

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

ROBOCAST, INC.,

Plaintiff,

v.

YOUTUBE, LLC and GOOGLE, LLC,

Defendants.

Civil Action No. 1:22-cv-00304-RGA

JURY TRIAL DEMANDED

ROBOCAST, INC.,

**Plaintiff and
Counterclaim
Defendant,**

v.

NETFLIX, INC.,

**Defendant and
Counterclaim
Plaintiff.**

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

JURY TRIAL DEMANDED

JOINT SCHEDULING ORDER

This 21st day of February, 2023, the Court having conducted an initial Rule 16(b) scheduling pursuant to Local Rule 16.1(b), the parties having determined after discussion that these matters cannot be resolved at this juncture by settlement, voluntary mediation, or binding arbitration;

IT IS HEREBY ORDERED that:

1. Rule 26(a)(1) Initial Disclosures. Unless otherwise agreed to by the parties, the parties shall make their initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) within five (5) days of the date of this Order.

2. Joinder of Other Parties and Amendment of Pleadings. All motions to join other parties, and to amend or supplement the pleadings, shall be filed on or before **December 7, 2023**.
3. Discovery
 - a. Fact Discovery Cut Off. All fact discovery in these cases shall be initiated so that it will be completed on or before **April 11, 2024**.
 - b. Document Production. Document production shall be substantially complete by **November 17, 2023**.
 - c. Requests for Admission. A maximum of **fifty (50)** requests for admission are permitted for each side in each case.
 - d. Interrogatories. A maximum of **twenty-five (25)** interrogatories, including contention interrogatories, are permitted for each side in each case.
 - e. Depositions.
 - i. Limitations on Hours for Deposition Discovery.

Each side for each case is limited to a total of seventy (70) hours of taking testimony by deposition upon oral examination of the other party (excluding any depositions of third parties and expert witnesses), with each deposition counting for a minimum of two (2) hours towards this limitation regardless of its shorter length. Each side in each case shall be limited to forty (40) hours of deposition of third parties. Defendants shall coordinate with each other to ensure depositions of Plaintiff and third parties are conducted in an efficient manner such that, for example,

depositions of the same witness are scheduled on the same day or on consecutive days or on mutually agreeable days to the parties and the witness. To the extent a party reasonably believes that additional deposition time is necessary, the parties shall meet and confer in good faith in an attempt to achieve resolution. If the parties are unable to achieve resolution, a party may seek relief from the Court, and the remaining parties will not oppose a reasonable request for an expedited briefing schedule on this issue.

- ii. Location of Depositions. Any party or representative (officer, director, or managing agent) of a party filing a civil action in this district court must ordinarily be required, upon request, to submit to a deposition at a place designated within this district. Exceptions to this general rule may be made by order of the Court or by agreement of the parties. A defendant who becomes a cross-claimant or third-party plaintiff shall be considered as having filed an action in this Court for purposes of this provision.
- f. Discovery Matters and Disputes Relating to Protective Orders. Should counsel find they are unable to resolve a discovery matter or a dispute relating to a protective order, the parties involved in the discovery matter or protective order dispute shall contact the Court's Case Manager to schedule an in-person conference/argument. Unless otherwise ordered, by no later than seven (7) business days prior to the conference/argument, any party seeking relief shall file with the Court a letter, not to exceed three (3) pages, outlining the issues in

dispute and its position on those issues. By no later than five (5) business days prior to the conference/argument, any party opposing the application for relief may file a letter, not to exceed three (3) pages, outlining that party's opposition. A party should include with its letter a proposed order with a detailed issue-by-issue ruling such that, should the Court agree with the party on a particular issue, the Court could sign the proposed order as to that issue, and the opposing party would be able to understand what it needs to do, and by when, to comply with the Court's order. Any proposed order shall be e-mailed, in Word format, simultaneously with filing to rga_civil@ded.uscourts.gov. If a discovery-related motion is filed without leave of the Court, it will be denied without prejudice to the moving party's right to bring the dispute to the Court through the discovery matters procedures set forth in this Order.

g. Miscellaneous Discovery Matters.

i. The parties will make initial patent disclosures as set forth below:

(a) Identification of Accused Products and Asserted Patents:

By **March 3, 2023**, for Defendant(s) in each case, Plaintiff shall specifically identify the accused product(s), including the accused methods and systems, and produce the file history for each asserted patent.

(b) Production of Core Technical Documents: By **April 11,**

2023, Defendant(s) in each case shall produce to Plaintiff the core technical documents related to the accused

product(s), including but not limited to operation manuals, product literature, schematics, and specifications.

(c) Initial Infringement Contentions: By **May 25, 2023**, Plaintiff shall produce to Defendant(s) in each case its initial infringement contentions for each asserted claim (limited to a maximum of forty (40) asserted claims per Defendant) relating each accused product to the asserted claims each product allegedly infringes.

(d) Initial Invalidity Contentions: By **July 6, 2023**, Defendant(s) in each case shall produce to Plaintiff its initial invalidity contentions for each asserted claim, as well as related invalidating references (e.g., publications, manuals, and patents). Defendant(s) in each case shall identify no more than seventy-five (75) prior art references.

ii. Other Litigation and Proceedings

(1) Robocast previously initiated litigation in this District against Apple and Microsoft asserting U.S. Patent No. 7,155,451 (“the ‘451 patent”): *Robocast Inc. v. Microsoft Corp.*, No. 10-1055-RGA (D. Del.) (completed); *Robocast Inc. v. Apple Inc.*, No. 11-235-RGA (D. Del.) (completed).

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