IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ROBOCAST, INC., a Delaware corporation, Plaintiff, v. YOUTUBE, LLC, a Delaware limited liability company; and GOOGLE LLC, a Delaware limited liability company, Defendants.	C.A. No. 1:22-cv-00304-RGA-JLH JURY TRIAL DEMANDED

INITIAL INFRINGEMENT CONTENTION CLAIM CHARTS OF PLAINTIFF ROBOCAST, INC. DIRECTED TO DEFENDANTS YOUTUBE LLC AND GOOGLE LLC

Pursuant to Paragraph 3(g)(i)(c) of the Joint Scheduling Order governing this matter, Plaintiff Robocast, Inc. ("Robocast") hereby provides its initial infringement contention claim charts to Defendants YouTube LLC ("YouTube") and Google LLC ("Google") (collectively, "Defendants") in the form attached hereto as Exhibits 1 through 3.

In particular, Robocast's Exhibit 1 claim chart relates asserted method Claims 1-3, 22-29, 37-39, 41 and 42 of U.S. Patent No. 7,155,451 ("the '451 patent") to the methods practiced by Defendants' accused YouTube internet platform as accessed through internet browsers or YouTube apps on desktop or laptop PCs, smartphones, tablet mobile devices, and or smart TVs (the "Accused YouTube Platform"). Next, Robocast's Exhibit 2 claim chart relates asserted method Claims 1, 4, 11, 13, 16, 22-24, and 26-27 of U.S. Patent No. 8,606,819 ("the '819 patent") to the methods practiced by the Accused YouTube Platform. Finally, Robocast's Exhibit 3 claim chart relates asserted method Claims 4, 7, 12-13, 19, 22, 25, 27, 29-31, 33, 46, and 48 of U.S. Patent No. 8,965,932 ("the '932 patent") to the methods practiced by the Accused

YouTube Platform.

The attached initial infringement contention claim charts are provided solely for the purpose of this action and are subject to all objections as to competence, relevance, materiality, propriety, and admissibility, and to any other objections, which are hereby expressly reserved by Robocast and may be interposed at any time including at the time of trial.

Discovery in this matter is at its very earliest stages. While Defendants purport to have produced on April 11, 2023 its core technical documents sufficient to show how its accused systems and system components work, Robocast asserts that in point of fact Defendants' technical document production is markedly deficient and comprises merely a small fraction of the relevant technical documents in Defendants' possession, custody, or control that should have been provided.

Indeed, Defendants' productions to date are inadequate to sufficiently demonstrate how *any* of the features and functionality expressly accused in both the Complaint and in the attached claim charts operate, and as to certain of these accused instrumentalities (*e.g.*, those relating to the "causing advertising content to be presented" aspects of Claims 1, 4, 11, 13, 16, 23, 26 and 27 of the '819 patent, Claim 28 of the '451 patent, and Claim 30 of the '932 patent), Defendants appear to actually have provided nothing of relevance at all. Consequently, at present the attached initial infringement contention claim charts are necessarily based to a significant degree upon information that Robocast has been able to obtain publicly as well as its current good faith beliefs regarding Defendants' accused systems and system components.[1]

[1] To the extent that Defendants purport to have made a second, eleventh hour document production on May 19, 2023 designed to supplement its previously deficient core technical document production, any such materials were not provided to Robocast in a sufficiently timely fashion to allow for review and citation in the claim charts attached hereto as Exhibits 1-3. Robocast expressly reserves its right to rely on such materials as this matter progresses.

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The attached initial infringement contention claim charts are provided by Robocast without prejudice to any of its rights in this action. For example, Robocast expressly reserves the rights to amend, expand, add, supplement, change, alter, or otherwise modify these "initial" contentions as Robocast continues to learn and ascertain new information from the progression of discovery in the case (including from written discovery, document productions, source code review, and both fact and expert depositions), as further analyses are made, as research is completed, as additional contentions are made, and as claims are construed by the Court. Moreover, Robocast expressly reserves the right to identify any potentially additional accused systems or system components discovered during the course of this action. Based upon the totality of information known to date, it is Robocast's good faith understanding and belief that, where present, the various features and functionality that are the subject of its current infringement contentions operate in an identical or substantially similar manner for all relevant purposes across the Accused YouTube Platform regardless of how it is accessed -- *i.e.*, desktop or laptop PCs, smartphones, tablet mobile devices, and/or smart TVs. *See, e.g.,* (GOOG-ROBOCAST-00000606-00000623 at 606) ("The mission of YouTube Player Infrastructure is, 'All videos should play everywhere people want to watch them.'") ("YouTube videos play on Browsers, Android, iOS, and Living Room devices.") Accordingly, where Robocast has cited to a technical document in the attached initial infringement claim charts that is expressly directed to one or more particular method of accessing the Accused YouTube Platform, Robocast intends for that citation to apply equally as infringement support for the Accused YouTube Platform as accessed on any device in which the feature or functionality at issue is also present.

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Dated: May 25, 2023

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