

Tyler E. Cragg
(302) 651-7705
cragg@rlf.com

May 12, 2023



BY CM/ECF

The Honorable Jennifer L. Hall
United States District Court
District of Delaware
844 North King Street
Wilmington, DE 19801

Re: *Robocast, Inc. v. Netflix, Inc.*, C.A. No. 22-305-RGA-JLH

Dear Judge Hall:

Defendant Netflix, Inc. (“Netflix”) respectfully submits this letter in response to Plaintiff Robocast, Inc.’s (“Robocast”) May 11, 2023 letter (D.I. 69, the “Letter”) seeking to strike Netflix’s Motion for Teleconference to Resolve Discovery Disputes (D.I. 68, the “Motion”). Contrary to Robocast’s assertions in the Letter, the discovery dispute raised in the Motion is ripe and overdue for submission to the Court.

The issue raised in the Motion has been ripe for more than a month. The parties met and conferred regarding this dispute on March 28 and April 10, 2023, as stated in the Motion. Thereafter, on April 12, 2023, Netflix contacted Judge Andrews’ Chambers to raise the dispute in the Motion and obtained dates in early May. D.I. 66. Judge Andrews then referred this and other discovery disputes to Your Honor and directed the parties to follow Your Honor’s discovery dispute procedures. *Id.* It has now taken the parties a month to negotiate a procedural document to initiate the discovery disputes before Your Honor.

During that time, the parties have remained at an impasse. As the Letter states, the parties met and conferred again on May 1, 2023. Although Robocast argued that its subsequent production of documents would resolve the dispute, Netflix disagrees. Robocast may not unilaterally declare the dispute resolved. Therefore, the dispute described in the Motion is still ripe and Netflix has satisfied its Local Rule 7.1.1 obligation.

Finally, during the May 10, 2023 meet and confer Robocast stated it was available on May 17 and June 9, 2023 for a teleconference with the Court and did not state that its availability was limited to specific issues. Accordingly, Netflix included those dates in the Motion, a copy of which was sent to Robocast prior to filing. Ex. A. Netflix requests that the Court schedule a discovery dispute conference at the Court’s convenience.

■ ■ ■

The Honorable Jennifer L. Hall
May 12, 2023
Page 2

Respectfully,

/s/ Tyler E. Cragg

Tyler E. Cragg (#6398)

cc: All Counsel of Record (CM/ECF)