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INTERTRUST TECHNOLOGIES CORPORATION

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DOLBY LABORATORIES, INC.,

Plaintiff / Counterclaim-Defendant,

v.

INTERTRUST TECHNOLOGIES CORPORATION,

Defendant / Counterclaim-Plaintiff.

Case No. 3:19-cv-03371-EMC

Assigned to: Hon. Edward M. Chen

JOINT CASE MANAGEMENT CONFERENCE STATEMENT

Date: February 13, 2020
Time: 9:30 AM PST
Location: Courtroom 5, 17th Floor
United States Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102

Pursuant to Federal Rule of Civil Procedure 26(f), Civil Local Rule 16-9, Patent Local Rule 2-1(b), the Standing Order for All Judges of the Northern District of California – Contents of Joint Management Statement, this Court's Civil Standing Order – General, and this Court's January 22, 2020 Order Scheduling Initial Case Management Conference on February 13, 2020 (Dkt. No. 70), Plaintiff Dolby Laboratories, Inc. (hereafter "Plaintiff" or "Dolby") and Defendant Intertrust Technologies Corporation (hereafter "Defendant" or "Intertrust"), having met and conferred,

respectfully submit this Joint Case Management Conference Statement.

1. Jurisdiction & Service

This is an action for declaratory judgment of non-infringement and invalidity under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, as set forth in Dolby's Second Amended Complaint For Declaratory Judgment Of Non-Infringement (Dkt. No. 61) and Dolby's Answer to Intertrust's Counterclaim For Patent Infringement (Dkt. No. 66). Further, Intertrust's Answer, Affirmative Defenses, and Counterclaims (Dkt. No. 63) assert an action for infringement under the patent laws of the United States, 35 U.S.C. § 1 et seq.

The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a), and 2201-2202. [1]

No issues exist regarding personal jurisdiction or venue. No parties remain to be served.

2. Facts

On June 13, 2019, Dolby filed a Complaint against Intertrust seeking declaratory judgment of non-infringement of U.S. Patent Nos. 6,157,721 (the "'721 Patent"); 6,640,304 (the "'304 Patent"); 6,785,815 (the "'815 Patent"); 7,340,602 (the "'602 Patent"); 7,406,603, (the "'603 Patent"); 7,694,342 (the "'342 Patent"); 8,191,157 (the "'157 Patent"); 8,191,158 (the "'158 Patent"); 8,526,610 (the "'610 Patent"); 8,931,106 (the "'106 Patent"); and 9,569,627 (the "'627 Patent") (collectively, the "Patents-in-Suit"). Dkt. No. 1. On August 8, 2019, Intertrust filed a motion to dismiss the Complaint for lack of subject matter jurisdiction and failure to state a claim. Dkt. No. 25.

On August 23, 2019, Dolby filed a First Amended Complaint ("FAC") seeking declaratory judgment of non-infringement of the same eleven Patents-in-Suit. Dkt. No. 32. On September 9, 2019, Intertrust filed a Motion to Dismiss the FAC for lack of subject matter jurisdiction and failure to state a claim. Dkt. No. 41. On October 17, 2019, the Court conducted a hearing on Intertrust's Motion to Dismiss, and on November 6, 2019, issued an order granting in part and denying in part

[1] Intertrust's Answer to Dolby's SAC (Dkt. No. 63) asserts an affirmative defense that the Court lacks subject matter jurisdiction over Dolby's claims on the basis that Dolby failed to plead an "actual controversy" between the parties under the Declaratory Judgment Act, 28 U.S.C. 2201 *et seq.* On November 6, 2019, the Court denied Intertrust's motion to dismiss on this ground. Dkt. No. 56.

Intertrust's Motion to Dismiss (Dkt. No. 54), granting Plaintiff Dolby Laboratories, Inc. ("Dolby") leave to amend the FAC.

On November 27, 2019, Dolby filed a Second Amended Complaint For Declaratory Judgment Of Non-Infringement (Dkt. No. 61), asserting the same Patents-in-Suit except for the '610 Patent, which Intertrust is no longer asserting against Dolby. On December 11, 2019, Intertrust filed its Answer, Affirmative Defenses, and Counterclaims In Response To Dolby's Second Amended Complaint (Dkt. No. 63). On January 8, 2020, Dolby filed its Answer to Intertrust's Counterclaim For Patent Infringement (Dkt. No. 66).

3. Legal Issues

The legal issues the Court may be asked to resolve in this action include:

- The proper construction of disputed terms used in the Patents-in-Suit;
- Whether Dolby directly infringes any asserted claim of the Patents-in-Suit under 35 U.S.C. § 271(a) and/or whether Dolby is liable for indirect infringement of any asserted claim of the Patents-in-Suit under 35 U.S.C. §§ 271(b) and/or (c);
- Whether the claims of the Patents-in-Suit are invalid for failure to satisfy one or more conditions for patentability set forth under Title 35 of the United States Code, including but not limited to §§ 101, 102, 103, and 112 et seq., and the rules, regulations, and laws pertaining to those provisions, including the applicable provisions of Title 37 of the Code of Federal Regulations;
- Whether Intertrust and/or its licensees failed to comply with the marking requirements of 35 U.S.C. § 287 or otherwise give proper notice that Dolby's actions allegedly infringed any claim of the Patents-in-Suit;
- Whether Intertrust's claims for relief based on alleged direct or indirect infringement of the Patents-in-Suit by Dolby are barred, in whole or in part, by express or implied license and/or by patent exhaustion;
- Whether Intertrust is entitled to injunctive relief for any of the Patents-in-Suit under *eBay v. MercExchange, LLC*, 126 S. Ct. 1837, 547 U.S. 388 (2006);
- Whether Intertrust's claims for damages and other remedies are limited by 35 U.S.C.

§§ 286, 287, and/or 288;

- Whether Intertrust is the exclusive owner and assignee of all right, title, and interest in and to the Patents-in-Suit, such that Intertrust has standing to bring a lawsuit on such patents;
- Whether Intertrust's claims for relief are barred in whole or in party by reason of estoppel, unclean hands, waiver, or other equitable doctrines;
- Whether Intertrust is entitled to enhanced damages under 35 U.S.C. § 284; and
- Whether this case is exceptional under 35 U.S.C. § 285, entitling either party to its reasonable attorneys' fees, expenses, and costs.

Additional disputed legal issues may arise as the litigation progresses, including any amendment of the pleadings.

4. Motions

No motions are currently pending in this action. The parties expect that one or more dispositive motions may be filed, in addition to discovery and pre-trial motions *in limine*, should they become necessary.

5. Amendment of Pleadings

The parties have pled claims, defenses, and counterclaims, as set forth in Dolby's Second Amended Complaint For Declaratory Judgment Of Non-Infringement (Dkt. No. 61), Intertrust's Answer, Affirmative Defenses, and Counterclaims (Dkt. No. 63), and Dolby's Answer to Intertrust's Counterclaim For Patent Infringement (Dkt. No. 66). Further pleadings and/or discovery may lead to the assertion of additional claims, defenses, or counterclaims.

In Section 17 (Scheduling) below, the parties propose deadlines for amendment of the pleadings or addition of parties.

6. Evidence Preservation

The parties certify that they have reviewed the Guidelines Relating to the Discovery of Electronically Stored Information ("ESI Guidelines") and the Court's Checklist for ESI Meet and Confer. The parties have met and conferred pursuant to Fed. R. Civ. P. 26(f) regarding reasonable and proportionate steps to preserve evidence relevant to the issues in this action. Each party confirms

that they have taken reasonable and proportionate steps to preserve relevant evidence, such as implementing a litigation hold with respect to documents and information reasonably likely to be subject to discovery in this litigation. The parties agree to continue to discuss the topics mentioned in the Court's ESI Guidelines and Checklist for ESI Meet and Confer to determine what ESI measures should be adopted in this action.

7. Disclosures

The parties exchanged Fed. R. Civ. P. Rule 26(a)(1) Initial Disclosures on October 10, 2019. The parties intended for those disclosures to include the information required under Rule 26(a)(1), subject to supplementation under Rule 26(e), as appropriate.

8. Discovery

a. Discovery taken to date

Neither party has served any discovery requests.

b. The scope of anticipated discovery

1. Dolby

Dolby expects the scope of discovery to be generally commensurate with an ordinary patent infringement case based, at least in part, on standards to which the patent owner may have contributed, including discovery relating to the Patents-in-Suit (including all proceedings before the United States Patent and Trademark Office), formation of relevant standards setting organizations and standards, the accused Dolby and Doremi-branded products, and Intertrust's prior assertions and other litigations concerning the Patents-in-Suit, and Patent L.R. 3 Patent Disclosures.

Dolby anticipates that discovery will include at least the following: (1) the factual bases for Intertrust's claims of infringement against Dolby, and Dolby's claims of non-infringement and invalidity; (2) the proper claim constructions for the claims of the Patents-in-Suit; (3) the Patents-in-Suit, including, but not limited to prior art of record, prosecution history, invalidity, unenforceability, conception, reduction to practice, assignment records, financial and/or ownership interests; (4) any actual or potential licenses of the Patents-in-Suit or related patents, and any allegedly comparable licenses; (5) Intertrust's own or its licensees' apparatus, products, devices, processes, methods, acts, or other instrumentalities (if any) that allegedly embody one or more claims of the Patents-in-Suit;

(6) Intertrust's non-privileged communications regarding the Patents-in-Suit or applications leading to the Patents-in-Suit; (7) the factual bases for Intertrust's claim for damages, including Intertrust's claim for damages "in an amount equal to the loss of profits that would otherwise have accrued to Intertrust from providing its patented technology to Dolby, but in no event less than a reasonable royalty" (Dkt. No. 63), including without limitation, license agreements, royalties, evidence of patent marking, sales, revenues, costs and profits; (8) information concerning any standards, F/RAND commitments or agreements related to the Patents-in-Suit, and (9) Intertrust's patent infringement assertions (including litigation) directed to parties other than Dolby.

Dolby reserves the right to amend the subjects for discovery pending further discovery in this matter.

2. Intertrust

Intertrust anticipates that the scope of discovery may include issues relating to at least infringement, validity, damages, and willfulness, and persons/entities with knowledge of relevant facts. Among other subjects, Intertrust may seek discovery regarding Dolby products and operational information, including the source code and architecture of the equipment that Dolby provides and how it is used in theaters, Dolby's contracts with cinemas, Dolby's contracts with content providers, and Dolby's financial results relevant to its cinema business. Intertrust may identify additional subjects for discovery as the litigation progresses.

c. Any proposed limitations or modifications of the discovery rules

The parties agree that documents created, and communications occurring, on or after the June 13, 2019 filing of the Complaint, that are subject to a claim of attorney-client privilege, work product immunity, or any other privilege or immunity, do not need to be included in the parties' privilege logs.

The parties agree to the following limits on written discovery:

- Interrogatories: Each side may propound a maximum of 25 interrogatories, including contention interrogatories.

- Requests for Admission. A maximum of 25 requests for admission shall be permitted for each side, but requests for admission of the authenticity of a document do not count against this limit.

The parties further agree to the following limits on depositions:

- Limitation on Hours for Deposition Discovery. Each side is limited to 100 hours of total time for taking testimony by deposition upon oral examination, with a seven-hour limit for individual, non-inventor depositions. The parties will negotiate in good faith regarding whether a seven-hour limit is appropriate for depositions taken pursuant to Rule 30(b)(6) and inventor depositions. The amount of actual individual, inventor, 30(b)(6), and third-party deposition time shall count against the total time, but expert depositions will not.
- Expert Witness Depositions. Expert witness depositions shall be limited to one 7-hour deposition per issue (*e.g.*, infringement, validity, damages), per side, of each expert witness. If upon service of expert reports, a party believes additional deposition time is necessary, the parties will meet and confer within seven days of serving rebuttal expert reports to determine the amount of time needed for expert depositions, taking into account the number of issues addressed by each expert.
- Notwithstanding the preceding provisions, no deposition of any witness shall exceed seven hours on the record in a single day; and
- The limits on deposition testimony set forth above may be modified by mutual written agreement of the parties and, where necessary, the witness.

d. Stipulated E-Discovery Order

The parties agree to continue to discuss the topics mentioned in the Court's ESI Guidelines and Checklist for ESI Meet and Confer to determine what ESI measures should be adopted in this action.

e. Proposed discovery plan pursuant to Fed. R. Civ. P. 26(f)

The parties' proposed schedules for completing discovery are set forth in Section 17 (Scheduling) below.

f. Any identified discovery disputes.

No discovery disputes have been identified at this time.

g. Topics required under Patent Local Rule 2-1(b)

1. Proposed modification of the obligations or deadlines set forth in these Patent Local Rules to ensure that they are suitable for the circumstances of the particular case (see Patent L.R. 1-3).

Intertrust is diligently seeking necessary third-party consent to produce all agreements covered by Patent L.R. 3-2(f)-(h) by the date specified herein for Patent L.R. 3-2 disclosures. However, Intertrust requests relief from Patent L.R. 3-2(f)-(h) to the extent that necessary third-party consent to produce certain agreements is not granted until a later date. Intertrust will produce any such agreements as soon as available, and will identify and describe all such agreements in its Patent L.R. 3-2 disclosures to the extent permitted by any third-party obligations of confidentiality.

The parties do not currently propose any other modification of the obligations or deadlines set forth in these Patent Local Rules except for any modifications included in this Case Management Statement. The parties may propose additional modifications in the future as the litigation progresses.

2. The scope and timing of any claim construction discovery (including disclosure of discovery from any expert witness permitted by the Court) and damages discovery.

The parties anticipate deposing any expert witness on claim construction prior to the claim construction discovery cut-off. The parties otherwise anticipate conducting claim construction and damages discovery in accordance with the Court's Patent Local Rules, except for any modifications included in this Case Management Statement.

3. The format of the Claim Construction Hearing, including whether the Court will hear live testimony, the order of presentation, and the estimated length of the hearing.

The parties estimate that a Claim Construction Hearing will take at least 4 hours, with the time split evenly between the parties. The parties do not presently envision presenting live testimony during the Claim Construction Hearing, but each party reserves the right to present at the hearing

any expert testimony needed on each disputed term. The parties believe the Claim Construction Hearing should be conducted term-by-term, with Intertrust presenting its argument for each term first, Dolby presenting its argument for each term second, and rebuttal arguments for each term thereafter as the Court may permit.

4. How the Parties intend to educate the Court on the technology at issue.

The parties propose to present a technology tutorial to educate the Court on the technology at issue before the Court hears argument on Claim Construction.

5. Non-binding, good faith estimate of the damages range.

Dolby: Dolby is unable to provide a good-faith estimate of damages at this time at least because: (1) Dolby is not infringing and has not infringed any valid and enforceable claim of the Patents-in-Suit, and therefore Intertrust is not entitled to any damages for infringement; (2) the relief that Dolby seeks consists of its reasonable attorneys' fees, expenses, and costs, an estimate of which would be speculative at this time; (3) Intertrust has not yet served its Disclosure of Asserted Claims and Infringement Contentions, and therefore Dolby does not have specific knowledge of Intertrust's theories of infringement (or identification of Dolby's accused products), and cannot appropriately apportion the value of any allegedly patented features from that of non-patented features in Dolby's accused products; and (4) Intertrust's failure to comply with the requirements of 35 U.S.C. § 287(a) may alter the scope of recoverable damages (if any). Dolby expects that it may be able to provide an estimate with its responsive damages contentions under Patent Local Rule 3-9, after having received Intertrust's Disclosure of Asserted Claims and Infringement Contentions, and Intertrust's damages contention under Patent Local Rule 3-8, including each category of damages Intertrust is seeking for Dolby's alleged infringement, as well as its theories of recovery, factual support for those theories, and computations of damages within each category. Intertrust's estimates proffered to-date have no apparent tie to the allegedly patented features of Dolby's accused products or any comparable technology.

Intertrust: Based on analysis to-date, Intertrust estimates that industry-wide damages in connection with the Patents-in-Suit amount to between $1,000,000,000 and $3,000,000,000. Fact and expert discovery will reveal the portion of such damages that is attributable to Dolby.

9. Class Actions:

Not Applicable

10. Related Cases

There are no related cases pending in this district. Although not "related" as that term is defined by Civil L.R. 3-12 or Patent L.R. 2-1(a), Intertrust has asserted the same eleven Patents-in-Suit identified in Dolby's original Complaint in three cases currently pending in the United States District Court for the Eastern District of Texas: *Intertrust Technologies Corporation v. AMC Entertainment Holdings, Inc.*, Case No. 2:19-cv-00265; *Intertrust Technologies Corporation v. Cinemark Holdings, Inc.*, Case No. 2:19-cv-00266 (Lead Case); *Intertrust Technologies Corporation v. Regal Entertainment Group*, Case No. 2:19-cv-00267. Each of the three cases was filed on August 7, 2019.

Dolby notes that Defendants' AMC Entertainment Holdings, Inc., Cinemark Holdings, Inc., and Regal Entertainment Group Motion To Transfer Venue To The Northern District Of California is currently pending in the Eastern District of Texas cases (Dkt. No. 28, No. 2:19-cv-00266).

11. Relief

a. Dolby

Dolby requests the Court to enter judgment as follows: (1) a declaratory judgment that Dolby does not infringe, and has not infringed, directly, or indirectly, contributorily, by inducement, or jointly, literally or under the doctrine of equivalents, willfully or otherwise, any valid and enforceable claim of each of the Patents-in-Suit; (2) an order preliminarily and permanently enjoining Intertrust and/or any of its successors and its officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with any of them, from asserting or threatening to assert against Dolby or its customers, potential customers, end-users, agents, suppliers, partners, contractors, consultants, successors and assigns, any charge of infringement of any valid and enforceable claims of the Patents-in-Suit; (3) an order awarding Dolby its costs and expenses incurred in this action; (4) an order that this case is "exceptional" pursuant to 35 U.S.C. § 285, awarding Dolby its reasonable and necessary attorneys' fees, expenses,

and costs, and pre- judgment interest thereon; and (5) an order granting to Dolby such other and further relief as this Court may deem just and proper.

b. Intertrust

Intertrust seeks relief including: a judgment that Dolby has infringed and is infringing one or more of Intertrust's patents, directly and indirectly, literally or under the doctrine of equivalents; a preliminary and permanent injunction; damages sufficient to compensate Intertrust for Dolby's infringement under 35 U.S.C. § 284, but in no case less than a reasonable royalty; a finding that the case is exceptional under 35 U.S.C. § 285 and that Intertrust be awarded its attorneys' fees; Intertrust's costs and expenses in this action; an award of prejudgment and post - judgment interest; and such other and further relief as the Court deems just and proper.

12. Settlement and ADR

The parties have discussed ADR options pursuant to ADR L.R. 3-5.

13. Consent to Magistrate Judge For All Purposes

The parties do not consent to have a magistrate judge conduct all further proceedings including trial and entry of judgment.

14. Other References

The parties do not believe this matter is suitable for other reference.

15. Narrowing of Issues

The parties do not believe there any issues that can be narrowed by agreement or motion at this time. The parties will cooperate in good faith to identify issues where narrowing may be appropriate in the future.

16. Expedited Trial Procedure

The parties do not believe this case is amendable to the Expedited Trial Procedures of General Order 64.

17. Scheduling

The parties propose the following schedule dates for designation of experts, discovery cutoff, dispositive motions, pretrial conference and trial.

	EVENT	Proposed Date
1	Case Management Conference	February 13, 2020 at 9:30 am
2	Disclosure of Asserted Claims and Infringement Contentions (and accompanying document production) pursuant to Patent L.R. 3-1 and 3-2 (if applicable)[2]	February 27, 2020 (≤ 14 days after Case Management Conference)
3	Preliminary Invalidity Contentions (and accompanying document production) pursuant to Patent L.R. 3-3 and 3-4 (if applicable)	April 13, 2020 (≤ 45 days after Disclosure of Asserted Claims)
4	Exchange of Proposed Terms for Construction pursuant to Patent L.R. 4-1	April 27, 2020 (≤ 14 days after Invalidity Contentions)
5	Exchange of Preliminary Claim Constructions and Extrinsic Evidence pursuant to Patent L.R. 4-2, including the name(s) of potential expert witnesses for claim construction and the subject matter of the witnesses' proposed testimony	May 18, 2020 (≤ 21 days after Exchange of Claim Terms for Construction)
6	Preliminary Damages Contentions pursuant to Patent L.R. 3-8	June 2, 2020 (≤ 50 days after Invalidity Contentions)
7	Joint Claim Construction and Prehearing Statement pursuant to Patent L.R. 4-3. The Joint Claim Construction and Pre-hearing Statement to include expert declaration concerning claim construction, if any.	June 12, 2020 (≤ 60 days after Invalidity Contentions)
8	Responsive damages contentions pursuant to Patent L.R. 3-9	July 2, 2020 (≤ 30 days after Preliminary Damages Contentions)
9	Completion of Claim Construction Discovery pursuant to Patent L.R. 4-4	July 13, 2020 (≤30 days after Joint Claim Construction and Prehearing Statement)
10	Intertrust's Opening Claim Construction Brief pursuant to Patent L.R. 4-5(a)	July 27, 2020 (≤ 45 days after Joint Claim Construction and Prehearing Statement)
11	Dolby's Responsive Claim Construction Brief pursuant to Patent L.R. 4-5(b)	August 10, 2020 (≤ 14 days after service of Opening Brief)

[2] As discussed above, Intertrust requests relief from Patent L.R. 3-2(f)-(h) insofar as it may not have necessary third-party consent to produce certain agreements by the date specified herein for Patent L.R. 3-2 disclosures. Intertrust will produce such agreements as soon as available, and will identify and describe all such agreements in its Patent L.R. 3-2 disclosures to the extent permitted by any third-party obligations of confidentiality.

	EVENT	Proposed Date
12	Intertrust's Reply Claim Construction Brief pursuant to Patent L.R. 4-5(c)	August 17, 2020 (≤ 7 days after service of Responsive Brief)
13	Claim Construction Hearing and Technical Tutorial pursuant to Patent L.R. 4-6	September 16, 2020, subject to the Court's calendar
14	Disclosure of Advice of Counsel and accompanying document production pursuant to Patent L.R. 3-7	30 days after service of Court's Claim Construction Ruling
15	Deadline to file amended pleadings or add parties	30 days after service of Court's Claim Construction Ruling
16	Deadline to Complete Fact Discovery	60 days after service of Court's Claim Construction Ruling
17	Disclosures for Expert Witnesses by the Party with the Burden of Proof	30 days after Close of Fact Discovery
18	Disclosures for Rebuttal Expert Witnesses	30 days after Initial Expert Reports
19	Deadline to Complete Expert Discovery	21 days after Rebuttal Expert Reports
20	Last Day to file *Daubert* Motions	30 days after Close of Expert Discovery
21	Last Day to file Dispositive Motions	45 days after Close of Expert Discovery
22	File Oppositions to *Daubert* Motions	30 days after deadline for *Daubert* Motions
23	File Oppositions to Dispositive Motions	30 days after deadline for Dispositive Motions
24	File Reply to *Daubert* Motions	14 days after deadline for Oppositions to *Daubert* Motions
25	File Reply to Dispositive Motions	14 days after deadline for Oppositions to Dispositive Motions
26	Hearing on *Daubert* and Dispositive Motions, subject to the Court's discretion	14 days after deadline for Reply to Dispositive Motions
27	Meet and confer regarding preparation of joint pretrial conference statement, preparation and exchange of pretrial materials, and settlement of the action.	45 days before Pretrial Conference Statement
28	Motions *in limine* to be served	35 days before Final Pretrial Conference
29	Oppositions to motions *in limine*	25 days before Final Pretrial Conference

	EVENT	Proposed Date
30	File motions *in limine* and oppositions	21 days before Final Pretrial Conference
31	Deadline to file joint pretrial statement and pretrial materials (including joint proposed jury instructions; joint proposed verdict form; and trial brief)	21 days before Final Pretrial Conference
32	Final Pretrial Conference	≤ 28 days before Trial, subject to the Court's calendar
33	Trial	≤ October 25, 2021, subject to the Court's calendar

18. Trial

Both parties have demanded a jury trial and anticipate needing 10 court days for that trial, if no issues are resolved by agreement or summary judgment before trial.

19. Disclosure of Non-Party Interested Entities or Persons

1. Dolby

Dolby filed their Civ. L.R. 3-15 Certification on June 13, 2019. (Dkt. No. 4). Dolby restates that Dolby Laboratories, Inc., a Delaware corporation, is a parent corporation owning 10% or more its common stock. No other persons, associations of persons, firms, partnerships, corporations (including 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.

2. Intertrust

On August 16, 2019, Intertrust filed its Federal Rule of Civil Procedure 7.1 Corporate Disclosure Statement (Dkt. No. 26) and Civ. L.R. 3-15 Certification (Dkt. No. 27). Intertrust restates that it has no corporate parents, and that only the following publicly held entities own ten percent or more of Intertrust Technologies Corporation's stock: Koninklijke Philips N.V., Sony Corporation of America, Innogy New Ventures LLC, whose parent company is Innogy SE GmbH, a public company, and Origin Future Energy Pty Ltd. Intertrust is not aware of any other persons, associations of persons, firms, partnerships, corporations (including parent corporations), or other

entities that (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.

20. Professional Conduct

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

Respectfully submitted,

Date: February 6, 2020

By: */s/ Mark D. Rowland*

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Attorneys for Defendant / Counterclaim-Plaintiff
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ATTESTATION

I, Mark D. Rowland, am the ECF user whose identification and password are being used to file this Joint Case Management Conference Statement. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that all signatories to this document have concurred in this filing.

DATED: February 6, 2020

/s/ Mark D. Rowland
Mark D. Rowland (CSB # 157862)