (*pro hac vice*)

Sara T. Colburn (*pro hac vice*)

**Cantor Colburn LLP**

20 Church Street, 22nd Floor

Hartford, CT 06103

Tel. (860) 286-2929

Fax. (860) 286-0115

mhenschke@cantorcolburn.com

scoyle@cantorcolburn.com

aryan@cantorcolburn.com

ngeiger@cantorcolburn.com

scolburn@cantorcolburn.com

Steven Rizzi (*pro hac vice*)

Mariel Talmage (*pro hac vice*)

**McKool Smith, P.C.**

1301 6th Avenue, 32nd floor

New York, NY 10019

(212) 402-9400

srizzi@mckoolsmith.com

mtalmage@mckoolsmith.com

Ramy E. Hanna (DE Bar Id# 5494)

**McKool Smith, P.C.**

600 Travis Street

Suite 7000

Houston, Texas 77002

(713) 485-7344

rhanna@mckoolsmith.com

Casey L. Shomaker (*pro hac vice*)

/s/ Kelly E. Farnan

Kelly E. Farnan (#4395)

Sara M. Metzler (#6509)

**RICHARDS, LAYTON & FINGER P.A.**

One Rodney Square

920 North King Street

Wilmington, DE 19801

(302) 651-7700

farnan@rlf.com

Tara D. Elliott (#4483)

Rachel Weiner Cohen

Ashley M. Fry

Diane E. Ghrist

Alessandra M. Schaszberger

**LATHAM & WATKINS LLP**

555 Eleventh Street, NW

Suite 1000

Washington, DC 20004-1304

(202) 637-2200

Kimberly Q. Li

**LATHAM & WATKINS LLP**

200 Clarendon Street

Boston, MA 02116

(617) 880-4500

*Attorneys for Defendant and Counterclaim*

*Plaintiff Netflix, Inc.*

Samuel L. Moore (*pro hac vice*)

Steven Udick (*pro hac vice*)

**McKool Smith, P.C.**

300 Crescent Court, Suite 1500

Dallas, Texas 75201

(214) 978-4000

cshomaker@mckoolsmith.com

smoore@mckoolsmith.com

sudick@mckoolsmith.com

*Attorneys for Plaintiff and  
Counterclaim Defendant Robocast,  
Inc.*