

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

GRACENOTE, INC.,	)	
	)	
<i>Plaintiff,</i>	)	
v.	)	C.A. No. 1:18-cv-01608-RGA
	)	
FREE STREAM MEDIA CORP.	)	
d/b/a SAMBA TV,	)	
<i>Defendant.</i>	)	

**JOINT STIPULATION TO STAY THE CASE FOR 6 WEEKS**

Plaintiff Gracenote, Inc. (“Gracenote”) and Defendant Free Stream Media Corp. (d/b/a Samba TV) (“Samba TV”) (together, “the parties”) jointly stipulate, subject to the Court’s approval, to stay this case for an additional six weeks and to extend all deadlines in the Scheduling Order by approximately 42 days. In support of this joint stipulation and request, the parties state as follows:

1. On April 14, 2020, the parties filed a Joint Stipulation to Stay the Case for 90 Days (“the First Joint Stipulation”) (D.I. 47). In the First Joint Stipulation, the parties explained that the deadline for Gracenote’s infringement contentions – which are required to include pinpoint cites to Samba TV’s source code – was approaching quickly, but conditions imposed by the COVID-19 pandemic made review of Samba TV’s source code impossible.
2. The Court granted the First Joint Stipulation on the day it was filed (April 14, 2020) (D.I. 48). The resulting stay expired on July 13, 2020.
3. On July 14, 2020, the parties filed a Joint Stipulation to Stay the Case for 80 Days (“the Second Joint Stipulation”) (D.I. 49). In the Second Joint Stipulation, the parties explained

that conditions imposed by the COVID-19 pandemic continued to make review of Samba TV's source code impossible.

4. The Court granted the Second Joint Stipulation on July 15, 2020 (D.I. 50). The resulting stay expired on October 1, 2020.

5. On September 22, 2020, the parties filed a Joint Stipulation to Stay the Case for 95 Days ("the Third Joint Stipulation") (D.I. 51). In the Third Joint Stipulation, the parties explained that conditions imposed by the COVID-19 pandemic continued to make review of Samba TV's source code impossible.

6. The Court granted the Third Joint Stipulation on September 23, 2020 (D.I. 52). The resulting stay expired on January 4, 2021.

7. On December 22, 2020, the parties filed a Joint Stipulation to Stay the Case for 90 days ("the Fourth Joint Stipulation") (D.I. 53). In the Fourth Joint Stipulation, the parties explained that conditions imposed by the COVID-19 pandemic continued to make review of Samba TV's source code impossible.

8. The Court granted the Fourth Joint Stipulation on December 29, 2020 (D.I. 54). The resulting stay expired on April 5, 2021.

9. On March 31, 2021, the parties filed a Joint Stipulation to Stay the Case for 70 days ("the Fifth Joint Stipulation") (D.I. 55). In the Fifth Joint Stipulation, the parties explained that conditions imposed by the COVID-19 pandemic continued to make review of Samba TV's source code impossible.

10. The Court granted the Fifth Joint Stipulation on March 31, 2021 (D.I. 56). The resulting stay will expire on June 14, 2021.

11. The parties now respectfully request an additional six week stay (until July 26, 2021) because the conditions imposed by the COVID-19 pandemic continue to make review of Samba TV's source code impossible.

12. Gracenote needs to conduct extensive further review of the source code to be in a position to serve its infringement contentions, which are now due on July 19, 2021 (D.I. 56). The source code requires in-person inspection at a secure terminal, pursuant to the agreed procedures set forth in the Source Code Access Agreement (D.I. 37).

13. However, Gracenote's technical expert, who began to review the code prior to the pandemic, resides in a foreign country that will not allow him to travel.

14. In particular, technical expert Jaap Haitsma resides in Chile. Chile, despite its success in distributing COVID vaccines, is imposing new lockdowns due to a recent spike in infections. In fact, Chilean regulations now prohibit Mr. Haitsma from leaving Chile. (*See* <https://cl.usembassy.gov/u-s-citizen-services/security-and-travel-information/covid-19-information/>.)

15. Gracenote's inability to have its expert review Samba TV's source code will require a delay in the due date for Gracenote's infringement contentions. Delaying the due date for infringement contentions will have a cascading effect on the other deadlines set forth in the Scheduling Order.

In light of the foregoing, the parties request that the Court stay this case for an additional six weeks and extend all deadlines for approximately the same amount of time. The chart attached to this Joint Stipulation sets forth the current case schedule along with a proposed new schedule that moves each of the remaining deadlines by approximately six weeks.

Dated: June 14, 2021

Respectfully submitted,

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IT IS SO ORDERED this 16 day of June, 2021

/s/ Richard G. Andrews  
The Honorable Richard G. Andrews  
United States District Judge

**CHART OF FUTURE DEADLINES**

<b>ITEM</b>	<b>CURRENT DATE</b>	<b>PROPOSED DATE</b>
Gracenote's responses to Samba TV's second set of requests for documents	June 15, 2021	July 27, 2021
Gracenote's responses to Samba TV's second set of interrogatories	June 15, 2021	July 27, 2021
Samba TV's responses to Gracenote's second set of requests for documents	June 28, 2021	August 9, 2021
Samba TV's responses to Gracenote's second set of interrogatories	June 28, 2021	August 9, 2021
Infringement contentions	July 19, 2021	August 30, 2021
Joinder of other parties and amendment of pleadings	August 16, 2021	September 27, 2021
Invalidity contentions	August 19, 2021	September 30, 2021
Exchange claim terms for construction and proposed constructions	September 2, 2021	October 14, 2021
Joint claim construction chart	September 15, 2021	October 27, 2021
Gracenote's opening claim construction brief	October 1, 2021	November 12, 2021
Document production complete	October 8, 2021	November 19, 2021
Samba TV's answering claim construction brief	October 22, 2021	December 3, 2021
Gracenote's reply claim construction brief	November 5, 2021	December 17, 2021
Samba TV's sur-reply claim construction brief	November 19, 2021	December 31, 2021
Parties file joint claim construction brief	November 30, 2021	January 11, 2022
Markman hearing	December 14, 2021	January 25, 2022, at 9:00 am
Amendment to contentions	30 days after <i>Markman</i> order	Unchanged
Claim and prior art reference narrowing	14 days after <i>Markman</i> order	Unchanged
Fact discovery cut-off	March 18, 2022	April 29, 2022
Burden of proof opening expert reports	April 25, 2022	June 6, 2022
Responsive expert reports	May 20, 2022	July 1, 2022
Reply expert reports	June 13, 2022	July 25, 2022
Complete expert depositions	July 22, 2022	September 2, 2022
Case dispositive motions	September 2, 2022	October 14, 2022
Answering briefs to dispositive motions	October 3, 2022	November 14, 2022
Reply briefs in support of dispositive motions	October 21, 2022	December 2, 2022
Pretrial conference	February 10, 2023	March 24, 2023, at 9:00 am
Trial begins	February 21, 2023	April 3, 2023, at 9:30 am