

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

ROBOCAST, INC.

Plaintiff,

v.

NETFLIX, INC.,

Defendant.

Case No. 1:22-CV-00305-RGA-JLH

**PLAINTIFF ROBOCAST, INC.'S LETTER TO MAGISTRATE JUDGE HALL
REGARDING VALIDITY DOCUMENTS**

MCKOOL SMITH, P.C.

Steven Rizzi
Ramy E. Hanna (DE Bar Id #: 5494)
One Manhattan West
395 9th Avenue, 50th Floor
New York, New York 10001-8603
(212) 402-9400
srizzi@mckoolsmith.com
rhanna@mckoolsmith.com

CANTOR COLBURN LLP

Marc N. Henschke
20 Church Street, 22nd Floor
Hartford, Connecticut 06103-3027
(860) 286-2929
mhenschke@cantorcolburn.com

BAYARD, P.A.

Stephen B. Braerman (#4952)
Ronald P. Golden III (#6254)
600 North King Street, Suite 400
Wilmington, Delaware 19801
(302) 655-5000
sbraerman@bayardlaw.com
rgolden@bayardlaw.com

*Attorneys for Plaintiff
ROBOCAST, INC.*

Dear Judge Hall:

Pursuant to this Court's Oral Order Settling Teleconference (D.I. 72), Robocast submits this response to Netflix's May 22, 2023 letter regarding the production of validity documents served and received in two prior matters: *Robocast, Inc. v. Apple, Inc.*, No. 1:11-cv-00253-RGA (D. Del.) and *Robocast, Inc. v. Microsoft Corp.*, No. 1:10-cv-01055-RGA (D. Del.).

First, as a preliminary matter, Robocast does not and has not opposed production of these documents. Indeed, Robocast produced all responsive documents in its custody and control that do not contain material designated as confidential by third-parties on April 28, 2023, which include *thousands of pages* of invalidity contentions. Robocast also confirmed on the party's May 1, 2023 meet and confer that Robocast will comply with the procedures for producing the remaining material – four expert reports comprising material designated as confidential by third-parties – when the Protective Order is entered in this case. *See* D.I. 73 at 11. On the same meet and confer, Netflix was satisfied by this response, and Robocast understood the parties to be in agreement as to the appropriate procedures for producing the remaining documents. Netflix notably did not again mention production of the remaining documents until it filed its letter to this Court. D.I. 73.

Second, Local Rule 26.2 relates to “documents [] deemed confidential by the *producing party*,” and is thus inapplicable as the documents Netflix seeks do not contain just Robocast's confidential material. In fact, Robocast already produced documents containing only Robocast confidential material. Robocast cannot accede to Netflix's demand that Robocast violate the protective orders entered in the Apple and Microsoft litigations. *Robocast, Inc. v. Apple, Inc.*, No. 1:11-cv-00235-RGA (D. Del.) and *Robocast, Inc. v. Microsoft Corp.*, No. 1:10-cv-01055-RGA (D. Del.). Although Robocast does not dispute that this Court can order production of those documents in this case, Robocast maintains that this Court should do so via the entry of a Protective Order governing third-party confidential material generally, rather than a one-off order regarding these particular documents. Netflix has offered no reason why this will not suffice.

Third, Netflix's request – raised for the first time in its May 22, 2023 letter – that Robocast review and redact over a thousand pages of material, and then provide a log accounting for those redactions, is unreasonable and unduly burdensome. As Robocast reiterated many times to Netflix, absent any objection from Apple or Microsoft, Robocast will produce unredacted versions of these documents after complying with the applicable procedures in the Protective Order.

Fourth, Netflix fails to articulate why the additional material are somehow necessary for its invalidity contentions. In addition to the materials it already has from the Microsoft and Apple litigations, Netflix has filed two IPRs on its own, and six other IPRs have been filed by others. It thus has extensive materials at its disposal for preparing its contentions.

Accordingly, Robocast requests this Court deny Netflix's request.

Dated: May 26, 2023

Respectfully submitted,
/s/ Stephen B. Braerman
Stephen B. Braerman (#4952)

Cc: Counsel of Record (via E-Filing)