

Francisco A. Villegas (Bar No. 206997)
Damir Cefo (*pro hac vice*)
Mark W. Halderman (*pro hac vice*)
Evan M. Rosenbaum (Bar No. 310414)
fvillegas@villegascefo.com
dcefo@villegascefo.com
mhalderman@villegascefo.com
erosenbaum@villegascefo.com
VILLEGAS & CEFO, LLP
1350 Avenue of the Americas, Floor 2
New York, NY 10019
Telephone: (646) 844-0679

Lawrence C. Drucker (*pro hac vice*)
ldrucker@spencerfane.com
Bryan N. DeMatteo (*pro hac vice*)
bdematteo@spencerfane.com
SPENCER FANE LLP
900 16th Street NW, Suite 400
Washington, D.C. 20006
Telephone: (202) 921-7460

John V. Picone III (Bar No. 187226)
jpicone@spencerfane.com
SPENCER FANE LLP
225 West Santa Clara Street, Suite 1500
San Jose, CA 95113
Telephone: (408) 286-5100

Attorneys For Plaintiff
RAZDOG HOLDINGS LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAZDOG HOLDINGS LLC,

Plaintiff,

vs.
TWITCH INTERACTIVE, INC.

Defendant.

NATHAN B. SABRI, Bar No. 252216
nsabri@perkinscoie.com
STEFANI E. SHANBERG, Bar No. 206717
sshanberg@perkinscoie.com
ROBIN L. BREWER, Bar No. 253686
rbrewer@perkinscoie.com
MATHIEU A. SWIDERSKI, Bar. No. 330333
mathieuswidorski@perkinscoie.com
KARL M. JOHNSTON, Bar No. 327446
kjohnston@perkinscoie.com
PERKINS COIE LLP
505 Howard Street, Suite 1000
San Francisco, California 94105
Telephone: +1.415.344.7000
Facsimile: +1.415.344.7050

Attorneys for Defendant
TWITCH INTERACTIVE, INC.

Case No. 3:24-cv-3638-NW

**THE PARTIES' SECOND JOINT CASE
MANAGEMENT STATEMENT**

DEMAND FOR JURY TRIAL

Pursuant to the Court’s order reassigning this matter (Dkt. No. 46), and the Standing Order for All Judges of the Northern District of California, Plaintiff RazDog Holdings LLC (“RazDog”) and Defendant Twitch Interactive, Inc. (“Twitch”) jointly submit this Second Joint Case Management Statement pertaining to RazDog’s infringement allegations of U.S. Patent Nos. 9,729,658 (the “’658 Patent”) and 10,334,068 (the “’068 Patent”) (collectively, the “Patents-in-Suit”).

I. JURISDICTION AND SERVICE

This action arises under the patent laws of the United States, Title 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a). The parties do not dispute personal jurisdiction and venue in this district. No parties identified in the Complaint remain to be served.

II. FACTS

A. Brief Description of the Facts

Plaintiff RazDog filed its Complaint against Defendant Twitch on June 17, 2024, alleging infringement of the Patents-in-Suit. Specifically, RazDog alleges that Twitch infringes the Patents-in-Suit through its provision of rotating carousels for live video content on its webpage. Dkt. No. 1 (“Compl.”) at ¶¶ 29-40. On July 1, 2024, the Court issued a Clerk’s Notice Rescheduling Initial Case Management Conference (“CMC”), reassigning this matter to the Honorable Jacqueline Scott Corley. Dkt. No. 24. Twitch filed its answer to the Complaint on August 26, 2024. Dkt. No. 33. The parties filed an initial Joint Case Management Statement on September 19, 2024 (Dkt. No. 36), and the initial case management conference was held in front of the Honorable Judge Corley on September 26, 2024. Plaintiff served infringement contentions on November 22, 2024, and Defendant served invalidity contentions on January 13, 2025. On February 24, 2025, this matter was reassigned to the Honorable Judge Noël Wise, and the Court requested this Joint Case Management Statement. Dkt. No. 46. The second case management conference has yet to be scheduled. *Id.* No ADR proceedings or settlement conferences have been scheduled or concluded at this time, nor are there any pending or concluded appeals. On December 23, 2024, Defendant

1 filed two *inter partes* review (“IPR”) petitions with the Patent Trial and Appeal Board (“PTAB”):
 2 (1) IPR2025-00307, concerning the validity of the ’658 Patent, and (2) IPR2025-00308,
 3 concerning the validity of the ’068 Patent. RazDog’s Preliminary Responses to the Petitions are
 4 presently due on April 30, 2025. Defendant has yet to inform Plaintiff whether it intends to request
 5 a stay of this matter pending the PTAB’s resolution of the IPRs.

6 **B. Principal Factual Issues Which the Parties Dispute**

7 The principal disputed factual issues are:

- 8 1. Whether Twitch infringed any asserted claim of the Patents-in-Suit
 9 under 35 U.S.C. § 271;
- 10 2. Whether any asserted claim of the Patents-in-Suit is invalid, including
 11 under 35 U.S.C. §§ 101, 102, 103, and/or 112; and
- 12 3. If Twitch is found to be liable in this action, the amount of damages
 13 owed to RazDog.

14 **III. LEGAL ISSUES**

15 The principal disputed legal issues are:

- 16 1. The proper construction of the asserted claims of the Patents-in-Suit;
- 17 2. Whether any asserted claim of the Patents-in-Suit is invalid, including
 18 under 35 U.S.C. §§ 101, 102, 103, and/or 112;
- 19 3. If liability is established, whether RazDog is entitled to any damages
 20 under 35 U.S.C. § 284;
- 21 4. If liability and damages are established, whether such damages are
 22 limited by 35 U.S.C. §§ 286-288, and/or 28 U.S.C. § 1498, and if so, to
 23 what extent;
- 24 5. Whether this case is exceptional under 35 U.S.C. § 285, entitling the
 25 prevailing party to attorneys’ fees; and
- 26 6. The parties reasonably anticipate other legal issues will be disputed as
 27 the litigation progresses.

1 **IV. MOTIONS**

2 There presently are no pending motions. The parties anticipate moving for summary
3 judgment and may file other dispositive and non-dispositive motions as the case progresses.

4 **V. AMENDMENT OF PLEADINGS**

5 The parties agreed that motions to amend the pleadings were due simultaneously with
6 the deadline for the Exchange of Preliminary Claim Constructions and Extrinsic Evidence,
7 which expired on February 17, 2025.

8 **VI. EVIDENCE PRESERVATION**

9 The parties have conferred pursuant to Federal Rule of Civil Procedure 26(f) regarding
10 reasonable and proportionate steps taken to preserve evidence relevant to the issues reasonably
11 evident in this action. The parties confirm that each has taken appropriate steps to preserve
12 documents, records, electronic data, and materials relevant to this lawsuit from modification or
13 loss.

14 The parties have reviewed the Guidelines Relating to the Discovery of Electronically
15 Stored Information (“ESI Guidelines”), and agreed to an e-discovery order, which the Court
16 ordered on March 6, 2025. Dkt. No. 48.

17 **VII. DISCLOSURES**

18 The parties exchanged initial disclosures on September 24, 2024. Twitch provided
19 supplemental initial disclosures on January 13, 2025.

20 **VIII. DISCOVERY**

21 A. Both parties served discovery on September 10, 2024. RazDog served its Second Set
22 of Requests for Production on November 4, 2024. The parties have exchanged multiple
23 deficiency letters and are currently conferring over several discovery disputes, but none are
24 presently ripe for the Court’s review.

25 B. The scope of anticipated discovery by each party is as follows:

26 RazDog anticipates needing discovery on the following issues: Twitch’s infringement
27 of the Patents-in-Suit, including technical materials (e.g., Twitch’s streaming architecture,

1 carousel functionalities, and content management systems pertaining to live streaming); the
2 factual bases for Twitch's claims and defenses; Twitch's knowledge of the Patents-in-Suit;
3 Twitch's agreements with affiliates (e.g., Amazon Web Services, Inc.) and third parties to
4 provide live content on carousels; Twitch's marketing materials concerning live content on its
5 carousels; the proper constructions for the asserted claims of the Patents-in-Suit; Twitch's
6 licenses, litigation settlements, and agreements with third parties concerning analogous
7 technologies; Twitch's participation in standards organizations pertaining to the technology in
8 this litigation; Twitch's corporate history and status; the business case for Twitch's carousels;
9 the business case for, and acquisition of, analogous technologies; and Twitch's actual and
10 projected revenues, profits, cost savings, and other financial information pertaining to
11 RazDog's damages case and rebuttal to Twitch's damages allegations. RazDog is also pursuing
12 non-party discovery, including but not limited to discovery directed to non-party broadcasters.
13 For example, to date, RazDog has served, or is in the process of serving, nonparty subpoenas
14 on Rockstar Games, Mojang Studios, and Epic Games.

15 Twitch anticipates seeking discovery on the following issues: the factual bases for
16 RazDog's claims and defenses; the proper constructions for the asserted claims of the Patents-
17 in-Suit; the Patents-in-Suit, including, but not limited to prior art, invalidity analyses,
18 unenforceability, conception, reduction to practice, practice, prosecution history, assignment
19 history, financial or ownership interests, and any prior infringement, validity, and/or damages
20 analysis; any actual or potential licenses or assignment of ownership interests of the Patents-
21 in-Suit, and the practices of the licensees that allegedly embody the Patents-in-Suit; parties with
22 a financial interest in the litigation; RazDog's communications with third parties related to the
23 Patents-in-Suit; RazDog's prior allegations regarding the scope of the Patents-in-Suit; RazDog
24 and its corporate history and status and the history and status of its ownership of the Patents-
25 in-Suit; and RazDog's allegations of damages. Twitch has served nonparty subpoenas on Apple
26 Inc. and Microsoft Corporation.

1 C. Limitations or Modifications of the Discovery Rules

2 The parties' limitations or modifications to the Discovery Rules are set forth in the
 3 Amended Pretrial Order No. 1: Case Schedule (Dkt. No. 39). Notably, the Court ordered that
 4 "[t]he parties shall continue to meet and confer regarding number of depositions versus hours."
 5 *Id.* at 2.

6 **IX. CLASS ACTIONS**

7 This case is not a class action.

8 **X. RELATED CASES**

9 There are no related cases.

10 **XI. RELIEF**

11 RazDog requests that the Court grant relief as follows: (1) judgment that Twitch has
 12 infringed one or more claims of the Patents-in-Suit; (2) an award of damages pursuant to 35 U.S.C.
 13 § 284 in an amount sufficient to compensate RazDog for the harm caused by Twitch's
 14 infringement, not less than a reasonable royalty for the use made of the invention, along with pre-
 15 and post-judgment interest; (3) an order for an accounting of damages from Twitch's infringement;
 16 (4) an order declaring this case is exceptional and awarding RazDog its costs, expenses, and
 17 attorneys' fees pursuant to 35 U.S.C. § 285; and (5) and an order awarding to RazDog such other
 18 and further relief, whether at law or in equity, that this Court seems just, equitable, and proper.

19 Twitch requests that the Court find that: (1) the asserted claims of the Patents-in-Suit are
 20 invalid and/or unenforceable; (2) Twitch has not infringed, willfully or otherwise, any asserted
 21 claim of the Patents-in-Suit; (3) RazDog cannot recover any damages from Twitch for any
 22 infringement of the Patents-in-Suit; (4) this case is exceptional, and Twitch should be awarded
 23 costs and attorneys' fees under 35 U.S.C. § 285; and (5) Twitch is entitled to such other relief as
 24 the Court may deem just and proper. Pursuant to Section 21, below, Twitch expects that it will be
 25 able to address damages issues when the parties' respective Damages Contentions under Patent
 26 L.R. 3-8 and 3-9 are due.

XII. SETTLEMENT AND ADR

The parties have met and conferred to select an ADR process pursuant to ADR Local Rule 3-5 and have agreed to a settlement conference with a magistrate judge within 30 days after a claim construction order. The parties filed ADR Certifications on August 28, 2024. Dkt. Nos. 34-35.

XIII. OTHER REFERENCES

The parties do not believe that this case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

XIV. NARROWING OF ISSUES

The parties do not anticipate any requests to bifurcate issues, claims, or defenses. The parties are currently unaware of any issues that can be narrowed by agreement. The parties agree to confer in good faith after the discovery period as to ways to expedite the presentation of evidence at trial.

XV. SCHEDULING

The current case schedule is listed in the Amended Pretrial Order No. 1: Case Schedule (Dkt. No. 39), subject to the modifications noted in the Order Reassigning Case to the Honorable Noël Wise (Dkt. No 46) and any further modifications by the Court.

XVI. TRIAL

The parties have requested a jury trial. The parties anticipate that the trial will last 5-7 court days.

XVII. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS

Each party has filed the Certification of Interested Entities or Persons required by Civil Local Rule 3-15.

RazDog restates its previous disclosures. Pursuant to Civil L.R. 3-15, RazDog states that the following listed persons, associations of persons, firms, partnerships, corporations (including, but not limited to, parent corporations), or other entities (i) have a financial interest in the subject matter in controversy or in a party to the proceeding, or (ii) have a non-financial interest in that subject matter or in a party that could be substantially affected by the outcome of this proceeding:

RazDog LLC, corporate owner of plaintiff RazDog Holdings, LLC, with an interest in the subject matter in controversy.

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, Twitch states that it is a wholly-owned subsidiary of Amazon.com, Inc. (“Amazon”). Amazon has no parent corporation and no publicly held corporation is known to own 10% or more of its stock. Pursuant to Civil Local Rule 3-15, Twitch certifies that, as of this date, there is no conflict or interest (other than the named parties) to report.

XVIII. PROFESSIONAL CONDUCT

All attorneys of record for the parties have reviewed the Guidelines for Professional Conduct for the Northern District of California.

XIX. OTHER

The parties consented to service by email pursuant to Fed. R. Civ. P. 5(b)(2)(e).

XX. ADDITIONAL INFORMATION REQUESTED IN ORDER REASSIGNING CASE

(i) a list or description of each party

Plaintiff RazDog is a Delaware company with a principal place of business located at 222 Stapleford Park Drive, Greenville, South Carolina 29607.

Defendant Twitch is a Delaware corporation with a principal place of business located at 350 Bush Street, Suite 2, San Francisco, California 94104.

(ii) a summary of all claims, counter-claims, cross-claims, or third-party claims and the date the complaint and cross-complaint(s) were filed

Plaintiff RazDog filed its Complaint against Defendant Twitch on June 17, 2024, alleging infringement of the Patents-in-Suit. Specifically, RazDog alleges that Twitch infringes the Patents-in-Suit through its provision of rotating carousels for live video content on its webpage. Dkt. No. 1 (“Compl.”) at ¶¶ 29-40.

Defendant Twitch has not asserted any counter-claims.

There are no cross-claims or third-party claims.

(iii) a brief procedural history of the case

On July 1, 2024, the Court issued a Clerk’s Notice Rescheduling Initial Case Management Conference (“CMC”), reassigning this matter to the Honorable Jacqueline Scott Corley. Dkt. No. 24. Twitch filed its answer to the Complaint on August 26, 2024. Dkt. No. 33. The parties filed an initial Joint Case Management Statement on September 19, 2024 (Dkt. No. 36), and the initial case management conference was held in front of the Honorable Judge Corley on September 26, 2024. Plaintiff served infringement contentions on November 22, 2024, and Defendant served invalidity contentions on January 13, 2025. On February 24, 2025, this matter was reassigned to the Honorable Judge Noël Wise, and the Court requested this Joint Case Management Statement. Dkt. No. 46. A further case management conference has yet to be scheduled. *Id.* No ADR proceedings or settlement conferences have been scheduled or concluded at this time, nor are there any pending or concluded appeals. On December 23, 2024, Defendant filed two *inter partes* review (“IPR”) Petitions with the Patent Trial and Appeal Board (“PTAB”): (1) IPR2025-00307, concerning the validity of the ’658 Patent, and (2) IPR2025-00308, concerning the validity of the ’068 Patent. RazDog’s Preliminary Responses to the Petitions are presently due on April 30, 2025. Defendant has yet to inform Plaintiff whether it intends to request a stay of this matter pending the PTAB’s resolution of the IPRs.

Dated: March 17, 2025

By: /s/ Mark Halderman

Francisco A. Villegas
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Evan M. Rosenbaum
VILLEGAS & CEFO LLP

John V. Picone III
Lawrence C. Drucker (*pro hac vice*)
Bryan N. DeMatteo (*pro hac vice*)
SPENCER FANE LLP

Attorneys for Plaintiff
RAZDOG HOLDINGS LLC

1
2 Dated: March 17, 2025

PERKINS COIE LLP

3
4 By: /s/ Nathan B. Sabri

Nathan B. Sabri

5 Stefani E. Shanberg

6 Robin L. Brewer

Mathieu A. Swiderski

7 Karl M. Johnston

PERKINS COIE LLP

8 Attorneys for Defendant

9 TWITCH INTERACTIVE, INC.

ATTESTATION CLAUSE

I, Mark W. Halderman, am the ECF user whose credentials were used in this filing. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all signatories have consented to the filing of this document.

Dated: March 17, 2025

By: /s/ Mark W. Halderman
Mark W. Halderman