

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

ROBOCAST, INC., )  
 )  
 Plaintiff and Counterclaim Defendant, ) C.A. No. 22-305-JLH  
 )  
 v. )  
 )  
 NETFLIX, INC., )  
 )  
 Defendant and Counterclaim Plaintiff. )

**STIPULATION AND ~~PROPOSED~~ ORDER REGARDING  
OBJECTIONS TO EXPERT REPORTS**

WHEREAS, the Amended Scheduling Order requires that “[i]f a 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” (D.I. 266 ¶ 2(a));

WHEREAS, the Amended Scheduling Order further provides that “[t]he 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”;

WHEREAS, the parties exchanged opening expert reports on June 14, 2024 and objections consistent with Paragraph 2(a) of the Amended Scheduling Order (D.I. 266) on June 21, 2024;

WHEREAS, Netflix, Inc. (“Netflix”) has also raised an issue concerning Robocast, Inc.’s (“Robocast”) production of expert reports from Mr. Hoffman, from a prior related litigation, which, in Netflix’s view, bear on the parties’ expert reports;

WHEREAS, the parties met and conferred on July 9, 2024 regarding the objections exchanged on June 21, 2024 and Robocast’s production of expert reports from prior related litigations;

WHEREAS, the parties exchanged rebuttal reports on July 11, 2024 and are due to exchange reply reports on August 6, 2024; and

WHEREAS, the parties conferred and believe that presenting disputes on opening, rebuttal, and reply reports at the same time will be more convenient and efficient for the Court and should not result in a waiver of timely-raised objections;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto, and subject to the approval of the Court, that the parties shall continue to comply with the deadlines in Paragraph 2(a) of the Amended Scheduling Order with respect to the exchange of objections and the obligation to promptly meet and confer but that any objections to expert reports, including those already disclosed and addressed above, should be raised together through the Court's Discovery Dispute Procedures no later than August 23, 2024. The parties agree that abiding by the terms of this Stipulation and Order will not result in a waiver of any objections.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties hereto, and subject to the approval of the Court, that, to the extent either side raises issues with more than one round of reports (i.e., opening, rebuttal, and reply), the parties' opening and responsive submissions shall be permitted to be six (6) pages each.

/s/ Stephen B. Brauerman

Stephen B. Brauerman (#4952)  
Ronald P. Golden III (#6254)  
Bayard, P.A.  
600 North King Street, Suite 400  
Wilmington, DE 19801  
(302) 655-5000  
sbrauerman@bayardlaw.com  
rgolden@bayardlaw.com

*Attorneys for Plaintiff Robocast, Inc.*

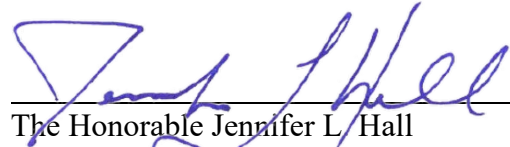
Dated: July 29, 2024

/s/ Kelly E. Farnan

Kelly E. Farnan (#4395)  
Richards, Layton & Finger, P.A.  
One Rodney Square  
920 North King Street  
Wilmington, DE 19801  
(302) 651-7700  
farnan@rlf.com

*Attorney for Defendant Netflix, Inc.*

SO ORDERED this 30<sup>th</sup> day of July, 2024.

  
\_\_\_\_\_  
The Honorable Jennifer L. Hall  
United States District Judge